

untapped **PLANNING**

Section 4.55 Modification

“Alterations and Additions to Existing Dwelling”

18 Norma Road, Palm Beach

Lot 395 DP 19651

Prepared for: Sewell

Ref: 032004

Date: August 2021

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1. Executive Summary

1.1 Introduction

Untapped Planning has been commissioned by S & S Sewell to prepare a Statement of Environmental Effects to accompany a Section 4.55 Amendment for proposed alterations and additions to an existing dwelling on Lot 395 DP 19651 at 18 Norma Road, Palm Beach.

1.2 Purpose of the Report

This report has been prepared pursuant to Section 4.55 of the Environmental Planning and Assessment Act and accompanying Regulation.

Its purpose is to:

- describe the proposed development and modifications to the approval;
- identify and summarise the relevant controls which guide assessment of the proposal;
- provide information on the site and its context; and
- review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to the Council's guidelines in preparing this Statement of Environmental Effects as well as the full range of other relevant legislation and development guidelines.

2. Proposed Development

2.1 Proposed Modifications

Alterations and Additions to the existing dwelling were approved by council on 1st May 2020 (DA2020/0240).

This application seeks to modify the approved development plans.

The following components of the development are proposed to be modified;

- The roof form above proposed Level 3 has been modified to a flat roof.
- Enclose the decked courtyard with glass doors to create a dining room
- New window to the east facing wall to the living area
- The wet areas have switched location on the proposed L3 floor plan
- The north facing terrace on L3 is 600mm deeper
- The existing roof above the garage has been fully removed
- The privacy screen on the south elevation is now masonry

The development is considered to constitute substantially the same development in that the bulk of the structure will remain unaltered.

The proposal does not create any additional rooms or density and the building envelope remains relatively unaltered.

Each of the changes are minor in scope and the modified roof serves to lessen the bulk of the additions.

3. Planning Controls

3.1 State Planning Controls

Environmental Planning and Assessment Act 1979

Division 4.8 – Integrated Development

The development is not considered to constitute integrated development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policies

State Environmental Planning Policy (Coastal Management) 2018

The subject site is identified as being mapped within land that applies to SEPP (Coastal Management) 2018. Part 2 of the SEPP sets out matters for consideration.

Division 3 – Coastal Environment Area	
13 – Development of Land within the coastal environment area	
<p>(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:</p> <p>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</p> <p>(b) coastal environmental values and natural coastal processes,</p> <p>(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>(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,</p>	<p>(a) The development will not have any impact on the integrity or resilience of the biophysical or hydrological environment, .</p> <p>(b) Coastal Processes will not be impacted upon by the development.</p> <p>(c) The water quality of the marine estate will not be adversely impacted upon.</p> <p>(d) No marine vegetation, native vegetation of fauna will be undeveloped nor will any rock platforms be impacted.</p> <p>(e) The development will not impact upon public access to the foreshore area.</p>

<p>(f) Aboriginal cultural heritage, practices and places,</p> <p>(g) the use of the surf zone.</p>	<p>(f) No place of Aboriginal Culture or Heritage are known to be disturbed.</p> <p>(g) The development will not impact on or be impacted by the surf zone.</p>
<p>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>(a) The siting of the proposed structures will have no impact on the foreshore.</p> <p>(b) The development is not considered to result in adverse impacts upon the foreshore.</p> <p>(c) The development is not considered to result in adverse impacts upon the foreshore.</p>
<p>Division 5 - General</p>	
<p>15 Development in coastal zone generally—development not to increase risk of coastal hazards</p> <p>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.</p>	<p>The development is sited in an area sufficiently removed from the waterfront that it is not likely to cause increased risk of coastal hazards on that land or other land.</p>

3.2 Local Planning Controls

The development site is currently controlled by the provisions of the Pittwater Local Environmental Plan 2014.

Pittwater Local Environmental Plan 2014

Under the Pittwater Local Environmental Plan 2014, the site is zoned E4 – Environmental Living. An excerpt of the Pittwater Local Environmental Plan 2014 zoning map is shown in Figure 9.

