

STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 35 DP 20097 & Lot 34 DP 20097
231-233 Mccarrs Creek Road
Church Point

PROPOSED DEVELOPMENT: Construction of a detached three storey dwelling.



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INTRODUCTION

This Statement of Environmental Effects is submitted to Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the construction of a three-storey dwelling containing five (5) bedrooms, rumpus, family, living and dining rooms along with an attached garage and outdoor alfresco area. This report is based upon plans prepared by Wincrest Homes, Job No. 17491, Issue T, dated 08.03.2024.

The subject site is made up of two allotments and is located on the eastern side of McCarrs Creek Road. The allotment is irregular in shape with a frontage of 23.59m, an average depth of 33.105m and a total land area of 744.84m²

The surrounding site is well vegetation and trees surrounding and within the site will be retained where possible. The site is currently vacant and requires the removal of several trees in order to site the proposed development. An Arborist Report has been provided with the subject development application. Replacement planting and additional landscaping is to occur following construction in order to ensure the landscape character of the area is maintained.

The site has a significant fall to the south-western front corner which is typical for this area of Church Point. All necessary services are available to the site and drainage from the development is to be directed to the street via a rainwater tank collection system in accordance with the Concept Drainage Plan attached to this application.

The surrounding neighbourhood is currently undergoing an urban renewal phase, setting a contemporary streetscape theme that consists of predominately two and three storey dwellings on steeply sloping allotments. No heritage items are noted on site or within its immediate surrounds. The site is located within close proximity to McCarrs Creek and is surrounded by bushland area to its east.

The following sections of this statement address the likely impact of the proposal.



LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

(a)(i) Relevant environmental planning instruments

State Environmental Planning Policy (Building Sustainability Index) 2004

The proposed development has been designed with a high degree of consideration toward energy efficiency and sustainability. A BASIX Certificate has been prepared with the requirements to be implemented during construction and prior to occupation. The development is considered to achieve the aims and objectives of this policy.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 4 - Miscellaneous

Clause 4.2 Savings and transitional provisions

(1) This policy does not apply to the following—

- (a) a development application submitted on the NSW planning portal but not finally determined before 1 October 2023,*
- (b) an application for a complying development certificate lodged on the NSW planning portal but not finally determined before 1 October 2023,*
- (c) a development application for BASIX development or BASIX optional development submitted on the NSW planning portal on or after 1 October 2023, if the BASIX certificate that accompanies the development application was issued before 1 October 2023,*
- (d) an application for a complying development certificate for BASIX development or BASIX optional development lodged on the NSW planning portal on or after 1 October 2023, if the BASIX certificate that accompanies the application was issued before 1 October 2023,*
- (e) an application for modification of a development consent under the Act, section 4.55 or 4.56 submitted on the NSW planning portal but not finally determined before 1 October 2023,*
- (f) an application for modification of a development consent under the Act, section 4.55 or 4.56 submitted on the NSW planning portal on or after 1 October 2023, if the development*



application for the development consent was submitted on the NSW planning portal before 1 October 2023.

(2) Section 2.1(1) does not, until the end of 30 June 2024, apply to relevant BASIX development if the contract to carry out works for the relevant BASIX development is entered into on or before 30 September 2023.

The BASIX was issued on the 8th April 2024, as a revision to the certificate completed on the 12th August 2023 therefore the provisions of this policy do not apply to the proposed development.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is within an existing area historically utilised for residential purposes. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Part 2.3 Development controls



Division 15 Railways

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

Clause 2.98 Development adjacent to rail corridors

- (1) *This section applies to development on land that is in or adjacent to a rail corridor, if the development—*
- (a) *is likely to have an adverse effect on rail safety, or*
 - (b) *involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - (c) *involves the use of a crane in air space above any rail corridor, or*
 - (d) *is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.

