

Statement of Environmental Effects

Alterations to Dwelling House
Including
Extension to Level 1 Deck
with Roofing to Level 1 and 2 Decks
and Associated Window and Door Changes



147 McCarrs Creek Road
Church Point

June 2023

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1.0 INTRODUCTION

This Statement of Environmental Effects accompanies a development application to undertake alterations to a dwelling house at 147 McCarrs Creek Road, Church Point.

This application seeks approval for the following works:

- extension of an existing first floor deck,
- roofing to both first and second floor decks,
- enlarged north-west facing window and door openings.

2.0 THE SITE AND LOCALITY

2.1 The Site

147 McCarrs Creek Road (Lot 1 in DP243387) is a 930.8m² site located at the end of a battle-axe driveway servicing sixteen other properties from the eastern side of McCarrs Creek Road. The main area of the site is triangular in shape with the driveway access in the north-western corner. Consistent with the topography of the area, the site has a significant fall of approximately 19 metres from the eastern corner to the driveway (north-western corner).

The site is currently developed with a single dwelling house of rendered masonry, constructed over three levels with the ground floor providing garaging and entry, the first floor living areas and the second floor bedrooms. Decks are provided at both first and second levels off the front (north-west) of the building oriented to the view. Further decking is provided off the south-western side of the first floor via which stair access is provided to the pool and surrounding deck located approximately 4.75 metres higher than the ground floor living level and 4 metres higher than the side deck from which it is accessed.

The site is zoned C4 (previously referred to as E4) – Environmental Living under *Pittwater Local Environmental Plan 2014* in which single dwelling houses are a permissible use. The site is identified as environmentally sensitive under *State Environmental Planning Policy (Resilience and Hazards) 2021* containing (within the battle-axe handle) littoral rainforest and being in proximity to other land containing littoral rainforest.

2.2 The Locality

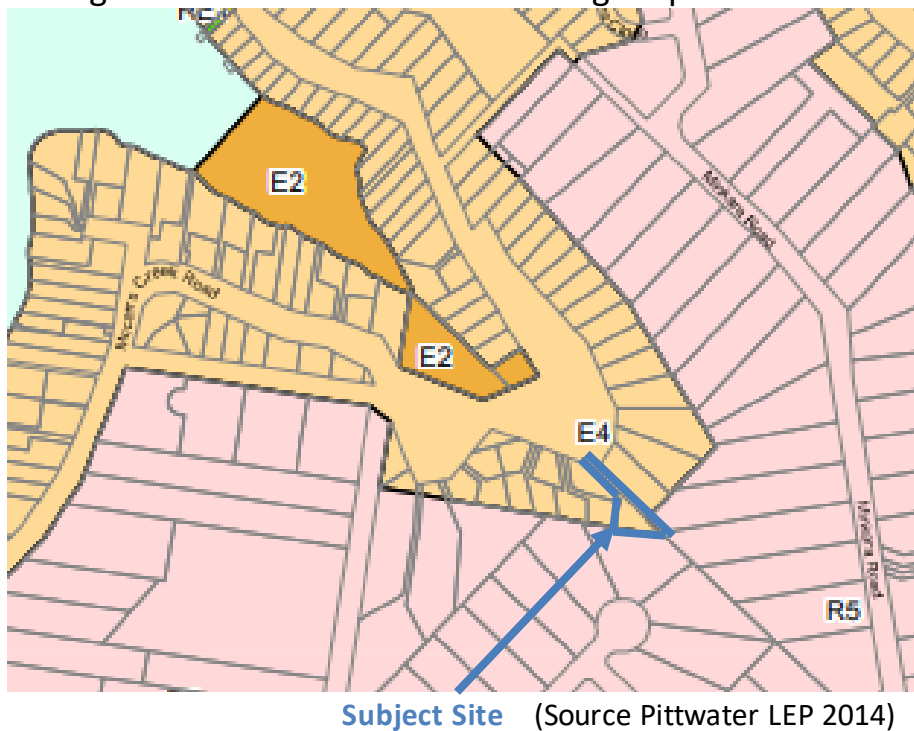
As with the subject site adjoining properties to the north and west are zoned C4 – Environmental Living and are accessed via the same driveway from McCarrs Creek Road. Properties to the south and east are accessed from either Minkara

Road or Gilwinga Drive. These properties are zoned R5 – Large Lot Residential and are significantly higher topographically than the subject site.