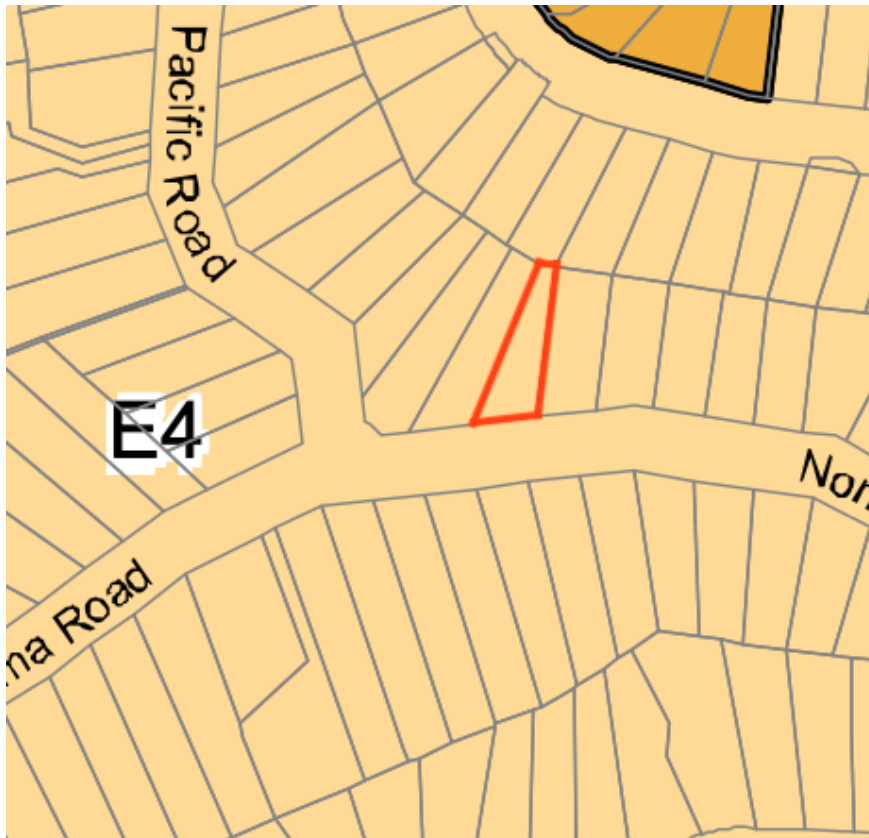


Figure 9: Site Zoning under Pittwater Local Environmental Plan 2014

The provisions for the E4 Environmental Living zone state;

- 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.

Comment: The proposed Alterations and Additions to the existing Single Dwelling are considered to be consistent with the objectives of the E4 – Environmental Living Zone.

As the development utilises the existing developed footprint, it is seen that the development will not have an adverse impact on the ecological, scientific or aesthetic values of the land.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Water recreation structures

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Comment: Under subclause 3, Dwelling Houses are permissible with Consent.

Part 4 - Principal Development Standards

Clause 4.3 Height of Buildings.

The subject site is mapped as having a maximum building height of 8.5m.

The amended proposal complies with the height requirement having a maximum height of 6m on Section A.

Clause 4.4 Floor Space Ratio

While the Floor Space Ratio Maps do not identify a Floor Space Ratio for the subject site, the development is consistent with the objectives of this clause. The objectives of clause 4.4 state;

- (1) *The objectives of this clause are as follows:*
- (a) *to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
 - (b) *to minimise adverse environmental effects on the use and enjoyment of adjoining properties and the public domain,*
 - (c) *to minimise any overshadowing and loss of privacy to neighboring properties and to reduce the visual impact of any development,*
 - (d) *to maximise solar access and amenity for public places,*
 - (e) *to minimise the adverse impact of development on the natural environment, heritage conservation areas and heritage items,*
 - (f) *to manage the visual impact of development when viewed from public places, including waterways,*
 - (g) *to allow for the reasonable sharing of views.*

The minor scale of the development and use of existing structures and build footprint will ensure that the character of the locality is not compromised. The siting of the proposal also ensures that no significant vegetation will be removed.