Division 17 Roads & Traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

Clause 2.119 Development with frontage to classified road

- (1) *The objectives of this section are—*
- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise*



or vehicle emissions within the site of the development arising from the adjacent classified road.

The subject site is not located within proximity to a classified road, and does not have a frontage or common boundary with the classified roadway. No further assessment is anticipated in this regard.

Pittwater Local Environmental Plan 2014

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

Part 2 Permitted and prohibited development

Clause 2.2 Zoning of land to which this plan applies

The subject site is zoned C4 Environmental Living pursuant to Clause 2.2 of Pittwater Local Environmental Plan 2014.

The proposed development is defined in the Plan as a "dwelling house" being "*a building containing only one dwelling*".

The identified zone permits the development of a 'dwelling house' subject to development consent from Council.

Clause 2.3 Zone objectives and land use table

The objectives of the C4 Zone are:

- *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 proposed three storey dwelling is compatible with the existing and future character of the locality. The development is suitably located on the allotment to ensure there is minimal impact on the surrounding properties and the character of the area. The development is designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site. Vegetation removal is required for the siting of the proposed dwelling however replacement planting will occur following construction in order to maintain the ecological value of the land.

The proposed dwelling is a suitable development for the site and is considered to meet the objectives of the C4 zone.

Part 4 Principal development standards

Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
8.5m	9.18m	No – refer to Clause 4.3 (2D) below.

Clause 4.3(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if—

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
- (b) the objectives of this clause are achieved, and*
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

The subject site is identified to have a slope greater than 16.7 degrees and the proposed development provides a maximum building height of 9.18m to a portion of the north-western front of the proposed dwelling.



The increased building height is the direct result of the topography of the allotment, with a significant fall through the site. The proposed building height is considered to have minimal impact on the overall development in terms of bulk and scale appearance, due to the extensive articulation provided, stepping of the front façade and increased first floor setback. Further, existing and proposed landscaping that follows the topography of the allotment is able to appropriately screen and soften the visual bulk of the proposed development. The proposed dwelling provides a suitably sized dwelling in keeping with recent developments on McCarrs Creek Road and in the surrounding area.

As the proposed increase in height relates to a minor portion of the dwelling, and as there is minimal perceived impact on the streetscape character of the area or the amenity of adjoining allotments, the proposal is considered to be able to meet the objectives of this clause.

Part 4 Principal development standards

Clause 4.4 Floor Space Ratio

The subject site is not identified on the Floor Space Ratio Map as being subject to an FSR control.

Clause 4.6 Exceptions to development standards

The proposal does not contravene the development standards of the LEP.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or located within close proximity to any heritage items.

Clause 5.11 Bush fire hazard reduction

The subject site is identified as being bushfire prone land. Please refer to the attached Bushfire Assessment Report.



Clause 5.21 Flood planning area

The subject site is not known to be located within a flood planning area.

Part 7 Additional local provisions

Clause 7.1 Acid sulfate soils

The subject property is identified as being affected by Class 5 Acid Sulfate Soils. The proposal is not considered to lower the water table by 1 meter. The proposed dwelling requires excavation predominately within the footprint area to provide foundations for the proposed dwelling. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils.

Clause 7.2 Earthworks

Ground disturbance is required to provide a level platform to site the building footprint. The extent of earthworks is not considered excessive for the site as the dwelling incorporates a split-level design to reduce the amount of earthworks required, as well as the use of deepened edge beams to reduce site disturbance outside of the dwelling footprint. All earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties.

Clause 7.6 Biodiversity

The subject site is identified as being within an area of terrestrial biodiversity. The proposed development involves the removal of several trees in order to site the proposed development however additional landscaping will be provided following construction to ensure that the landscape character of the area is maintained and preserved. It is not anticipated that the development will detrimentally impact upon the ecological value and significance of the fauna and flora on the land or the importance of the vegetation to the habitat of native fauna and the habitat elements providing connectivity on the land.

Clause 7.10 Essential Services

All necessary services are available on the site including access to water, sewer, telecommunications and electricity.



