

URBANISM

PLANNING & DEVELOPMENT

STATEMENT OF ENVIRONMENTAL EFFECTS

ALTERATIONS AND ADDITIONS TO A FOUR STOREY
RESIDENTIAL DWELLING, NEW CARPORT, STUDIO AND POOL

6 JACQUELENE CLOSE, BAYVIEW

**PREPARED FOR
PROGRESSIVE PLANS**

16 DECEMBER 2022



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This report remains a preliminary draft report unless signed above.



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APPENDIX 1 – SITE PHOTOS



1 Introduction

Urbanism has been engaged by Progressive Plans to prepare a Statement of Environmental Effects to support a development application for alterations and additions to a four-storey residential dwelling, new carport, studio and pool at 6 Jaqueline Close, Bayview.

The aims of this report are to:

- Provide an assessment of the locality, subject site and applicable planning controls,
- Describe the proposed development; and
- Assess the impacts of the development against Section 4.15 of the *Environmental Planning and Assessment Act 1979* and *Regulations 2021*.

This Statement of Environmental Effects should be read in conjunction with the following supporting technical studies which are submitted under separate cover:

| Title | Author | Date/Version |
|----------------------------------|---------------------------------------|--------------|
| Arboricultural Impact Assessment | Hugh the Arborist | 08/10/2022 |
| Architectural Plans | Progressive Plans | 04/10/2022 |
| BASIX Certificate | Progressive Building Design | 31/08/2022 |
| Bushfire Assessment Report | Bushfire Hazard Solutions Pty Limited | 21/02/2022 |
| Driveway Structural Plan | Heinz Consulting Engineering | 02/09/2021 |
| Geotechnical Assessment | Ascentgeo | 15/05/2022 |
| Stormwater Plan | Taylor Consulting | 11/07/2022 |
| Structural Plan | Heinz Consulting Engineering | 09/09/2022 |
| Waste Management Plan | Progressive Plans | 01/09/2022 |



2 Site Assessment

2.1 Locality Assessment

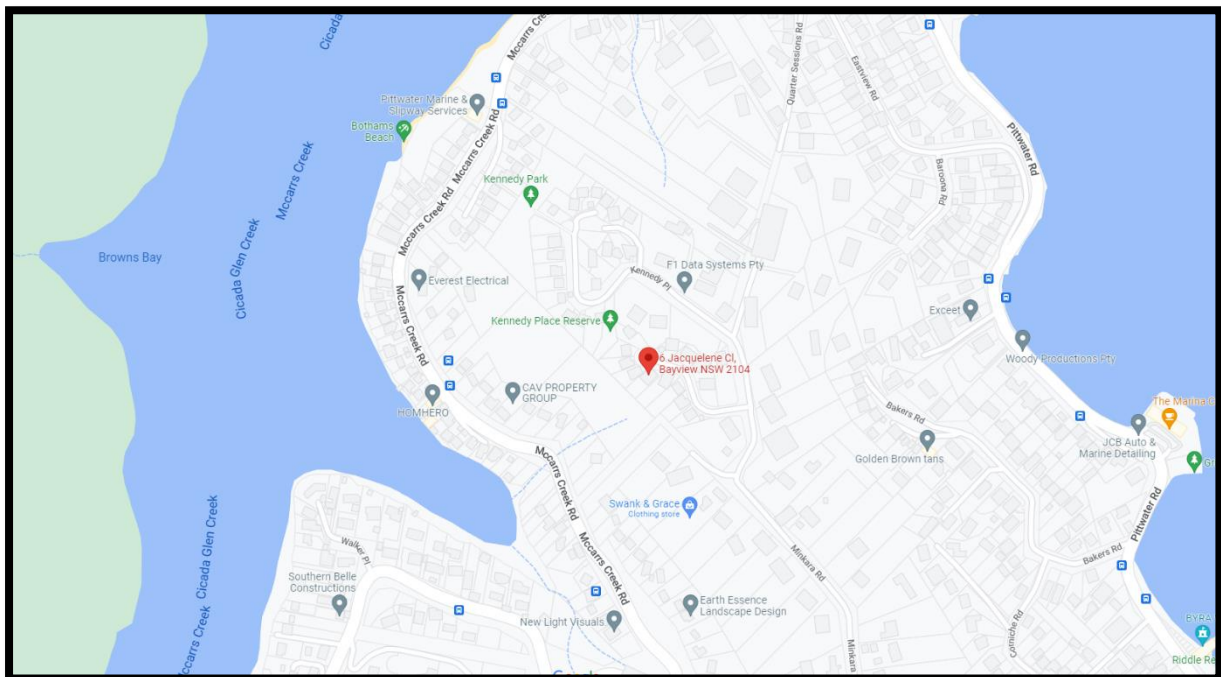
The subject site is located within the suburb of Bayview, in the Bayview Heights Locality, which is approximately 34 kilometres north of the Sydney CBD, in the Northers Beaches Region.

The site is located within an established residential area characterised by multi-storey dwellings. The streetscape is defined by uniform setbacks with front yards that include landscaping, trees, and front fences.

The site is favourably located 5.5 kilometres southeast of Mona Vale local centre, Mona Vale Memorial Hall, and Mona Vale Medical Centre.

The following figure shows the location of the subject site in relation to the surrounding locality:

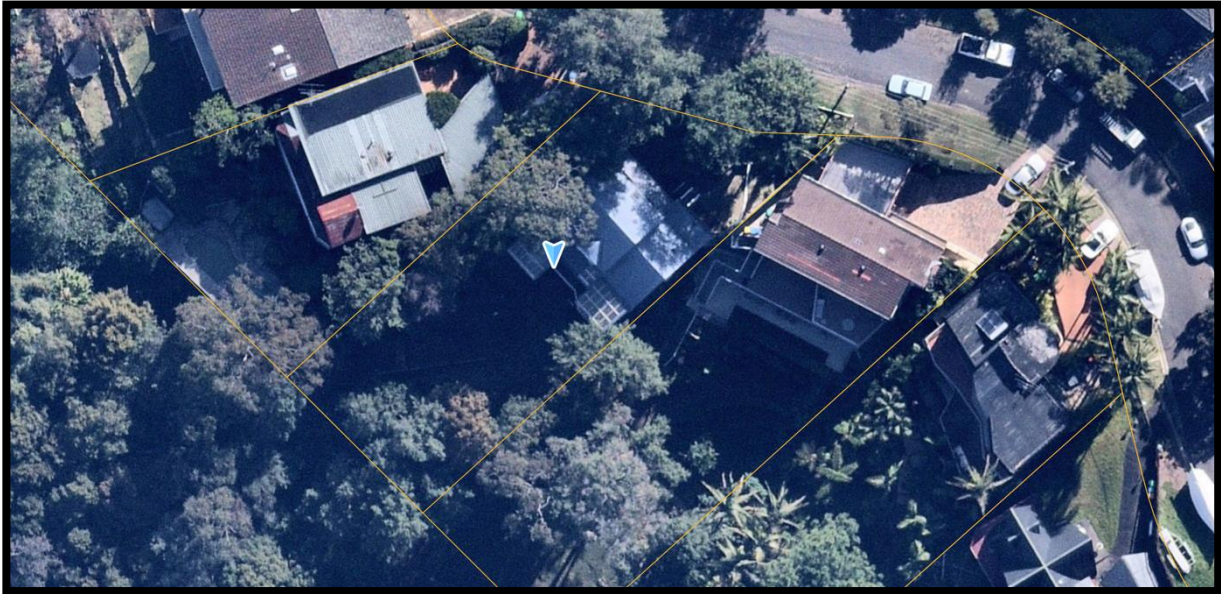
Figure 1: Locality Map



Source: Google Maps (2022)



Figure 2: Aerial Site Map



Source: NearMap (2022)

2.2 Site Description

The site is an irregular rectangle allotment known as 6 Jacqueline Close, Bayview. It is legally described as Lot 14 DP 216165 with an area of approximately 849.80m². It contains a four-storey brick and timber-clad free-standing dwelling with a metal roof.

The site has a frontage to Jacqueline Close of 23.31m and a depth of 53.59m. The front boundary has a fall from west to east of approximately 1m consistent with the streetscape. The lot has its steepest slope its north boundary descending 16.5m from northeast to southwest.

2.2.1 Surrounding Development

Streetscape character and visual setting:

The surrounding area is characterised by being a low-density residential area with multi-storey free-standing dwellings and multi-residential buildings with varying architectural styles. The streetscape is defined by variable setbacks with front gardens that include landscaping, established trees, front fences and car parking spaces.

Visually due to the steep slopes towards the back, the height of the multi-storey dwellings blends with the existing natural landscape being perceived shorter in height.



Existing vegetation:

Existing vegetation within the streetscape consists of a mix of established native trees and shrubs with extensive understorey plantings of native and exotic bushes and ground covering species.

Topography:

The front boundary has a fall from west to east of approximately 1m consistent with the streetscape. The lot has its steepest slope its north boundary descending 16.5m from northeast to southwest.

Views:

The site is elevated and may enjoy glimpses of Mccarrs Creek through the heavily vegetated tree canopy.

Heritage:

The site is not identified as a heritage item under the Pittwater Local Environmental Plan 2014 or the State Heritage Registry. It is not located within a Conservation Area or adjacent to many individual listed heritage items.

Form of adjacent buildings:

The immediate area is surrounded by multi-storey dwelling houses with varying architectural styles and front setbacks owing to the topography of the site and the curvilinear road pattern in this locality.

Surrounding noise sources:

The site is surrounded by residential uses not being a significant noise source.



3 The Proposal

3.1 Description of Proposal

The proposal is for the alterations and additions to a four-storey residential dwelling, new carport, studio and pool.