The site and surrounding properties are heavily vegetated most being developed with two to three storey dwelling houses with many of the dwellings elevated due to the steep topography of the area. The adjoining property to the north, whilst zoned C4 – Environmental Living is Council owned land identified as a Drainage Reserve, noting it provides catchment water flow through to Browns Bay.

The nearest neighbouring dwelling is 149A McCarrs Creek Road which is developed with an elevated, 2 storey pole style dwelling of steel and timber, oriented to the view to the north.

Figure 1: Pittwater LEP 2014 Zoning Map



3.0 THE PROPOSAL

The works for which consent is being sought are:

First Floor

- Extend existing deck from a current width of 1.945m to a maximum width of 4.1m angled in at the sides to provide a length of 6.651m at its widest point;
- Extend roof to cover deck;
- Increase window and door opening to provide concertina door openings from dining room, kitchen and living room to deck.

Second Floor

- Replace existing deck;
- Provide new angled roof to deck.

4.0 RELEVANT CONTROLS AND COMPLIANCE

	Control	Compliance
SEPP		
(Biodiversity and Conservation) 2021	Chapter 6 – Development in regulated catchments Chapter 10 – Sydney Harbour Catchment	Consistent with objectives and provisions of SEPP.
(Sustainability Index: BASIX)	Certificate not required – below cost of development threshold	N/A
(Resilience and Hazards) 2021	Chapter 2 – Coastal Management Chapter 4 – Remediation of Land	The area of construction is not within the area identified on the Biodiversity Values Map. The proposal will not impact the biophysical, hydrological or ecological integrity of the nearby littoral rainforest nor will it impact the quantity and quality of surface and ground water flow. The subject site has had a longstanding residential use. There is nothing to suggest the site is subject to contamination.
Pittwater LEP 2014		
cl.2.1 – Zoning	C4 – Environmental Living	Dwelling houses are a permissible use within the zone.
cl.4.3 – Height	8.5m	10.18m
cl.4.4 – FSR	0.4:1	No change
cl.5.21 – Flood Affectation	The land is not within a flood planning area or between the flood planning area and the	N/A

	probable maximum flood.	
cl.5.23 – Public Bushland	The site adjoins Council owned land identified as a drainage reserve.	The minor works proposed will not result in any disturbance to vegetation or bushland including bushland in the adjoining Council owned reserve.
cl. 7.1 - Acid Sulphate Soils	Class 5	Whilst the site is within 500m of Class 2 land the minor excavation works to provide footings for the support posts for the deck will not disturb more than 1 tonne of soil and will not lower the watertable. An acid sulfate management plan is not required with the development application.
cl. 7.6 - Biodiversity	Consent authority to be satisfied that the development avoids any significant environmental impact or manage or mitigate the impact	The development will not result in any significant environmental impact.
cl. 7.7 - Geotechnical Hazard	H1	The application is supported by advice from a Geotechnical Engineer which provides recommendations and concludes that considering the minor nature of the development a geotechnical report and risk assessment is not required.
Pittwater 21 DCP		
cl.A4.4 – Church Point and Bayview Locality	Desired character seeks to minimise bulk and scale with height below tree canopy. Use of verandahs and pergolas to modulate facades encouraged.	Consistent with Desired character.