* * *

Conclusion with respect to LEP requirements

The proposal satisfies the objectives and requirements of the PLEP 2014.

(a)(ii) Relevant draft environmental planning instruments

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.

(a)(iii) Relevant development control plans

Pittwater Development Control Plan No. 21

DCP is divided into several sections of generic and individual locality based controls. The subject site is located within the Church Point and Bayview Locality. Assessment of the subject proposal against DCP No.21 is provided as follows;

SECTION A

A4.4 Locality character statement – Church Point and Bayview Locality

Context (extract)

The locality was named for its outlook onto Pittwater, and was officially recognised when Bayview Post Office was opened in 1882. During the nineteenth century, several small farms producing fruit, vegetables, and poultry were established along the sheltered north-facing shore. Church Point, containing a wharf, chapel, school, post office, and cemetery, developed as an important link to the island and western foreshores. With the extension of the coach service from Manly in the 1880s, the locality became a holiday destination. Visitors also reached the locality by boat. Residential development intensified in the locality in the 1960-70s.

The locality has developed into a predominantly low-density residential area, with dwellings built along the steep slopes and lowlands around the base of the plateau. The locality is characterised



mainly by one and two-storey dwelling houses on 600-1,000 square metre allotments (some smaller blocks may exist), increasing to 1 hectare on the steeper slopes. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. Although parts of the locality are steep, the natural fall of the land in most cases has been retained, and where retaining walls have been constructed, these are screened by natural vegetation. Terraced gardens are not a feature of the area and should not be encouraged.

The locality is serviced by neighbourhood retail facilities at Church Point, which remains an important link to the offshore communities. The locality also contains a school, the Pasadena restaurant and function centre and several reserves.

Houses, vegetation, cemetery, post office and store, and other structures, indicative of early settlement in the locality, have been identified as heritage items.

The locality is characterised by steep slopes and lowlands around the base of the plateau to the waters edge and by the bushland approach to Kuringai Chase National Park which exists because of abandoned RMS road reserves which have preserved the diverse environment and form a scenic transition along McCarrs Creek Road between the National Park and Church Point. Due to the topography, significant views can be obtained to the north, east, and west. Conversely, the slopes and ridge tops of the locality are visually prominent.

Much of the natural tree canopy has been retained, especially on the steeper slopes.

The natural features of the locality result in a high risk of bushfire, landslip, flood, and estuary wave action and tidal inundation

The major roads within the locality are Cabbage Tree Road, McCarrs Creek Road and Pittwater Road. McCarrs Creek Road provides access to Ku-ring-gai Chase National Park to the west, while Pittwater Road provides access to land to the east. Several pedestrian links and pathways exist within the locality, including adjacent to the Pittwater waterway. Pedestrian access along the waterfront is difficult in some locations but should be improved, especially over private property.

The proposed development is to be located on a 744.84m² site consisting of two adjacent allotments. Several trees are identified for removal in order to site the proposed dwelling. The development minimises vegetation removal as much as practical on the subject site through dwelling



siting. Additional landscaping will occur following construction in order to maintain the landscape and ecological character of the area.

The proposed development is considered to be consistent with the existing and intended character of the area and the character of McCarrs Creek Road. The design and style chosen is desired by the market today being of a contemporary nature using appropriate building materials which ensures that the built form will not be out of place and will not detract from the amenity of surrounding properties.

The proposal does not present any detriment to views or streetscape setting and environmental issues are considered to be satisfactorily addressed.

This development application is supported by all the necessary documentation to address the relevant environmental triggers of this Plan, such as landscaping and stormwater plans.

Desired Character (extract)

The Church Point and Bayview locality will remain 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 lowlands in the locality on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. 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. The locality is characterised by steeply sloping blocks so the provision of facilities such as inclinator, driveways and carparking need to be sensitively designed. The shared use of vehicular/pedestrian access, and the use of rooftops as parking areas can be solutions that minimise the physical and visual impact on the escarpment or foreshore.