Part 7 - Additional Local Provisions

Clause 7.1 Acid Sulfate Soils

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

Clause 7.7 Geotechnical Hazards

The development site is identified on identified in the Geotechnical Hazard Map – Sheet GTH_015 as being within the H1 Geotechnical Hazard Zone.

A Geotechnical Report has been prepared by Ascent Geotechnical Consultants. The report demonstrates the adequateness of the development in the location. This report was provided with the original application.

Clause 7.10 Essential Services

The subject site is serviced by reticulated water and sewer.

Pittwater Development Control Plan 21

The following relevant controls have been considered in the preparation of the modification.

The development is considered to be compliant with the DCP controls for single dwellings.

B3 - Hazard Controls

Controls	Response
<p>B3.1 Landslip Hazard</p> <p>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</p> <p>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</p> <p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	<p>The rear of the development site is identified on the Geotechnical Hazard Map as being within the H1 Geotechnical Hazard Zone.</p> <p>A Geotechnical Report has been prepared by Ascent Geotechnical Consultants.</p>
<p>B3.2 Bushfire Hazard</p> <p>All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.</p> <p>Development land to which this control applies must comply with the requirements of:</p> <ul style="list-style-type: none">- Planning for Bushfire Protection (2006)- AS 3959 - Construction of a Building in a Bushfire Prone Area	<p>The development site is not noted as being bushfire prone.</p>

B3.5 Acid Sulfate Soils

Works involving the disturbance of soil or the change of groundwater levels, as described in the following table, shall not be carried out on land of the class specified for those works, unless it has been determined whether acid sulphate soils are present and whether the proposed works are likely to disturb these soils.

If it is determined that acid sulphate soils are present or are likely to be present on the land, consideration must be given to:

- the likelihood of the proposed development resulting in the discharge of acid water; and
- any comments from the Department of Planning.

Consent for development to be carried out by Councils or drainage utilities is required despite:

- clause 35, and items 2 and 11 of Schedule 1, to the Environmental Planning and Assessment Model Provisions 1980, as adopted by Pittwater LEP 1993; and
- clause 10 of SEPP No 4 Development Without Consent and Miscellaneous Complying Development.

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

B5 Water Management

Controls	Response
<p>B5.2 Wastewater Disposal</p> <p>All premises must be connected to the Sydney Water centralised sewerage waste disposal system where available.</p>	<p>The subject site is connected to the Sydney Water reticulated sewer and water system and connections will be made to the proposed secondary dwelling.</p>
<p>B5.3 Greywater Reuse</p> <p>Blackwater reuse and on-site disposal is not permitted on sewered lands.</p> <p>Council will only consider approval of on-site treatment, disposal and/or reuse of greywater subject to demonstration of scheme feasibility and compliance with all relevant State and Federal regulatory requirements and the referenced guidelines.</p> <p>The greywater treatment and reuse system shall have a current NSW Health Accreditation (where accreditation is necessary).</p> <p>All premises must maintain a connection to the Sydney Water centralised sewerage waste disposal system.</p>	<p>As the site is fully serviced there will be no requirement to dispose of grey water.</p>

B5.7 Stormwater Management - On-Site Stormwater Detention

An On-Site Detention (OSD) facility is to be installed where the development results in additional hard (impervious) surface area of greater than 50m² (on a cumulative basis since February 1996) and on land designated through mapping as requiring OSD facility.

OSD facilities are to be designed and installed to temporarily detain stormwater on a site to limit the discharge leaving the property to ensure that the development does not increase stormwater discharge downstream of the land over and above that of the existing stormwater discharge conditions up to the 1% AEP storm event.

All additional roof surface area of the development is to be drained initially to the rainwater tank which is to be fitted with an overflow pipework system connected to the OSD facility.

All additional ground surface hard stand (impervious) areas are to be drained via a stormwater tank/pit to the OSD facility.

Surface stormwater runoff from properties upstream of the land is to be independently managed to that of the additional ground surface stormwater collection and OSD system and is required to bypass the OSD system.

