

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED DEMOLITION OF THE EXISTING STRUCTURES AND THE
CONSTRUCTION OF A NEW DWELLING INCLUDING NEW SWIMMING POOL**

LOCATED AT

27 WALWORTH AVENUE, NEWPORT

FOR

TIM & PRISCILLA MILLER



**Prepared
March 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Rachel Hudson on behalf of Tim & Priscilla Miller, comprising , Job No. 111, Sheets No's. MH-01-DA – MH-21-DA, Issue A dated 15 February 2021, to detail the demolition of the existing structures and the construction of a new dwelling including a new swimming pool at **27 Walworth Avenue, Newport**.

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 (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject site is described as 27 Walworth Avenue, Newport, being Lot 24 within Deposited Plan 9877 and is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site is identified within the Class 5 Acid Sulfate Soils area. This will be discussed in further detail within this report.

The site is not identified as being of heritage significance, nor is it within a heritage conservation area.

There are no identified hazards affecting the land.

3.0 Site Description

The site is located on the southern side of Walworth Avenue. The site is currently developed with a two storey brick dwelling with a fibre cement roof, which is to be demolished to accommodate the proposed new dwelling.

The land slopes towards the front, northern boundary, with a total fall of approximately 5.1m over its length.

The site is regular in shape, with angled front and rear boundaries of 15.24m and a depth of 44.805m. The total site area is 654m².

Vehicular access to the site is currently provided via an existing concrete driveway from Walworth Avenue.

The details of the land are contained within the survey report prepared by C.M.S. Surveyors Pty Ltd, Reference No. 19129, dated 11 February 2020 which accompanies the DA submission.

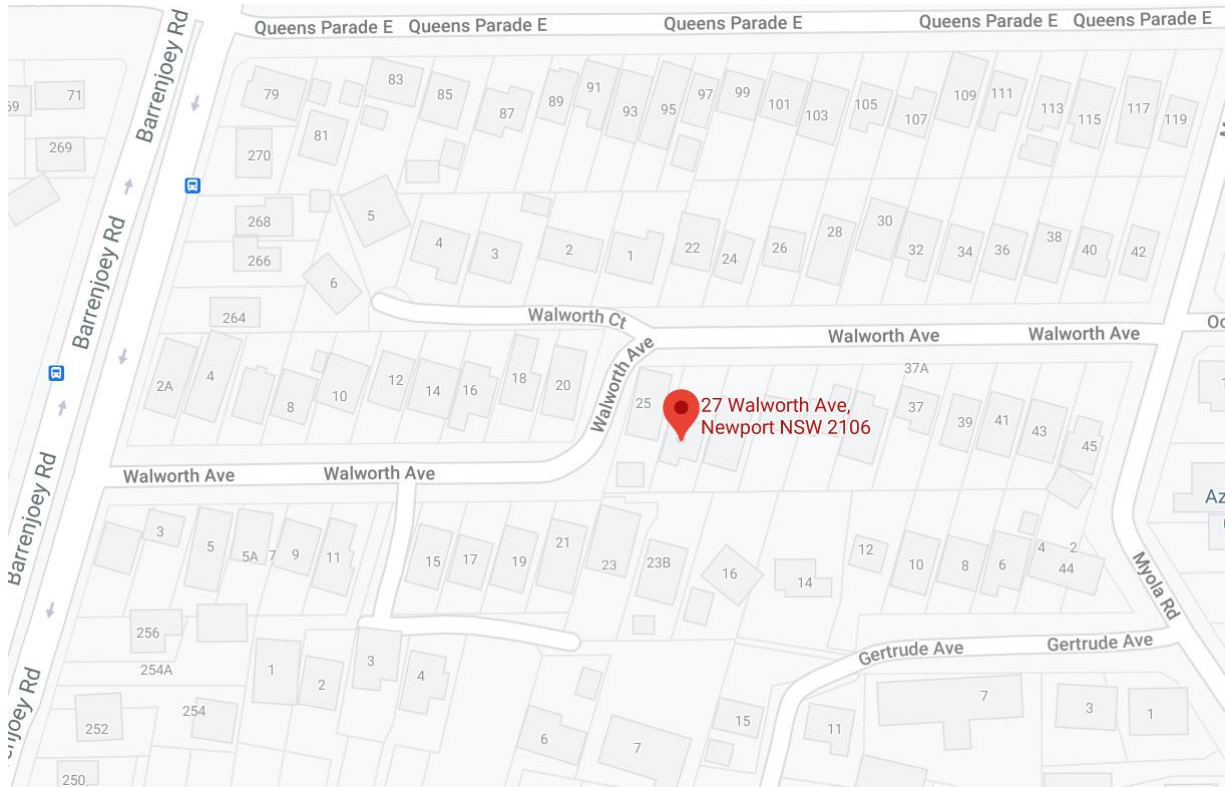


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of the existing dwelling looking south from Walworth Avenue



