

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED PARTIAL DEMOLITION OF THE EXISTING DWELLING AND THE
CONSTRUCTION OF NEW DWELLING COMPRISING THE RETENTION OF SUBSTANTIAL
PORTIONS OF THE EXISTING DWELLING, TOGETHER WITH A DETACHED STUDIO
AND SWIMMING POOL**

LOCATED AT

155 PACIFIC ROAD, PALM BEACH

FOR

PHILIP GREADER & JO LAMBERT-SMITH



**Prepared
December 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by CM Studio on behalf of Philip Greaser & Jo Lambert-Smith, Project No. 2021_135, dated 22 November 2021 to detail the proposed partial demolition of existing dwelling and construction of new dwelling comprising substantial portion of existing dwelling, together with detached studio and swimming pool at **155 Pacific Road, Palm Beach**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 155 Pacific Road, Palm Beach, with the parcel comprising Lot 1 DP 1144798 and is zoned E4 (C4) Environmental Living under the Pittwater Local Environmental Plan 2014.

The site falls within the Class 5 Acid Sulfate Soils area in this issue will be discussed further within the statement.

The land is noted as being W Hazard H1 on Council's Geotechnical Hazard Map. Accordingly, a Geotechnical Assessment has been prepared by White Geotechnical Group under Reference No. J3887, dated 26 November 2021. This matter will be discussed further within this statement.

The site is subject to bushfire hazard and a Bushfire Risk Assessment has been prepared by Bushfire Planning Services dated 3 December 2021. This issue will be discussed further within this statement.

The site is also noted as mapped as being within the Biodiversity area, and accordingly an Arboricultural Impact Assessment Report has been prepared by Martin Peacock Tree Care, dated 30 November 2021.

The site is not identified as being affected by any other hazards.

3.0 Site Description

The property is an irregular-shaped lot located on the north-eastern side of Pacific Road, and has a frontage to Pacific Road of 28.11m, with an access handle and right-of-way footway access to Palm Beach Road to the east. The site has a total area of 1508m² or 1203m² exclusive of the access handle.

The site slopes towards the rear, north-eastern boundary, with stormwater directed to the street gutter at the lower end of the Palm Beach Road via the access handle in accordance with the Stormwater Management Plan prepared by RTS Civil Consulting Engineers, Project No 211102 dated 30 November 2021.

Currently the site is developed with a two and three storey rendered and timber dwelling with a tile roof, together with a detached timber garage and carport forward of the dwelling, and a detached outbuilding within the rear yard.

Driveway access is available to the site's parking structures via a stone paved driveway from Pacific Road.

The land enjoys a north-easterly aspect, with views towards the ocean and north westerly views towards Palm Beach.

The details of the relevant part of the site identified in the accompanying partial survey report prepared by Rygate Surveyors, Reference No. 79667, dated 9 July 2021, which accompanies the DA submission.



Fig 1: Location of the subject site
(Source: Google Maps)



Fig 2: View of the subject site and the existing dwelling and detached parking areas comprising a detached carport and detached garages with driveway access from Pacific Road, looking south-east



Fig 3: View of the current site frontage and driveway access from Pacific Road, looking east



Fig 4: View looking east over the existing dwelling, indicating existing screening planting within the road reserve



Fig 5: View the driveway access and garages of the neighbouring dwelling to the south-east at No 153 Pacific Road



Fig 6: View the existing development on the western, higher side of Pacific Road, opposite the subject site



Fig 7: View the existing development to the north of the site at No's 161 & 163 Pacific Road, looking north-west

4.0 The Surrounding Environment

The general vicinity of the site is characterised by irregular shaped allotments within a scenic ridge top location which enjoy views to the north-east towards the ocean.

The design of development in this locality reflects the sloping terrain and views towards the ocean to the north-east and retains a dominance of natural features and vegetation.

The locality comprises a mix of low-density residential development within landscaped settings , which respond to the sloping topography and as a consequence of the local terrain, car parking structures are often provided at the front boundary or within the front setback.



Fig 8: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

The proposal seeks consent for the partial demolition of existing dwelling and construction of new dwelling comprising the retention of substantial portions of the existing dwelling, together with a detached studio and a swimming pool.

Given the extent of the new work and the changes to the building façades and increased bulk and scale of the development when compared to the existing building, it is considered the works are properly classified as a new dwelling.

