

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Alterations and additions  
to dwelling house and new  
secondary dwelling**

**23 King Street, Newport**

**RESPONSIBLE FOR THIS REPORT:**

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# 1 Introduction

## 1.1 Description of Proposed Development

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

The application seeks development consent for alterations and additions to the existing dwelling and construction of a new secondary dwelling at 23 King Street, Newport.

The proposal is depicted in the accompanying architectural plans by Walsh<sup>2</sup> Architects. A summary of the key aspects of the proposal are noted as follows:

### Ground floor level

- Demolition of existing internal elements to create open plan kitchen / living / dining room (as marked on the architectural plans)
- Home office/ guest room
- Laundry
- Bathroom
- Window, wall, and door alterations as marked on the architectural plans

### Secondary dwelling

- A two-bedroom, two storey secondary dwelling of 60 square metres within the eastern section of the site

### Landscaping and site works

- Carport to south western corner of the site.
- Garden areas and landscaping as marked on the architectural plans

## 1.2 Pre-lodgement Meeting

A Pre-DA lodgement meeting was held with Council officers in relation to proposed development of the site. The application has been prepared in response to the issues raised by Council and discussed at the meeting between the parties. The following design changes to the secondary dwelling and information responses are noted:

- bathroom moved to ground floor to help reduce the upper level bulk
- double height space removed from the living room which reduces the bulk from the street and increased the upper level setback to the street..
- setback increased to southern side by moving the building closer to the street as discussed in the meeting.
- amount of glazing reduced and nearly halved in height. added a timber batten screen so that when viewed on angles from the street it doesn't appear glazed.
- changed the roof to reflect the angles of the existing dwelling house roof. The existing house has a pitch of 20.25 degrees which is matched.

- materials updated. The existing house has a dark grey render with some feature timber balconies, decks etc. The proposed secondary dwelling will have the same colour pallet so that it references the existing building.
- landscape area calculations updated and are complying.
- added a narrow planting strip to the southern side of the proposed carport.

In these ways the subject application has addressed the issues raised by Council in response to the Pre-DA lodgement submission.

