

Statement of Environmental Effects



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Alterations & Additions to an Existing Dwelling @

1951 Pittwater Road, Bayview

Prepared For J & T Carfi

project no 2034

date June 2021

issue A

1.0 INTRODUCTION

This Statement of Environmental Effects is a report that forms part of an application for development consent submitted to the Northern Beaches Council for: -

- Alterations and Additions to an existing dwelling
- New in-ground swimming pool

The location of the proposal is 1951 Pittwater Road, Bayview which contains a single dwelling on Lot 2, DP 509415. The site has a total area of 996m² and is burdened by a Right of Carriageway (area 60m²) through the northern front of the site that provides vehicular access to the adjoining property at 1953 Pittwater Road to the west.

The nett site area for DCP calculations is 936m².

The site has a street front boundary to Pittwater Road and is shown on the aerial image below indicated by the yellow star. The road reserve consists of a very steep vegetated embankment from RL 3.47 on the road to RL 10.14 at the street front boundary. Access to the site is via a slip lane that comes off Pittwater Road several properties to the east and is a shared accessway servicing 7 dwellings including the subject site. From the front boundary, the site slopes moderately at an even slope of approximately 16% (8m rise of 50m length) to the rear boundary.

The subject site, and the immediately adjoining sites, all enjoy high levels of solar access and water views facing north up the bay of Pittwater towards Lion Island. These are iconic views.

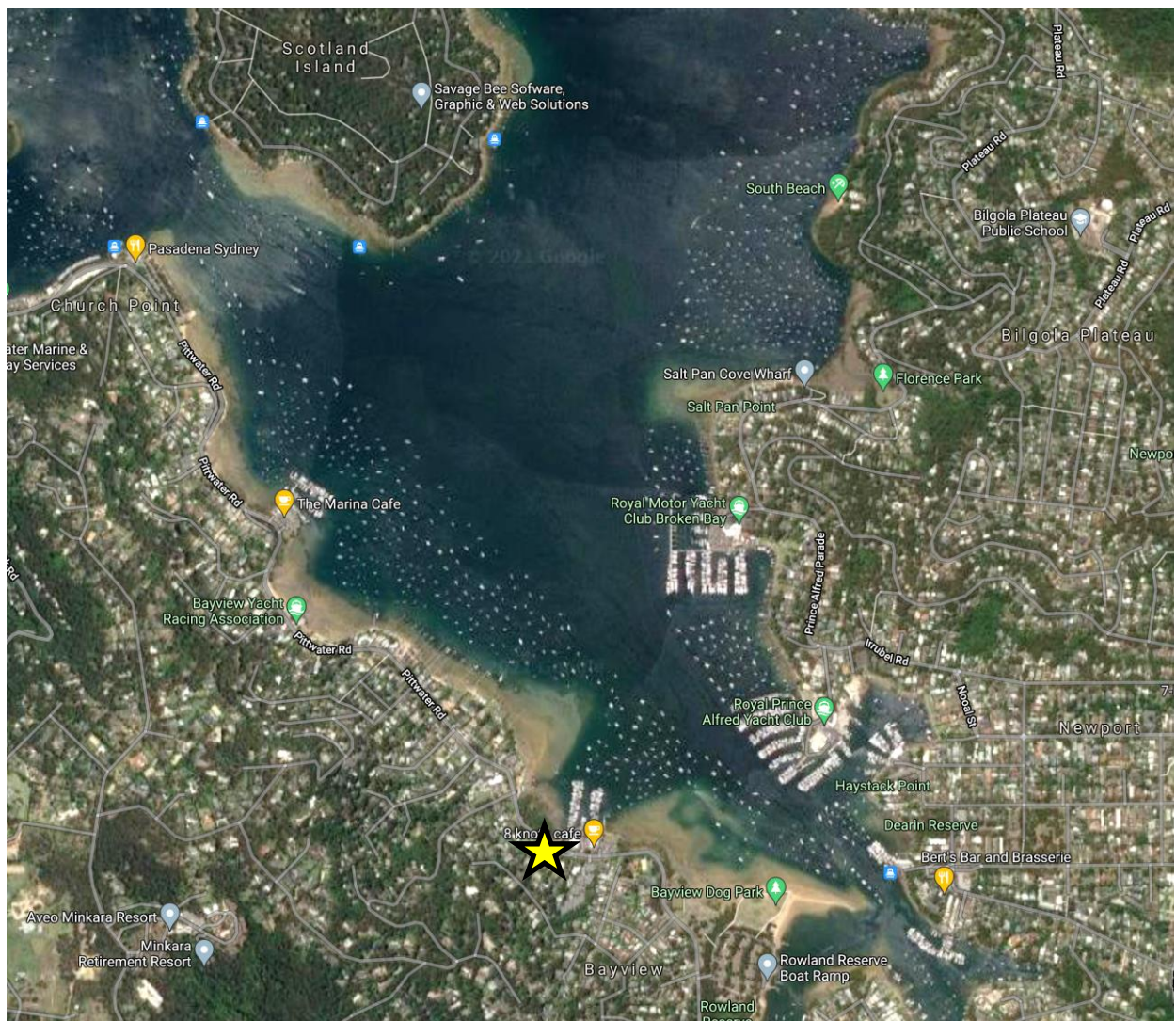


Figure 1. Aerial view of the location of the site and context of Pittwater.