The works comprise the following:

Lower Ground Floor

- Alterations and additions to lower ground floor level to provide for two bedrooms, bathroom, laundry, bathroom, wine cellar, TV/sitting room/ library, internal access stairs and lift shaft

Ground Floor

- Alterations and additions to ground floor level to provide for new entry, living, kitchen and pantry, office, powder, master bedroom with ensuite, sitting and walk-in robe, decks, internal access stairs and lift shaft

First Floor

- Proposed new first floor addition to provide for studio/workshop with lift shaft and stair access

Ensuite

- New swimming pool and associated decking
- New detached studio with living, bath, bedroom and deck

The proposal alterations and additions result in a modulated built form which largely presents a modest one and two storey scale through the pavilion style of the floor plate elements and the low pitched roof form. Given the floor levels step to follow the sloping topography of the site, the visual bulk is effectively distributed and is in keeping with the predominant scale of the surrounding development bulk and scale of the existing surrounding development and will not be visually prominent in the locality.

The proposal is supported by a Bushfire Risk Assessment prepared by Bushfire Planning Services, dated 3 December 2021. The works will be carried out in accordance with recommendations included within the bushfire report.

The proposal requires the removal of a number of trees to accommodate the new works, and accordingly an Arboricultural Impact Assessment Report has been prepared by Martin Peacock Tree Care, dated 30 November 2021.

The Assessment addresses 36 trees within the site and an additional 13 trees in the vicinity of the site.

The proposed works will see some impact on the existing tree cover, with 27 trees within the site intended for retention and 10 trees are proposed for removal.

The assessment notes that of the 10 trees to be considered for removal, the following comments are offered:

“These trees have all been allocated a Retention Value of either Consider for Removal or Priority for Removal. These trees are either; of low landscape and arboricultural value, are exempt under Northern Beaches Tree Management Policy or, have reduced Useful Life Expectancies based on health and/or structural issues (refer 6.1 Tree Assessment Schedule).”

The AIA also provides further recommendations for tree pruning to be carried out and protection measures to be implemented to ensure that the trees which are intended to be retained are suitably protected and their health and vigour can be preserved throughout the construction process.

The proposal is also supported by a Landscape Plan prepared by Dangar Barin Smith which provides for managed replanting of the site and will see the introduction of 24 trees, including six Palm trees, eight red Cottonwood, seven pines three banks is, with a new trees to have a mature height of up to 15m to supplement the trees to be removed as a result of the building work.

The retention of a significant portion of the existing planting together with the proposed replanting of the site in accordance with the Landscape Plan will ensure that a generous area of soft landscaping will be retained.

The indices for the development are summarised as:

Site Area	1508m ² (inclusive of access handle – see DCP discussion)
Required Landscape Area	60% or 904.8m ²
Proposed Landscape Area	62% or 936m ²

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the current residential use of the land being unchanged, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been prepared and accompanies this submission.

6.3 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned E4 Environmental Living under the provisions of the PLEP 2014.



Fig 9: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The proposed residential dwelling, detached studio and pool is considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the E4 (C4) Environmental Living Zone is consistent with the zone objectives, which are noted as:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

It is considered that the proposed new works will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal is consistent with and complements the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- As discussed further in the submission, the proposal does not have any adverse impact on long distance views.

Clause 4.3 – Height of buildings

The proposal provides for a height of up to 9.74m above natural ground level. Clause 4.3(2D) applies to the subject development, which reads as follows:

- (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 majority of the building complies with the height control. The site slope exceeds 30%, and the development is stepped to follow the sloping topography of the site.

The objectives of this clause 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,*
- (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) to minimise any overshadowing of neighbouring properties,*

- (d) to allow for the reasonable sharing of views,
- (e) to encourage buildings that are designed to respond sensitively to the natural topography,
- (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

The proposal provides for a new dwelling which maintains a two and part three storey scale, and is in keeping with the character of existing surrounding development, together with the desired future character of the locality.

Clause 7.1 – Acid sulfate soils

The site is identified as being within an area affected by Acid Sulfate Soils (Class 5). The development does not require any site disturbance with no further excavation required and therefore, no further investigation is considered necessary in this instance.

