

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE DEMOLITION OF AN EXISTING AWNING AND
CONSTRUCTION OF A NEW AWNING**

LOCATED AT

17 CALVERT PARADE, NEWPORT

FOR

BOB DUNNET



**Prepared
August 2019**

Table of Contents

1.0	Introduction	3
2.0	Property Description	3
3.0	Site Description	5
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	State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	13
6.5	Pittwater Local Environmental Plan 2014	14
6.6	Pittwater 21 Development Control Plan	19
6.6.1	Section A Introduction	19
6.6.2	Section B General Controls	20
6.6.3	Section C Development Type Controls	23
6.6.4	Section D Locality Specific Development Controls	27
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979	31
7.1	The provisions of any environmental planning instrument	31
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	31
7.3	Any development control plan	31
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	32
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	32
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.	32
7.7	The suitability of the site for the development	32
7.8	Submissions made in accordance with this Act or the regulations	32
7.9	The public interest	32
8.0	Conclusion	33

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Rama Architects on behalf of Bob Dunnet to detail the demolition of an existing rear awning and construction of a new rear awning at **17 Calvert Parade, Newport**.

The details prepared to accompany the subject proposal are dated 31 July 2019 and comprise:

- DA_000 COVER PAGE AND DRAWING SCHEDULE
- DA_001 SITE PLAN
- DA_100 LEVEL 2 GROUND GENERAL ARRANGEMENT FLOOR PLAN
- DA_300 ELEVATIONS SHEET 01
- DA_301 ELEVATIONS SHEET 02
- DA_302 ELEVATION SHEET 03
- DA_303 ELEVATION SHEET 04
- DA-400 SECTION SHEET 01
- DA_401 SECTION SHEET 02

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 (Coastal Management) 2018*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *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 17 Calvert Parade, Newport, being Lot A within Deposited Plan 304468 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is noted as being within a coastal zone. This will be addressed in further detail within this report with reference to *State Environmental Planning Policy (Coastal Management) 2018*.

The site is also noted as being within the foreshore building line.

The site is identified as “R Bluff/Cliff Instability”, “Bluff Management Hazard” and “Landslip/Rock Fall – Coastal Bluff Management Area” & Geotechnical Hazard H1. Accordingly, a Geotechnical Minor Works Assessment has been prepared by White Geotechnical Group, Reference No J2307 dated 31 July 2019. This issue will be discussed further within this report.

The site is also noted as being affected by the foreshore building line, with the new works to be located outside of the foreshore building line setback. Further discussion is provided within this statement.

The site is noted within the Class 5 acid sulfate soils area.

There are no other known hazards affecting this site.

3.0 Site Description

The site is located on the eastern side of Calvert Parade.

The land has a general fall to the rear, western boundary, with stormwater from the roof areas directed to the street gutter in Calvert Parade.

The site is generally irregular in shape with an angled front boundary of 17.015m, and northern and southern side boundaries measuring 66.865m and 71.13m (by survey) respectively. The eastern rear boundary measures 23.425m. The total site area is 1337m².

The site is currently developed with a three storey timber and brick dwelling with a metal roof and an attached garage and water feature in the rear yard. The existing dwelling will be retained.

Vehicular access to a site is provided via a concrete driveway from Calvert Parade to the existing attached garage.

The details of the lots which comprise the parcel are contained within the survey report prepared by Calibre, Ref. X10207, dated 20 May 2019 which accompanies the DA submission.