2.0 THE SITE, BACKGROUND & DESIGN RESPONSE

The proposal involves primarily an internal redesign of the house layout, with small additions to the front and an upper floor and results in only small changes to the footprint of the dwelling. The side and rear setbacks are retained from the existing dwelling with the top floor recessed inwards and built into the roof to minimise bulk and scale to maintain a “status quo” to adjoining properties in terms of maintaining the existing solar access, privacy and views that these properties currently share. The key aspects of the proposal are:

- Replace the existing carport with a new garage and landscaped rooftop, with internal access to the dwelling.
- Add an in-ground swimming pool to the front northern part of the dwelling.
- Minimal changes to the lower ground floor and a new entry addition.
- Small additions to the upper ground floor with a 4m deep addition to the existing dwelling across the site.
- An upper floor “attic style” addition of a main bedroom suite, integrated into the roof design to minimise view loss.

This report refers to the following accompanying documents: -

- Architectural Drawings **DA00-DA13 issue A**, Project No.2034
- Survey
- Geotechnical Report
- BASIX certificate

This report examines the issues of compliance with relevant SEPP, LEP and DCP policies to demonstrate how the proposal succeeds the test of compliance and is appropriate for granting of consent on the merits of the application and design.

The most critical aspect of the design is to retain iconic views from the property at 1945 Pittwater Road to Lion Island



Figure 2. Aerial view of the location and immediate surrounds.



Figure 3. Photo from the shared driveway looking to the frontage of the subject dwelling

Figure 4. 3D montage of the proposed development with 1945 at the rear left



A thorough view sharing analysis was undertaken with reference to the Land & Environment Court principle "*Tenacity Consulting Pty Ltd -v- Warringah Council (2004)*". As the proposal seeks an increase to the existing roof height that exceeds the council LEP maximum, the view sharing analysis is critical to demonstrate that there are no unacceptable impacts from the proposed alterations and additions to the views currently enjoyed by 1945 Pittwater Road.

The property at 1945 Pittwater Road is designed to stretch across the site, to maximise the number of rooms that take advantage of the water views. The images below demonstrate the various views and locations within the property and are referred to on the Site Plan drawing A01.



Figure 5. View from within the formal lounge up Pittwater to Lion Island in the distance. The proposal will not impact upon this view as the proposal seeks the addition to the roof height above the existing dwelling (left of photo).

Figure 6. View obtained from realestate.com website from the marketing of 1945. View is from within the formal lounge up Pittwater to Lion Island in the distance – same as above but zoomed in for effect, noting 1951 not seen in image.





Figure 7. View from within the deck off the sunroom up Pittwater to Lion Island in the distance. The proposal will have minimal impact on this view with the addition to the roof height above the existing dwelling (left of photo). The main part of the view up the bay and towards the right of photo are maintained.

Figure 8. View obtained from realestate.com website from the marketing of 1945. View is from the deck off the sunroom and the focus of the view is north east to the plethora of yacht masts and clubs and the eastern foreshore of Pittwater. The view to Lion Island is minimal to the left of photo.