Fig 3: View of the neighbouring dwelling to the west at No 29 Walworth Avenue, looking south-west



Fig 4: View of the neighbouring dwelling to the east at No 25 Walworth Avenue, looking south-east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by residential dwellings and a range of detached outbuildings, of a variety of architectural styles. The surrounding area is characterised by a natural bushland setting.

The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a consistent setback to the public domain.

The surrounding properties comprise a range of original style dwellings with an emergence of modern dwellings and additions. The surrounding dwellings comprise a mix of single and two storey dwellings.

The surrounding properties enjoy views to the north towards Newport.



Fig 5: Aerial Photograph
(Source: Google maps)

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for the proposed demolition of the existing structures and the construction of a new two storey dwelling which is partly located over a Ground Floor level garage and rumpus room with storage. The proposal also includes a new inground swimming pool within the rear yard .

Specifically, the works comprise the following:

Ground Floor Plan

- New ground floor level to provide for bathroom, rumpus room, storeroom, and internal stairs to upper level
- Attached double garage

Mid Floor Plan

- New mid floor level to provide for open plan living, dining and kitchen with pantry, study, laundry, WC, front and rear terraces, two bedrooms, bathroom and courtyard

Upper Floor Plan

- New upper floor level to provide for master bedroom with ensuite, walk in robe, front deck and internal stairs

External Works

- Proposed swimming pool and associated terrace
- External stairs
- Bin storage
- Site landscaping

The proposed dwelling has been designed to provide stepped floor levels to follow the site's sloping topography, which assists with minimising the visual bulk of the dwelling. The proposal will be predominately two story in height, with some overlap of the upper floor levels over the proposed Ground floor level and the building will be partially three levels in height.

The external finishes comprise a mix of rendered brickwork and vertical timber cladding, with colorbond roofing. The colours and finishes of the new works comprise earthy tones, which blend with the natural landscape. The proposed external finishes have been detailed in the Schedule of External Finishes, detailed on Sheet No. MH-18-DA.

The site will maintain sufficient areas of soft landscaping throughout the site. The proposal will not require the removal of any significant vegetation, and new landscape plantings are to be provided throughout the development.

The development indices for the site are:

Site Area 654m²

Required Landscaped Area 50% or 327m²

Proposed Landscaped Area 50.5% or 330m² (exclusive of any applicable concessions)

6.0 Zoning and Development Controls

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

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

Given the 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.

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 Residential under the provisions of the PLEP 2014.