cl.B3.1 – Landslip Hazard	Comply with Geotechnical Risk Management Policy.	The application is accompanied by a Geotechnical Report and Certified Forms as required by the Geotechnical Risk Management Policy for Pittwater. The recommendations for construction contained in the report will be implemented in the works to be undertaken.
cl.B3.2 – Bushfire Hazard	Subject property identified on the Bushfire Prone Land Map as Vegetation Category 1 and Buffer Zone.	The majority of the site including the location of the dwelling and proposed deck extension is located within a Buffer Zone. The application is accompanied by a Bushfire Risk Assessment Report identifying the BAL rating as Flame Zone. The report concludes that if recommendations are implemented the objectives and performance requirements of <i>Planning for bushfire Protection 2019</i> and <i>AS 3959 2018</i> can be satisfied. The recommendations of the report will be implemented in the development.
cl.B3.6 – Contaminated Land and Potentially Contaminated Land	To determine if the land is likely to be contaminated and if so what remediation measures are required.	The subject site has had a longstanding residential use. There is nothing to suggest the site is subject to contamination.
cl.B3.11 – Flood Prone Land	The land is not within a flood planning area or between the flood planning area and the probable maximum flood.	N/A

cl.B4.18 – Heathland/Woodland Vegetation	Ensure development minimises impact on Heathland Vegetation	The deck extensions do not require the removal of any existing vegetation and do not result in any impact to existing Heathland Vegetation.
cl.B5.15 - Stormwater	Minimise impacts from stormwater runoff	Stormwater runoff to be directed to existing system.
cl.B8.3 – Construction and Demolition – Waste Management	Minimise waste through reuse, recycling or appropriate disposal.	Timbers not reused on site will be recycled for reuse elsewhere. Bricks will be disposed of at Kimbriki waste facility.
cl.C1.6 – Visual Privacy	Elevated verandahs and balconies should be located at front or rear and should incorporate privacy screens where necessary.	The extension of the existing deck is located on the front elevation of the dwelling and does not result in overlooking of internal living areas or private open space of neighbouring dwellings.
cl.C1.6 – Acoustic Privacy	Noise is not offensive.	The decks are not located within close proximity of noise sensitive areas of adjoining dwellings. Noise generated from use of the decks is consistent with that anticipated with normal residential use as per existing.
cl.C1.7 – Private Open Space	Private open space should be well located, accessible and receive good solar access	The first floor deck is directly accessible from the dwelling’s main living areas. Both decks face north-west maximizing solar access.
cl.D4.1 – Character as Viewed from a Public Place	Built form is secondary to landscape. Encourages building facades to incorporate verandahs and balconies.	Not visible from public domain however incorporation of verandah elements helps to further articulate the façade.
cl.D4.2 – Scenic Protection	Minimise visual impact on natural environment as viewed from the waterway, road or public reserve.	The building is largely screened from the waterway however the roofed decks to the front elevation assist in reducing its visibility by

		creating depth/ articulation to the façade.
cl.D4.3 – Building Colours and Materials	Colours to blend with the natural environment.	Natural, recessive colours are proposed in order to harmonise with the landscape.
cl.D4.5 – Front Building Line	10metres or established building line. Vegetation maintained to reduce impact of built form. Enable vehicles to exit in forward direction.	The site does not directly front McCarrs Creek Road, does not reduce vegetation on site and continues to enable vehicles to leave in a forward direction. It sits comfortably in the natural and built environment in which it is located.
cl.D4.6 – Side and Rear Building Line	2.5metres to one side, 1metre to other side, 6.5metres to rear	The western corner (closest point) of the existing deck is located 1.7metres from the western boundary and the northern corner is 1.253metres from the north-eastern boundary. The proposal maintains the setbacks for the existing sections of the decks. The extension to the first floor deck on the western side would be parallel to the boundary maintaining a 1.7metre setback. On the north-eastern side the deck would angle away from the boundary from the existing corner of the deck to a distance of 6.282metres from the boundary at its furthest point.
cl.4.8 – Building Envelope	45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries Variation allowed on steeply sloping sites and to provide shading devices	Intrusion into the building envelope is justified having regard to the steeply sloping site, the shading for the deck and north-west facing windows and the absence of detrimental impacts.