Rainwater tanks and OSD facilities may also be combined in an integrated system and may be either above or below ground. Should an oversized rainwater tank be used, then 25% of the excess storage volume can be credited towards the OSD tank capacity.

The development will not result in an impervious area greater than 50m² being created. The additions will occupy the existing building footprint with no change to the existing hardstand area.

No change to the existing stormwater system is proposed by this proposal.

B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings

The control is applicable when the development results in an additional hard (impervious) area of more than 50 square metres.

Development shall incorporate the installation of the following stormwater quality improvement measures:

- Pre-screening of organic matter (eg leaf litter) prior to the collection of rainwater in the rainwater tank
- A water quality filtration basket or equivalent primary treatment Stormwater Quality Improvement Device (SQID) to collect leaf litter and coarse sediments is to be installed prior to the discharge of stormwater from the land.

All Stormwater Quality Improvement Devices (SQIDs) must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

Applicants are also encouraged to apply advanced water quality techniques through primary and secondary treatment techniques to reach and/or exceed the following objectives:

- Primary treatment (eg. physical screening, rapid sedimentation techniques) of stormwater to collect and retain gross pollutants (i.e. litter and organic matter) and coarse sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.
- Secondary treatment (eg. fine particle sedimentation and filtration techniques) of stormwater to collect and retain medium to fine sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.

The proposal does not result in a 50 square meter increase in impervious area and as such no augmentation of the existing stormwater system is required.

B6 Access and Parking

Controls	Response
<p>B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy</p>	<p>No modification is proposed to the existing site access and no works are proposed within the public road reserve.</p> <p>The development does not necessitate additional parking areas.</p>
<p>B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy</p>	<p>An internal driveway currently exists for the development.</p> <p>No changes are proposed to the existing access and parking arrangements.</p>
<p>B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy</p> <p>On-Site Car Parking Requirements The minimum number of vehicle parking spaces to be provided for off-street parking is as follows:</p> <p>Small dwelling (1 bedroom) - 1 space Large dwelling (2 bedrooms or more) 2 spaces</p> <p>For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling.</p>	<p>No additional dwellings or habitable rooms are proposed through the development and as such no change to the existing parking arrangement is required.</p>

B8 Site Works Management

Control	Response
<p>B8.1 Construction and Demolition - Excavation and Landfill</p> <p>Excavated and landfill areas must be constructed to have no adverse impact on any structures, bushland or significant trees to be retained on the site.</p> <p>Excavation and landfill must be constructed to have no adverse impact on any adjoining public or private lands due to settlement or structural instability.</p> <p>Excavation and landfill areas must be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties so as to cause a nuisance.</p> <p>Excavation and landfill on any site that includes the following:</p> <ul style="list-style-type: none"> - Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation, and/or; - Any excavation greater than 1.5 metres deep below the existing surface, and/or; - Any excavation that has the potential to destabilise a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property, and/or; - Any landfill greater than 1.0 metres in height, and/or; - Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils, <p>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council.</p>	<p>Excavation, other than to facilitate a footings, will not be required as a result of this development.</p>

<p>B8.2 Construction and Demolition - Erosion and Sediment Management</p> <p>Erosion and sedimentation prevention measures must be installed on all sites to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.</p> <p>Erosion and sedimentation prevention measures must be installed in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) on the downstream side of any works undertaken on the boundary of the site or on public lands adjoining the site to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.</p> <p>Appropriate devices are to be in place at all times to prevent the migration of sediment off the site.</p>	<p>Erosion and Sedimentation controls will be in place where required during the construction process in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004), particularly during the excavation period and while exposed earth is being stabilised.</p>
<p>B8.3 Construction and Demolition - Waste Minimisation</p> <p>Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.</p>	<p>Waste will be managed through the construction process.</p>
<p>B8.4 Construction and Demolition - Site Fencing and Security</p> <p>All sites are to be protected by site fencing for the duration of the works.</p> <p>Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the Roads Act.</p>	<p>Appropriate site fencing will be implemented during construction.</p>

B8.6 Construction and Demolition - Traffic Management Plan

All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.