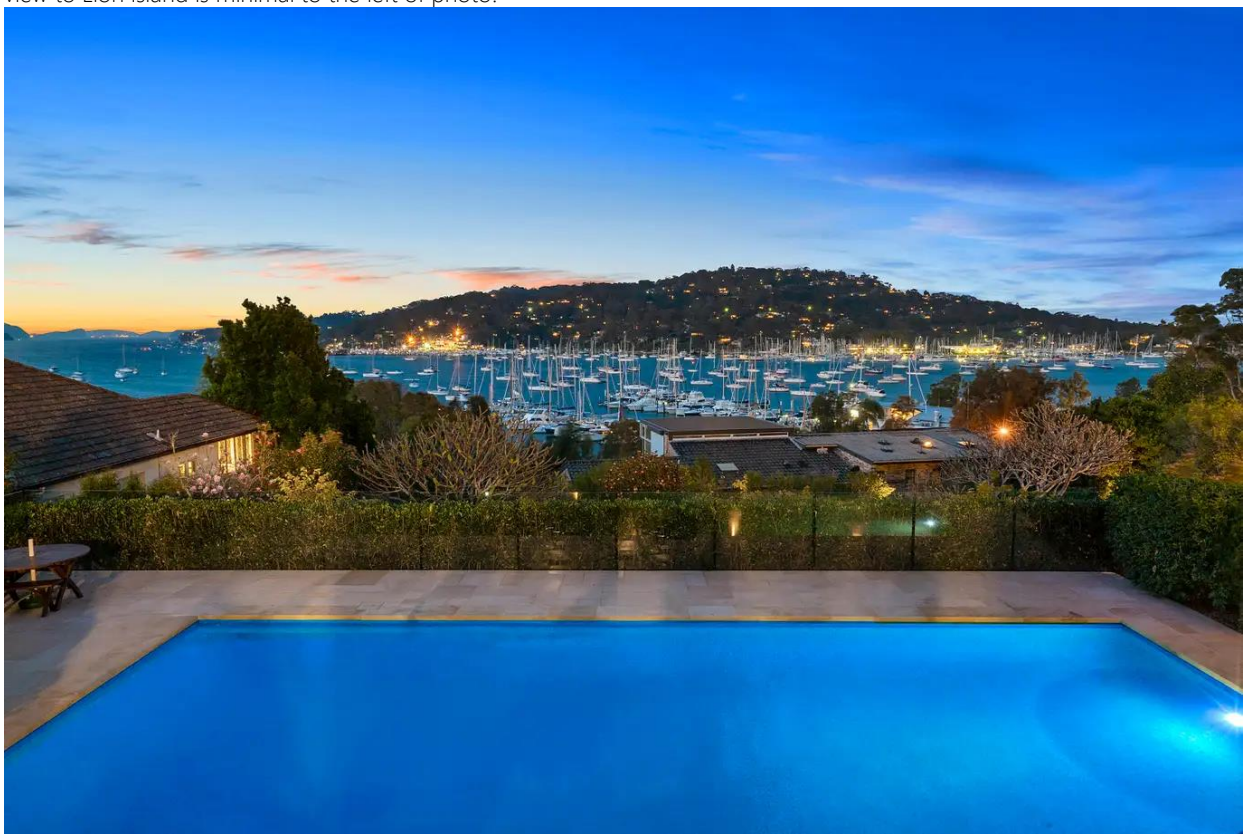




Figure 9. View obtained from realestate.com website of 1945. View is internal of the Sunroom (basis of views 7 & 8 above) and shows the yachts and Pittwater through the glass doors. The proposal will have no impact on this view.

Figure 10. View from outside the kitchen of 1945. There are 3 very small parts to the view. The largest portion of the view on the right will be unaffected, as will the central small view between trees within the property of 1945. The miniscule water view triangle on the left will be lost. This is considered acceptable, as this view is likely to be lost in the near future with the growth of mature vegetation currently restricting this view. The proposal will therefore have no impact on this view in the future.



View Sharing Montages with before and after images, are provided on drawing A10. These montages demonstrate that despite the proposal for an upper floor addition producing a roof height that exceeds the LEP 8.5m maximum, that there is no consequential unacceptable impact on view loss as a result of the breach.

The proposal should therefore be supported for approval.

The reason that the proposal exceeds the 8.5m LEP height limit, is entirely due to retaining the roof pitch to match the existing dwelling. The proposal is alterations and additions and retains the majority of the existing roof and adds on to that. The existing roof has no view impacts, no overshadowing impact and no privacy or bulk and scale impact and is therefore suitable for retention.

The proposed additions are located at the rear of the existing roof to blend into the existing roof and minimise view loss.

Design Proposal

The design of the proposed alterations and additions to the existing dwelling seeks to retain the character of that dwelling with the additions. Aerial images below demonstrate the design relationships to adjoining dwellings and not to cause any new impacts.



Figure 11. Aerial view from the north of the proposed alterations and additions, 1945 in background

Figure 12. View from driveway up to 1945 of the east elevations indicating the existing roof pitches and additions.



3.0 PLANNING CONTROLS & COMPLIANCE

PITTWATER 21 DEVELOPMENT CONTROL PLAN & PITTWATER LOCAL ENVIRONMENT PLAN 2014 SEPP – COASTAL MANAGEMENT

Pittwater LEP 2014

The following responses deal with the clauses relevant to this application.

Zoning R2 Low Density Residential
Zone Objectives

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents,*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

The proposed development is permissible within the zone

Clause 4.3 Height of Buildings – Exceptions to Development Standards

Pursuant to clause 4.3 PLEP 2014 the height of a building on any land is not to exceed 8.5 metres. The stated objectives of such control are as follows:

- (a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
The dwelling is consistent with the height and scale and consistent with the DFC.
- (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
The dwelling is compatible with the scale of surrounding dwellings.
- (c) *to minimise any overshadowing of neighbouring properties,*
The proposal does not overshadow any private open spaces or living areas.
- (d) *to allow for the reasonable sharing of views,*
The proposal maintains the iconic views from the adjoining property affected at 1945 Pittwater Road (as demonstrated above in this report)
- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*
The proposal for alterations and additions responds sensitively to the site by containing the additions above the existing footprint and minimising excavation.
- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items*
The proposal responds appropriately to the adjoining heritage item, by minimising bulk and scale building an addition within the roof space, and by maintaining the traditional character of the existing dwelling positively reinforcing the curtilage of the heritage item.

Subclause (2) requires that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Building Map. The map indicated the maximum for this site is 8.5 metres.

The proposed works have a maximum height above existing ground level of 9.30 metres measured from the top of the proposed roof over the deck to the existing ground level below. The proportion of roof above the 8.5m height limit is 3% of the total roof area. The majority of the dwelling is below 8.5 metres when measured to natural ground level in accordance with the provisions of PLEP. The extent of building height non-compliance is depicted on the section drawing and is extremely minimal.

Subclause (2D) provides that despite subclause (2), development on land that has a maximum building height of 8.5metresmay 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*
As indicated above, the portion of the breach is extremely minor at 3% of the overall roof in plan, shown on the Site Plan and Elevation drawings of the application
- b) *the objectives of this clause are achieved, and*
The objectives are achieved as noted above

- c) *the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
The slope is moderate at 17%
- 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 additions are located above the existing footprint and completely eliminate the need for cut and fill.