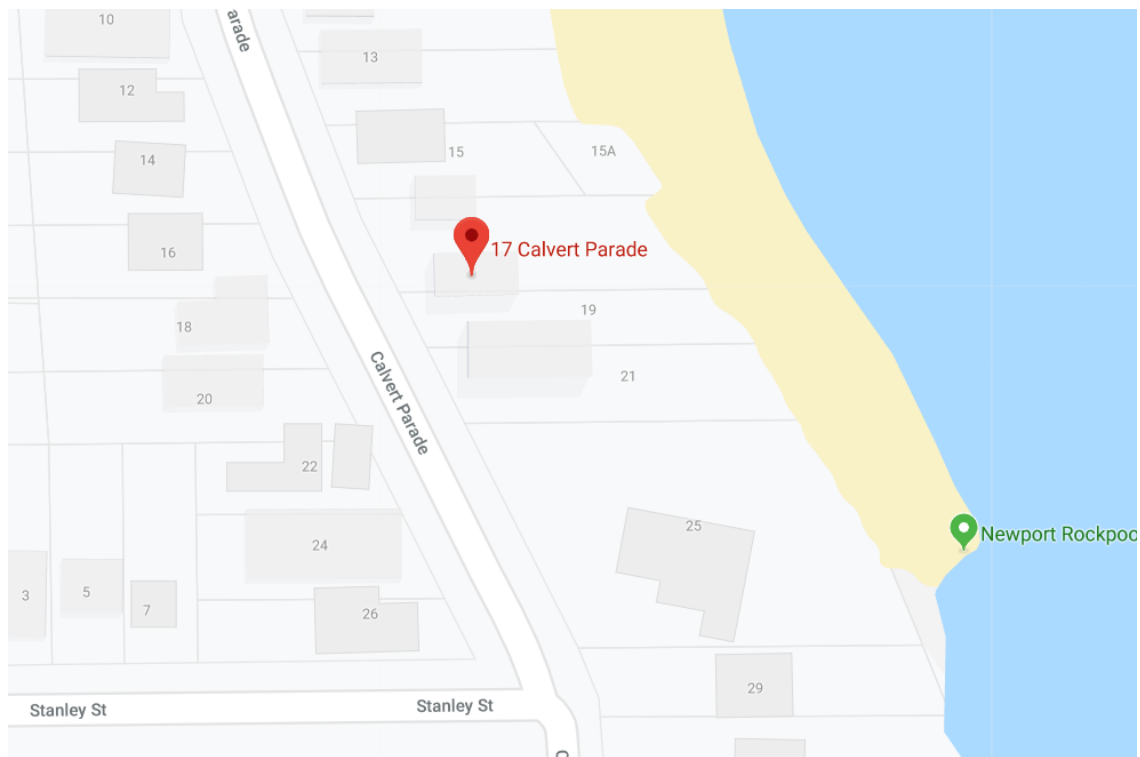


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of subject site, looking east from Calvert Parade

4.0 The Surrounding Environment

The general vicinity of the site is characterised by regular shaped allotments within a natural setting, with a mix of low density residential developments within landscaped settings, the design of which reflects the sloping terrain and retains a dominance of natural features and vegetation. Properties in this area enjoy views eastern views towards Newport beach.



Fig 3: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the demolition of an existing rear awning and the construction of a new rear awning.

The proposed works will provide for the demolition of an existing rear awning and construction of new rear awning over the existing balcony and ornamental pool on level 2 of the dwelling. The rear awning will see the installation of new posts and a covered roof to match the existing dwelling.

The new awning roof is to comprise of metal sheeting.

The proposed development will not see any change to the view of the dwelling when viewed from Calvert Parade.

Stormwater from the new roof areas will be connected to the existing stormwater management system, which directs stormwater to the street gutter.

The development indices for the development are summarised as:

Site Area	1337m ²
Required Landscaped Area	215.96m ² or 60%
Proposed Landscaped Area	No changes to landscaped area

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. A BASIX certificate is not required for the proposed works.

6.3 State Environmental Planning Policy (Coastal Management) 2018

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

The stated Aim of the Policy under Clause 3 is to:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*

- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 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 5 of SEPP (Coastal Management) 2018 are:

The relevant provisions of this clause are addressed as follows:

Division 3 Coastal environment area

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

The proposal provides for the demolition of the existing rear awning and construction of a new rear awning to Level 2 of the dwelling. The proposed works will be carried out in accordance with the recommendations of the consulting Structural Engineer, which will ensure that appropriate structural integrity for the site will be maintained.

The collected stormwater will be directed to the existing stormwater system which directs roof water to the street gutter. No groundworks are proposed and therefore there will be no further impact on sediment and erosion management.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
 - (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment

The proposal will not result in the removal of any existing public access along the foreshore.

The proposed new awning is modest in height and scale, and will not result in any loss of views to the foreshore area.

The new awning will not be largely visible from the foreshore.

The site does not contain any heritage items, nor is it within a conservation area. The site has been previously cleared, and it is not anticipated that any items of Aboriginal heritage will be encountered.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment

The proposal provides for the construction of alterations and additions to an existing dwelling through the demolition of an existing rear awning and construction of a new rear awning. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

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

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

Comment: No coastal management programs have been identified.