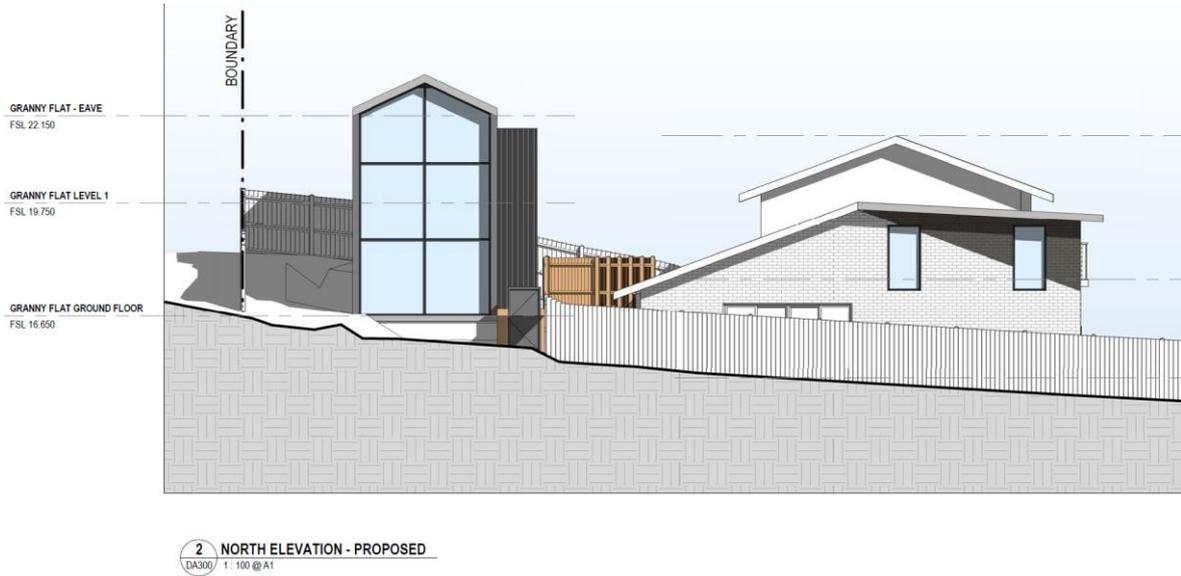


Figure 1 – Pre-DA design

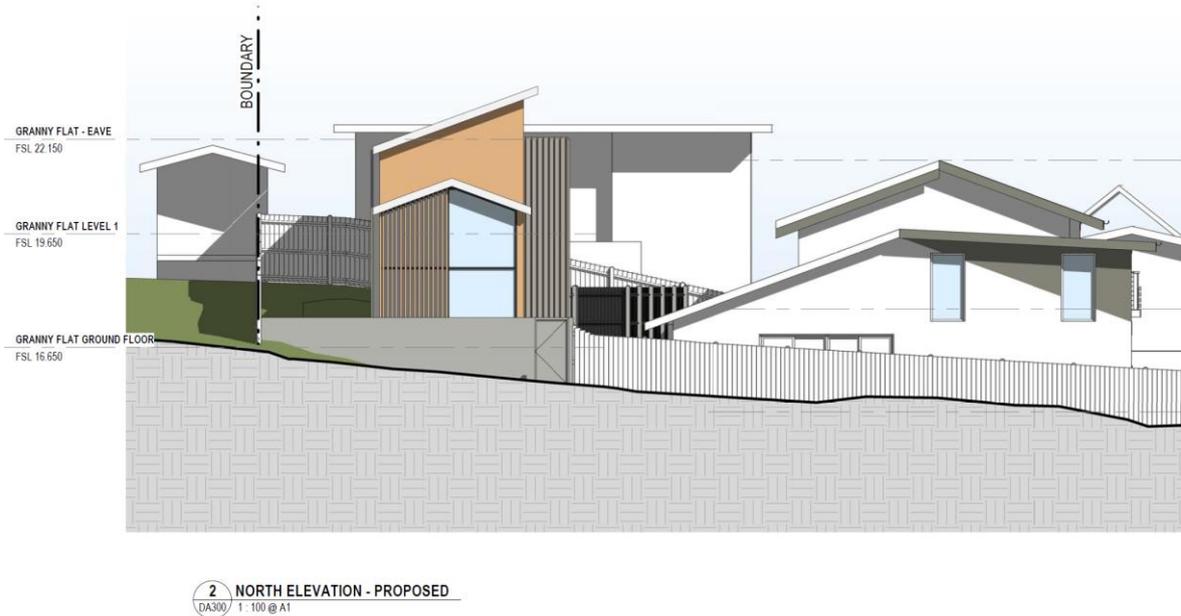


Figure 2 - Proposed design

### **1.3 Statement of Environmental Effects**

This report is a Statement of Environmental Effects, pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory, and the development application may be approved by Council.

## 2 Site Analysis

### 2.1 Site Description

The site is located at 23 King Street, Newport and legally described as Lot 4 in Deposited Plan 331934. The site has an area of 787m<sup>2</sup> (by survey).

The site is almost rectangular in shape with a western frontage of 15.24m to King Street and rear eastern boundary the same. The northern side boundary that fronts Irrubel Road is 51.445m and the southern side boundary is 51.825m.

The land contains a one and two storey rendered and timber house with tiled roof and a rendered garage with tile roof and concrete driveway enters from the north eastern end of the site fronting Irrubel Road. There are also two timber gazebos on the site and various timber decks and balconies.

The property is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 (LEP) as is most of the surrounding land. The site is not affected by key environmental considerations like, for example, heritage conservation, bushfire, geotechnical, waterways, and the coastal management SEPP. The site is affected by acid sulfate soils, biodiversity and flood risk, which are addressed within section 4 of this report.

The figures on the following pages depict the character of the property and its existing development.