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Views from the buildings shall be maintained below the tree canopy level capturing spectacular views up the Pittwater waterway. 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.

The locality is visually prominent particularly from Scotland Island, Bilgola Plateau, and the Pittwater waterway. Therefore, 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, 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.

Pedestrian/cycle access around the foreshore and to areas of open space will be upgraded and maintained.

Church Point will remain an important link to the offshore communities.

The erection of the proposed dwelling will meet with the objectives of the environmental living zone and residential character of the area and is in a similar styling to development already constructed within the locality. The proposed dwelling is considered to be in keeping with newer development throughout the surrounding area and remains below the dominant tree canopy height.

Several trees are required to be removed as part of the proposed development with additional landscaping proposed following construction in order to ensure the natural landscape character of the site and surrounding area is maintained.

Consideration has been given to the natural features and character of the surrounding area of the site during the design selection process with the proposed dwelling considered to be the most suitable development for the site.



The overall design of the dwelling has given consideration to the site's environmental constraints, the amenity of neighbouring properties, views obtained from the site and the streetscape.

The proposed dwelling is considered to be in keeping with the desired character of the Church Point area.

SECTION B

B1 Heritage Controls

The subject property is not identified as an item of heritage significance, within a conservation area or within proximity of a heritage item.

B3 Hazard Controls

The subject property is identified to be located within a bushfire prone area. Please refer to the attached Bushfire Assessment Report.

The subject property is identified as being affected by Class 5 Acid Sulphate Soils. The proposal is not considered to lower the water table, however will require excavation to site the building footprint. The extent of earthworks is not considered excessive for the subject site. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils.

The subject site is not known to be located within a flood planning area.

B4 Controls Relating to the Natural Environment

The subject site is not identified as being within an area covered by this Clause.

B5 Wastewater management

Drainage from the subject site is to be directed to the street in accordance with the Concept Drainage Plan attached to this application.



B6 Access and Parking

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
Driveway width at boundary to be maximum of 3.0m	Capable of complying	Yes
Driveway width at kerb to be maximum of 3.5m	Capable of complying	Yes
Required parking spaces per dwellings (not secondary dwelling) 1bedroom – 1 space 2bedrooms + - 2 spaces	2 parking spaces provided within attached garage.	Yes
Min. enclosed garage dimensions - 3.0m x 6.0m	6.5m wide x 5.72m deep. Minor decrease in the depth of the garage. The proposed garage is still capable of meeting the Australian Standards and will not prevent the garage from being used for its purpose.	Merit Consideration

Variation Request

Garage dimensions – The Council’s DCP requires enclosed garages to have a minimum dimension of 3m by 6m. The proposed development includes a garage with a 6.5m width and 5.72m depth, therefore requires a variation to this control.

The proposed depth has a minimal numerical non-compliance of 0.28m. The dimensions of the proposed garage comply with the relevant Australian Standards and are considered to be reasonable in this instance as they do not prevent the garage from being utilised for vehicle parking.

The provision of two parking spaces within the proposed garage, having dimensions that comply with the relevant Australian Standards is considered to meet the objectives of the clause. The required variation to the internal depth dimension will not prevent the garage from being utilised in the intended manner and will not have any detrimental impact on the amenity of the dwelling’s occupants or the adjoining properties.



The proposed garage dimensions are not considered to prevent the dwelling from meeting the objectives of the specific carparking controls. Furthermore, the amenity of the dwellings future occupants will not be impacted upon by the proposal as the garage will provide adequate area for vehicles. Therefore, a variation to this control should be supported in this instance.

B8 Site works management

Cut and fill within the site is noted on the accompanying plans. An erosion and sediment control plan is attached with this application for Council's consideration. All sedimentation control devices will be in place prior to any site works for the construction of the dwelling or removal of trees.