Although the proposed height at 9.3m is non-compliant with the numerical control of 8.5m, the minor breach is justified for the following reasons:

- i. The proposal satisfies the objectives a) to f) of height control.
- ii. The proposal results in an extremely minor proportion of 3% of the roof above the height limit, with the remaining roof well below the height limit.
- iii. The breach has no adverse impact on overshadowing, view loss, privacy or bulk and scale.
- iv. The breach is a result of maintaining the existing 30-degree roof to maintain the traditional character of the dwelling, and contribute in a positive way to the heritage listed dwelling adjoining the southern boundary.

The minor non-compliance is therefore justified for approval.

Clause 4.6 Exceptions to development standards

The objectives of Clause 4.6 are:

- a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
The proposal seeks flexibility to allow a small portion of the pitched roof to breach the height limit in order to maintain the character of the existing dwelling by using the same pitch for the new upper roof to match the existing lower roof.
- b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
The addition to the dwelling at the same roof pitch as the existing roof, is a better outcome visually for the design integrity of the proposal to provide consistency in the roof shapes, rather than to retain the traditional steeper existing roof to the lower roof and add an upper roof of a more modern low pitch that would illustrate an unified presentation of the proposal and a disjointed style of dwelling. The flexibility to retain the roof pitch for the new upper roof will result in a better outcome.

Pursuant to clause 4.6(2) consent may...*"subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause".*

This clause applies to the clause 4.3 Height of Buildings Development Standard

Clause 4.6(3) states that... *"consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

A written request is included below addressing the two matters above.

Clause 4.6(4) states.....*"consent must not be granted for development that contravenes a development standard unless:*

- a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- b) *the concurrence of the Planning Secretary has been obtained.*

A response to part a) above is provided in the written request below.

Clause 4.6(5) states that, *" in deciding whether to grant concurrence, the Planning Secretary must consider:*

- a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- b) *the public benefit of maintaining the development standard, and*
- c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

This clause is not applicable, as the concurrence from the Planning Secretary is not sought.

Claim for Variation – Clause 4.6 Statement

Zone and Zone Objectives

The zone objectives and responses of the proposed works are listed below:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
The alterations and additions are low impact as they are above the existing building footprint and the upper floor extension is an attic style with the rooms 'within the roof'. This maintains the low impact of the existing wall heights to the side boundaries to adjoining properties. There are no special ecological, scientific or other values on the site.
- *To ensure that residential development does not have an adverse effect on those values.*
The proposed development has no impact on the values above
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
The alterations and additions are of a low scale with the rooms within the roof and the building stepping down the slope of the site. The upper floor addition is located at the rear of the site and in the centre of the existing dwelling footprint to minimise any view loss, bulk and scale and privacy
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*
The alterations and additions of the upper floor are entirely over the existing building footprint and result in no loss of any vegetation, retaining all existing trees on site.

The zone objectives are achieved and the non-compliance has no impact on these objectives. Accordingly, there is no zone or zone objective impediment to the granting of consent.

Clause 4.6(3)

In justification of the contravention of the development standard, the following responses are provided to this clause:

a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,*
The proposal seeks an extremely minor portion of the overall roof representing approximately 10m² of the 300m² of roof, or 3% of the roof that breaches the 8.5m limit. The remaining 97% of the roof over the dwelling falls well below the maximum 8.5m height and on average is at approximately 7-7.5m above ground level.

The roof is a continuation of the pitch of the existing dwelling roof and is done so to retain the heritage character of the subject dwelling that adjoins a local heritage item. It is considered that the minor breach required to maintain a slightly steeper roof is justified to maintain the character of the dwelling in proximity of a similarly styled heritage item.

There are no unacceptable impacts of the breach, there is no view loss, no overshadowing, no loss of privacy to the adjoining sites or the public domain.

Strict compliance with the development standard is therefore considered unreasonable and unnecessary in the circumstances to provide design integrity to the alterations and additions proposed.

b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
The environmental planning grounds that justify the breach in height, are the provision of a better outcome to the adjoining heritage listed dwelling. A consistent roof pitch producing a design of high integrity to the proposed development is considered to be a better environmental outcome in terms of the visual amenity to the heritage item and the overall quality of the built environments in the proximity of the heritage item.

Clause 4.6(4)

In justification of the contravention of the development standard, the following responses are provided to this clause:

- a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
Refer above
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

The proposal will be in the public interest by compliance with the particular standard (refer 4.6 (1) above) and the objectives of the zone as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
The proposal is low impact, with sufficient setbacks and landscaped screening and a low roof pitching point well below the height limit and surrounding tree canopy, and minimal disturbance to the ground with alterations and additions above the existing dwelling footprint
- *To ensure that residential development does not have an adverse effect on those values.*
The proposed dwelling will not adversely impact upon the aesthetic value of the built environment, as it seeks to enhance the traditional character of the existing dwelling, in harmony with the adjoining heritage listed dwelling at 1945. In addition, the dwelling is consistent with the bulk, scale and character of surrounding low density housing.
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
The proposal remains integrated into the landscape and landform, as the height breach is minor to 3% of the roof and the remaining roof is well below the height limit, consistent with surrounding development.
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*
The proposal has no impact on riparian and foreshore vegetation as the proposal is alterations and additions above the existing dwelling and does not require any tree removal.