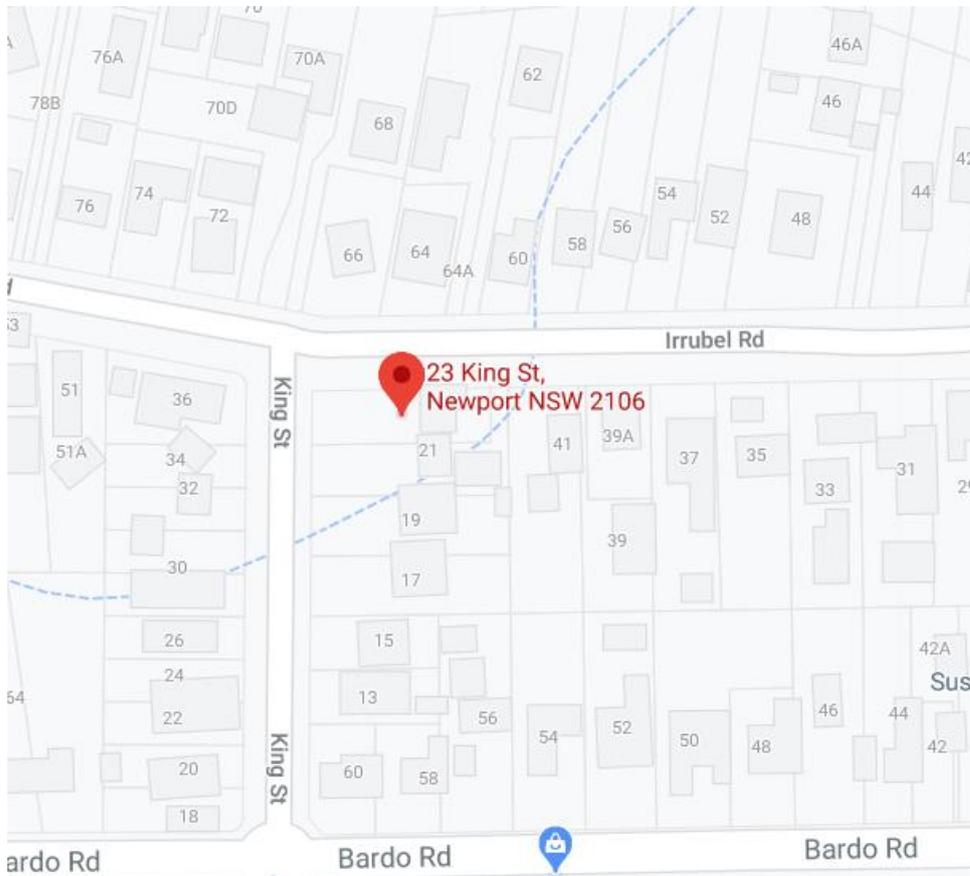


Figure 3 – Location of the site within its wider context (courtesy Google Maps)



**Figure 4 – Alignment, orientation and spatial layout of the subject site and adjoining dwellings (courtesy Northern Beaches Council)**

## **3 Environmental Assessment**

### **3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979**

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- State Environmental Planning Policies – as relevant
- Pittwater Local Environmental Plan 2014
- Pittwater Development Control Plan

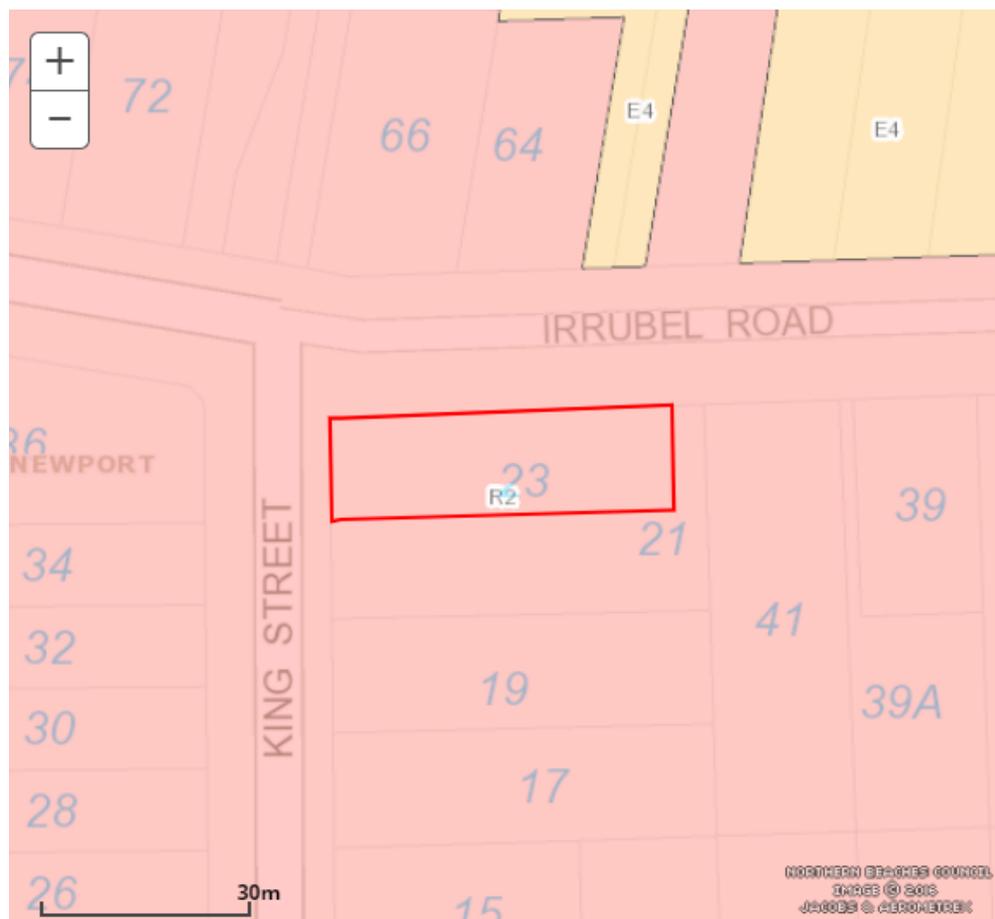
The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters is addressed within Section 5 of this report, and the town planning justifications are discussed below.