SECTION C Development type controls

C1 Design Criteria for Residential Development

<i>Requirements</i>	<i>Provision</i>	<i>Requirement</i>
<u>C1.1 Landscaping</u> 60% of front setback to be landscaped.	Capable of complying.	Yes
<u>C1.2 Safety & security</u> Be able to view visitor at front door without opening it. Casual surveillance of front yard. Adequate lighting provided to minimise possibility of damage. Lighting to minimise annoyance to neighbours.	The proposed development is not anticipated to result in any loss of safety and security. Significant sight lines from the allotment to the street are maintained by the development with adequate lighting provided within the front yard to permit access without annoyance to neighbours.	Yes
<u>C1.3 View sharing</u>	The proposed development is not anticipated to have any unreasonable impact on views of surrounding properties. Any views obtained along the street and through the site can still largely be obtained due to appropriate	Yes



	setbacks whilst considering the topography of the site.	
<p><u>C1.4 Solar access</u> 3hrs to POS of proposed and adjoining 9am-3pm.</p> <p>3hrs to 50% glazing of proposed and adjoining living area windows.</p>	<p>3hrs solar access able to be provided to the proposed dwelling due to siting and appropriate setbacks. Adjoining lots are currently vacant however no unreasonable impact is anticipated to future adjoining properties. Shadows cast from the proposed development are not beyond anticipated levels for a three storey development and on an allotment with north to the side boundary. Shadow diagrams provided for Council's consideration.</p>	<p>Yes</p> <p>Yes</p>
<p><u>C1.5 Visual privacy</u></p>	<p>No detrimental loss of visual privacy anticipated from the proposed development. Living/dining areas are predominately orientated to the front or rear. Generous side setbacks have been provided to the proposal in order to ensure adequate privacy and amenity of neighbouring properties. Upper level side windows minimised as much as possible without resulting in excessive bulk to the side elevations. 1st floor windows predominately relate to bedrooms and bathrooms which are deemed as low trafficable areas, helping to minimise privacy intrusion to adjoining properties.</p>	<p>Yes</p>
<p><u>C1.6 Acoustic privacy</u></p>	<p>No significant noise source within direct proximity of the subject site.</p>	<p>Yes</p>
<p><u>C1.7 Private open space</u> 80m² POS</p>	<p>200m² provided.</p>	<p>Yes</p>



Min dimension 3m	Provided.	Yes
Max 75% POS in front yard	POS predominately located in rear yard.	Yes
Principal area 4m x 4m	4m x 4m provided in rear yard.	Yes
Accessed via living area.	Accessible via main family/dining room.	Yes
POS to have good solar orientation	POS area provided with adequate solar access.	Yes
POS to include provision of clothes drying facilities.	Capable of complying.	Yes
<u>C1.9 Accessibility</u>	Appropriate access to and from the site is available.	Yes
<u>C1.12 Waste and recycling facilities</u>	Adequate area available for bin storage within the site. Waste Management Plan provided for Council's consideration.	Yes Yes
<u>C1.17 Swimming Pool Safety</u> Swimming Pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the <i>Swimming Pools Act 1992</i> and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.	N/A – swimming pool does not form part of the proposed development.	N/A
<u>C1.20 Undergrounding of utility services</u>	"Rainmaster" – located below ground detention tank	Yes
<u>C1.23 Eaves</u> 450mm eaves required.	0-450mm eaves provided.	No – see below.



Variation requests

Eaves - Council's DCP requires a minimum eave width of 450mm to be provided to the entire dwelling. The proposed dwelling has been provided with 0mm eaves to certain flat and skillion roof areas. This non-compliance is not considered to be detrimental to the proposed development. The proposed zero eaves complement the architectural style of the proposed dwelling that is consistent with new developments within the surrounding locality. The proposed design is considered to be appropriate in this instance as the dwelling is able to achieve the requirements of the submitted BASIX certificate despite the non-compliance with the eave width control. This variation is considered to have a negligible impact on the overall merits of the development and a variation should be supported in this instance.