All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance.

All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.

No works are proposed to be undertaken within the public road reserve.

Sufficient off street manoeuvring space exists to ensure that no public nuisance is caused during the construction period.

C1 Design Criteria for Residential Development

Control	Response
Section C1.1 – Landscaping	
<p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community.</p> <p>Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</p>	<p>All trees on site, including canopy trees, are proposed for retention.</p> <p>As the development completely utilises and improves existing structures, removal of large vegetation is not required.</p>
<p>In all development a range of low lying shrubs, medium high shrubs and canopy trees shall be retained or provided to soften the built form.</p>	<p>No significant vegetation removal is required by this proposal.</p>
<p>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the longterm.</p> <p>Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</p>	<p>The required canopy trees currently exist on site and will be retained.</p> <p>It is not considered that any supplemental plantings will be required by the development due to its minimal impact on the existing vegetated state and appearance.</p>
<p>Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ within this area to ensure growth is not restricted.</p>	<p>N/A</p>
<p>The following soil depths are required in order to be counted as landscaping:</p> <ul style="list-style-type: none"> • 300mm for lawn • 600mm for shrubs • 1metre for trees 	<p>The site provides for the required soil depths.</p>
<p>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</p> <ul style="list-style-type: none"> • A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments, • 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and • 50% for all other forms of residential development. 	<p>Existing vegetation in the front building setback is proposed for retention.</p> <p>Given the development is for modifications to an existing dwelling, it is not considered that any supplemental plantings are required.</p>

Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.	No vegetating screening is proposed or required by the development.
In bushfire prone areas, species shall be appropriate to the bushfire hazard.	The site is not bushfire prone.
Landscaping shall not unreasonably obstruct driver and pedestrian visibility.	No landscaping will obstruct driver or pedestrian visibility.
Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.	The development utilises the existing built footprint and does not propose the removal of any significant trees or vegetation on site.
Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.	No new canopy trees are proposed to be introduced to supplement the existing vegetation and canopy trees.
Noxious and undesirable plants must be removed from the site	No noxious plants have been identified on site.
Section C1.2 – Safety and Security	
<p>1. Surveillance</p> <p>Building design should allow visitors who approach the front door to be seen without the need to open the door.</p> <p>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</p> <p>Development design and design of the public domain (including landscaping) is to minimize opportunities for concealment and avoid blind corners.</p> <p>Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 42821997: Control of the obtrusive effects of outdoor lighting.</p> <p>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbors.</p> <p>Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</p>	<p>Street surveillance will be greatly improved by the development. Currently a double garage addresses the street.</p> <p>The upper storey addition will facilitate street surveillance.</p>

<p>2. Access Control</p> <p>Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</p> <p>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</p> <p>Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</p> <p>The street number of the property is to be clearly identifiable.</p> <p>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</p>	<p>The primary entrance to the front of the dwelling is to remain unmodified by this proposal.</p>
<p>3. Territorial reinforcement</p> <p>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</p> <p>Blank walls along all public places (streets, open space etc) shall be minimised.</p>	<p>The dominant walkway into the site will remain unchanged by this addition to the dwelling.</p> <p>No blank walls facing public places are proposed.</p>
<p>C1.3 – View Sharing</p>	
<p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p>	<p>An assessment of views has been undertaken and provided with the original DA documentation.</p> <p>It is considered that no views will be unreasonably impacted by the proposal. The proposed modifications do not contain any elements that will decrease the view corridor.</p>
<p>The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</p>	<p>An assessment of the proposal against the NSW Land and Environment Court planning principles for view sharing is included with the original DA documentation.</p>
<p>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</p>	<p>N/A</p>
<p>Views are not to be obtained at the expense of native vegetation.</p>	<p>N/A</p>

