

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS
TO THE EXISTING DWELLING**

LOCATED AT

5C ILUKA ROAD, PALM BEACH

FOR

GEORGIA MANSUR



**Prepared
December 2022**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans detailing the proposed construction of alterations and additions to the existing dwelling at **5C Iluka Road, Palm Beach** prepared by Ukalovic Design prepared on behalf of Ms Georgia Mansur.

The submission comprises plans prepared by Ukalovic Design, Reference No. 2201, Revision A, dated 15 December 2022:

- *Drawing No. 1* *Cover Page*
- *Drawing No. 2* *Site Plan & Site Analysis Plan*
- *Drawing No. 3* *Lower Floor Plan*
- *Drawing No. 4* *Proposed Lower Floor Plan*
- *Drawing No. 5* *Upper Floor Plan*
- *Drawing No. 6* *Elevations*
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- *Drawing No. 12* *Landscape Plan*

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 (Resilience and Hazards) 2021*
- *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 5C Iluka Road, Palm Beach, being Lot 85 within Deposited Plan 14682 and is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site is identified as being within the Coastal Environment Area and Coastal Use Area under the coastal zone provisions of the SEPP (Resilience and Hazards) 2021.

The site is identified as Class 3 Acid Sulfate Soils. This matter will be discussed in further detail within this statement.

The subject site does not contain any heritage items, nor is it within a conservation area, however it is in the vicinity of a number of heritage items including the Palm Beach Kindergarten (Item No. 2270166) at 1053 Barrenjoey Road, Palm Beach.

The site is identified as Low and Medium Risk Flood Prone Land and is also noted on Council's Bushfire Prone Land Map. These matters will be discussed within this submission.

In addition, the site is identified as Bushfire Prone Land. Accordingly, a Bushfire Risk Assessment has been prepared by Bushfire Planning Services and will be discussed further in this submission.

No other hazards have been identified.

3.0 Site Description

The site is located on the north-eastern side of Iluka Road and rises gradually towards the rear boundary, facing Barrenjoey Road.

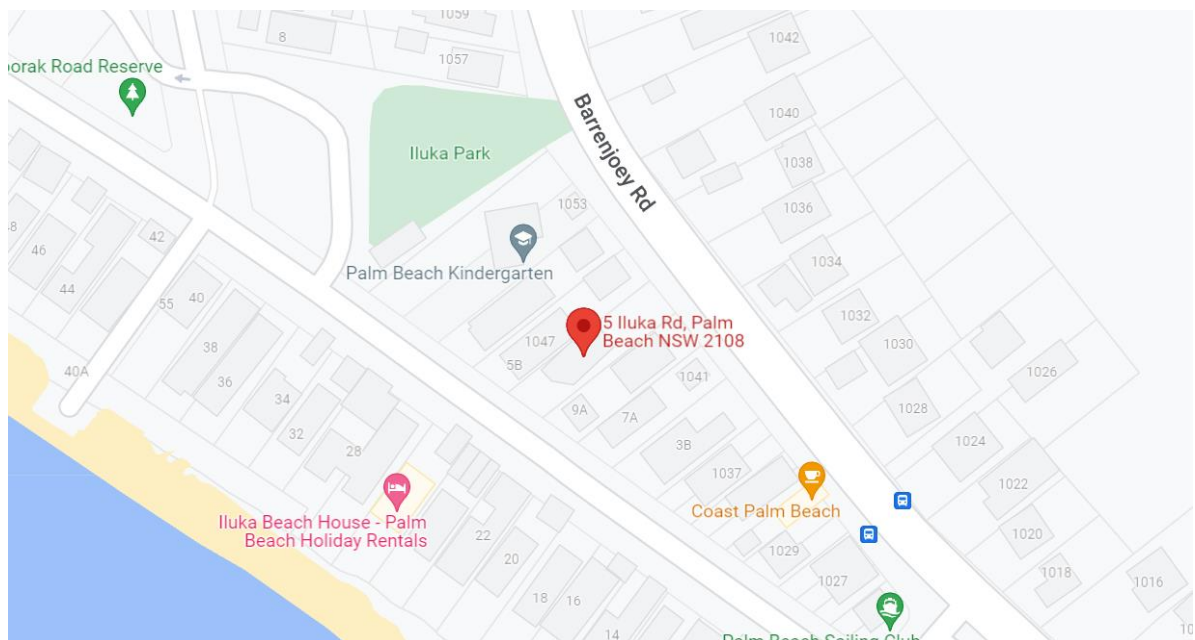
The site is regular in shape and has frontage of 12.681m to Iluka Road, and north-western and south-eastern side boundaries that measure 60.471m and 56.985m respectively. The rear, secondary frontage to Barrenjoey Road measures 12.193m and the total site area is 716.06m².