This proposal seeks development consent for:

Demolition Works

- Lower Ground
 - Retaining walls and dividing fences x 3
 - Balcony
 - Stairs
- Ground Floor
 - Window x 1
 - Wall section x 1
- First Floor
 - Stairs x 1
 - Porch balustrade
 - Retaining wall x 1
 - Concrete bench
- Second Floor
 - Stairs x 1
 - Front fence (part)

Tree Removal

- Removal of six (6) trees from within the front setback area

Construction

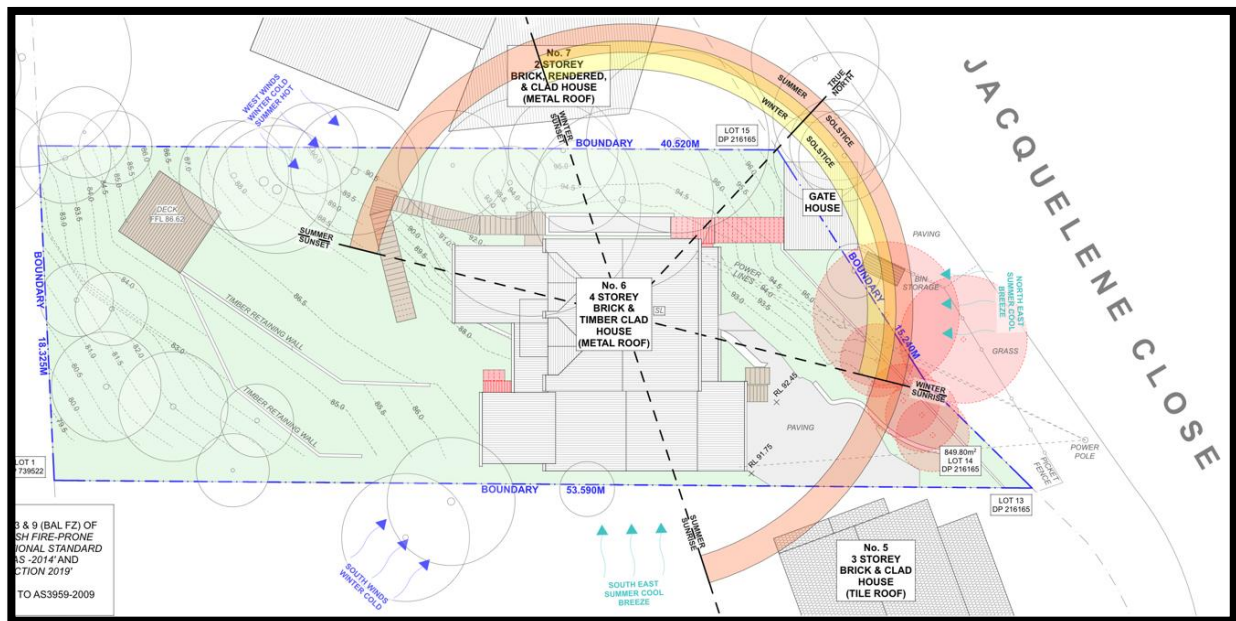
- Lower Ground
 - Retaining walls x 2
 - Stairs x 2
 - Landing
 - Deck
 - New swimming pool and pool fence



- Ground Floor
 - Window x 1
 - Wall x 1
- First Floor
 - Stairs x 1
 - Studio
 - Pavers
- Second Floor
 - Gate
 - Path & Stairs
 - Driveway
 - Double Carport
 - Porch Roof Section