C1.4 Solar Access	
The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	The modified development will not introduce any elements that will unreasonably introduce overshadowing.
Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).	No changes to the solar access of existing living areas has been proposed.
The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	The planning principles resulting from <i>Parsonage v Ku-ring-gai Council</i> [2004] NSWLEC 347 have been taken into account and it is considered that the development is not contrary to any of these planning principles.
C1.5 – Visual Privacy	
Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).	The proposal will not increase overlooking of adjacent dwellings and open space areas. New screening is proposed on the south elevation to the Level 3 windows.
Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.	No privacy screens are required or proposed by the development. The proposed upper storey terrace is situated in the middle of the allotment with a side setback of 5.2m. This deck is level with the front yard of the adjoining yard which is heavily vegetated. The terrace does not present any opportunity to overlook any windows of habitable rooms or private open space. Due to the setbacks, vegetation and siting of the additions, the terrace will not present any issues relating to privacy or overlooking.
Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.	It is considered that the development is consistent with this section of the DCP. The terrace will not overlook any areas of private open space.

C1.6 – Acoustic Privacy	
Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.	The development is compliant with this control and noise impacts to and from the proposed secondary dwelling as envisaged to be negligible.
Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).	The development will be compliant with the Building Code of Australia.
Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.	The development does not have any noise generating elements.
Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.	The development does not proposed any elements that would breach the Protection of the Environment Operations Act 1997
C1.7 – Private Open Space	
<p><u>a) Dwelling houses, attached dwellings, semidetached dwellings, and dual occupancies:</u></p> <p>Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</p> <p>Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</p> <p>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</p> <p>Private open space areas are to have good solar orientation (i.e. orientated to the northeast or northwest where possible).</p> <p>Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</p>	No change to existing open space areas are proposed.

Private open space should be located to the rear of the dwelling to maximise privacy for occupants.

Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.

A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.

Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.

An accessible and usable area for composting facilities within the ground level private open space is required.

Section D12 – Palm Beach Locality

Control	Comment
D12.1 – Character as viewed from a public place	
Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	The proposed addition will reduce the dominance of the existing garage by introducing additional elements to the street façade.
Walls without articulation shall not have a length greater than 8 metres to any street frontage.	No walls exceeding 8m in length fronting the street are to be introduced.
Any building facade to a public place must incorporate at least two of the following design features: <ul style="list-style-type: none"> • entry feature or portico; • awnings or other features over windows; • verandahs, balconies or window box treatment to any first floor element; • recessing or projecting architectural elements; • open, deep verandahs; or • verandahs, pergolas or similar features above garage doors. 	The dwelling contains the following features; <ul style="list-style-type: none"> • Entry Feature • Recessing or projecting of architectural features.
The bulk and scale of buildings must be minimised.	The additions, while two storey, are well under the sites 8.5m height limit. It is not considered that the proposal results in excessive bulk. The amended rood design is considered to reduce the bulk of the development further.
Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.	No change is proposed to the existing access and parking arrangements.
Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	Existing site landscaping and vegetation is proposed to be retained.

Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.	Television antennas can be sited in accordance with this clause.
General service facilities must be located underground.	General Service facilities will be in accordance with existing service provisions.
Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.	No modification to existing plumbing or electrical cabling is proposed by the development.
D12.2 –Scenic Protection	
Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	It is not considered that when viewed from any waterway, road or public reserve that the development will have any adverse visual impacts.
D12.3 – Building Colours and materials	
External colours and materials shall be dark and earthy tones as shown below Finishes are to be of a low reflectivity.	External colours will match the existing dwelling.
D12.5 – Front Building Line	
The minimum front building line shall be in accordance with the following table (refer to DCP). The DCP allows for a merit assessment. Built structures other than driveways, fences and retaining walls are not permitted within the front building setback.	The existing front building line will be retained.
D12.6 – Side and Rear Building Line	
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)	No modification is proposed to the existing side and rear building setbacks. The existing structure has a setback ranging from 4m through to 7m du to the dwelling being angles relative to the street frontage. The proposed first floor addition will be set back from the existing frontage.