5.0 ASSESSMENT OF PROPOSED WORKS

5.1 Development Standards

5.1.1 Height

Clause 4.3 of *Pittwater Local Environmental Plan 2014* (Pittwater LEP 2014) specifies a maximum height for development on the site of 8.5metres. The ridge of the existing dwelling (RL63.19) is 11.13metres above the ground level (RL52.06) immediately below. The highest part of the proposed roof over the second floor deck is at RL62.24 being 10.18metres above the ground level (RL52.06) immediately below, this being lower than the existing dwelling ridge.

As the new roof exceeds the 8.5metre height control, variation of the standard is sought under the provisions of clause 4.6 of Pittwater LEP 2014 (see Attachment 1 – clause 4.6 Variation Request). As detailed in the variation request compliance with the 8.5metre height control is considered unreasonable and unnecessary in the circumstances for the following reasons:

- The ridge of the new roof is 0.95metres below the existing ridge height of the dwelling;
- The roof is consistent with the architecture and scale of the existing building;
- The fall of the roof follows the contours of the site;
- The roof is consistent with the objectives of the control including:
 - consistent with desired character
 - compatible with surrounding and nearby development;
 - does not impact on neighbouring properties in respect to overshadowing or views;
 - responds sensitively to the natural topography; and
 - does not result in adverse visual impact.

For the above reasons, and as further detailed in the accompanying clause 4.6 variation request (separately attached), it is considered sufficient environmental planning grounds exist to support the variation proposed.

5.1.2 Setbacks

5.1.2.1 Front Building Line

As the site is a battle-axe allotment the 10metre setback requirement for properties adjoining McCarrs Creek Road does not strictly apply. Whilst the First Floor deck extends an additional 2.155metres towards the front of the site it does not extend further forward than the adjoining dwelling, 149A McCarrs Creek Road. It is not visible from McCarrs Creek Road and is not viewed in a standard streetscape setting. The extension of the deck forward will improve amenity for

the residents of the dwelling without having any significant impacts on neighbouring properties or the public domain.

5.1.2.2 Side Setbacks

Clause D4.6 of *Pittwater 21 Development Control Plan* (Pittwater DCP) requires side setbacks of 1metre on one side and 2.5metres on the other side. The existing First and Second Floor decks are setback 1.7metres from the western boundary with the extension to the First Floor deck running parallel to the boundary and thereby maintaining the same 1.7metre setback. The north-eastern corner of each deck is located 1.253metres from the north-eastern boundary. This existing setback is proposed to be retained with the extension to the First Floor deck angled away from the boundary, up to 6.282metres from the boundary at its furthest point.

Whilst both decks intrude into the required 2.5metre setback (for one side) to the north-eastern boundary this is considered justified in the circumstances for the following reasons:

- the western setback at 1.7metres is in excess of the 1metre requirement;
- the non-compliance currently exists without causing any detrimental impacts to neighbouring properties;
- the extension to the deck increases the setback to the boundary up to 6.282metres being well in excess of the 2.5metre requirement;
- the adjoining property to the north-east is naturally vegetated Council owned land, the amenity of which will not be impacted by the deck.

5.2 Environmental Impacts

5.2.1 Littoral Rainforest

The subject site incorporates on title an access handle to McCarrs Creek Road. As is common for a number of sites in the area, the battle-axe handle on title is not used for due to the steep topography. Instead, a common driveway utilised by approximately twelve other properties provides the required vehicular and pedestrian access to the site.