Plans and Elevations

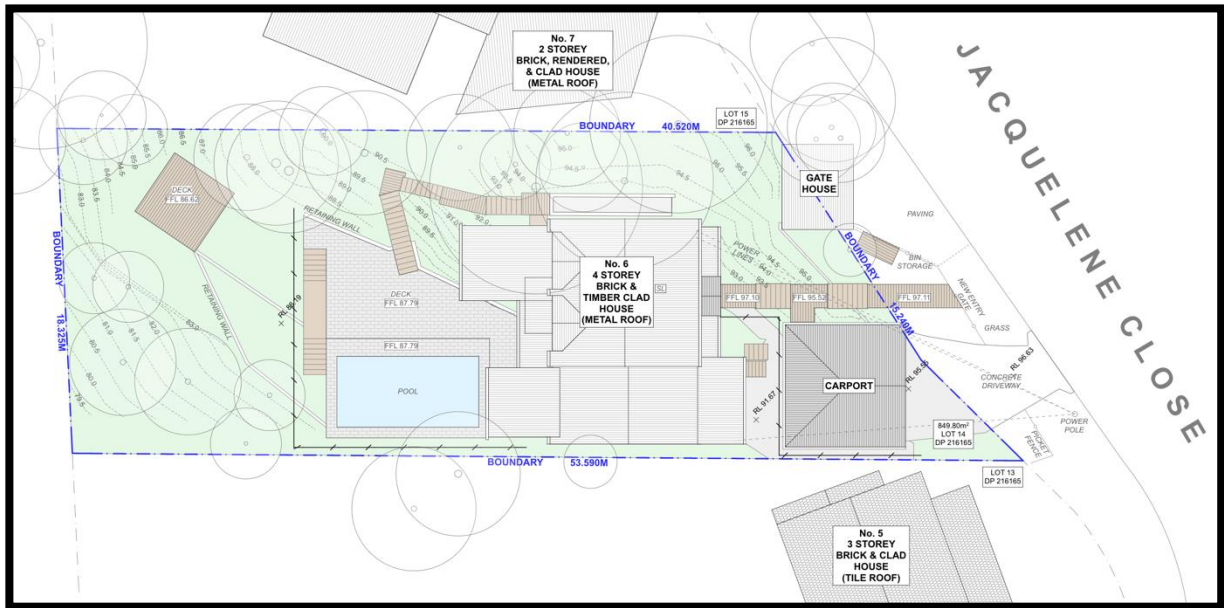
Site Analysis Plan - Exsiting



Source: Progressive Plans

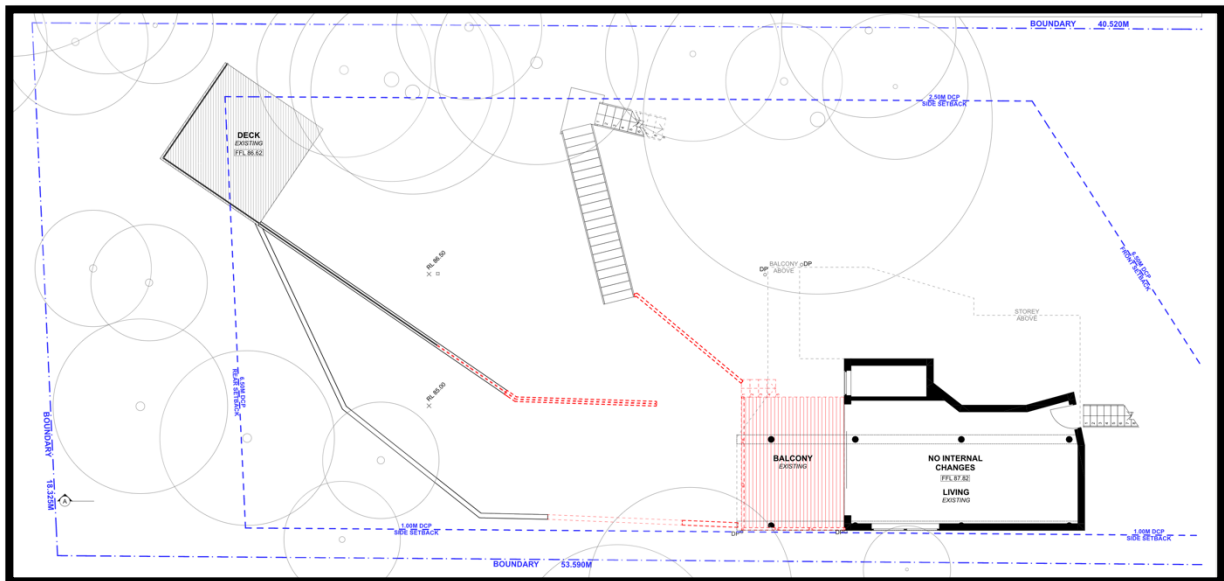


Proposed Site Plan



Source: Progressive Plans

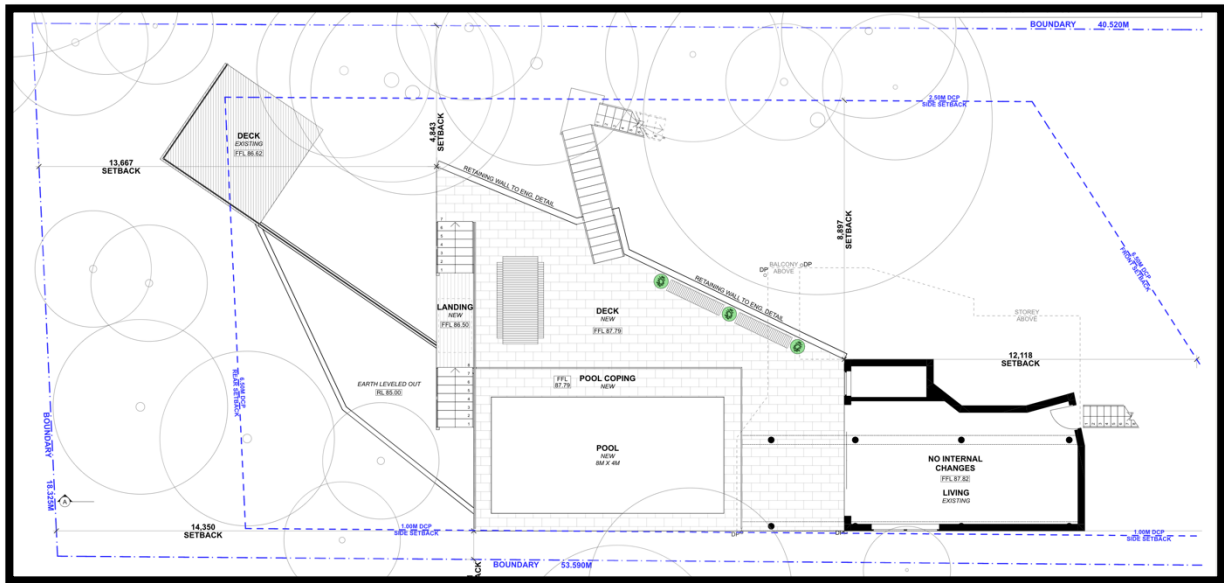
Existing Lower Ground Floor Plan



Source: Progressive Plans

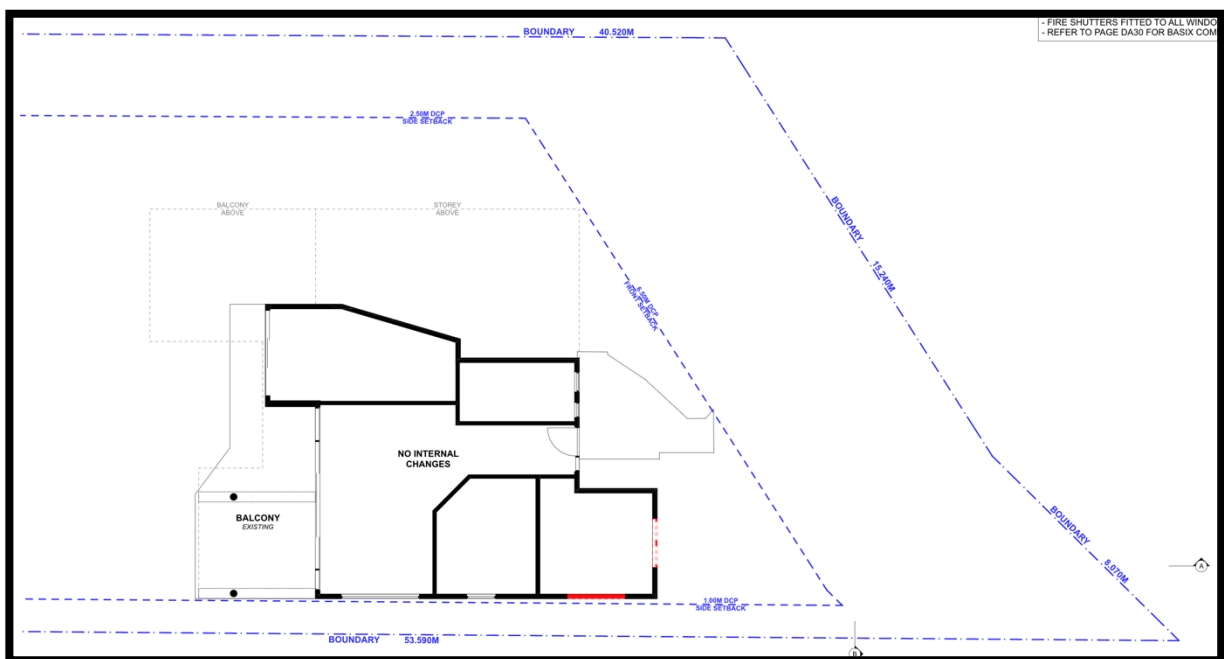


Proposed Lower Ground Floor Plan



Source: Progressive Plans

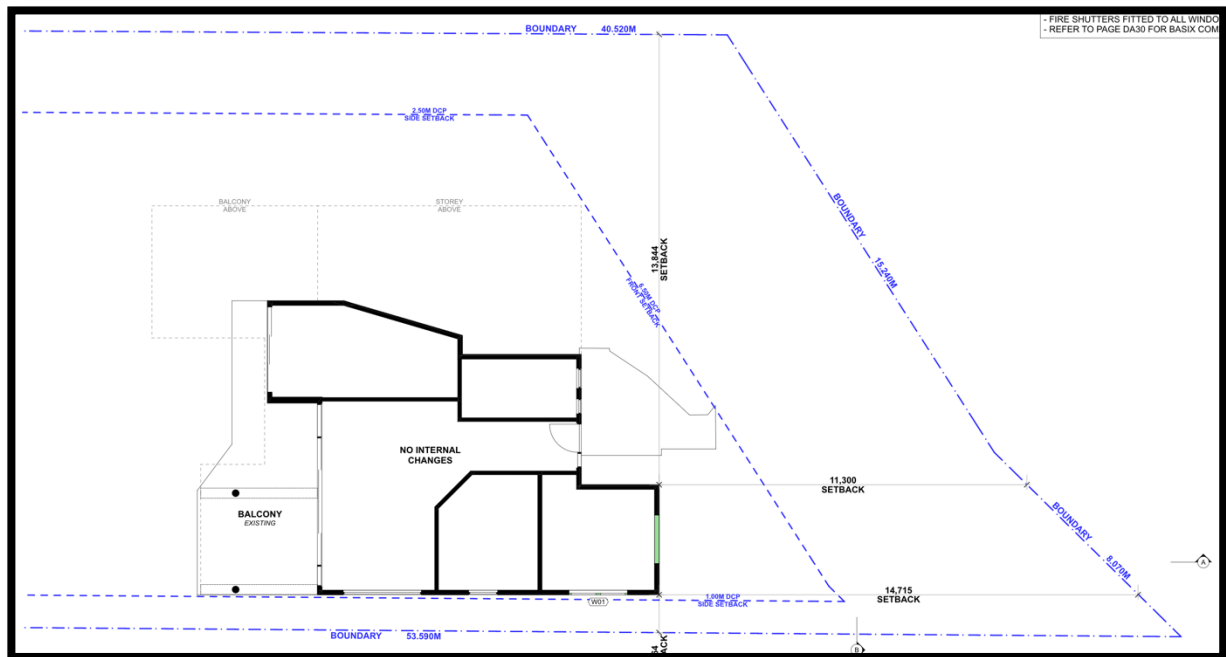
Existing Ground Floor Plan



Source: Progressive Plans

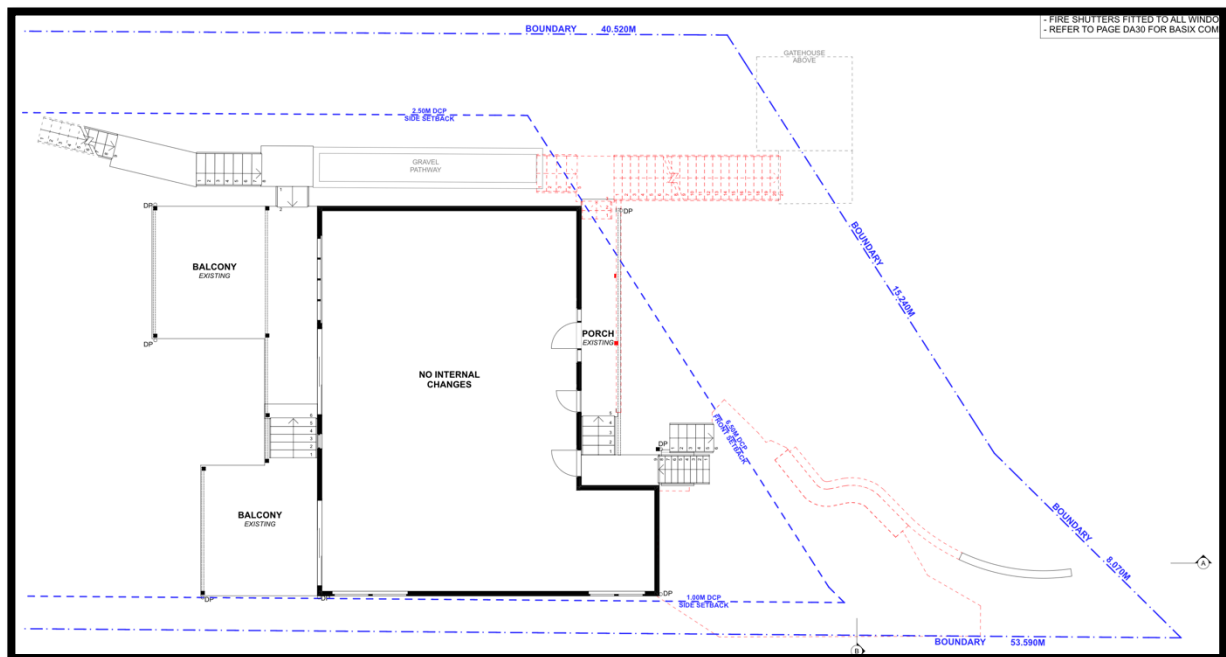


Proposed Ground Floor Plan



Source: Progressive Plans

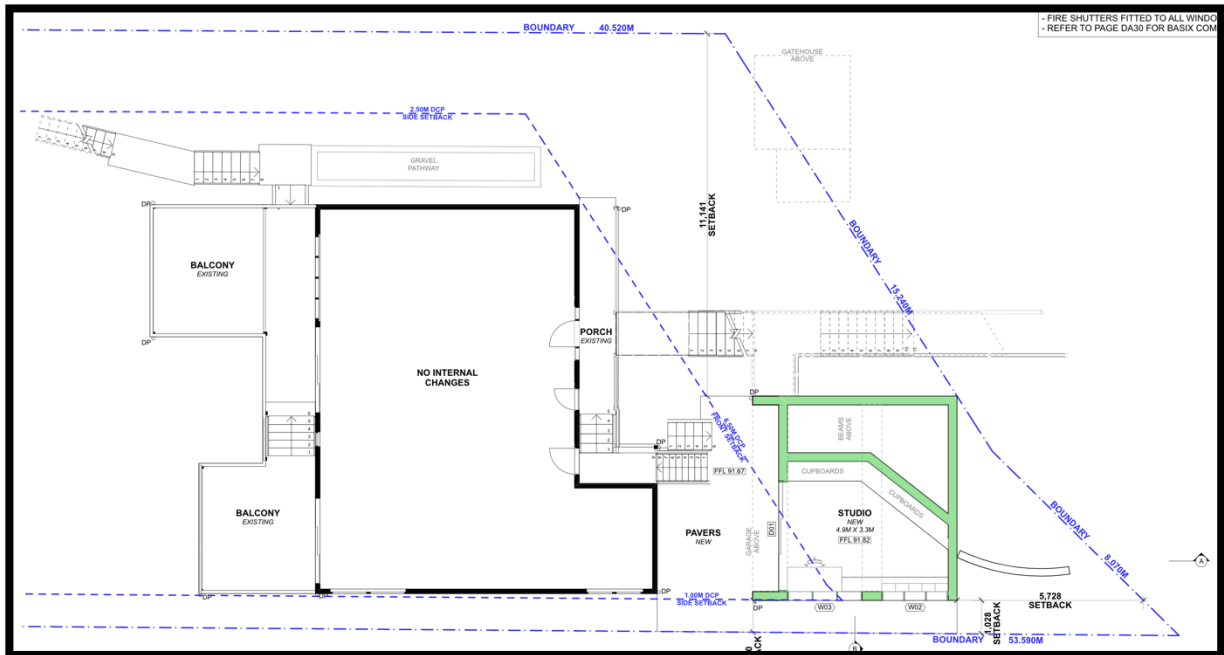
Existing First Floor Plan



Source: Progressive Plans

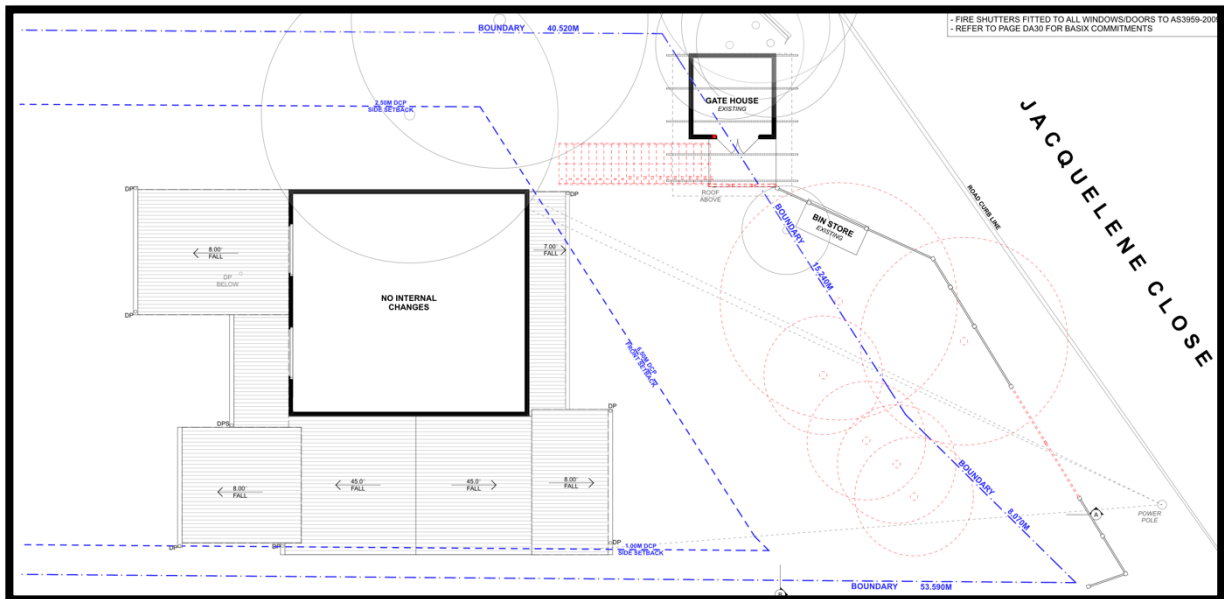