Conclusions

Having regard to the clause 4.6 variation provisions we submit the following justification for the proposal:

- a) that the contextually responsive development is consistent with the zone objectives, and
- b) that the development is consistent with the objectives of the height of buildings standard, and
- c) that there are sufficient environmental planning grounds to justify contravening the development standard, and
- d) that having regard to (a), (b) and (c) above that compliance with the building height development standard is unreasonable or unnecessary in the circumstances of the case, and
- e) that given the developments ability to comply with the zone and height of buildings standard objectives that approval would not be antipathetic to the public interest, and
- f) that contravention of the development standard does not raise any matter of significance for State or regional environmental planning.

As such we have submit that there is no statutory or environmental planning impediment to the granting of a height of buildings variation in this instance.

B1.2 Heritage Conservation – Development in the vicinity of Heritage Items

Outcomes *Conservation of the environmental heritage of Pittwater LGA in accordance with the principles contained in the Burra Charter.*
Enhancement of the identified heritage values and significant character of the heritage conservation areas and encourage contemporary design that responds appropriately to their character.
Development respectful of environmental heritage, undertaken in a manner that is sympathetic to, and does not detract from, any heritage significance.

Controls *Any development application involving work likely to impact the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site is to be accompanied by a Statement of Heritage Impact prepared by an appropriately qualified heritage professional.*

Developments in the vicinity of a heritage item, heritage conservation area, archaeological site or potential archaeological site are to be designed to respect and complement the heritage significance in terms of the building envelope, proportions, materials, colours and finishes, and building alignment.

Developments in the vicinity of a heritage item, heritage conservation area, archaeological site or potential archaeological site are to minimise the impact on the heritage significance by providing an adequate buffer zone, and maintaining and respecting significant views to and from the heritage item, heritage conservation area, archaeological site or potential archaeological site.

The extract below indicates that the subject site adjoins a heritage item



The heritage item adjoining the subject site is listed as item 2270340 and is a dwelling house named Maybanke House ("Stoneleigh"). The subject site is NOT a heritage item, nor listed as within a heritage conservation area, and therefore the application is not required to be accompanied by a Statement of Heritage Impact.

As the site is within the vicinity of a heritage item, detailed above in the Clause 4.6 statement and commentary on Height, the proposed alterations and additions have been designed to retain the traditional character and integrity of the existing dwelling that is sympathetic to the character of the adjoining heritage item. The design specifically seeks to retain the 30 degree roof pitch and match the

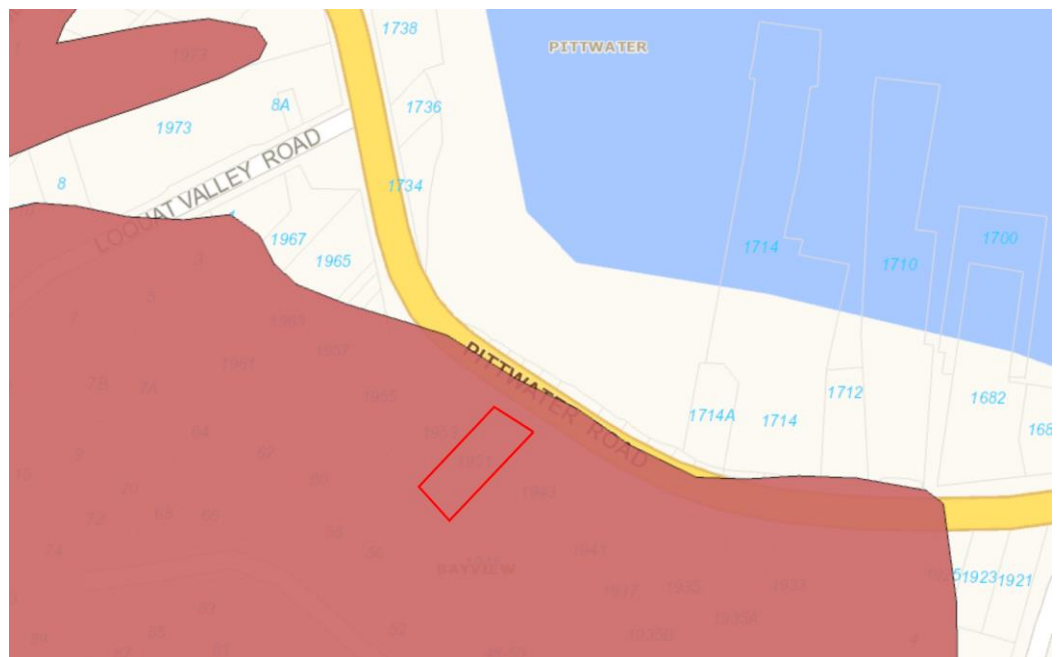
additions with this roof pitch to respect and complement the adjoining heritage item in addition to retention and enhancement of the other materials of walls, windows and architectural detailing of the subject site. The design retains the existing low wall height and roof pitching from the side boundary, locating the addition in the centre of the site to maintain the current building envelope and respect the heritage item eliminating any additional bulk and scale. The detailing of the front façade, materials and colours all compliment the heritage item by enhancing the existing design of the current well preserved dwelling on site.