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment: Noted

18 Hierarchy of development controls if overlapping

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

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*

- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment

Noted

6.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Pittwater Local Environmental Plan 2014.

The aims of the SEPP are detailed in Clause 3 and note:

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

In this instance, the proposal will not see any loss of any substantial vegetation and is therefore considered to be consistent with the aims of the SEPP.

6.5 Pittwater Local Environmental Plan 2014

Clause 2.3 Zone objectives and land Use Table

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



Fig 4: Extract from Pittwater Council zoning map

The proposed demolition of the existing rear awning and construction of a new rear awning and the continued use of the land for residential purposes is 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 demolition of the existing rear awning and construction of new rear awning 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 demolition of the existing rear awning and the construction of a new rear awning, which will not have any substantial impact on the amenity and enjoyment of the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any 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 works provide a maximum height of approximately 6.15m above ground level, which complies with Council's maximum height control.

Clause 7.1 – Acid sulfate soils

The site has been identified within the Acid Sulfate Soils Map as being within the Class 5 Acid Sulfate Soils Area. The proposed development is not considered to result in any substantial impact on the water table, and it is therefore not anticipated that any acid sulfate soils will be disturbed.

Clause 7.2 – Earthworks

The proposal will not require any further excavation for the proposed awning.

Clause 7.5 relates to coastal risk planning.

The site is identified as "R Bluff/Cliff Instability" on Council's mapping.

(1) The objectives of this clause are as follows:

- (a) to avoid significant adverse impacts from coastal hazards,*
- (b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,*
- (c) to enable the evacuation of land identified as coastal risk in an emergency,*
- (d) to avoid development that increases the severity of coastal hazards.*

A Geotechnical Minor Works Assessment has been prepared by White Geotechnical Group, Reference No J2307 dated 31 July 2019, which suggests that the site has an 'Acceptable Risk Level' in accordance with the 2009 Geotechnical Risk Management Policy for Pittwater. In this instance, it is suggested that further bluff stability assessment is not required.

Clause 7.7 – Geotechnical Hazards

As discussed above, a Geotechnical Minor Works Assessment has been prepared by White Geotechnical Group, Reference No J2307 dated 31 July 2019, which suggests that the site has an 'Acceptable Risk Level' in accordance with the 2009 Geotechnical Risk Management Policy for

Pittwater. In this instance, it is suggested that The site is noted on Council's Geotechnical Hazard Map as "W Hazard H1".

The proposal does not involve any further disturbance to the site and is therefore considered to be in keeping with the requirements of Clause 7.7 of the PLEP 2014.

Clause 7.8 – Limited Development on Foreshore Area

The site is noted as being within the foreshore building line.



Fig 5: Extract from Pittwater Foreshore Building Line Map

The foreshore area is defined as:

foreshore area means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the Foreshore Building Line Map.

Clause 7.8 notes as its Objectives:

(1) The objectives of this clause are as follows:

- (a) *to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,*
- (b) *to ensure continuous public access along the foreshore area and to the waterway.*

Clause 7.8 (2) notes that development consent can only be granted for certain development within the foreshore area, including:

- a) *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore*

area, if the levels, depth or other exceptional features of the site make it appropriate to do so,

In this instance, the works involve the demolition of existing rear awning and construction of a new rear awning which will be located outside of the foreshore building line area. There will be no new works within the foreshore area.

Clause 7.8 (3) notes the following matters to be addressed to the satisfaction of the consent authority to permit the issue of development consent:

- (3) Development consent must not be granted under this clause unless the consent authority is satisfied that:*
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and*

Comment:

As discussed in this Statement, the minor additions to the dwelling will achieve the Objectives of the E4 Environmental Living Zone.

- (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*

Comment:

The proposal will see the demolition of existing rear awning and construction of a new rear awning, which will continue to present a well-modulated building form. The proposal will maintain a compatible height and scale to its neighbours and with the articulated form of the building, the proposed alterations and additions are appropriate for the locality.

- (c) the development will not cause environmental harm such as:*
 - (i) pollution or siltation of the waterway, or*
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
 - (iii) an adverse effect on drainage patterns, or*
 - (iv) the removal or disturbance of remnant riparian vegetation, and*

Comment:

The existing stormwater provisions will be unchanged and do not result in any direct impacts to the waterway. All plumbing fixtures will continue to be connected to the Sydney Water sewer.