Proposed First Floor Plan



Source: Progressive Plans

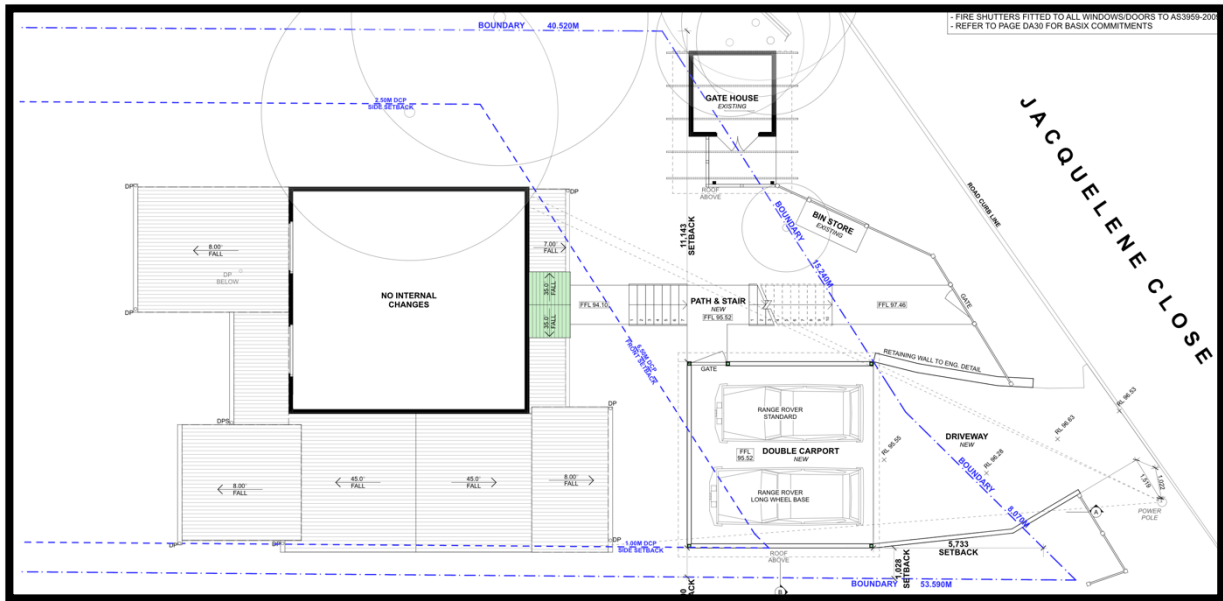
Existing Second Floor Plan



Source: Progressive Plans

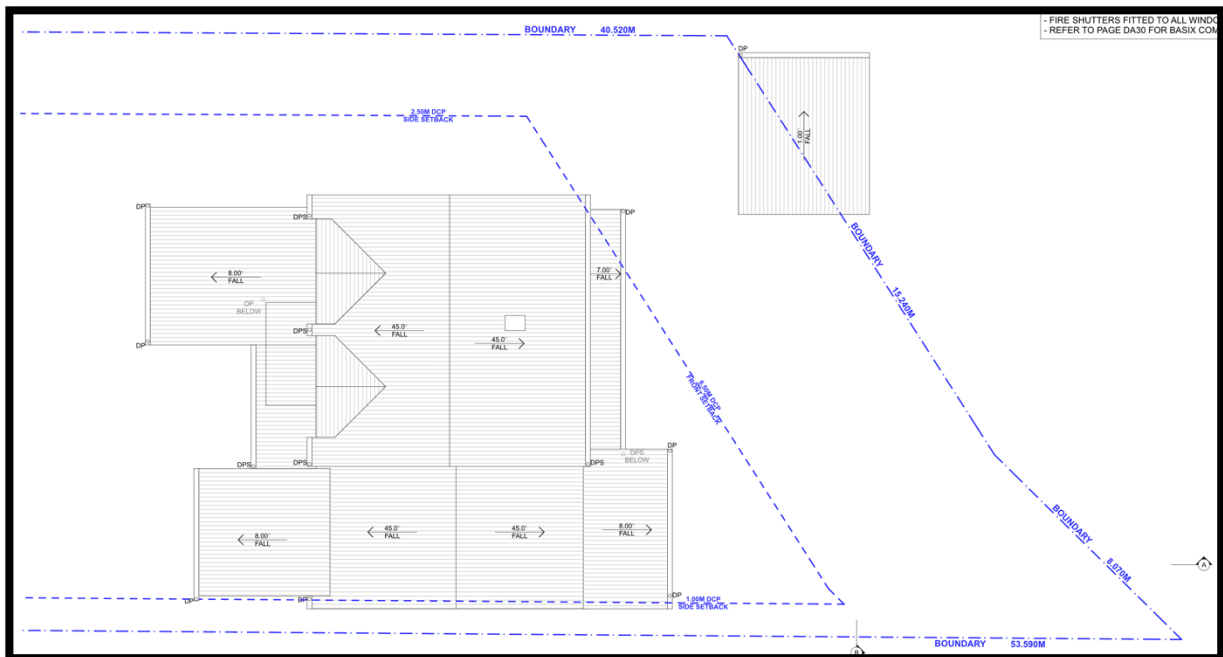


Proposed Second Floor Plan



Source: Progressive Plans

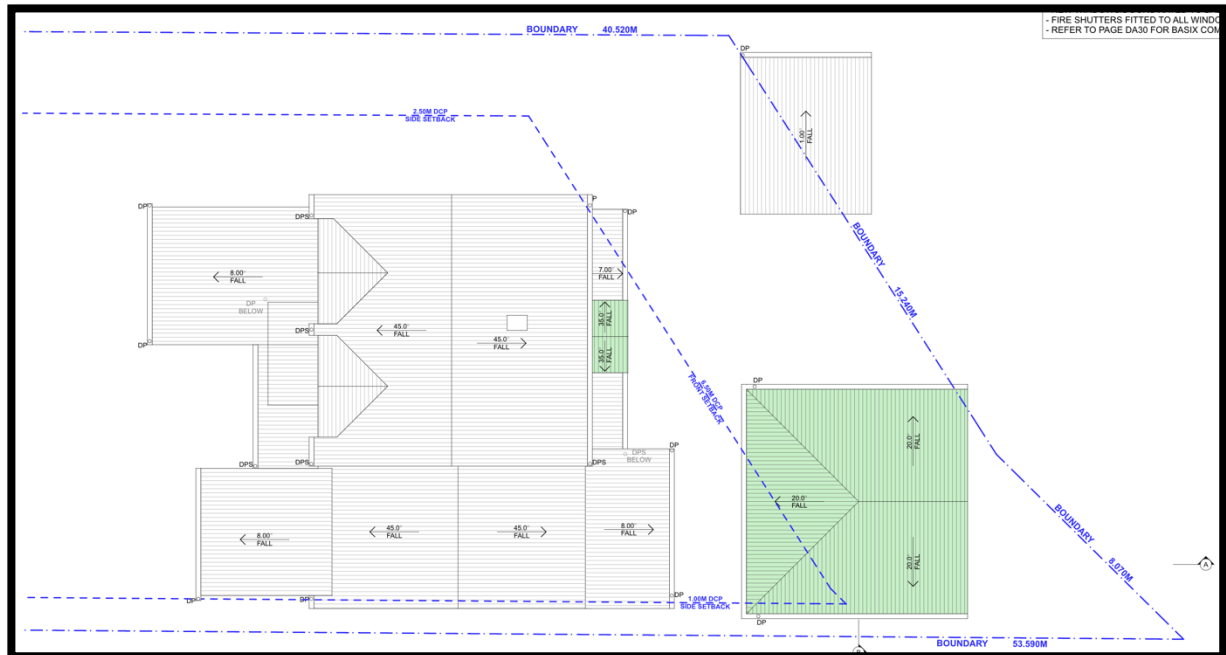
Exsiting Roof Plan



Source: Progressive Plans

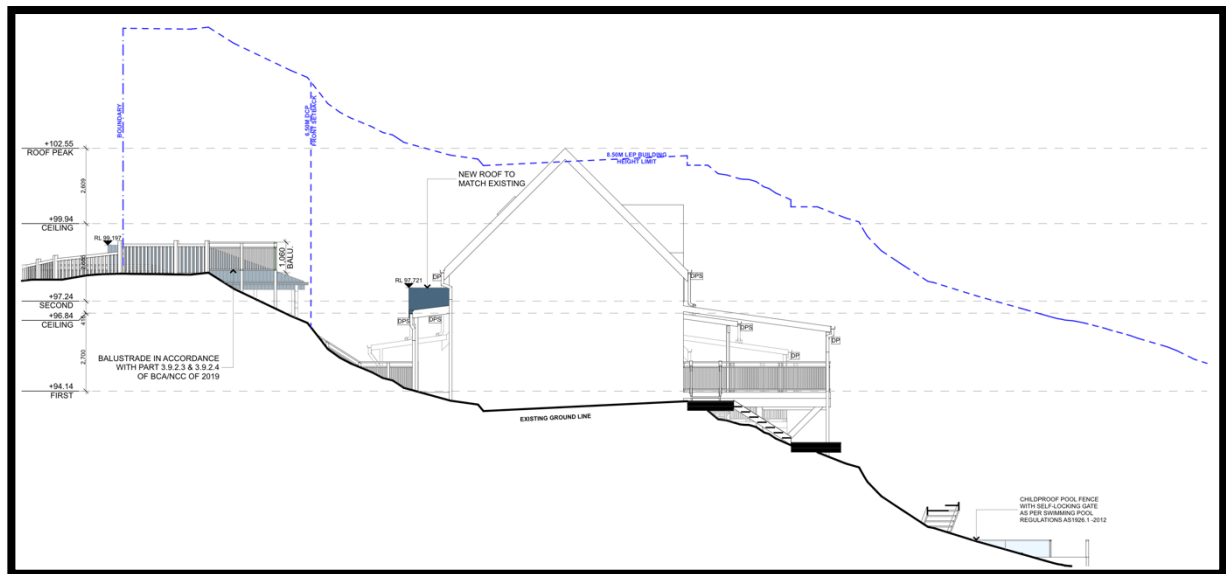


Proposed Roof / Concept Stormwater Plan



Source: Progressive Plans

North-West Elevation



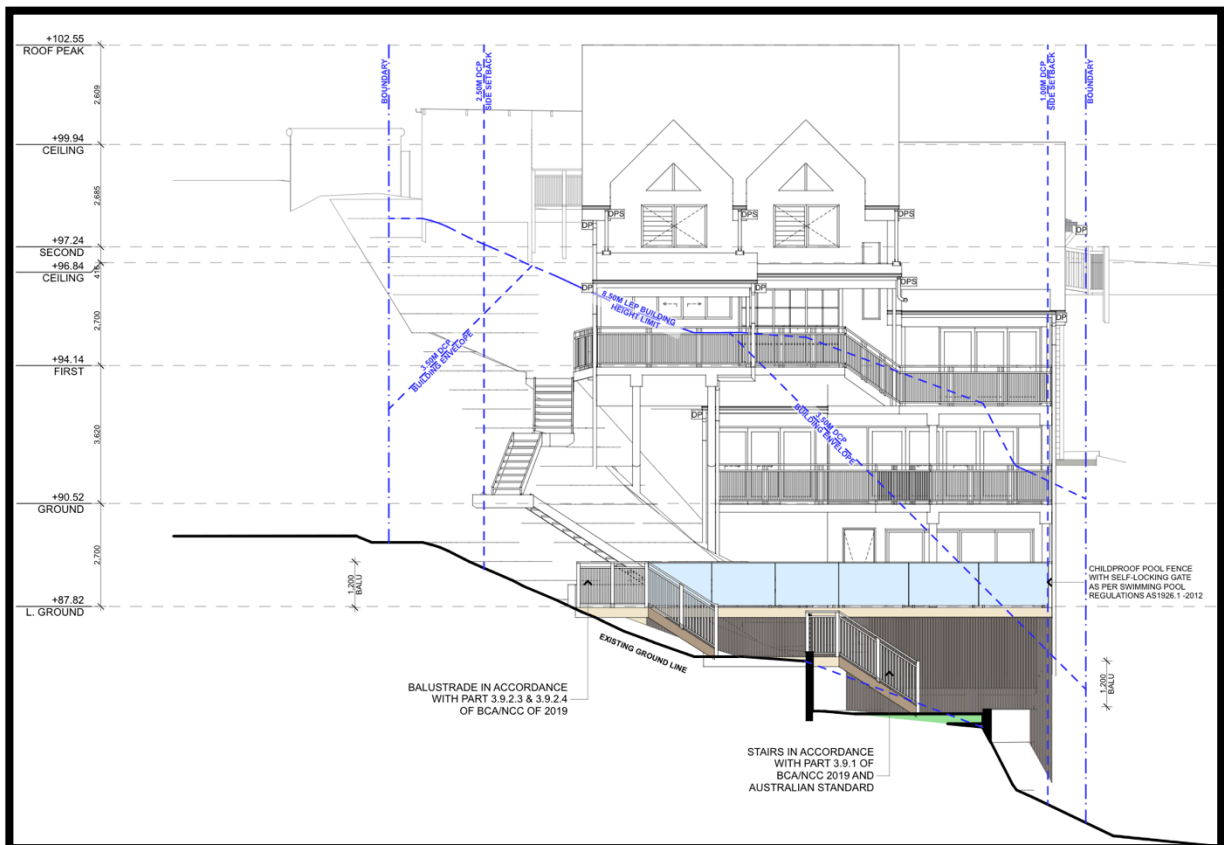
Source: Progressive Plans

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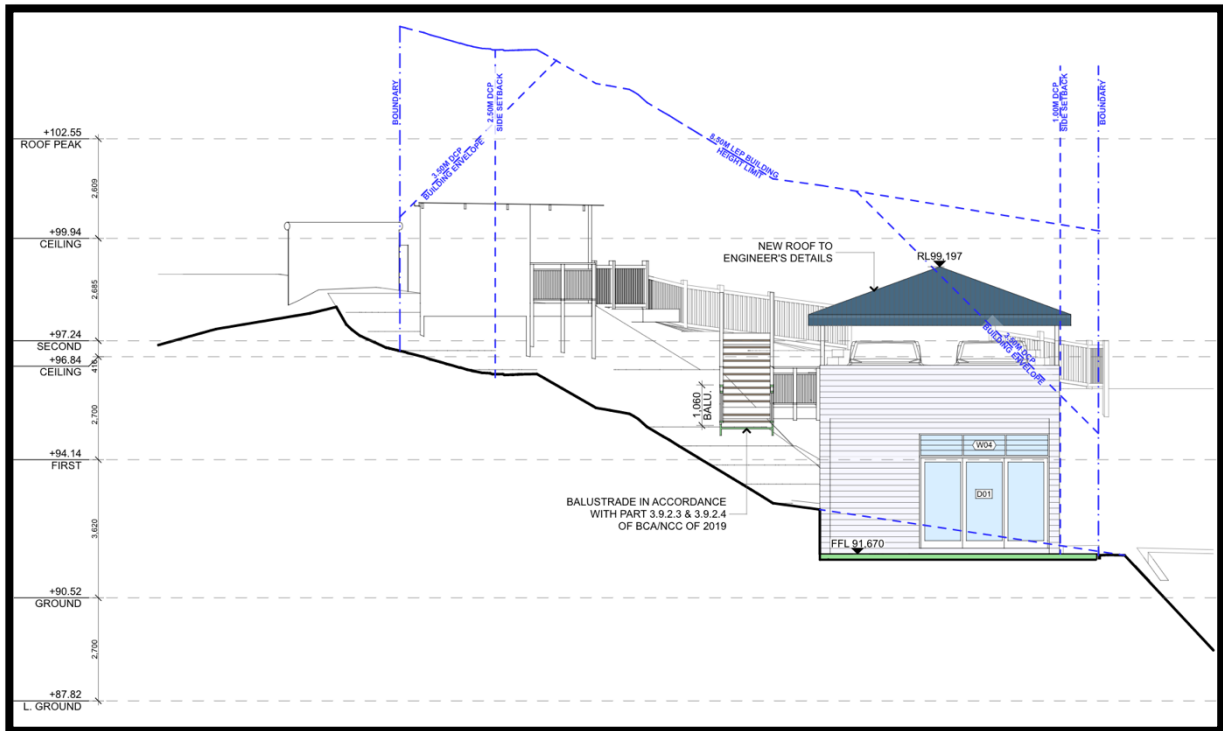
South-West Elevation (House)



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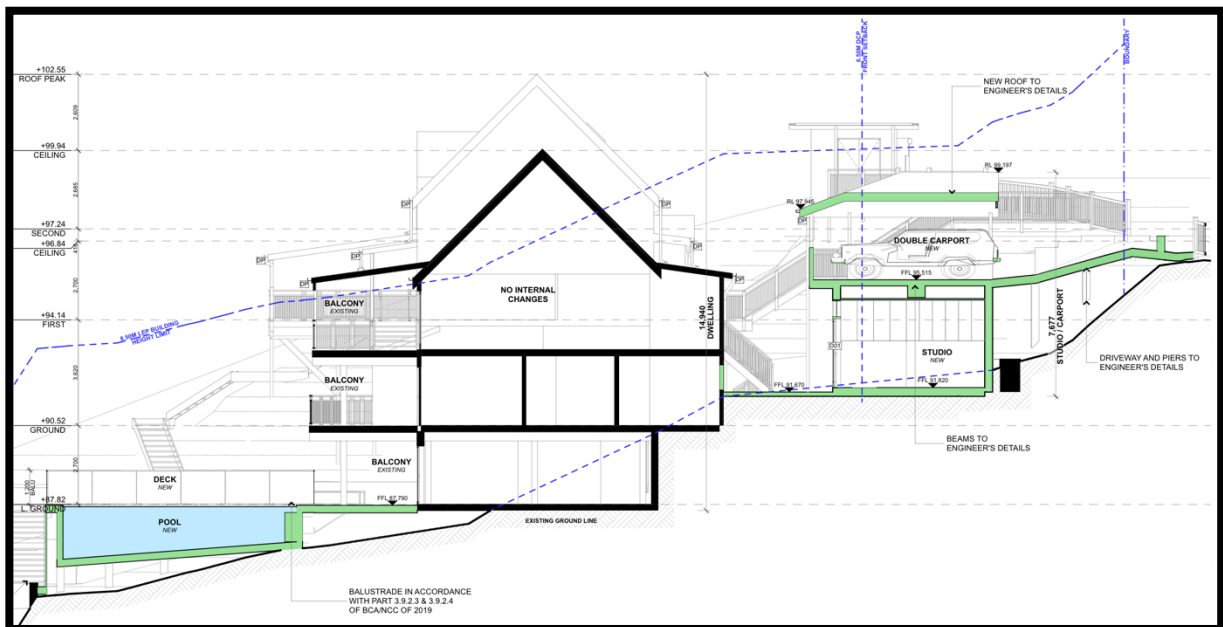