## 4 Section 4.15 (1)(i) the provisions of any environmental planning instrument

### 4.1 Pittwater Local Environmental Plan 2014

As previously noted, the site is zoned R2 Low Density Residential pursuant to the provisions of the Pittwater Local Environmental Plan 2014 (LEP).



**Figure 5 – zone excerpt (Northern Beaches Council)**

The proposal constitutes alteration and addition and a new secondary dwelling. The proposal is permitted within the zone with Development Consent.

Clause 2.3(2) of the LEP requires the consent authority to ‘have regard to the objectives for development in a zone’ in relation to the proposal. The objectives of the zone are stated as follows:

- *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*

We have formed the considered opinion that the proposed development is consistent with the zone objectives as the land will continue to provide for the housing needs of the community. Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

## 4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

| LEP Provision   | Response  | Complies |
|---|---|----------|
| <b>Part 4 of LEP – Principal Development Standards</b>  |   |          |
| LEP Clause 4.1 Minimum subdivision lot size 550m <sup>2</sup>   | NA  | NA       |
| LEP Clause 4.3 – Height of Buildings 8.5m   | Complies as shown on the architectural plans.   | Yes      |
| LEP Clause 4.4 – Floor space ratio  | NA  | NA       |
| LEP Clause 4.6 – Exceptions to development standards  | NA  | NA       |
| <b>Part 5 of LEP – Miscellaneous Provisions</b>   |   |          |
| LEP Clause 5.4 Controls relating to miscellaneous permissible uses<br><br>Pursuant to clause 5.4(9) of the LEP, if development for the purposes of a secondary dwelling is permitted under the Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:<br><br>(a) 60 square metres,<br><br>(b) 25% of the total floor area of the principal dwelling. | In response:<br><br>A secondary dwelling is permitted under the Plan and the total floor area of the proposed secondary dwelling does not exceed 60 square metres.  | Yes      |
| LEP Clause 5.10 Heritage Conservation   | NA  | NA       |
| <b>Part 6 of LEP – Additional Local Provisions</b>  |   |          |
| LEP Clause 7.1 Acid sulfate soils   | The proposal is within acid sulphate soils Class 5 on the LEP maps.<br><br>Modest excavation for footings is proposed. The consent authority may be satisfied that in relation to any ancillary earthworks, that the matters within 7.2(3) (a) to (i) are able to be satisfied by the proposal. | Yes      |

| LEP Provision                        | Response  | Complies |
|--------------------------------------|---|----------|
|                                      | Based on the above, the provisions of the clause are assessed as being satisfied by the proposal.   |          |
| LEP Clause 7.2 Earthworks            | Modest excavation for footings is proposed. The consent authority may be satisfied that in relation to any ancillary earthworks, that the matters within 7.2(3) (a) to (i) are able to be satisfied by the proposal.  | Yes      |
| LEP Clause 7.3 Flood planning        | <p>The proposed development is located within a flood affected area. In response, the proposal is accompanied by a flood risk management assessment report. In response to clause 7.3(3), the assessment report confirms that the consent authority may be satisfied that the proposed development:</p> <ul style="list-style-type: none"> <li>▪ is compatible with the flood hazard of the land which mainly effects the western portion of the lot, and</li> <li>▪ the proposed development is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>▪ the proposal is capable of incorporating appropriate measures to manage risk to life from flood,</li> <li>▪ the proposed development is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</li> <li>▪ the proposed development is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</li> </ul> <p>The provisions of the clause are assessed as being satisfied by the proposal.</p> | Yes      |
| LEP Clause 7.5 Coastal risk planning | NA  | NA       |
| LEP Clause 7.6 Biodiversity          | Pursuant to Clause 7.6, the site is identified on the biodiversity map. The proposed works are not located within a remnant natural or bushland area, but on a section of the site that has formed part of the yard and garden areas  | NA       |

| LEP Provision                       | Response   | Complies |
|-------------------------------------|--|----------|
|                                     | <p>of the dwelling house that has been long established upon the property.</p> <p>No existing significant trees are proposed to be removed by the proposal.</p> <p>It is unlikely that the proposal would have an adverse impact on any threatened ecological community. The provisions of clause 7.6 are assessed as being satisfied by the proposal.</p> |          |
| LEP Clause 7.7 Geotechnical hazards | NA   | NA       |

## 4.3 State Environmental Planning Policies

### 4.3.1 State Environmental Planning Policy - BASIX

The proposed demolition and construction of a new dwelling is BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

### 4.3.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP) is applicable to the site. The following key aspects are noted:

Clause 20 permits Secondary Dwellings within the R2 Low Density Residential zone.