Stormwater from the roof areas is to be directed to the existing public stormwater drainage line located within the adjacent public reserve.

The site is currently occupied by a single storey rendered residence. A detached garage with studio above is located within the Barrenjoey Road frontage, with an inground swimming pool centrally located within the site.

Vehicular access to a site is provided from Barrenjoey Road via a concrete driveway to an existing detached garage.

The details of the lots which comprise the parcel are contained within the survey report prepared by Rennie Gollidge Pty Ltd, Reference No. 034.22, dated 31 March 2022, which accompanies the DA submission.



**Fig 1: Location of Subject Site
(Source: Google Maps)**



Fig 2: View of the subject site, looking east west from Iluka Road



Fig 3: View of the existing dwelling, looking north-east from Iluka Road



Fig 4: View of the subject site, looking west from Barrenjoey Road

4.0 The Surrounding Environment

The general vicinity of the site is characterised by irregular shaped allotments within a natural setting, with a mix of low density residential developments which are oriented to enjoy the waterfront location and significant Pittwater vistas.

Development in Iluka Road typically comprises one and two storey development with a range of detached garages and ancillary outbuildings, with the building form screened by smaller trees and screening shrubs.



Fig 5: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of alterations and additions to the existing sole occupancy dwelling and including a new upper floor addition.

The new works will comprise:

Lower Floor

- Proposed new internal staircase with storage under to provide access to proposed upper floor.

Upper Floor

- Proposed upper floor level to provide for rumpus room with wetbar, bathroom, guest bedroom, front balcony and internal access stairs to lower floor.

External Works

- Replacement of porch steps
- New planter boxes to existing porch

The works will see a contemporary form that maintains an appropriate bulk and scale when viewed from the street and the surrounding locality. The new works have been designed to complement the existing dwelling and present a form that will result in increased residential amenity and function.

The proposed new works are largely retained within the existing building footprint, and will not require the removal of any significant vegetation. The existing vegetation will be retained.

The development indices for the development are summarised as:

Site Area	716.06m ²
Required landscaped area	50% or 358.03m ²
Available landscaped area	25% or 180.71m ² (remains unchanged)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Coastal Hazard

A small portion of the southern corner of the subject site is identified as being within the coastal environment area on the Coastal Environment Area Map and partially within the coastal use area on the Coastal Use Area Map and therefore the provisions of Chapter 2 of SEPP (Resilience and Hazards) are applicable to the proposed development.

The stated Aim of this Chapter as outlined in clause 2.1 is to:

The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The objects set out in Clause 3 of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*

- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the proposal, as considered in this Statement of Environmental Effects, is consistent with the objects of the SEPP (Resilience and Hazards), as set out in Clause 3 of the Coastal Management Act 2016. The relevant provisions of this Chapter are addressed as follows:

2.10 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 ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this section 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 subsection (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.*
- (3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment: The proposed works do not require significant or unreasonable disturbance to the site and are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The site is not known to contain any items of aboriginal significance.

The subject site will not result in any loss of public access to the waterway.

The proposal does not require the removal of any significant vegetation, with an enhancement of landscaping proposed across the site.

2.11 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 will be 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.*

Comment: The bulk and scale of the built form is commensurate with the established built environment within the vicinity of the site. The proposed works do not require significant or unreasonable disturbance to the site and are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The proposal will not result in the loss of public access to the water.