South-West Elevation (Carport)



Source: Progressive Plans

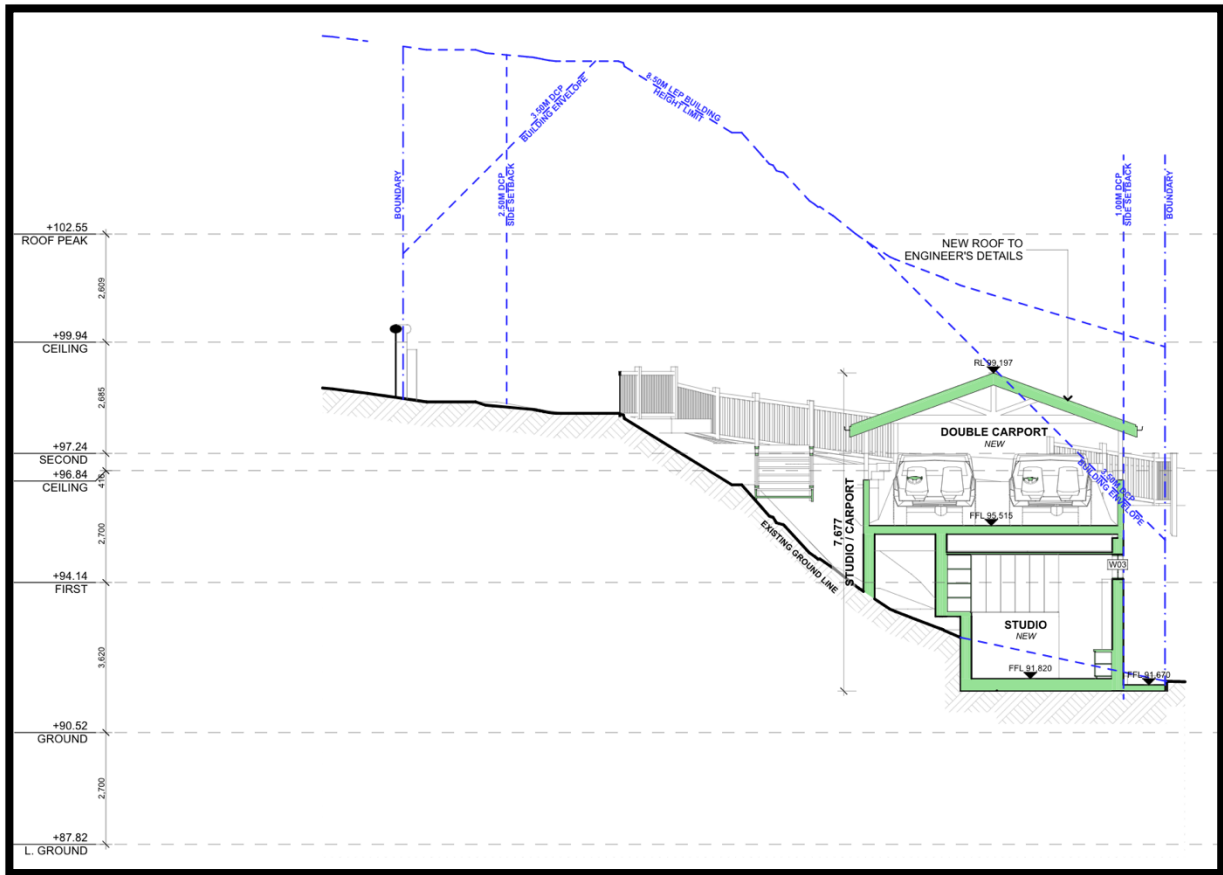
Section A



Source: Progressive Plans



Section B



Source: Progressive Plans

3.2 Development Statistics

| Item | Proposal |
|--------------------|---|
| Site Area | 849.80m ² |
| Gross Floor Area | 310.71m ² |
| Floor Space Ratio | 0.27:1 |
| Height of Building | 14.949m, no change |
| Setbacks | Front: 5.728m Rear: 13.667m (to pool) North: 11.397m South: 1m |
| Private Open Space | 452.73m ² , no change |
| Landscaped Area | 536.30m ² (63.10%) |



4 Planning Controls

4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Council can be satisfied that a preliminary site investigation is not warranted in these circumstances.