Clause 7.2 – Earthworks

The proposal will require some excavation of the site to accommodate the new works. A Geotechnical Assessment has been prepared by White Geotechnical Group under Report Reference J3887 dated 26 November 2021 and accompanies this submission.

In addition, the works will be carried out in accordance with the recommendations of the consulting Structural Engineer.

Clause 7.6 – Biodiversity

As noted in Figure 7 (over) the site is noted as being within the Biodiversity area.

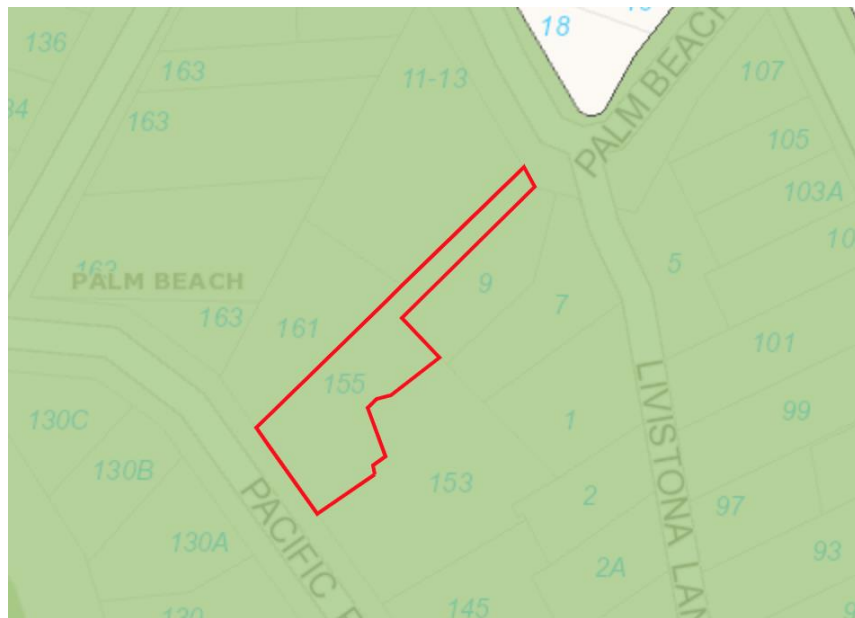


Fig 7: Extract of Pittwater Local Environmental Plan 2014 Biodiversity Map
Source: Northern Beaches Planning Maps

The proposal requires the removal of a number of trees to accommodate the new works, and accordingly an Arboricultural Impact Assessment Report has been prepared by Martin Peacock Tree Care, dated 30 November 2021.

The majority of the existing mature trees will be retained, and replacement plantings will be provided throughout the site as detailed within the Arboricultural Impact Assessment Report. The proposal is therefore considered to be in keeping with the provisions of Clause 7.6 of the LEP.

Clause 7.7 – Geotechnical hazards

The land is noted as being W Hazard H1 on Council's Geotechnical Hazard Map. Accordingly, a Geotechnical Assessment has been prepared by White Geotechnical Group under Report Reference J3887, dated 26 November 2021.

The report concludes:

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.

The proposal will therefore satisfy the provision of this clause.

Clause 7.10 – Essential services

The proposal will see the existing essential services to the site being maintained.

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

6.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP and Section D12 Palm Beach Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.5.1 Section A Introduction

A4.12 Palm Beach Locality

Desired Character

The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the lowlands and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale whilst ensuring that future development respects the horizontal massing of the existing built form. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Palm Beach will remain an important link to the offshore communities.

It is considered that the proposal is consistent with the desired character of the locality by providing for partial demolition of existing dwelling and construction of new dwelling comprising substantial portion of existing dwelling, together with detached studio and swimming pool.

The proposal presents a modest one, two and part three storey height and scale relative to the topography of the land, when viewed from Pacific Road. Given the elevation of uphill properties above the levels of the subject site, views past and over the structure towards the ocean are maintained for the surrounding properties.

The development is compatible with the low-density scale of the area and with the low profile roof form and recessive colours and finishes are not visually prominent within the Palm Beach locality. The proposed external finishes have been detailed within Sheet DA 403

A generous area of soft landscaping will be maintained. Whilst a number of trees are proposed for removal, replacement plantings are to be provided throughout the site to soften and screen the built form of the development, together with the existing plantings to be retained.