The works will be carried out in accordance with the recommendations of the consulting Geotechnical and Structural Engineers, and stormwater runoff from the site will be suitably managed.

A suitable area of soft landscaping is maintained, and the new works will not require the removal of any significant vegetation.

The proposal will reasonably maintain existing views to and from the foreshore area.

The proposal will not result in any overshadowing of the foreshore area.

2.12 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.

Comment: The proposed alterations and additions will be carried out in accordance with the recommendations of the consulting Structural Engineer. In addition, the site is located on a relatively level side on the north-eastern side of Iluka Road and therefore separated from the waterway, and the development is therefore considered to suitably address the landslip and coastal hazards that affect the site. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

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

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned R2 Low Density under the provisions of the PLEP 2014.



Fig 6: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The development of and use of the land for residential purposes within the R2 Low Density Residential Zone is consistent with the zone objectives, which are noted as:

- *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.*

It is considered that the proposed additions to the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement 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 proposal provides for additions to the dwelling, which will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Palm Beach is 8.5m above existing ground level. The proposed new works will provide a maximum overall height of 8.385m and therefore complies with this control.

Clause 5.10 relates to heritage conservation. The site does not contain any heritage items and is not within a conservation area, however it has been identified as being within the vicinity of a number of heritage items as indicated on the map extract below, including the Palm Beach Kindergarten (Item No. 2270166) at 1053 Barrenjoey Road, Palm Beach.

The new works maintain a modest bulk and scale, together with complementary colours and finishes which maintain consistency with the streetscape and landscaped character of the locality.

Due to the complementary nature of the proposed alterations and additions, the proposed new works will not visually compete with the heritage item.



Fig 7: Extract of Pittwater Local Environmental Plan 2014 Heritage Map

Clause 5.21 – Flood planning

The subject site is identified as being affected by Low & Medium Flood Prone Land.

The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with use of land,
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.



Fig 8: Extract of Pittwater Local Environmental Plan 2014 Flood Hazard Map

The proposed works are located largely outside extent of flood affectation with only a minor portion extending into the low risk area.

A Flood Compliance Review has been prepared by Pittwater Data Services Pty Ltd, Reference No. PDS15092022: 5CILUKARD:PALMBEACH, dated 15 September 2022, which concludes that the portion of the site to be developed is not a flood control lot.

The proposal will therefore comply with the provisions of this clause.

Clause 7.1 relates to acid sulfate soils. The site is identified as being within an area affected by Acid Sulfate Soils (Class 3). The proposal will not see any further excavation of the site with the exception of the minor works to accommodate the new footings, and as such, no acid sulfate soils are disturbed.

Clause 7.2 relates to earthworks. The proposal will not require any significant excavation of the site. Subject to compliance with the recommendations of the consulting Structural Engineers, the proposal will satisfy the provisions of this clause.

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

6.4 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.

6.4.1 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 additions and alterations to the dwelling, which are consistent with the scale and style of the newer development in the vicinity.

The proposal will have no impact on the existing tree canopy and will provide an appropriate area of soft landscaping.

The proposal has been designed to reflect the existing setbacks provided to all boundaries existing in the immediate area.

The building materials and colours will harmonise with the natural environment and will not detract from the existing locality.

The new works will see the addition of a new upper floor level to provide for increased function and residential amenity.

6.4.2 Section B General Controls

The General Controls applicable to the proposed development are summarised as:

B3.2 Bushfire 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. (Ec)

The site is identified as being Bushfire Prone Land. Accordingly, a Bushfire Risk Assessment has been prepared by Bushfire Planning Services, dated 13 December 2022, which provides recommendations to ensure that the construction complies with the requirements of Planning for Bush Fire Protection 2019.

B3.11 Flood Prone Land

The control seeks to achieve the outcomes:

Protection of people.

Protection of the natural environment.

Protection of private and public infrastructure and assets

The proposed works are located largely outside extent of flood affectation with only a minor portion extending into the low risk area.

A Flood Compliance Review has been prepared by Pittwater Data Services Pty Ltd, Reference No. PDS15092022: 5CILUKARD:PALMBEACH, dated 15 September 2022, which concludes that the portion of the site to be developed is not a flood control lot.