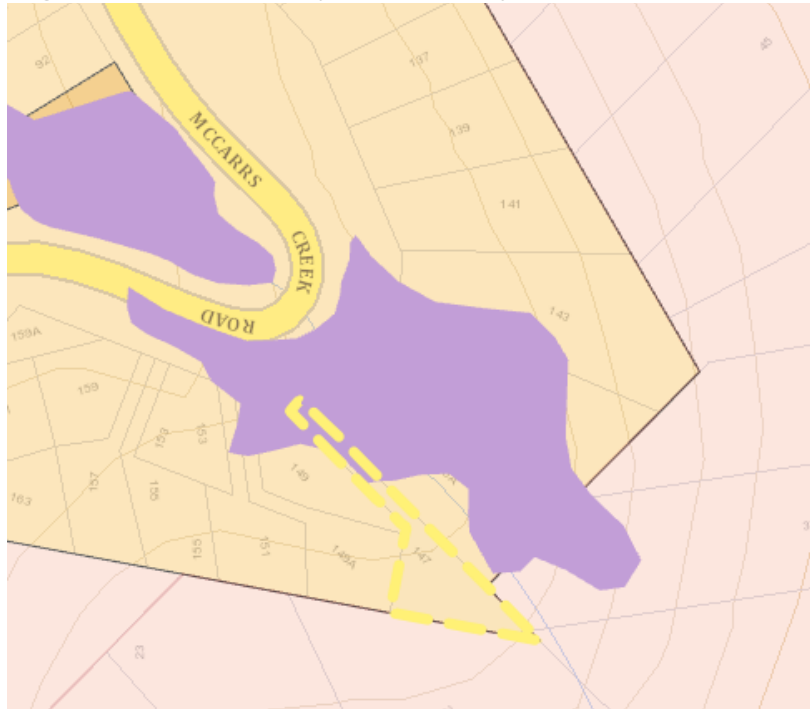
As evident in Figure 2 below, the lower half of the unutilised battle-axe handle on title is identified on the Biodiversity Values Map as incorporating littoral rainforest. The area of littoral rainforest extends to the north-east of the site in the Council owned drainage reserve and continues down the gully to Browns Bay. The site of the proposed works is therefore in proximity to littoral rainforest.

The extension of the First Floor deck and roof to Second Floor deck do not result in removal of any vegetation or alter the drainage regime for the area. As such, the development satisfies the requirements of cl.2.8 of *State Environmental*

Planning Policy (Resilience and Hazards) 2021, noting that it 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.

Figure 2: Biodiversity Values Map



Source: NSW Planning Portal Spatial Viewer

5.2.2 Trees and Vegetation

The elevated nature of the decks with support posts angled back to the building will ensure all existing vegetation can be retained.

5.2.3 View from Waterway

The existing dwelling is largely screened from the waterway by the large expanse of vegetation between it and Browns Bay. The deck extension and roofing will not result in any greater visibility from the waterway than currently exists with the height of the deck roof sitting lower than the overall height of the dwelling.

The extension and roofing to the decks have potential to further reduce any visual impact by articulation to the front façade and thereby providing shadow lines reducing the visual bulk of the building. Increase in window and door openings will also reduce overall bulk reducing the ratio of solid to void. Repainting the building in natural, recessive colours will further assist in harmonizing it with its natural setting.

5.2.4 Bushfire Hazard

The subject property is identified on the Bushfire Prone Land Map as Vegetation Category 1 and Buffer Zone. The majority of the site including the location of the dwelling and proposed deck extension is located within a Buffer Zone. The application is accompanied by a *Bushfire Risk Assessment Report* which identifies the property as being Flame Zone.

The report recommends measures to minimise risk to life and property including the type of construction materials to be used. All the recommendations will be implemented in the development.

5.3 Amenity Impacts

5.3.1 Overshadowing

Due to the topography of the area the dwelling is separated both horizontally and vertically from the nearest dwellings to the south resulting in no overshadowing impacts to these properties from either the existing dwelling or the proposed deck and roof extensions. No 149A McCarrs Creek Road, adjoining the site to the west has only one window opening facing the subject property which is at a significantly higher level than the proposed deck and roofs and will not be overshadowed. A small, juliet-style balcony at the side of No. 149A contains a screen along its north-eastern side (see Figure 3 below). This screen, in addition to the separation from the deck extensions will ensure no significant overshadowing impacts will occur.