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

6.5.2 Section B General Controls

The General Controls applicable to the proposed new dwelling which will incorporate the retention of significant portions of the existing are summarised as:

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The land is noted as being W Hazard H1 on Council's Geotechnical Hazard Map. Accordingly, a Geotechnical Assessment has been prepared by White Geotechnical Group under Report Reference J3887 dated 26 November 2021.

The proposal will be carried out in accordance with the recommendations within the report and will therefore satisfy the provisions of this clause.

B3.6 Contaminated Land and Potentially Contaminated Land

The controls seek to achieve the outcomes:

Protection of public health. (S)

Protection of the natural environment. (En)

Successful remediation of contaminated land. (En, S)

Given the residential history of the site, it is not expected that any contamination is present within the site.

B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

The controls seek to achieve the outcomes:

Conservation of intact Pittwater Spotted Gum Forest EEC. (En)

Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC. (En)

Reinstatement of Pittwater Spotted Gum Forest to link remnants. (En)

Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)

The proposal requires the removal of a number of trees to accommodate the new works, and accordingly an Arboricultural Impact Assessment Report has been prepared by Martin Peacock Tree Care, dated 30 November 2021.

The assessment concludes that 10 trees will be removed however they are all noted as being of either low landscape significance and arboricultural value or exempt species under the Northern

Beaches Tree Management Policy with reduced Useful Life Expectancies.

The majority of the existing mature trees will be retained, and replacement plantings will be provided throughout the site as detailed within the Arboricultural Impact Assessment Report. The proposal is therefore considered to be in keeping with the provisions of this clause.

B5.15 Stormwater

The controls seek to achieve the outcomes:

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;

Minimise the risk to public health and safety;

Reduce the risk to life and property from any flooding and groundwater damage;

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.

Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle

Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources

Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.

The site slopes towards the rear, north-eastern boundary, with stormwater directed to the street gutter at the lower end of the Palm Beach Road via the access handle in accordance with the Stormwater Management Plan prepared by RTS Civil Consulting Engineers, Project No 211102 dated 30 November 2021.

B6.1 Access Driveways and Works on the Public Road Reserve

This control seeks to achieve the outcomes:

Safe and convenient access. (S)

Adverse visual impact of driveways is reduced. (En)

Pedestrian safety. (S)

An effective road drainage system. (En, S)

Maximise the retention of trees and native vegetation in the road reserve. (En, S)

The existing access and car parking arrangements will remain unchanged. No new works are proposed within the public road reserve.

B6.2 Internal Driveways – Low Density Residential

This control seeks to achieve the outcomes:

- Safe and convenient access. (S)*
- Reduce visual impact of driveways. (S)*
- Pedestrian safety. (S)*
- An effective road drainage system. (En, S)*
- Maximise the retention of trees and native vegetation.*
- Reduce contaminate run-off from driveways.*

The subject garage gains access from the existing driveway and provides for safe and convenient access for parking within the site.

B6.3 Off-Street Vehicle Parking Requirements

This control seeks to achieve the outcome:

- Safe and convenient parking. (S)*

The existing parking arrangements within the site meets Council's requirement for large dwellings.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

- Site disturbance is minimised. (En)*
- Excavation, landfill and construction not to have an adverse impact. (En)*
- Excavation and landfill operations not to cause damage on the development or adjoining property. (S)*

The proposal will not see any further site disturbance with the structure in a completed form, with no further works required.

6.5.3 Section C Development Type Controls for Residential Development

The Development Controls for the proposed new dwelling which incorporates the retention of significant portions of the existing dwelling are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcomes:

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

The required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing significant trees and to provide for locally occurring species within any proposed replanting of the site.

As previously discussed, the proposal seeks to remove a number of existing trees in order to accommodate the new works.

Replacement plantings are to be provided as per the recommendations contained within the Arboricultural Impact Assessment Report prepared by Martin Peacock Tree Care, dated 30 November 2021.

The proposal is accompanied by a Landscape Plan prepared by Dangar Barin Smith which provides for the managed replanting of the site in accordance with Council's biodiversity controls and utilises locally native plant species.