The proposed design maintains an adequate buffer to the heritage item, building over the existing footprint and screened by existing vegetation from the heritage item, and maintains views from the heritage item to Pittwater and up the bay to Lion Island.

The proposal complies with the objectives and controls.

B3.1 Landslip Hazard

Outcomes	<i>Protection of People</i> <i>Protection of the Natural Environment</i> <i>Protection of public and private infrastructure and assets</i>
Controls	The NBC Mapping extract below indicates the site within risk. A geotechnical report is submitted with the application to confirm compliance with the Geotechnical Risk Management Policy for Pittwater



B5.5 Rainwater Tanks

Outcomes	<i>Water conservation and reduction in mains water demand. (En, Ec)</i> <i>Development is compatible with Water Sensitive Urban Design principles. (En)</i>
Controls	<i>All development creating an additional hard (impervious) roof area of greater than 50m² must provide a rainwater tank for non-potable use connected to external taps for the purpose of landscape watering and car washing and a functional water reuse system including, water supply for toilet flushing and other uses as permissible under the current Code of Practice for Plumbing and Drainage.</i>

The additional impervious area is limited to the new lower deck over the garage, noting that the pool is not an impervious area. The proposed development results in a zero change to the landscaped open space and therefore has a zero change to the impervious area post development.

There is no requirement for Rainwater Tanks for this application as there is no requirement for 0-50m² of additional impervious area.

There is also no requirement for Rainwater Tanks within the BASIX certificate.

The roof drainage to the alterations and additions to the existing house will be connected to the existing stormwater system that discharges into Pittwater Road.

The proposal complies.

B5.15 Stormwater

Outcomes	<i>Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;</i> <i>Minimise the risk to public health and safety;</i> <i>Reduce the risk to life and property from any flooding and groundwater damage;</i> <i>Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.</i> <i>Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle</i> <i>Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources</i> <i>Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.</i>
Controls	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy Table 7, section 9.3 of the above Policy provides that for additional impervious areas of 0-50m ² , no On-Site Detention is required. The proposal results in a ZERO increase to impervious area, therefore no OSD is required. The proposal complies.

B6.1 Access Driveways

B6.2 Internal Driveways

B6.3 Off-Street Vehicle Parking

Outcomes	<i>To ensure safe and convenient access and parking is provided.</i> <i>Pedestrian Safety</i>
Controls	The proposal uses the existing driveway and increases off-street parking in excess of a minimum 2 cars behind the building line. The proposal complies.

C1.1 Landscaping

Outcomes	A built form dominated and complemented by landscaping. Landscaping that reflects the scale and form of development.
Controls	The proposal complies. The proposal requires no tree removal and results on a nett zero change to the landscaped area on site.

C1.3 View Sharing

Outcomes	Public views and vistas are protected, maintained and where possible, enhanced. Maintain reasonable sharing of views from public places and living areas.
Controls	A detailed analysis of view sharing is contained above in this report, and view montages are provided in drawing A.10 of the application. The iconic views are retained and the small amount of view loss from the kitchen is acceptable given the primary views are not from this area, and views from 2 other living areas and decks are retained.

The proposal has acceptable impacts on views from the dwelling at 1945 Pittwater Road Bayview as demonstrated above and no impact on any views from the public domain.

The proposal complies.

C1.4 Solar Access

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| Outcomes | <i>Residential development is sited and designed to maximise solar access during mid-winter.
A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development.
Reduce usage and/dependence for artificial lighting.</i> |
| Controls | <p>The proposal is accompanied by shadow diagrams. These demonstrate compliance with the controls for maintaining solar access to adjoining properties.</p> <p>The only shadows as a result of the proposal fall onto the access driveway to 1945 Pittwater Road adjoining the east boundary.</p> <p>The proposal complies.</p> |

C1.5 Visual Privacy

- | | |
|----------|---|
| Outcomes | <i>Habitable rooms and outdoor areas shall achieve and maintain visual privacy.</i> |
| Controls | <p>The proposal has been designed to minimise overlooking into living areas and private open spaces.</p> <p>There is no loss of visual privacy to the adjoining dwellings. The proposal complies.</p> |

D4.1 Character As Viewed From A Public Place

- | | |
|----------|---|
| Outcomes | <i>To achieve the desired future character of the Locality.
To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built form and natural environment.
To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.
The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation.
High quality buildings designed and built for the natural context and any natural hazards.
To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.</i> |
| Controls | <p>The location of the site above a steep embankment to Pittwater Road results in the proposal being not visible to the public from the street. The proposal is only visible from within the site. Nonetheless, the proposal results in a dwelling that complies with the control by providing a façade with an entry feature, windows, verandas and recessed architectural elements.</p> <p>The façade is consistent with the existing and surrounding context. The garage is less than 50% of the site and has been designed with and a mix of natural materials to blend into the house design.</p> <p>The proposal complies.</p> |

D4.2 Scenic Protection

- | | |
|----------|--|
| Outcomes | <i>Achieve the desired future character of the locality
Bushland landscape is the predominant feature of Pittwater with the built form being secondary component of the visual catchment</i> |
| Controls | The proposal satisfies all controls of D4.2. |
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D4.3 Building Colours, Materials and Construction

Outcomes	<i>The development enhances the visual quality and identity of the streetscape.</i> <i>To provide attractive building facades which establish identity and contribute to the streetscape.</i> <i>To ensure building colours and materials compliments the visual character of its location with the natural landscapes of Pittwater.</i> <i>The colours and materials of the development harmonise with the natural environment.</i> <i>The visual prominence of the development is minimised.</i> <i>Damage to existing native vegetation and habitat is minimised.</i>
Controls	The proposal satisfies all controls of D4.3 with the colours and materials as presented in the colour and finishes schedule.