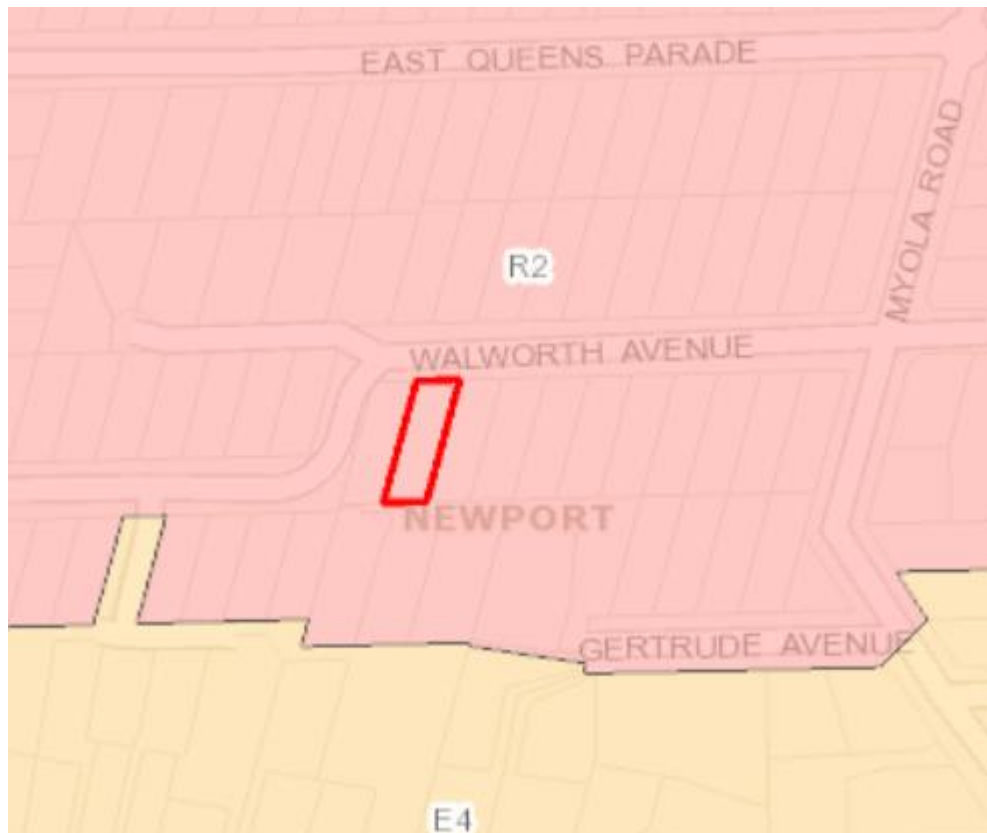


Fig 6: Extract of Pittwater Local Environmental Plan 2014

The proposed construction of a new dwelling and swimming pool is considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the R2 Low Density Residential is consistent with the zone objectives, which are noted over 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 demolition of the existing structures and the construction of a new dwelling including a new swimming pool 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 the demolition of existing structures and construction of a new dwelling including new swimming pool, which will not adversely impact on the neighbouring properties amenity or views.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any unreasonable adverse impact on long distance views.
- The proposal will not require the removal of any significant vegetation, and new plantings are provided to the perimeter of the development.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Newport is 8.5m. The proposed dwelling provides for a height of up to 8.5m above natural ground level and therefore complies with this control.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within the Acid Sulfate Soils Area (Class 5). The minor residential nature of the proposed works will not affect the water table. Accordingly, no further investigation is deemed necessary in this instance.

Clause 7.2 – Earthworks

The proposal will require some excavation of the site to accommodate the new works at the ground floor level. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer and will therefore 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 Section B (General Controls), Section C (Development Type Controls) and Section D10 Newport Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

D.10 Newport Locality

Desired Character

The Newport locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural 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 valley floor 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. 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.

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.

Newport's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront character and its outdoor lifestyle, contributing to a unique sense of place.

Contemporary design solutions within the commercial centre will respond to Newport's climate and setting, including providing shade and shelter to streets and entries, generous private outdoor spaces, openings that capture ocean breezes, and shade elements.

It is considered that the proposal is consistent with the desired character of the locality by providing for the proposed construction of a new dwelling including attached double garage, swimming pool and associated landscaping, which is consistent with the scale and style of development in the vicinity.

The proposed dwelling is modest in scale and is stepped with the sloping topography of the site, and will not result in any unreasonable adverse impacts on neighbouring properties in terms of overshadowing, view loss or visual privacy.

The proposal will not require the removal of any significant trees or vegetation to accommodate the new works. The site complies with the soft landscaping control and will see sufficient plantings and vegetation provided throughout the site to assist with softening and screening the built form of the development.

6.4.1 Section B General Controls

The General Controls applicable to the construction of a new dwelling are summarised as:

B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

The controls seek to achieve the outcomes:

The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)

The proposal will not require the removal of any significant trees or vegetation to accommodate the new works.

A generous area of soft landscaping will be retained, and the proposal will provide new plantings and vegetation throughout the site to assist with softening and screening the built form of the development.

B5.15 Stormwater

The controls seek to achieve the outcomes:

*Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;
Minimise the risk to public health and safety;
Reduce the risk to life and property from any flooding and groundwater damage;
Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.
Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle
Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources*

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

The stormwater arrangements are detailed in the Site Stormwater Management Plan prepared by Birzulis Associates, Project No 8125 dated 26 March 2021. The collected roof water will be directed to the street gutter via rainwater tanks and an on-site detention facility in accordance with Council's policy.