The proposal will therefore comply 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.

A Stormwater Management Plan and accompanying letter dated 16 December 2022 has been prepared by Taylor Consulting, to provide for the collected roof orders to be directed to a dispersal trench within the site and located adjacent to the western boundary. As the stormwater is direct runoff from the roof, there will not be any significant issue in terms of water quality.

Given the depth of the predominantly sandy foundation layer within the site, no issues are anticipated with stormwater infiltration.

As such, there will not be any substantial change to the existing stormwater discharge arrangements.

B6.1 Access Driveways and Works on the Public Road Reserve – Low Density Residential

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 proposal will retain the existing garage, which will continue provide safe and convenient access.

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 proposal will not see any change to the existing driveway.

B6.3 Off-Street Vehicle Parking Requirements – Low Density Residential

This control seeks to achieve the outcome:

Safe and convenient parking. (S)

The controls require a minimum of 2 parking spaces for each dwelling. The proposal will maintain 2 on-site parking spaces in the existing garage.

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)

There will not be any significant excavation of the site or disturbance to the exterior ground levels. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer.

B8.2 Construction and Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)

Reduction of waste throughout all phases of development. (En)

Public safety is ensured. (S)

Protection of the public domain. (S, En)

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways. Appropriate erosion and sedimentation controls shall be implemented throughout all stages of the construction process.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)

Any demolition material will be removed and recycled off site where possible or taken to an approved waste disposal facility.

6.4.3 Section C Development Type Criteria

The Development Type Controls applicable to the proposed additions and alterations to the existing dwelling with detached garage and studio over 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 proposal will see not see any change to the available soft landscaped areas, with the new works over disturbed areas. The site will maintain its contribution to the landscaped character of the locality.

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 development provides a clear distinction between the public and private domain. Views to the public domain are available from both public frontages which enhances security in the area.

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. Due to the relatively flat nature of the land, the properties in the immediate locality along Iluka Road currently receive limited views to Pittwater.

Given the proposal provides a low scale roof form which complies with the statutory height limit, the proposal will not result in any unreasonable view loss for the surrounding properties.

Uphill properties are substantially elevated about the subject site, and views over the site towards Pittwater will be maintained.

The new dwelling achieves the objectives of Council's setback controls which allows for view corridors to be maintained past the dwelling, towards Pittwater, for the properties on the north-eastern side of Barrenjoey Road.

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.

The proposal is accompanied by shadow diagrams, which demonstrate that the subject and neighbouring dwellings will continue to enjoy suitable solar access to their internal living areas and private open space areas during the day.

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 suitable protected to limit the effects of direct overlooking.

Due to the considered location of habitable room windows, the proposal is not considered to result in any privacy impacts on neighbouring properties. The northern and southern elevations have limited window openings to preserve privacy to the adjacent neighbours, with the use of vertical louvred screens to further assist in reducing direct overlooking of the neighbours.

The primary outlook from the proposed new balcony is directly forward of the dwelling and over its own yard areas, which enhances casual surveillance and preserves the amenity and privacy of the neighbours.

Additionally, the existing and proposed perimeter planting will provide for 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.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)

Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)

Private open space receives sufficient solar access and privacy (En, S).

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation.

The proposal will not see any change to the existing private open space areas within the site.

The proposed rumpus and balcony will provide additional open space for the dwelling's occupants, with excellent solar access and internal amenity.

C 1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

Waste and recycling facilities are accessible and convenient, and integrate with the development. (En)

Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment. (En, S)

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials.

The curtilage to the garage will maintain adequate area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

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 a form of development 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 will be directed to the adjacent public drainage 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 will 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.

The proposal will provide for the construction of alterations and additions to the existing dwelling including a new first floor addition.

The proposed additions present a contemporary form, which complements the style and scale of other new development in the area and observes the prevailing setbacks of the surrounding development.

The development will see a low profile pitched roof form to minimise the visual impact of the development on the Iluka Road streetscape.