D4.5 Front Building Line

Outcomes	<i>Achieve the desired future character of the Locality.</i> <i>The amenity of residential development adjoining a main road is maintained.</i> <i>Vegetation is retained and enhanced to visually reduce the built form.</i> <i>Vehicle manoeuvring in a forward direction is facilitated.</i> <i>To encourage attractive street frontages and improve pedestrian amenity.</i> <i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.</i>
Controls	The controls require that 'The minimum front building line shall be 10m, or established building line, whichever is the greater'. This applies to Pittwater Road, which the site fronts. The proposed setback is 10.5m to the new garage. The proposal complies.

D4.6 Side and Rear Building Line

Outcomes	The proposal satisfies all outcomes of D4.6 <i>Achieve the desired future character of the Locality.</i> <i>The bulk and scale of the built form is minimised</i> <i>To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping</i> <i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties</i> <i>Substantial landscaping, a mature tree canopy and an attractive streetscape</i> <i>Flexibility in the siting of buildings and access</i> <i>Vegetation is retained and enhanced to visually reduce the built form</i>
Controls	The controls require that the minimum setback is 2.5m for at least one side and 1m for the other and 6.5m to the rear or foreshore building line. The proposal is alterations and additions to an existing dwelling and maintains all current side setbacks of 3.8m to the dwelling to the west side boundary and 0.9m to the east side boundary. The proposal complies through existing use rights.

D4.8 Building Envelope

Outcomes	The proposal satisfies all outcomes of D4.8 <i>To achieve the desired future character of the Locality. (S)</i> <i>To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.</i> <i>To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.</i> <i>The bulk and scale of the built form is minimised. (En, S)</i> <i>Equitable preservation of views and vistas to and/or from public/private places. (S)</i> <i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site</i>
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Controls

and maintained to residential properties. (En, S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
The controls require that 'Buildings are to be sited within an envelope projected at 45 degrees from a height of 3.5m above natural ground level at the side boundaries....'.

The proposal does not comply with envelope because the existing dwelling does not comply with the envelope, albeit the non-compliance is minor. A variation to the policy is sought where 'Council may consider a variation for the addition of a second storey where the existing dwelling is retained'. In this instance, there is no second storey sought, but an extension of the existing dwelling at the same setback to maintain integrity of the dwelling.

Justification for the variation is provided by compliance with the outcomes of this policy:

- The proposal achieves the Desired Future character of the locality.
- The proposal has no impact on streetscape, but provides a building scale and density below the tree line (refer Figure 13 below)
- The proposal is sensitive to the spatial characteristics of the existing environment
- Bulk and scale is minimized with the upper floor addition set well back into the centre of the building footprint and a low roof pitching point maintained to match the existing dwelling (see Figure 13 below)
- The proposed extension of the front of the house has no impact on views from 1945 Pittwater Road as the adjoining dwelling, as established earlier in this report
- The proposed area of non-compliance maintains privacy, amenity, and solar access. The area of non-compliance adjoins a driveway and parking area to the neighbouring sites (see Figures 13 & 14 below) and has no adverse impacts in this regard.
- The proposed area of non-compliance does not require any tree removal



Figure 13. View toward the subject dwelling east elevation from the adjoining property driveways that access neighbours dwellings. There are no living areas, private open space or gardens in this location that would be impacted by the non-compliance.

Figure 14. View from the subject site to the adjoining driveway, showing the neighbours garage.



The proposal warrants a variation to policy and should be supported for approval.

D4.10 Landscaped Area – Environmentally Sensitive Land

Outcomes	<p><i>Achieve the desired future character of the Locality.</i></p> <p><i>The bulk and scale of the built form is minimised.</i></p> <p><i>A reasonable level of amenity and solar access is provided and maintained.</i></p> <p><i>Vegetation is retained and enhanced to visually reduce the built form.</i></p> <p><i>Conservation of natural vegetation and biodiversity.</i></p> <p><i>Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.</i></p> <p><i>Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.</i></p>
Controls	<p>The site is identified within Area 2 of the Landscaped Area map. The control requires a minimum of 60% of the site shall be landscaped area.</p> <p>The nett site area is 936m² excluding the right of way. The existing landscaped area is 425m² or 45.3%. The proposal landscaped area is 425m² and therefore proposes no reduction to current landscape area. The application seeks to replace landscape area to maintain the status quo.</p> <p>The proposal satisfies the outcomes as demonstrated earlier in this report, and in addition results in a decrease in stormwater run-off as the pool area is not included in landscape area.</p> <p>Although the proposal does not comply with the DCP control, the outcome is that the end result is better than the existing situation with the reduction in stormwater run-off and no loss of any trees or significant vegetation. The proposal should therefore be supported for approval as an improvement to outcomes of landscaped area over the existing situation.</p>

Waste Management

The proposal for alterations and additions to an existing dwelling results in relatively small amounts of waste materials. The majority of the materials to be demolished or are anticipated be disposed of at the 'Kimbriki tip'. Wherever possible, any timber products will be reused for temporary building requirements such as formwork for concreting and temporary bracing, in the construction to maximise reuse and recycling of materials and minimise overall waste.