As the collected roofwater is from the roof areas and essentially will be clean run off, no water quality issues are expected to result from the works.

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 provides for a new concrete driveway and crossing from Walworth Avenue, which will provide for safe and convenient access to the proposed new dwelling.

The location of the proposed driveway will not require the removal of any vegetation.

B6.3 Off-Street Vehicle Parking Requirements

This control seeks to achieve the outcome:

An adequate number of parking and service spaces that meets the demands generated by the development.
Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety. Safe and convenient parking. (S)

The proposal provides parking for two spaces within the double garage in accordance with Council's parking requirements.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

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

The proposed works will require some excavation in order to provide for the construction of the dwelling and associated structures. All works will be carried out under the supervision of the consulting Structural Engineer.

B8.2 Construction & 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)

The proposed works will see minor demolition works to accommodate the development. Appropriate measures will be taken to ensure safe and efficient removal of waste will be carried out throughout all phases of development.

B8.3 Construction & 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)

The proposed works will seek to minimise waste by reusing materials where possible. Any waste will be taken to an appropriate waste facility for disposal.

B8.4 Construction & Demolition – Site Fencing and Security

The controls seek to achieve the outcomes:

Ensuring public safety. (S)

Protection of public domain. (S, Ec)

Suitable site fencing will be provided for the duration of the works.

6.4.2 Section C Development Type Controls

The Development Controls applicable to the proposed development and are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcome:

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

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

The proposal will not require the removal of any significant vegetation or trees for the new works.

The proposal will see the provision of a new plantings, including the re-establishment of the tree cover to enhance the soft landscaping within the site, as detailed within the Landscape Plan prepared by Rachel Hudson Architects dated 15 February 2021.

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 works will provide suitable safety and security for the site. Casual surveillance of the site's entry will be available from the dwelling.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views amongst dwellings. (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 subject and adjoining properties currently enjoy views towards Newport. The proposed dwelling will not result in any unreasonable loss of views from adjoining properties, including uphill properties and the public domain, with views over and past the dwelling to be largely maintained.

The design of the dwelling has been carefully considered in response to the adjoining properties and the views which are enjoyed. The proposed design has been chosen to ensure the built form sits as low as possible in relation to adjoining properties. This has been achieved through presenting the upper floor level as a “rooms with the roof” form, which utilises the roof volume for the required floor area, with dormer roof elements included to enhance the use and function of the roof area as habitable area.

Additionally, as noted in the southern and northern elevations, the new upper floor level is significantly smaller in its width and the significant majority of the ridge level of the upper level is lower in overall height when compared to the existing upper level of the current dwelling and therefore will allow for improved view corridors for the properties appellant to the south of the proposal.

The maximum height of the proposal from the existing ground level adjoining the dwelling does not exceed 8.5m, with the dwelling having an overall RL of 38.90, achieving compliance with the prescribed building height plane.

The reduce building footprint at the upper level when compared to the existing dwelling will allow for substantial view corridors to be maintained along each side elevation which allows dwellings to the rear and on either side of the subject site to maintain their existing primary views to the north, achieving a reasonable sharing of views amongst dwellings, in turn satisfying the outcomes of the control.

By designing a development which complies with Council’s height, setback and notwithstanding the challenges of the sloping site, will largely maintain building envelope controls, the design has maximised view opportunities for the uphill properties over and along the side boundaries of the proposed dwelling.

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 due to the north-south orientation of the subject site and neighbouring properties, suitable solar access will be retained to the internal and external living areas in accordance with Council's solar access requirements.

The proposal is considered to be in keeping with the desired outcomes of this clause, and is worthy of support on merit.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

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

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

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

The proposed new dwelling is not considered to result in any unreasonable privacy impacts for neighbouring properties. Window openings to side elevations have been minimised and strategically located, with louvered privacy screening provided to a number of windows within the side elevations.

The proposed pool is largely sited below the natural ground level within the rear yard, and is suitably set back from side boundaries.

The proposed perimeter planting maximises privacy for 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 recreation 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 recreation 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, there will not be any significant impact on the surrounding locality in terms of acoustic privacy.

The proposed pool equipment will be contained within a sound attenuating enclosure to minimise any potential acoustic impacts within the locality.

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.