<p>Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)</p> <p>Flexibility in the siting of buildings and access. (En, S)</p> <p>Vegetation is retained and enhanced to visually reduce the built form. (En)</p> <p>To ensure a landscaped buffer between commercial and residential zones is established.</p> <p>Controls 2.5 at least to one side; 1.0 for other side 6.5 rear (other than where the foreshore building line applies)</p>	
D12.8 – Building Envelope	
<p>Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).</p>	<p>Due to the irregular shape of the allotment, a small portion of the western elevation encroaches into the building envelope.</p> <p>This relates to a small section of the ridge which has no impact on adjoining properties by way of overshadowing, views or privacy.</p> <p>As the dwelling angles away from the property boundary toward the street frontage, the building envelope encroachment reduces rapidly.</p>
D12.10 – Landscaped Area General – Environmentally Sensitive Land	
<p>The total landscape area on land zoned R2 Low Density Residential or E4 Environmental Living shall be 60% of the site area.</p>	<p>The existing landscaped area is consistent with this requirement.</p>
<p>The use of porous materials and finishes is encouraged where appropriate.</p>	<p>N/A</p>
<p>Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped Area.</p>	<p>No change to the existing landscape is proposed.</p>
D12.12 – Fences – Flora and Fauna Conservation Areas.	
	<p>No change is proposed to the existing fencing on site so the provisions of this section do not apply.</p>
D12.13 – Construction, Retaining Walls, Terracing and Undercroft Areas.	
<p>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</p>	<p>The construction will be of lightweight elements in order to reduce the bulk of the proposal.</p>

Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.	The development does not propose new retaining walls or terracing.
In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.	No retaining or terracing is proposed. A timber deck will adjoin the living area of the dwelling.
Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.	The undercroft area of the existing dwelling will generally remain unchanged. At no point does the height exceed 3.5m.
Where retaining walls (for vehicular access) have been erected on the eastern side of Barrenjoey Road, a consistent treatment needs to be adopted (e.g., cement blocks or sandstone walling), to help lessen the impact of these walls. The area between the wall and the road shall be suitably landscaped to help screen it from view without limiting site lines to the street.	No retaining walls are proposed.
Where guardrails have been erected around carparking or roof top structures on the western side of Barrenjoey Road, these should be painted green or brown, with reflector strips used to delineate the edges at night.	N/A
D12.14 – Scenic Protection of Category One Areas	
Screen planting shall be located between structures and boundaries facing waterways.	No screen planting is proposed as a part of this development.
Canopy trees are required between dwellings and boundaries facing waterways and waterfront reserves.	No change to the existing vegetation and canopy trees on site are proposed.
Development is to minimise the impact on existing significant vegetation.	The development does not propose to remove any significant vegetation.
The applicant shall demonstrate the retention and regeneration of existing native vegetation outside of the immediate area required to carry out the development.	No vegetation is proposed to be removed by this development. All vegetation outside of the immediate area of the alterations will be retained.

<p>The development is to incorporate measures for planting and maintenance of native vegetation within those areas which are already cleared, and which are not required to be cleared to allow for the development.</p>	<p>The development site currently has areas of planting and there is considered to be no need to supplement these further.</p>
<p>The siting, building form, orientation and scale of the development shall not compromise the visual integrity of the site by removal of canopy trees along ridges and upper slopes.</p>	<p>The general siting and bulk of the structure will remain unaltered by this proposal. When viewed from the waterway, the proposed additions will not block the view of vegetation or ridges behind.</p>
<p>The development must incorporate the use of unobtrusive and non-reflective materials and the colours of exterior surfaces shall help blend structures into the natural environment.</p>	<p>The development will not incorporate the use of reflective or obtrusive materials, colours or surfaces.</p>
<p>Applicants are to demonstrate that proposed colours and materials will be dark and earthy.</p>	<p>Materials utilised on the deck extension will match the existing deck and dwelling and will not provide adverse visual impacts.</p>

4. Conclusion

This proposal is for Alterations and Additions to an existing Dwelling on an E4 – environmental Living zoned parcel of land.

The amended proposal is considered to be consistent with the provisions of the Pittwater Local Environmental Plan 2014 and the provisions of Pittwater DCP 21.

Furthermore, the proposal is considered to have no adverse impacts upon the environment or the general locality or surrounding properties.

Councils support to the proposal is therefore requested.