- (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*

Comment:

The proposal will not see any change to the public's opportunity to access the waterfront.

- (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*

Comment:

The proposed works will not provide any constraint to future access to the public foreshore area.

- (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*

Comment:

There are no specific historical, cultural, social, archaeological or architectural or aesthetic features of significance in the vicinity.

The waterfront locality and the natural setting are considered to be significant contributors to the local character and as the works are wholly within the private land, these features are adequately protected.

Given the modest nature of the works, the proposal is considered to achieve these specific objectives.

- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*

Comment:

The demolition of existing rear awning and construction of a new rear awning will not see any substantial impact on the amenity and aesthetic appearance of the foreshore.

- (h) sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.*

Comment:

The potential impacts of coastal forces have been considered in this submission, where they have relevance to the proposal.

7.10 – Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- 1. the supply of water,*
- 2. the supply of electricity,*
- 3. the disposal and management of sewage,*
- 4. stormwater drainage or on-site conservation,*
- 5. suitable vehicular access.*

The site will retain the normal services which are available for the existing dwelling.

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

6.6 Pittwater 21 Development Control Plan

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

6.6.1 Section A Introduction

Desired Character

The desired character of the Newport Locality is summarised as:

"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 multi unit 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 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 alterations and additions which are modest and complement the existing character of the area.

The proposed works will not require the removal of any significant trees, and will maintain existing areas of soft landscaping within the site.

The works will be finished in a range of textures and finishes which will complement the existing development and the use of earthy tones will harmonise with the natural setting of the locality.

6.6.2 Section B General Controls

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

B1.4 Aboriginal Heritage Significance

The controls seek to achieve the outcomes:

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

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

The controls suggest:

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

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

The site has been disturbed by the introduction of the existing dwelling and gardens.

There is no obvious evidence of Aboriginal occupation or objects. The footprint of the new works is limited to the existing disturbed areas, with the construction works to be carried out in a sensitive manner. The works will not require any excavation or ground work.

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 proposal will not require any earthworks or further site disturbance. A Geotechnical Minor Works Assessment has been prepared by White Geotechnical Group, Reference No J2307 dated 31 July 2019, which suggests that the site has an 'Acceptable Risk Level' in accordance with the 2009 Geotechnical Risk Management Policy for Pittwater.

Accordingly, subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

B3.4 *Coastline (Bluff) 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 proposal does not involve any further site disturbance and as the report prepared by White Geotechnical Group Pty Ltd does not identify any hazards surrounding the site, is suggested that further bluff stability assessment is not required.

The works will be constructed in accordance with the recommendations contained within the Geotechnical Report.

B4.5 *Landscape and Flora and Fauna Enhancement Category 3 Land*

The controls seek to achieve the outcomes:

The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)

The proposal maintains suitable areas of soft landscaping. The proposal will maintain existing canopy trees and vegetation, with no further site disturbance proposed.

B5.8 *Stormwater Management - Water Quality – Low Density Residential*

The controls seek to achieve the outcomes:

No increase in pollutants discharged with stormwater into the environment. (En)

Development is compatible with Water Sensitive Urban Design principles. (En)

The requirements outlined in the controls seek to limit the extent and quality of stormwater runoff to the waterway. The stormwater from the new roof areas will be directed to the existing system, which directs roof water to the street gutter. As the stormwater is direct runoff from the roof area, there will not be any significant issue in terms of water quality.

B8.1 *Construction & Demolition – Excavation and Landfill*

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

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

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

The proposed new awning will not require any further excavation or landfill.

B8.2 Construction and Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)
Reduction of waste throughout all phases of development. (En)
Public safety is ensured. (S)
Protection of the public domain. (S, En)

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways. No earthworks are required for the proposed works and therefore no additional erosion and sediment controls will be required.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the 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 proposal will see the demolition of the existing awning to accommodate the proposed works.

All demolition material will be removed and recycled off site where possible or taken to an approved waste disposal facility.

6.6.3 Section C Development Type Controls

The Development Type Controls applicable to the proposed demolition and construction of a new awning are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcomes:

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

The 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 retains existing areas of soft landscaping on site which will retain the landscaped character of the locality.