Substantial areas of private open space are maintained, and will be enhanced through the provision of the new landscaping.

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

Housing for older people and people with a disability are accessible, adaptable and safe. (S)

Equitable access in the public domain. (S)

The required controls to achieve the outcomes are to ensure that reasonable and convenient access is maintained to the site and the development for the occupants and visitors.

The works will provide appropriate vehicular and pedestrian access to the site and will provide for convenient access to the dwelling.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

Waste facilities are located such that they do not adversely impact upon amenity of the land 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 new bin storage area will have adequate area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C1.23 Eaves

The controls seek to achieve the outcomes:

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

Optimise roof forms. (S)

Appropriate solar access and shading is achieved. (En)

The control provides for a roof form that suits the character of the locality. The proposed new flat roof comprises some eaves which have been designed to complement the character of Pittwater.

6.4.3 Section D Design Criteria

The **D10 Newport 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 character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The development will not place any significant demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D10 Newport Locality** is provided below:

D10.1 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'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)

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 of wall and roof planes, spatial separation, landscaping etc.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of a new dwelling and swimming pool, which is consistent with the scale and style of development in the vicinity.

The proposed new dwelling follows the sloping topography of the site. The new works will not see any unreasonable impacts to the views, solar access or general amenity of adjoining properties.

The proposal will retain the existing trees on site which complements the existing bushland character of the Newport Locality. The site will maintain a suitable area of soft landscaping.

D10.4 Building Colours, Materials and Construction

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 the visual character of 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 use of materials with low embodied energy is encouraged. (En)

New buildings are robust and durable with low maintenance requirements. (S)

In the Newport Commercial Centre, roofs of lighter colours are permitted to improve the thermal performance of the roof system. (En, Ec, S)

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.

It is considered that the development is appropriate as it is intended to utilise recessive tones and finishes to match the existing surroundings as per Council's DCP control. The materials and finishes have been included within this submission.

D10.7 Front Building Line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)

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 enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

The control to achieve this outcome is to provide a setback of 6.5m, or the established building line to the street frontage.

As noted within the submitted Site Plan, the proposed development substantially exceeds a 6.5m setback from the front boundary and therefore complies with this control. The proposed setback maintains a similar established alignment when compared to the adjoining properties on each side facing Walworth Avenue.

D10.8 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 established. (En, S)*

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m for at least one side and a minimum 1.0m setback for the other side. A setback of 6.0m to the rear boundary is also required by this clause.

The proposal will stand a minimum of 1m and 2.5m from the western and eastern side boundaries and therefore readily complies with this control.

The proposed dwelling exceeds the 6m rear setback control. The proposed dwelling therefore complies with the side and rear setback requirements.

Swimming pools are required to stand a minimum of 1m from property boundaries. The proposed pool will stand a minimum of 2.52m and 4.35m from the eastern and western side boundaries respectively, and a minimum of 1m from the rear boundary. The proposed pool therefore meets Council's siting requirements.

D10.11 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 residential properties. (En, S)
Vegetation is retained and enhanced to visually reduce the built form. (En)

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

As noted on the submitted northern elevation, the northern extremity of the proposed eastern elevation at the upper floor level will encroach on the building envelope.

The proposed new dwelling is stepped to follow the site's sloping topography, thereby minimising the visual impact of the development.

The new dwelling is not excessive in scale, complies with Council's statutory building height and through the introduction of substantial view corridors on each side boundary for the uphill properties, will not result in any unreasonable loss of solar access, views or visual privacy for neighbouring properties.

Accordingly, notwithstanding the minor variation to the building envelope control, the proposed development is considered to be in keeping with the desired outcomes of this clause and is worthy of support on merit.

D10.12 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 require a minimum landscaped area of 50%. The proposal will provide a soft landscaped area of 330m² or 50.5% of the site area and therefore complies with this control.

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.

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 variation to the building envelope control acceptable in this instance due to the site being constrained by its steep slope.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

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

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

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

7.5 Any matter prescribed by the regulations that apply to the land to which the development relates.

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

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

It is considered that the proposal, which seeks consent for the proposed construction of a new dwelling including a new swimming pool and associated landscaping, which 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 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 and the Newport 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 and is permissible under the provisions of the LEP.

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 demolition of the existing structures and the construction of a new dwelling including a new swimming pool which respects and complements the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

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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