The development retains a substantial soft landscaped area with the existing and proposed plantings to maintain a dominance of soft landscaping over the built structures within the site.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (S, Ec)*
- Inform applicants of Council's requirements for crime and safety management for new development. (S)*
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*

Identify crime and safety priority areas in Pittwater LGA (S, Ec)

Improve community safety and reduce the fear of crime in the Pittwater LGA (S)

Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)

The proposed habitable room windows within the ground floor level will address the site's entry, providing for suitable casual surveillance.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views from public places and living areas. (S)

Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)

Canopy trees take priority over views (En, S)

The required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties. The site and the adjacent dwellings enjoy views to the north-east towards the ocean.

As uphill properties on the south-western side of Pacific Road are substantially elevated above the subject site, they are considered to retain their primary views over the subject property.

The proposal assists with minimising potential view impacts by being stepped to follow the sloping topography. In addition, the proposal presents a modest one and two storey scale to Pacific Road.

Accordingly, the proposal is considered to result in equitable access to the available views and outlook for the neighbouring dwellings and public areas being largely maintained.

C1.4 Solar Access

The controls seek to achieve the outcomes:

Residential development is sited and designed to maximise solar access during mid-winter. (En)

A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)

Reduce usage and/dependence for artificial lighting. (En)

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

As noted within the submitted shadow diagrams (Sheet No. DA501 – DA503), the proposal will not result in any unreasonable adverse solar access impacts for neighbouring properties.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (S)

A sense of territory and safety is provided for residents. (S)

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The proposed new works maintain ample separation to neighbouring properties. Window openings are limited within the south-eastern elevation, and the north-western elevation is well separated from the north-western neighbour.

The proposed new swimming pool is centrally located within the site, which minimises opportunities for overlooking to the adjoining properties.

The existing and proposed plantings will assist with screening the development and maximise privacy for the occupants of the subject site and neighbouring properties.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S)

Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas (S)

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, it is suggested that there will not be any significant change to the existing site conditions. The proposed pool equipment will be contained within a noise attenuating enclosure.

C1.14 Separately Accessible Structures

The controls seek to achieve the outcomes:

Separately accessible structures that provide a recreational or office function for residents. (S)

The proposal provides a new detached studio within the rear yard, which is ancillary to the primary dwelling and will not be used for separate habitation.

C1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)

Compliance with Swimming Pools Act 1992 and Regulations (En, S)

The proposed pool provided for suitable fencing and warning notices in accordance with the Swimming Pools Act 1992.

C1.23 Eaves

The controls seek to achieve the outcomes:

Housing that reflects the coastal heritage and character of Pittwater. (S)

Optimise roof forms. (S)

Appropriate solar access and shading is achieved. (En)

The works incorporate eaves for weather and solar protection and to match the style and form of the existing dwelling. The low scale residential nature of the works ensures that the structure complements other newer development in the immediate area.

6.5.4 Section D Locality Specific Development Controls

The **D12 Palm Beach Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

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

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

A summary of the DCP controls for the **D12 Palm Beach Locality** is provided below:

D12.1 Character as Viewed from A Public Place

The control seeks to achieve the outcomes:

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 and natural environment. (En, S, Ec)

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. (En, S, Ec)

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

Buildings do not dominate the streetscape and are at 'human scale'.

To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.

To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)

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

It is considered that the proposal is consistent with the desired character of the locality by providing for partial demolition of existing dwelling and construction of new dwelling comprising

The retention of substantial portions of the existing dwelling, together with a detached studio and swimming pool.

The proposal presents a modest one, two and three storey height and scale, with the visual bulk of the dwelling well distributed through the pavilion style form and the stepped floor levels to follow the sloping topography of the land, when viewed from Pacific Road.

Given the elevation of uphill properties above the levels of the subject site, views past and over the structure towards the ocean are maintained for the surrounding properties.

The development is compatible with the low-density scale of the area and with the low profile roof form and recessive colours and finishes are not visually prominent within the Palm Beach locality.

A generous area of soft landscaping will be maintained. Whilst a number of trees are proposed for removal, replacement plantings are to be provided throughout the site to soften and screen the built form of the development, together with the existing plantings to be retained.

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

D12.3 *Building colours and materials*

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape. (S)

To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

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

The proposal complies with controls as the structure presents earthy tones and compatible finishes which match the existing dwelling and have been detailed within sheet DA 403.