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

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 existing dwelling entry and habitable room windows within the front setback will continue to provide casual surveillance towards the street.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views amongst dwellings. (S)
Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)
Canopy trees take priority over views. (En, S)

The required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties. The new awning will see the retention of the view corridors for the surrounding properties.

The proposal is not considered to impact on any significant views, and will maintain consistency with Council's view sharing objectives.

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 site and its neighbours enjoy a northerly aspect, which provides for excellent solar access throughout the day to the primary living rooms and outdoor recreation spaces.

The modest new rear awning will see the subject and adjoining dwellings maintaining equitable solar access in accordance with Council's minimum standards.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (S)
A sense of territory and safety is provided for residents. (S)

The 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 rear awning will provide shade for the existing balcony and will not introduce any adverse impacts on the privacy enjoyed by neighbouring properties.

There are no changes to any habitable rooms or any window or door locations of the existing dwelling.

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, it is suggested that there will not be any significant change to the existing site conditions.

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 proposal will see existing private open space retained.

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

Housing for older people and people with a disability are accessible, adaptable and safe. (S)

Equitable access in the public domain. (S)

The required controls to achieve the outcomes are to ensure that reasonable and convenient access is maintained to the site and the development for the occupants and visitors.

The works will retain appropriate vehicular and pedestrian access to the site and will provide for convenient access to the dwelling.

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 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.

6.6.4 Section D Locality Specific Development Controls

The **D10 Newport Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

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

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The stormwater runoff from the development will be dispersed within the rear of the site. There will not be any adverse siltation or water pollution impacts on the general drainage system of the area or to local waterways.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

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

D10.1 Character as Viewed From a Public Place

The control seeks to achieve the outcomes:

Achieve the desired future character of the Locality.

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

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

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

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

Access to public places and spaces is clear and defined. (S)

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows modulation, spatial separation, landscaping etc.

The elevations provided with the DA submission confirm that the bulk and scale of the proposed works will not present a modest height and form through its single storey open structure.

The proposed new awning readily meets the applicable statutory height limit, and the setbacks provided are generous.

The proposal maintains the existing significant vegetation on the site.

D10.4 Building Colours, Materials and Construction

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.
The development enhances the visual quality and identity of the streetscape. (S)
To provide attractive building facades which establish identity and contribute to the streetscape.
To ensure building colours and materials compliments the visual character of its location with the natural landscapes of Pittwater.
The colours and materials of the development harmonise with the natural environment. (En, S)
The visual prominence of the development is minimised. (S)
Damage to existing native vegetation and habitat is minimised. (En)
The use of materials with low embodied energy is encouraged. (En)
New buildings are robust and durable with low maintenance requirements. (S)
In the Newport Commercial Centre, roofs of lighter colours are permitted to improve the thermal performance of the roof system. (En, Ec, S)

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

It is considered that the development is appropriate as the proposed colours and finishes will be consistent with and complement existing dwelling and surrounding development in the locality.

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 site is subject to a 6.5m front building line.

The proposed new work complies with the permissible 6.5m front setback, with the new awning to the rear of the site.

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 of 1.0m setback for the other side. A rear setback of 6.5m applies.

The proposed new rear awning presents generous setbacks to the northern and southern side setbacks.

The proposal will continue to maintain appropriate setbacks from the neighbouring dwellings and achieves the outcomes of the 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°.

As indicated on the submitted plans, the proposal will present a minor non-compliance to Council's building envelope control at the north- eastern extremity of the awning, as the site falls towards the east.

In this instance, the proposed massing of the building is considered to be appropriate and will not unreasonably remove views for any surrounding properties or result in excessive overshadowing.

The low scale of the roof form of the awning assists in reducing the apparent bulk of the building, with the design providing for good articulation in the wall and roof lines.

The setbacks are consistent with the form of the existing dwelling on site and neighbouring dwellings.

D10.13 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

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

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

The proposal provides 60% of the site area as soft landscaping, inclusive of the 6% allowable concession for functional paved area, and therefore complies with this control.

The proposal will not see any changes to the existing soft landscaped area on site.

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 building envelope control is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the building envelope control.

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 demolition of existing rear awning and the construction of a new rear awning, 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 Newport Beach 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.

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 demolition of existing rear awning and the construction of a new rear awning, 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.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)