Chapter 2 of the SEPP applies to development on land in proximity to coastal wetlands or littoral rainforest. The *Coastal Wetlands and Littoral Rainforests Area Map* identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both. An excerpt from the NSW Government Spatial View identifying the land is found in Figure 3 SEPP (Resilience and Hazards) 2021 Coastal Management Map Excerpt overleaf.

Under the SEPP, the following controls apply to such land:

- 1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—*
 - (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*
- 2) *This section does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.*

The subject site is located within the “proximity area for coastal wetlands” however involves only alterations and additions to an existing residential dwelling.

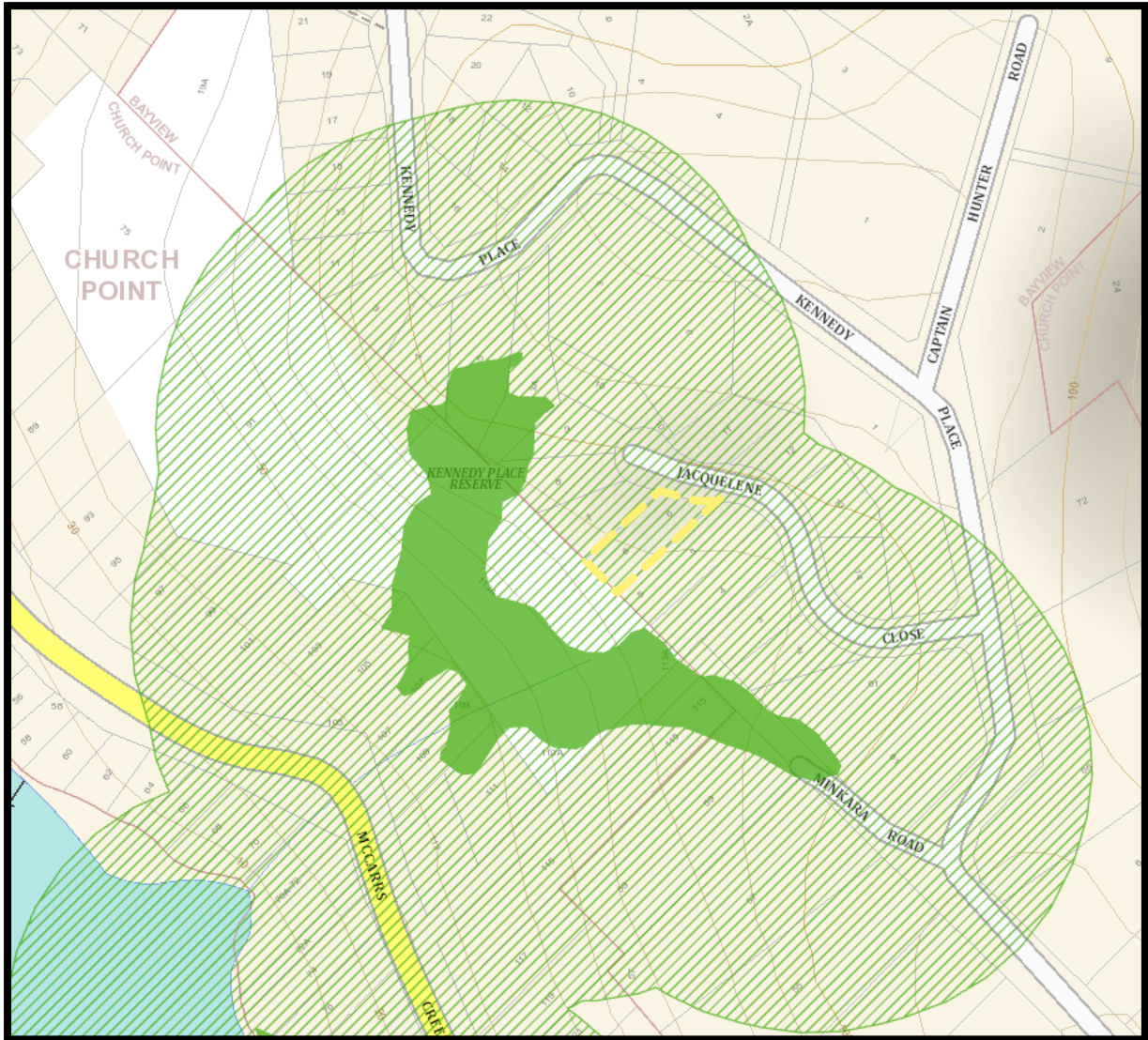
A Stormwater Concept Plan shows that a 17,500 litre stormwater detention tank will be installed under the rear decking area and will discharge to 5500mm level spreader to a landscaped area onsite to avoid excessive runoff or pollutants entering the littoral rainforest area.

As part of this application six (6) trees are recommended to be removed, five (5) trees require tree sensitive footing construction methods to be retained in a viable condition, and twenty-three (23) trees are recommended to be retained in a viable condition.



Council can be satisfied that the proposal will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Figure 3 SEPP (Resilience and Hazards) 2021 Coastal Management Map Excerpt



Chapter 4, of the SEPP requires Council to consider whether the land is contaminated and if remediation works are required. The site has been used for residential purposes for many years and is therefore unlikely to contain contaminated land.

4.2 Pittwater Local Environmental Plan 2014

The subject site is zoned C4 – Environmental Living under Pittwater Local Environmental Plan 2014.



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.*

The following table reviews the proposal against relevant planning controls contained within the LEP:

| Item | Requirement | Proposal | Compliance |
|-------------------------------------|--|---|------------|
| CI2.3 Permissible land use | Dwelling Houses are permissible in the C4 – Environmental Living Zone | Alterations and additions to a Dwelling House are permissible. | ✓ |
| CI4.3 Height of buildings | Maximum height of 8.5 metres | The existing height is 14.949m. No changes proposed. | Merit |
| CI4.4 Floor space ratio | N/A | N/A | ✓ |
| CI5.10 Heritage conservation | Consider the effect of the proposed development on Pittwater's heritage environment. | The site is not identified as a heritage item, within a heritage conservation area or adjacent to any heritage items. | ✓ |
| CI7.1 Acid sulfate soil | Ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage | The site is considered Class 5 Acid Sulfate Soil; the proposal does not propose disturbance of the soil. | ✓ |
| CI7.6 Biodiversity | Maintain terrestrial, riparian, and aquatic biodiversity. | The development does not propose to clear more than 2,500m ² which is the threshold under the BC Act 2016. A Biodiversity Assessment Report is not required. | ✓ |



| Item | Requirement | Proposal | Compliance |
|-----------------------------------|--|---|------------|
| CI7.7 Geotechnical hazards | Ensure that development on land susceptible to geotechnical hazards. | Low-risk land. A Geotechnical Assessment is submitted under a separate cover. | ✓ |

4.3 Pittwater 21 Development Control Plan.

Pittwater Development Control Plan (Pittwater 21 DCP) 2014 applies to all land within the local government area of Pittwater. The DCP came into effect on 1 February 2004.

4.3.1 Section B – General Controls

| Item | Requirement | Proposal | Compliance |
|----------------------------|--|---|------------|
| B3 Hazard Controls | | | |
| 3.1 Landslip Hazard | <p>Works must:</p> <ul style="list-style-type: none"> Comply with the Geotechnical Risk Management Policy for Pittwater. Be designed and constructed to remove risk to an acceptable level. Not adversely affect or be affected by geotechnical hazards. | Complies, low-risk land. A Geotechnical Assessment is submitted under a separate cover. | ✓ |
| B3.2 Bushfire | <p>Must be designed and constructed to minimise bushfire risk.</p> <p>Must comply with the requirements:</p> <ul style="list-style-type: none"> <i>Planning for Bushfire Protection (2006)</i> <i>Australian Standards AS 3959:2009 – Construction in a bushfire-prone area.</i> | Complies. The site is considered BAL Flame zone, the development will provide a reasonable and satisfactory level of bushfire protection. A Bushfire Risk Assessment is submitted under a separate cover. | ✓ |



| Item | Requirement | Proposal | Compliance |
|---|--|---|------------|
| B5.15 Stormwater | Must comply with Council's requirements. | Complies. A Stormwater Plan is submitted under a separate cover. | ✓ |
| B6.1 Access driveways and Works on the Public Road Reserve | | | |
| General Requirements | Access Driveway must be provided when car parking spaces are proposed. | Complies. | ✓ |
| Access Driveway Design | Access Driveway must comply with: <ul style="list-style-type: none"> Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking. Australian Standard AS/NZS 2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities except as qualified in this control. | Complies. A Driveway Structural Plan is submitted under a separate cover. | ✓ |
| Number of Access Driveways per Allotment | One access driveway allowed for lots with less than 30m in frontage. | Complies. One driveway is proposed. | ✓ |



| Item | Requirement | Proposal | Compliance |
|---------------------------------|--|---|------------|
| Access Driveway Location | <p>Access Driveway must provide adequate sight distance to maximise pedestrian and vehicular safety:</p> <ul style="list-style-type: none"> • Minimum clear distance along the road frontage edge of kerb of 50 metres for 40 and 50 kph speed limit roads measured from a point on the centreline of the driveway 2.5 metres from the face of kerb; and • Minimum clear distance along the frontage footway of 5 metres, measured from a point on the centreline of the driveway 2.5 metres from the edge of footway area closest to property boundary. | Complies. A Driveway Structural Plan is submitted under a separate cover. | ✓ |
| Access Driveway Width | <p>Maximum width of access driveway with nil to 3.5m distance to building line to boundary as followed:</p> <ul style="list-style-type: none"> • Width at Boundary: Width of car parking area or garage opening • Width at Kerb: Width of car parking or garage opening plus 0.5m | Complies. A Driveway Structural Plan is submitted under a separate cover. | ✓ |



| Item | Requirement | Proposal | Compliance |
|---|--|---|------------|
| Access Driveway Profile and Gradient | <p>Access Driveway must comply with the following requirements:</p> <ul style="list-style-type: none"> • Council's Appendix 10 - Driveway Profiles. • To be constructed with an impervious pavement and gutter crossing construction. • Gutter crossings & Access Driveway are to be in plain concrete. • To match with the adjacent constructed footpaths. • To be structurally adequate for its intended use. | Complies. A Driveway Structural Plan is submitted under a separate cover. | ✓ |
| Access Driveway - Stormwater Drainage | All Access Driveways on the low side of the road are to be designed and constructed such that stormwater drainage is directed away from the Access Driveway. | Complies. A Concept Stormwater Design Plan is submitted under a separate cover. | ✓ |
| Access Driveway and Public Utilities Costs | Construction, maintenance, and adjustment of any utility service costs are the applicant's responsibility. | N/A, can comply with conditions of consent. | N/A |
| B6.3 Off-Street Vehicle Parking Requirements | Minimum number of off-street vehicle parking required for a dwelling with more than 2 bedrooms is 2 spaces. | Complies. A New 2-space carport is proposed. | ✓ |



| Item | Requirement | Proposal | Compliance |
|--|---|---|------------|
| | <p>The design of all parking areas shall be in accordance with the current edition of the following Australian Standards:</p> <ul style="list-style-type: none"> • Australian Standard AS/NZS 2890.-12004: Parking Facilities Part 1: Off Street Car Parking; • Australian Standard AS/NZS 2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities; • Australian Standard AS/NZS 2890.3-1993: Parking Facilities Part 3: Bicycle Parking Facilities; and • Australian Standard AS/NZS 2890.6-2009: Parking Facilities – Part 6: Off-Street Parking for People with Disabilities except as qualified in this control. | Complies. A Driveway Structural Plan is submitted under a separate cover. | ✓ |
| B8 Site Works Management | | | |
| B8.3 Construction and Demolition - Waste Minimisation | Waste materials generated through demolition, excavation and construction works are to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. | Complies. A Waste Management Plan is submitted under a separate cover. | ✓ |



| Item | Requirement | Proposal | Compliance |
|--|--|---|------------|
| B8.4 Construction and Demolition - Site Fencing and Security | <p>Must be protected by site fencing for the duration of the works.</p> <p>When construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding per Section 126(1) of the <i>Roads Act</i> 1993.</p> | N/A, can comply with conditions of consent. | N/A |
| B8.5 Construction and Demolition - Works in the Public Domain | <p>All works must be protected in a manner to always ensure pedestrian and vehicular safety.</p> <p>Must make provision for pedestrian and traffic flow and not adverse nuisance.</p> <p>Must make good any damage or disruption to the public infrastructure.</p> | N/A, can comply with conditions of consent. | N/A |