SECTION D Locality specific development controls

D4 Church Point and Bayview Locality

D4.1 Character as viewed from a public place

Site and area analysis has revealed that numerous developments of a similar style and design to the subject proposal have occurred within the area gradually setting a contemporary development theme.

The proposed dwelling has been effectively characterised and complements newer developments in the area helping to enhance streetscape appearance. Streetscape presence is reinforced through articulation of the façade, material changes and high quality landscaping.

The high quality design of the development will ensure the visual bulk of the works is minimised as much as practical for a site containing a three storey dwelling. Existing and proposed planting within the front setback ensures the development is softened and does not dominate the street.

Based upon the design of the dwelling and the nature of the proposal relative to the intended surrounding properties, it is considered that the residence will appropriately blend with the intended future character of McCarrs Creek Road.

The proposed dwelling will successfully contribute to the streetscape and landscape character of the locality.



D4.2 Scenic Protection - General

The proposed development is not considered to have any detrimental impact on the scenic character of the area. The proposed dwelling is designed with contemporary design elements to complement the existing dwelling and changing character of the area.

D4.3 – 4.13 Church Point and Bayview Locality Residential Sectors

This section of the DCP applies to all land within the Church Point and Bayview Locality and provides controls for sector planning (subdivision and layout) and built form. An assessment of the proposed development against the built form controls of this section of the DCP is provided in the following compliance table;

<i>Design Guidelines</i>	<i>Proposed</i>	<i>Compliance</i>
<u>D4.3 / Building colours and materials</u> - Dark & Earth tones	Colour schedule to be provided with DA.	For consideration by Council.
<u>D4.5 / Front Building line</u> Land zoned R2 or E4 adjoining McCarrs Creek Road or Pittwater Road – 10m or established building line, whichever is greater All other land zoned R2 or E4 – 6.5m or established building line, whichever is greater.	N/A >6.5m provided	N/A Yes
<u>D4.6 / Side and rear building line</u> Land zoned R2 or E4: 2.5m to one side; 1.0m to other side. 6.5m to rear (except land in foreshore)	4.28m 2.519m 6.269m	Yes Yes Yes
<u>D4.8 / Building envelope</u> 3.5m above ngl on side boundaries, inward at 45° to max. height.	Portions of proposed first floor outside building envelope.	No – see below.



(eaves permitted outside)		
<u>D4.9 / Landscaped Area – General</u> Landscape area min = 50%	N/A to C4 zones	N/A
<u>D4.10 / Landscaped Area – Environmentally Sensitive Land</u> Landscape area min. = 60%	54.17%	No – see below.
<u>D4.11 Fences</u>	All proposed fencing capable of complying with Council’s requirements.	Yes
<u>D4.13 / Retaining Walls</u> Retaining Walls visible from street ideally of sandstone or similar materials. Undercroft areas limited to 3.5m and provided with landscaping.	Retaining walls capable of being suitably constructed where necessary. No undercroft area proposed.	Yes N/A

Variation Requests

Building envelope – Council’s policy requires that the proposed development is to be contained within the 3.5m building envelope. Portions of the 1st floor are sited outside the building envelope, thus requiring a variation to this control.

The proposed non-compliance is the direct result of the steep topography of the site which would create difficulty in siting a development without some level of non-compliance. It is understood that, for building footprints situated on significantly sloped sites, variations to this control will be considered on the merits of the development.

The proposed development provides generous side setbacks and contains flat or low pitched skillion roof areas in order to reduce visual bulk as viewed from adjoining lots and the streetscape. Providing a development that is entirely contained within the building envelope would not be possible on the subject site.