Coastal Management Act 2016

The Coastal Management Act 2016 (The Act) applies to the land, as the land is identified on mapping within the SEPP (Coastal Management) 2018 (The SEPP). The SEPP identifies the site in both the *Coastal Environment Area Map*, and the *Coastal Use Map* as shown below and as such, clauses 8 and 9 of the Act are relevant to this application.



The objectives in the act align with the considerations that must be given by councils in The SEPP, and have been taken into consideration in the design of this application as follows:

Clause 8 Coastal Environment Area

- 2) *The management objectives for the coastal environment area are as follows:*
- a) *to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity*
 - b) *to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change*
 - c) *to maintain and improve water quality and estuary health*
 - d) *to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons*
 - e) *to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place*
 - f) *to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms*

The proposal being totally within the site and on private land, with all works above MHW, has no impact on items a), b), c). The proposal has no effect on the social values of the waterway with alterations and additions to an existing dwelling to a property that is not waterfront. The proposal has no impact upon the ability for residents to partake in social and cultural values of the waterway.

The proposal is not applicable to item e) as it is not on an ocean or waterway beach, and the proposed works are completely within private land and therefore have zero impact upon public access.

The proposed development achieves the objectives of The Act.

Clause 9 Coastal Use Area

- 3) *The management objectives for the coastal use are as follows:*

- a) *to protect and enhance the scenic, social and cultural values of the coast by ensuring that:*
 - (i) *the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast, and*
 - (ii) *adverse impacts of development on cultural and built environment heritage are avoided or mitigated, and*
 - (iii) *urban design, including water sensitive urban design, is supported and incorporated into development activities, and*
 - (iv) *adequate public open space is provided, including for recreational activities and associated infrastructure, and*
 - (v) *the use of the surf zone is considered*
- b) *to accommodate both urbanised and natural stretches of coastline*

The proposal is consistent in type, bulk and scale to surrounding development and there are no adverse impacts of the development proposed as alterations and additions to an existing dwelling

The location is non-urban nor within a surf zone and these items are not applicable to the assessment. The proposal is within private land and this item is also not applicable. The proposal has no impact on the natural stretch of the waterway as the property is not water frontage.

The proposed development achieves the objectives of The Act.

State Environmental Planning Policy (Coastal Management) 2018

The SEPP mapping identifies the site as falling within the area assessable under the Coastal Management SEPP. The site is shown within the *Coastal Environment Area Map*, and the *Coastal Use Map* (extract below).

For the purposes of assessment of this application, the relevant SEPP clauses are 13, 14, 15 with discussion below. As the land is identified within the *Coastal Environment Area Map*, the following clause applies:

13 Development on land within the coastal environment area

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

The site is located within the coastal environment area. The proposal to build alterations and additions to an existing dwelling, and a new pool substantially setback are within a property that is not waterfront.

None of the works proposed will cause any adverse impacts to items a) to l) above as the works are wholly contained within the subject site and do not extend into the waterway. The proposed new pool will be inground, with no greater visual impact on the coastal area.

The proposed works being completely contained on private land, do not have an impact on public foreshore access, coastal processes or are within the vicinity of any known Aboriginal heritage sites.

- 2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that*

- a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposed development is located entirely within the property boundaries on private land, and the alterations and additions of an existing dwelling involves minimal material change to the setting fronting the Pittwater waterway. As such the proposed development does not result in a further impact to the processes of the Pittwater Waterway, public foreshore access, Aboriginal heritage or native vegetation than what has been previously established by the existing dwelling.

Council can be satisfied that the proposed alterations and additions of an existing dwelling on the site will achieve compliance with this clause of the SEPP.

As the land is identified within the *Coastal Use Map*, the following applies:

14 Development on land within the coastal use area

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

The proposed development is consistent with the character, bulk and scale of the locality with a dwelling of similar scale to those adjoining and near the site. The proposal has no impact upon foreshore vegetation. No Aboriginal heritage sites are located within the vicinity of the development and public access to the foreshore is not affected as the works are wholly contained within private land.

The development does not result in any additional overshadowing to the foreshore area or impact upon any views to the foreshore from the public domain (Pittwater Road). Council can be satisfied that the proposal to construct alterations and additions to an existing dwelling will achieve compliance with this clause of the SEPP.

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

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

A Geotechnical Engineering report has been prepared to accompany the development application. The report considers the location of the site and setback from Pittwater Road which exists between the site and the waterway, together with the proposed excavations.

5.0 CONCLUSION

The proposal to construct **alterations and additions to an existing dwelling** at 1951 Pittwater Road, Bayview as submitted is permissible with the consent of Council. The development is consistent with the provisions of the Pittwater LEP 2014 and responds to the relevant DCP controls and outcomes and provides assessment under the requirements of the Coastal SEPP.

The proposal is in keeping with the Desired Future Character statement for the area. The development will provide a positive contribution to the locality. The proposal will not have any unacceptable adverse environmental effects and conforms to the relevant statutory planning requirements.

The application is therefore suitable for approval.