4.3.2 Section C – Development Type Controls

| Item | Requirement | Proposal | Compliance |
|-------------------------|---|--|------------|
| C1.1 Landscaping | All canopy trees and most vegetation (more than 50%) shall be locally native species. | Complies. The development does not propose a substantial change to the existing landscape. | ✓ |
| | Low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form. | Complies. 23 Trees are to be retained, 5 trees are to be protected and only 6 trees are recommended to be removed. An arborist report has been submitted under a separate cover. | ✓ |



| Item | Requirement | Proposal | Compliance |
|--------------------------|---|--|------------|
| | Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained. | N/A, can comply with conditions of consent. | N/A |
| | Deep soil to be as followed: <ul style="list-style-type: none"> • 300mm for lawn • 600mm for shrubs • 1metre for trees | N/A, can comply with conditions of consent. | N/A |
| | Front of dwelling landscape to be at least 60% | Complies. The development does not propose a substantial change to the existing landscape. | ✓ |
| | In bushfire-prone areas, species shall be appropriate to the bushfire hazard. | Complies. A Bushfire Assessment Report is submitted under a separate cover. Refer to 5.7.4 | ✓ |
| | Landscaping shall not unreasonably obstruct driver and pedestrian visibility. | Complies. The development does not propose a substantial change to the existing landscape. | ✓ |
| | Provide for the reasonable retention and protection of existing significant trees | Complies. An Arboricultural Impact Assessment is submitted under a separate cover. | ✓ |
| | Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or a minimum of 3 metres where pier and beam footings are used. | N/A, can comply with conditions of consent. | N/A |
| C1.3 View Sharing | View sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing. | Complies, the proposal will not cause a loss of any significant views that would be reasonable to be maintained in accordance with the LEC principles. | ✓ |



| Item | Requirement | Proposal | Compliance |
|----------------------------|--|---|------------|
| | Built structures within the setback areas are to maximise visual access through the structure. | Complies. | ✓ |
| | Views are not to be obtained at the expense of native vegetation. | All trees being removed are confined to the front setback area on the high side of the property for the purpose of constructing the new driveway and garage. Any views towards Maccars Creek are confined to the rear of the property where no trees are proposed to being removed. | ✓ |
| C1.4 Solar Access | The main private 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 9 am and 3 pm on June 21st. | Complies. Minimum increase to existing shadowing. | ✓ |
| | Appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access. | Complies. Minimum increase to existing shadowing. | ✓ |
| C1.5 Visual Privacy | Private open space areas including swimming pools and living rooms proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout. | Complies. The proposed pool and private open space are not within the 45-degree view angle of any of the adjoining dwellings. | ✓ |
| | Direct views of private open space or any habitable room window within 9m can be restricted | Complies. All adjoining dwelling windows face away from the proposed pool and POS. | ✓ |



| Item | Requirement | Proposal | Compliance |
|--|--|---|------------|
| C1.6 Acoustic Privacy | Noise-generating pool/spa motors shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary. | Complies. The pool pump is proposed to be located under the pool deck in a soundproofed enclosure. Refer to Drawing DA26. | ✓ |
| C1.7 Private Open Space | Minimum 80m ² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard | Complies. Existing private open space will remain unchanged with an area of 452.73m ² | ✓ |
| | Within the private open space area, a minimum principal area of 16m ² with a minimum dimension of 4m and a grade no steeper than 1 in 20 (5%). | Complies. | ✓ |
| | Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas. | Complies. | ✓ |
| | Private open space areas are to have good solar orientation. | Complies. | ✓ |
| C.1.12 Waste and Recycling Facilities | A Waste Management Plan must be provided. | Complies. A Waste Management Plan is submitted under a separate cover. | ✓ |
| C.1.14 Separately Accessible Structures | A separately accessible structure, ancillary to a dwelling that has no cooking facilities is permitted. | Complies. Proposed ancillary studio with no kitchen or bathroom facilities. | ✓ |



| Item | Requirement | Proposal | Compliance |
|------------------------------------|---|---|------------|
| C.1.17 Swimming Pool Safety | Swimming pool fencing and warning notices must be per <i>Swimming Pools Act 1992</i> and regulations and shall be permanent structures. | Complies. Refer to Drawing DA26, DA27 & DA28 Pool Plans & Sections. | ✓ |

4.3.3 Section D – Locality Specific Development Controls

| Item | Requirement | Proposal | Compliance |
|---|---|---|------------|
| D2 Bayview Heights Locality | | | |
| D2.1 Character as viewed from a public place | <p>Carports must not be dominant site features:</p> <p>Must be located behind the front building line.</p> <p>Must not be greater than 50% or 7.5m width of the lot frontage.</p> | The proposed carport is screened by the existing landscape, softening the visual impact of the structure against the streetscape. Due to the topography of the site, the carport is proposed on the building line | Merit |
| | Landscaping is to be integrated with the building design to screen the visual impact of the built form and must give the appearance of being secondary to landscaping and vegetation. | Complies. The proposed carport is screened by the existing landscape, softening the visual impact of the structure against the streetscape. | ✓ |
| D2.3 Building colours and materials | External colours and materials shall be dark and earthy tones and finishes are to be of low reflectivity. | Complies. Refer to plan DA22 Finishes Board. | ✓ |
| D2.5 Front building line | The minimum front building line must be 6.5m or the established building line, whichever is greater. | Due to the topography of the lot, the carport is proposed on the building line. | Merit |



| Item | Requirement | Proposal | Compliance |
|--|---|--|------------|
| Variations | Where car parking is to be provided on steeply sloping sites, reduced or nil setbacks for car parking structures and spaces may be considered, however, all other structures on the site must satisfy or exceed the minimum building line applicable. | Two off-street car parking spaces are required for the proposal. Due to the topography of the lot, the carport is proposed to be built on the boundary lot line. | Merit |
| D2.6 Side and rear building line | The minimum side and rear building line must be: <ul style="list-style-type: none"> ▪ 2.5 to at least one side; ▪ 1.0 for the other side ▪ 6.5 for the rear | Complies. | ✓ |
| D2.7 Building envelope | Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height. | There is and exisintg non compliance however the proposed development does not propose any increase in this non-compliance. | Merit |
| Variations | Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis. | There is and exisintg non compliance however the proposed development does not propose any increase in this non-compliance. | Merit |
| D2.8 Landscaped Area - Environmentally Sensitive Land | Any alterations or additions to an existing dwelling shall provide a minimum of 60% of the site area as landscaped area. | Complies. | ✓ |
| Variations | 6% of the total site area may be provided as impervious landscape treatments, providing these areas are for outdoor recreational purposes only. | Complies. | ✓ |



| Item | Requirement | Proposal | Compliance |
|--|--|--|------------|
| 2.10 Fences – General | Front and side fences shall: | The existing front fence is 1.260m in height. The driveway section of the fence is proposed to be removed. | Merit |
| a. Front fences and side fences (within the front building setback) | <ul style="list-style-type: none"> ▪ Not exceed a maximum height of 1 metre above existing ground level, ▪ Be compatible with the streetscape character, and ▪ Not to obstruct views available from the road. | | |
| | Fences are to be constructed of open, see-through, dark-coloured materials. | Complies. No new fencing is proposed. The fence section where the driveway is proposed is to be removed. | ✓ |
| | Landscaping is to screen the fence on the roadside. Such landscaping is to be trimmed to ensure a clear view of pedestrians and vehicles travelling along the roadway, for vehicles and pedestrians exiting the site. | N/A, can comply with conditions of consent. | N/A |
| b. Rear fences and side fences (to the front building line) | Fencing is permitted along the rear and side boundaries to a maximum height of 1.8 metres. | Complies. No change to existing. | ✓ |
| | Properties with grazing animals should be appropriately fenced to confine the animals onsite. | Complies. No change to existing. | ✓ |
| D2.12 Construction, Retaining walls, terracing and undercroft areas | Lightweight construction and pier and beam footings should be used in environmentally sensitive areas. | Complies. | ✓ |
| | Retaining walls and terracing shall be kept to a minimum. | Complies. | ✓ |



| Item | Requirement | Proposal | Compliance |
|------|---|-----------|------------|
| | On steeper slopes, preference is given to the use of stable rock ledges and escarpments to reduce the visual bulk of buildings. Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone-like materials. | Complies. | ✓ |
| | In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing. | Complies. | ✓ |



5 Regulation Assessment

5.1 Section 4.15(1)(a)(i) – Provisions of Any Environmental Planning Instrument

Pittwater Local Environmental Plan 2014

The subject site falls under the jurisdiction of the Pittwater Local Environmental Plan 2014. (Pittwater LEP 2014).

The subject site is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

Under the LEP, alterations and additions to a four-storey residential dwelling, new carport, studio and pool are permissible within this zone with consent.

5.2 Section 4.15(1)(a)(ii) – Provisions of Any Draft Environmental Planning Instrument

There are no draft EPIs which apply to the proposed development or subject site.

5.3 Section 4.15(1)(a)(iii) – Provisions of Any Development Control Plan

As previously discussed in Section 4.3, the Pittwater 21 Development Control Plan (Pittwater 21 DCP) applies to the development proposed on the subject site.

The tables in Section 4.3.1 outline the relevant provisions and the specific development controls and provisions are discussed in greater in this Section.

The proposed alterations and additions to a four-storey residential dwelling, new carport, studio and pool are permissible within this zone with consent.

5.4 Section 4.15(1)(b) – Likely Impacts of That Development – Built Environment

5.4.1 Site Analysis, Site Design and Streetscape

The subject site is located within the suburb of Bayview, in the Bayview Heights Locality, which is approximately 34 kilometres north of the Sydney CBD, in the Northerns Beaches Region.



The surrounding area is characterised by being a low-density residential area with multi-storey free-standing dwellings and multi-residential buildings with varying architectural styles. The streetscape is defined by consistent setbacks with front gardens that include landscaping, established trees, front fences and car parking spaces.

The site is an irregular rectangle allotment known as 6 Jacqueline Close, Bayview. It is legally described as Lot 14 DP 216165 with an area of approximately 849.80m². It contains a four-storey brick and timber-clad free-standing dwelling with a metal roof.