D12.5 Front Building Line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.
Equitable preservation of views and vistas to and/or from public/private places. (S)
The amenity of residential development adjoining a main road is maintained. (S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
Vehicle manoeuvring in a forward direction is facilitated. (S)
To preserve and enhance the rural and bushland character of the locality. (En, S)
To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.
To encourage attractive street frontages and improve pedestrian amenity.
To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

The control to achieve this outcome is to provide a setback of 6.5m setback for land zoned E4 (C4) Environmental Living, or the established building line to the street frontage, whichever is the greater.

The proposed new works will stand a minimum of approximately 3.8m from the front boundary. Whilst the front setback does not comply with this control, the new works largely follow the siting of the existing dwelling.

The proposal will present a modest one and two storey scale to the streetscape, and will not be overbearing when viewed from Pacific Road. The development is in keeping with the character of existing surrounding development, and the desired future outcome for development in the locality.

Whilst the proposal does not comply with the numerical control for the front setback, strict compliance is deemed unreasonable as the proposal achieves the Objectives of the DCP without impacting on the public or private amenity and maintaining suitable separation from the street.

Notwithstanding the variation to the front setback control, the proposal is considered to be in keeping with the desired outcomes of this clause, and is worthy of support on merit.

D12.6 Side and rear building line

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- The bulk and scale of the built form is minimised. (En, S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*
- Flexibility in the siting of buildings and access. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*
- To ensure a landscaped buffer between commercial and residential zones is achieved.*

The relevant controls to achieve this outcome are to maintain a minimum setback of 2.5m for one side and minimum 1.0m setback for the other side.

The dwelling maintains a setback of 6.1m and 1.5m from the north-western and south-eastern side boundaries. The proposed studio will stand 1m from the south-eastern side boundary, and is well separated from the north-western boundary.

The development readily exceeds Council's minimum rear setback requirement.

D12.8 Building Envelope

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- The bulk and scale of the built form is minimised. (En, S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

As noted within the submitted elevations, there is no encroachment of Council's building envelope control.

D12.10 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

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

The required controls to achieve the outcomes are to ensure that residential development maintains a minimum of 60% of the site as landscaped area.

The proposal maintains a landscaped area of 62.5% with the inclusion of the right-of-way access handle as part of the site area and therefore readily complies with this control.

Commonly, the right-of-way access handle is excluded however given its generous width and the fact that it contributes to the soft landscaped appearance and the sense of separation from surrounding properties, it is considered that it is appropriate to include it within the total site area in this instance.

Should the right-of-way be excluded (approximately 300m²) the total site area and landscaped area is approximately 50% which does not include any permissible variations.

As the area will retain appropriate area for the provision of landscaping which assists in visually separating the buildings together with well distributed bulk and scale for the new dwelling, the proposed footprint and available landscaped area is considered to be reasonable in this instance.
Thank

D12.14 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.
To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En,S).
Maintenance and enhancement of the tree canopy. (En,S)
Colours and materials recede into a well vegetated natural environment. (En,S)
To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component. (En, S)
To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.

Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

The required controls to achieve the outcomes are to ensure that the development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

As discussed, the works as constructed are not considered to be bulky or overbearing when viewed from the adjoining public areas or neighbouring properties.

The compatible bulk and scale of the new works are not a dominant feature within the locality and do not adversely affect the natural environment.

The recessive tones and external finishes that have been provided further minimise the bulk and scale of the built form.

The existing and proposed plantings will assist with softening and screening the built form of the development

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments applying to the land.

7.3 Any development control plan

The development as constructed is considered to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014 and in particular, the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the design of the structure respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for the proposed partial demolition of existing dwelling and construction of new dwelling comprising the retention of substantial portions of the existing dwelling, together with detached studio and swimming pool, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 & the Pittwater 21 DCP and the Palm Beach Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently E4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

The design manages the challenges presented by the slope of the subject site and otherwise there is no significant constraint to the construction of the proposed development.

7.8 Any submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

8.0 Conclusion

The principal objective of this development is to provide for the proposed partial demolition of the existing dwelling and construction of new dwelling comprising the retention of substantial portions of the existing dwelling, together with a detached studio and swimming pool.

It is considered that the proposed use satisfies the stated objectives of Council's Development Controls and does not adversely affect the residential character of the area.

As the proposed development does not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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