The non-compliance creates no additional adverse visual impact to the streetscape and is considered to be in context with the built form envisaged for the area. The dwelling is not considered to create shadows beyond that anticipated for a three storey dwelling with north to the side boundary. Privacy of future adjoining properties will not be compromised as a result of the requested variation as



generous side setbacks have been provided and side elevation windows have been minimised as much as practical. Balconies have been provided above ground level, however have been orientated to the front elevation to reduce opportunities for overlooking into the southern neighbouring lot.

The proposed design can satisfy the objectives of the clause and the non-compliance is considered acceptable in these circumstances. It is requested that the variation be supported in this instance.

Landscaped area - Council's controls require dwellings in C4 Zones to be provided with a minimum landscaped area of 60% of the allotment area. The development proposes a landscaped area of 54.17%, requiring a variation to this control.

It is understood that the objectives of the landscape requirement are to ensure that the landscape character and natural vegetation of the area is retained and conserved, and is achieving the desired future character of the area. Furthermore, a reasonable level of amenity and solar access should be provided, along with minimising run-off and bulk of built form through retaining vegetation.

Extensive consideration has been given to providing as much landscaped area as possible to the development with hard surface areas minimised as much as practical for the design. The proposed development has been provided with high quality landscape area throughout the site however providing an adequately sized residential dwelling on the uniquely shaped allotment has resulted in the landscaped area falling short of minimum requirements.

Several trees are required to be removed in order to site the proposed dwelling. Replacement planting and additional landscaping will occur following construction in order to preserve the landscape character of the area, minimise run-off and soften the bulk of built form on site.

The proposed dwelling is in keeping with newer developments in the area, ensuring the current and future character of Church Point is retained.

The proposed dwelling will provide high quality landscaping and amenity with reasonable solar access provided. Providing high quality landscaping and enhanced amenity is considered to outweigh the impact of the reduced landscape area and is considered to result in a suitable outcome for the site.

In this instance the reduced landscaped area will not result in any impact beyond that of a compliant proposal and it is therefore considered reasonable and appropriate for the variation to be supported.



* * *

Conclusion with respect to DCP requirements

The proposal is considered to generally satisfy the objectives of the relevant development controls relating to dwellings, as contained within DCP No. 21.

(iia) Relevant planning agreement, or draft planning agreements

There are no known planning agreements that would prevent the proposed development from proceeding.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality

The following matters are considered relevant when considering onsite impacts.

Siting and Design

The proposed three storey dwelling will be compatible in terms of height, bulk and scale with recent developments within the area.

The siting of the dwelling provides generous boundary setbacks, contributing to spatial separation and openness between the dwellings. The articulated design of the dwelling will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

The front façade is appropriately articulated and contains a variety of materials and elements and a central entry feature. In this way, the proposal provides a clear definition of the entry and provides varied shadow lines due to the different construction elements and finishes.



Utilities

The site is connected to all necessary services and utilities including electricity, water, reticulated sewerage and telecommunications.

Sedimentation Control

Due to the topography of the site, cut and fill will be required for the construction of a level building platform, as shown on the development plans.

All disturbed areas will be provided with sedimentation controls in the form of geofabric fencing and/or stacked hay bales. Soil erosion control measures can easily be provided in accordance with Council's policy with compliance required as a condition of consent.

Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged to occur during construction.

(c) The suitability of the site for the development

The subject site is within an established residential area within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed three storey dwelling, the subject of the application, can be constructed with all services necessary and have been designed to suit site constraints and the character of the surrounding residential setting.



The proposed works are permissible with development consent under the provisions of Pittwater Local Environmental Plan 2014, and generally satisfies the objectives of the Pittwater Development Control Plan No. 21 as discussed above.

(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.

CONCLUSION

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permissible with development consent under the provisions of Pittwater Local Environmental Plan 2014, and can satisfy the objectives of the relevant development control plan for the precinct.

It is considered that the construction of a new three storey dwelling will complement and blend with the existing and future character of Church Point. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed two storey dwelling appropriately identifies and relates to the sites use as a residential development.



Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the E P and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval.

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