The site has a frontage to Jacqueline Close of 23.31m and a depth of 53.59m. The front boundary has a fall from west to east of approximately 1m consistent with the streetscape. The lot has its steepest slope its north boundary descending 16.5m from northeast to southwest.

The site is not identified as a heritage item under the Pittwater Local Environmental Plan 2014 or the State Heritage Registry. It is not located within a Conservation Area or adjacent to many individual listed heritage items. The site is not located near industry and is environmentally safe it is not identified as being affected by flood. However, it is located in an area considered Acid Sulphates Class 5, Geotechnical Hazard H1 and Biodiversity land.

The site is favourably located within a short driving distance of several compatible social uses such as commercial streets (Mona Vale local centre, 5.5km to the southeast), educational establishments (St Luke's Grammar Bayview, 2.9km to the southwest), open public spaces (Kennedy Park, 600m to the northwest and Church Point Beach, 4km north), health facilities (Mona Vale Medical Centre, 4.8km to the southeast), places of worship (Sacred Heart Catholic Church, 4.7km to the southeast)

The site is not located close to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. The site is not located within proximity to heavy or hazardous industry, waste transfer depots or landfill sites; LPG tanks or service stations; water cooling and water warming systems; odour (and other air pollutants) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.

The development proposes the alterations and additions to a four-storey residential dwelling, featuring the construction of a new carport, studio, pool and property access and the demolition of the existing access staircase as detailed in the Architectural Plans prepared by Progressive Plans. The additions appearance will be consistent with the existing dwellings and buildings within the vicinity.

DCP Requirements

(D2.5 Front building line)

"b) v) The minimum front building line shall be in accordance with the following table.



| Land zoned Residential | Front Building Line (metres) |
|---|--|
| Land zoned E4 Environmental Living adjoining McCarrs Creek Road | 10 or established building line, whichever is the greater. |
| All other land zoned R2 Low-Density Residential or E4 Environmental Living | 6.5 or established building line, whichever is the greater. |
| Land zoned R5 Large Lot Residential adjoining McCarrs Creek Road | 30 |
| All other land zoned RU2 Rural residential or R5 Large Lot Residential. | 20 |
| All other land | Merit Assessment |

Built structures other than driveways, fences and retaining walls are not permitted within the front building setback."

Compliance Assessment

A variation to the above requirement might be permissible by Council:

"Where carparking is to be provided on steeply sloping sites, reduced or nil setbacks for carparking structures and spaces may be considered, however, all other structures on the site must satisfy or exceed the minimum building line applicable."

Two off-street car parking spaces are required for the proposal. Due to the topography of the lot, the entrance, access staircase, driveway, retaining wall and double carport are proposed to be built on the boundary lot line with nil setback. Complying with Council's variation to the front building line requirement.

(D2.10 Fences - General)

"a) Front fences and side fences (within the front building setback)

Front and side fences (within the front building setback) shall:

- *not exceed a maximum height of 1 metre above existing ground level,*
- *shall be compatible with the streetscape character, and*
- *not obstruct views available from the road."*

Compliance Assessment

As per the requirements, the maximum height of the front fence should be 1 meter. To reduce the impact on the existing facade, the development proposes to maintain the existing 1.26 meter-high front fence. The portions of the fence where the driveway is proposed will be removed.

5.4.2 Height, Bulk and Scale

No changes are proposed to the main four-storey dwelling height, bulk or scale. The new pool and deck are proposed on the existing lower balcony. The lower natural level is proposed to be levelled through peering to accommodate the pool having minimal impact on the bulk of the lower residential level



The new studio and carport are proposed on the front of the property with a height of 7.677m. The carport roof is lower than the existing gate house roof blending with the existing site landscape maintaining the built form of the adjoining and adjacent dwellings along the streetscape and the locality. The studio windows, floor heights and building layout allow for adequate light and ventilation throughout without the need for reliance on mechanical ventilation or harsh lighting and improve the overall energy efficiency of the building while creating comfortable environments through pleasant conditions.

5.4.3 Access, Servicing, Parking and Traffic

The proposal includes a new driveway, carport, and pedestrian access. The application is supported by a Driveway Structural Plan.

5.4.4 Sunlight and Shadow

The development proposes minimal change to the existing building bulk, not to increase the existing overshadowing. The development will not cause solar access of the adjoining properties to decrease.

5.4.5 Views

The development proposes minimal change to the existing building layout. The carport roof is lower than the existing gate house roof blending with the existing site landscape. The new deck and pool are proposed on the existing lower level, peering to even the lower natural level is proposed. None of the developments negatively impact the views from and to the site.

5.4.6 Heritage

The site is not identified as a heritage item under the Pittwater Local Environmental Plan 2014 or the State Heritage Registry. It is not located within a Conservation Area or adjacent to many individual listed heritage items.

5.4.7 Visual Privacy

A ground level window (W01) is proposed to be relocated from the front façade of the dwelling to its side façade. The studio clerestory windows (W01 & W02) are proposed on its south facade. All windows location and size ensure visual privacy and minimises potential noise and overlooking impacts on the immediate neighbours.

The new deck and pool are located on the lower ground level of the site, this area is heavily landscaped with tall established tree with abundant foliage, ensuring visual privacy and minimises potential noise and overlooking impacts on the adjoining dwellings private open space, living rooms and bedrooms.



5.4.8 Noise

The development proposes alterations and additions to an existing dwelling house, not to be a significant noise source to the local area.

5.4.9 Landscaping

As part of this application six (6) trees are recommended to be removed, five (5) trees require tree sensitive footing construction methods to be retained in a viable condition, and twenty-three (23) trees are recommended to be retained in a viable condition.

The development is sitted in a well vegetated site with established landscaping, refer to pictures in the Appendix. The alterations and additions do not propose a substancial change to the existing landscape. As listed above, the main alteratios are the removal of trees. This is supported by an Arboricultural Impact Assessment that is submitted as part of this application.

5.4.10 BCA and Australian Standards

The proposal is for the alterations and additions to a four-storey residential dwelling, new carport, studio and pool.

The development is subject to a number of regulations and standards including but not limited to:

Building Code of Australia (National Construction Code) and associated Australian Standards

The proposed development is supported by the relevant consultant reports and compliance can be ensured through a condition of consent.

5.4.11 Waste Management

A Waste Management Plan has been prepared and is submitted under separate cover.

The demolition and construction involved in the proposed development will minimise waste where possible and all waste will be sent to a licenced waste transfer facility. A waste management plan is included with the application. The development will have no impact on the ongoing waste management of the site; therefore, the existing waste storage and collection plan will remain unchanged.

5.5 Section 4.15(1)(b) – Likely Impacts of That Development – Natural Environment



5.5.1 Landform, Cut and Fill

Minor cut and fill is proposed. Peering and retaining walls are proposed on the lower natural level of the site to support the new deck and pool ensuring the existing landform is retained. New staircase access, studio and carport are design to retain the front landform as much as possible.

The development is able to be undertaken using standard engineering practices, the development will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

5.5.2 Tree Removal and Retention

As part of this application six (6) trees are recommended to be removed, five (5) trees require tree sensitive footing construction methods to be retained in a viable condition, and twenty-three (23) trees are recommended to be retained in a viable condition.

An Arboricultural Impact Assessment is submitted as part of this application.

5.5.3 Stormwater Drainage

Improvement to the existing stormwater system is proposed. The application is supported by a Stormwater Management Plan.

5.5.4 Soils, Erosion and Sedimentation

There will be no soil or erosion and sediment impact as a result of the proposal. The application is supported by an erosion and sediment control plan and is submitted under a separate cover.

5.5.5 Endangered Flora and Fauna

No endangered flora or fauna are impacted by the proposal. The proposed removal of six (6) trees is supported by an Arboricultural Impact Assessment that is submitted as part of this application.

5.6 Section 4.15(1)(b) – Likely Impacts of That Development – Social and Economic

5.6.1 Safety and Social Impact

The development is alterations to an existing dwelling house, posing no safety and social impact to the local environment.



5.7 Section 4.15(1)(b) – Likely Impacts of That Development – Hazards

5.7.1 Soil Instability, Subsidence, Slip, Mass Movement

The subject site is not known to contain subsidence or landslip issues. A Geotechnical Assessment is submitted as part of this application. The report states the following:

“The likelihood of the existing slope failing is assessed as ‘UNLIKELY’; the consequences of such a failure are assessed as ‘MINOR’. The risk to property is ‘LOW’. The existing conditions and proposed development are considered to constitute an ‘ACCEPTABLE’ risk to life and a ‘LOW’ risk to property...”

5.7.2 Acid Sulfate Soils

The site is considered acid sulfate class 5, the development does not propose any excavation and does not expect to disturb acid sulfate soils. A Geotechnical Assessment is submitted as part of this application.

5.7.3 Flooding, Tidal Inundation

The subject site is not located within a flood-prone area and will not adversely impact natural overland flood paths.

5.7.4 Bushfire

The site is located in a bushfire-prone area. The proposal is supported by a Bushfire Assessment Report which is submitted under a separate cover. The report provides the following recommendations:

- That all grounds within the subject property are to continue to be maintained as an Asset Protection Zone (Inner Protection Area) as detailed in the NSW Rural Fire Service’s document ‘Standards for Asset Protection Zones’ and Appendix 4 of Planning for Bush Fire Protection 2019.
- That all new construction to the proposed carport and studio shall comply with Australian Standard AS3959-2018 "Construction of buildings in bush fire-prone areas" Sections 3 & 9 (BAL FZ) & Section 7.5 of Planning for Bushfire Protection 2019.
- The proposed pool and surrounds are to be constructed entirely from non-combustible materials
- 4. That any new landscaping is to comply with Section 3.7 ‘Landscaping’ under



Planning for Bush Fire Protection 2019.

- That the occupants of the subject dwelling complete a Bush Fire Survival Plan.

5.7.5 Contamination

The land is not considered to be at risk of being contaminated given its long-term use as residential development.

5.8 Section 4.15(1)(d) – Submissions Made in Accordance with the Act or Regs

Not relevant at the SEE preparation stage.

5.9 Section 4.15(1)(e) – The Public Interest

The proposed development is not considered to be contrary to the public interest.



6 Summary

The subject site is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014. Alterations and additions to a four-storey residential dwelling, new carport, studio and pool are permissible within this zone with consent.

The proposal is permissible with the development consent and performs favourably in relation to the relevant aims, objectives and development standards of the relevant environmental planning instruments and associated development control plan.

The proposed alterations and additions are consistent with Section 4.15 of the *Environmental Planning and Assessment Act 1979* and *Regulations 2021* and should be supported.



APPENDIX 1 – SITE PICTURES

Photo Key



Source: Urbanism (2022)

Picture 2: View of the proposed studio and carport location from entrance



Source: Urbanism (2022)



URBANISM
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Picture 3: View of the streetscape looking west on Jacqueline Close



Source: Urbanism (2022)



URBANISM
PLANNING & DEVELOPMENT

Picture 4: View of the proposed carport location from Jacqueline Close



Source: Urbanism (2022)



URBANISM
PLANNING & DEVELOPMENT

Picture 5: View of the proposed studio and carport location from dwelling



Source: Urbanism (2022)



Picture 6: View of the proposed deck and pool location from dwelling



Source: Urbanism (2022)



URBANISM
PLANNING & DEVELOPMENT

Picture 7: View of the proposed deck and pool location



Source: Urbanism (2022)