Figure 3: Eastern Elevation of 149A McCarrs Creek Rd



5.3.2 Privacy

As outlined in 5.3.1 above, the adjoining dwelling to the west is oriented away from the subject property with no windows facing the subject site and an existing balcony incorporating a privacy screen along its north-eastern side. An existing elevated deck off the front (north-west) of No. 149A is forward of, and oriented away from the subject site. The significant separation and orientation towards the view of both properties means no significant privacy impacts between these properties will occur.

Properties to the north of the site are located significantly lower than the subject property and are screened by existing vegetation. The vegetation screening in addition to the elevated nature of the decks ensures outlook is across the top of these neighbouring properties to the waterway beyond.

5.3.3 Liveability

The existing First Floor deck is located off the primary indoor living areas of the dwelling. They are oriented north-west maximising both solar access and view, however the useability of the deck is limited by its width of 1.945metres. Extension of the deck will provide greater space for use by the occupants of the dwelling consistent with cl.C1.7 of Pittwater DCP which encourages open space directly accessible from indoor living areas and oriented to receive good solar access. This improved amenity will be further enhanced by increasing window and door openings enabling greater interaction and circulation between indoor and outdoor living areas.

The provision of a roof over the Second Floor deck will provide weather protection making it a more usable area.

The extension and covering of the decks together with the increased door and window openings will significantly improve the useability of these areas and the amenity for the residents of the subject property.

SECTION 4.15 EVALUATION

<p>(1)(a)(i) Any Environmental Planning Instrument</p>	<p>The site is zoned C4 – Environmental Living under Pittwater LEP 2014 and is subject to provisions contained in SEPP (Biodiversity and Conservation) 2021 and SEPP (Resilience and Hazards) 2021. The provisions of Pittwater LEP 2014 and SEPPs (Biodiversity and Conservation and (Resilience and Hazards) have been</p>
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	addressed elsewhere throughout this Statement.
(1)(a)(ii) Any Draft Environmental Planning Instrument	There are no known Draft EPIs applicable to the site.
(1)(a)(iii) Any Development Control Plan	Pittwater 21 DCP has been addressed elsewhere in this Statement.
(1)(a)(iiia) Any Planning Agreement	There is no Planning Agreement applicable to the site or development.
(1)(a)(iv) The Regulations	Not applicable in the assessment of this application.
(1)(b) The Likely Impacts	The proposed works will have limited, if any impacts on surrounding properties. The changes will improve the amenity of the dwelling for its occupants without causing any significant overshadowing, overlooking or view loss for neighbouring properties.
1)(c) The Suitability of the Site	The proposal is appropriate for the site improving the amenity for the residents of the dwelling and integrating with the natural and built character of the area.
(1)(d) Any Submissions	This will be determined following notification of the application once lodged.
(1)(e) The Public Interest	The proposal improves amenity for the occupants of the dwelling whilst having limited, if any impact on the amenity of surrounding properties and as such is considered to be in the public interest.

7.0 CONCLUSION

This Statement of Environmental Effects supports an application for alterations to 147 McCarrs Creek Road, Church Point including extension to an existing First Floor deck, roofing of decks at both First and Second Floors, and changes to window and door openings. The site is within an environmentally sensitive area under *SEPP (Resilience and Hazards) 2021* with the works being within proximity to littoral rainforest.

The proposed works do not result in any change to vegetation and drainage patterns in and around the site and as such satisfy the requirements of cl.2.8 of *State Environmental Planning Policy (Resilience and Hazards) 2021*. The proposal will significantly improve the amenity and useability of the decks for the occupants of the dwelling without any significant impact on surrounding properties or the area generally.

The proposed works are assessed as an appropriate development for the site having regard to the evaluation criteria specified in Section 4.15 of the *Environmental Planning and Assessment Act, 1979* including the specific provisions contained in *Pittwater Local Environmental Plan 2014* and *Pittwater 21 Development Control Plan*.