The proposal complies with the statutory height limit, and views over and to the side of the dwelling will be retained for uphill dwellings.

The existing landscape plantings will ensure that the proposed works will be interspersed with the natural landscaped setting.

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.

As discussed, the proposal responds to Council's streetscape objectives by introducing appropriate design relief through articulation and varying materials and finishes between the two levels.

The external colours and finishes of the new works have been selected to complement the existing development on site, together with the surrounding 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 external finishes have been detailed within the submission and will provide for weatherboard cladding with metal roofing, with sandstone cladding to be provided to the front elevation.

It is considered that the development is appropriate as it is intended to utilise recessive tones and finishes to complement the surrounding development.

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 clause requires that for development along the western side of Iluka Road and zoned R2 Low Density Residential, a minimum setback of 6.5m applies.

The new works to the dwelling will stand a minimum of 3.5m to Iluka Road and therefore present a variation to this control.

However, the proposed dwelling follows the front setback of the existing dwelling and is in keeping with the streetscape character of development in the immediate locality.

The proposed new works will not be overbearing when viewed from the street, and maintain a modest bulk and scale which is appropriate for its siting and location.

Notwithstanding the variation to the front setback control, the proposal is 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 proposed new works will follow the siting of the existing dwelling, and stand a minimum of 1.2m from the north-western and south-eastern side boundaries respectively.

Whilst the proposal presents a minor variation to this control as a result of the siting of the existing dwelling, the new works present a modest bulk and scale to Iluka Road and neighbouring properties, and will not result in any unreasonable adverse impacts for the adjoining neighbours in terms of solar access, privacy, views or general amenity.

The rear setback of the dwelling remains unchanged.

In light of the above, it is considered that a variation to the minimum side setback control is warranted and supportable.

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 proposal results in a breach to the prescribed building envelope control. While technically

non-compliant, the breach is not unreasonable within the context of the surrounding area noting the narrow lot widths when measured perpendicular to the side boundaries (12.2m).

The non-compliance does not unreasonably impact on the amenity of adjoining properties with no unreasonable impact on solar access, privacy or solar access. Overall, the bulk and scale are consistent with the existing and desired character of the locality remaining two storeys. Therefore, the proposal and building envelope breach should be supported on merit.

D12.9 Landscaped Area – General

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 50% of the site as landscaped area.

The site will largely retain the existing landscaped area of 180.71m² or 25% of the site as landscaped area and therefore will not comply with this clause.

The proposed landscaped area is not considered to be unreasonable. Adequate landscaping within the context of the site and wider area will remain with sufficient space for additional plantings.

The landscaped area will remain consistent with the soft landscaping of nearby properties, including the wider area along Iluka Road.

The development is not an unreasonable sized dwelling within the context of the surrounding area, particularly accounting for the narrow lot width (12.2m, when measured perpendicular to the side boundary). The proposal is largely compliant with relevant built form controls, including building height with the building envelope breach addressed under the relevant control.

Council's DCP does allow for an additional paved area of up to 6% of the site to be considered as landscaped area, where the development is considered to achieve the Objectives of Councils Built Form controls.

The proposal provides for new landscape plantings within the proposed planters to soften the built form of the development and maintain privacy and amenity for occupants of the subject site and adjoining properties.

The proposal is therefore in keeping with the desired outcomes of Clause D12.9 and is deemed worthy of support on merit.

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 proposal provides for additions and alterations to a low scale dwelling which complies with the statutory height limit. The proposed works are not considered to be bulky or overbearing when viewed from the foreshore area.

The recessive tones of the new works will further minimise the visual bulk of the building.

The proposed landscaping on the site will appropriately screen the new works.

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 has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that

the variations to the side setback, front setback and landscaped area controls are a reasonable alternative solution where there will not be any significant impact to adjoining public and private areas.

It is considered that the proposed design 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, and

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 proposed alterations and additions to an existing dwelling, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

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

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 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 impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to provide for the construction of alterations and additions to the existing dwelling and will be constructed as detailed within the Development Application plans prepared by Ukalovic Design.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area.

As the proposed development will 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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