Clause 22(3)(b) limits Secondary Dwellings to 60m<sup>2</sup>.

Clause 22(4) of the SEPP states that:

*'A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:*

*if:*

*(a) site area .... (ii) the site area is at least 450 square metres*

*(b) parking - if no additional parking is to be provided on the site'.*

In response:

The proposed Secondary Dwelling does not exceed 60m<sup>2</sup>.

The site is in excess of 450 square metres.

No car parking is proposed specific to the proposed Secondary Dwelling, therefore this cannot be a reason to refuse the DA.

The proposed development complies with these provisions and there is no impediment to the granting of consent.

### 4.3.3 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting

consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

#### **4.3.4 SEPP (Vegetation in Non-Rural Areas) 2017**

Vegetation is prescribed under Pittwater DCP for the purposes of SEPP (Vegetation in Non-Rural Areas) 2017. The proposal does not involve the removal of any designated trees and therefore the provisions of this policy are satisfied by the proposal.

#### **4.3.5 State Environmental Planning Policy (Coastal Management) 2018**

The Coastal Management Act 2016 establishes a strategic planning framework and objectives for land use planning in relation to designated coastal areas within NSW. The Act is supported by the State Environmental Planning Policy (Coastal Management) 2018 which came into effect on 3 April 2018. It is applicable because the site is within the designated:

- Coastal environment area – Division 3 - Clause 13
- Coastal use area – Division 4 - Clause 14

As relevant to these affectations, the aims of the SEPP within clauses 13 and 14 addressed below. In summary, the proposal is assessed as being consistent with the aims and objectives of the SEPP.

#### **Clause 13 - Development on land within the coastal environment area**

The provisions of clause 13 *Development on land within the coastal environment area* are addressed as follows:

| 13 Development on land within the coastal environment area   | Response   |
|--|--|
| <b><i>(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:</i></b> |  |
| <i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>   | <ul style="list-style-type: none"> <li>▪ The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical studies. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul> |
| <i>(b) coastal environmental values and natural coastal processes,</i>   | <ul style="list-style-type: none"> <li>▪ The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate</li> </ul>   |

| 13 Development on land within the coastal environment area   | Response  |
|--|---|
|  | range of technical studies. The proposal is assessed as satisfactory in relation to this consideration.   |
| <i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i> | <ul style="list-style-type: none"> <li>▪ The subject site is established for residential purposes. Development is established on the site.</li> <li>▪ Provision of appropriate stormwater management has been made for the site.</li> <li>▪ The proposal does not relate to <i>sensitive coastal lakes identified in Schedule 1</i></li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul> |
| <i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>  | <ul style="list-style-type: none"> <li>▪ The subject site is established for residential purposes. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>   |
| <i>(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,</i>   | <ul style="list-style-type: none"> <li>▪ The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>   |
| <i>(f) Aboriginal cultural heritage, practices and places,</i>   | <ul style="list-style-type: none"> <li>▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>  |
| <i>(g) the use of the surf zone</i>  | <ul style="list-style-type: none"> <li>▪ Not relevant to the assessment of the proposal.</li> </ul>   |
| <b>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</b>   |   |
| <i>(a) to the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</i>   | <ul style="list-style-type: none"> <li>▪ Responses have been made above in relation to the considerations within subclause (1).</li> <li>▪ The proposal is assessed as satisfactory in relation to these considerations.</li> </ul>   |
| <i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>  | <ul style="list-style-type: none"> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>   |
| <i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>   | <ul style="list-style-type: none"> <li>▪ Aside from compliance with relevant codes, standard conditions of consent, and Australian Standards there are no other mitigation measures foreseen to be needed to address coastal impacts.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>   |
| <b>(3)</b> This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.   | <ul style="list-style-type: none"> <li>▪ Noted; not applicable.</li> </ul>  |

**Clause 14 Development on land within the coastal use area**

The provisions of clause 14 *Development on land within the coastal environment area* are addressed as follows:

| 14 Development on land within the coastal use area  | Response  |
|---|---|
| <p>(1) <i>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</i></p> <p>(a) <i>has considered whether the proposed development is likely to cause an adverse impact on the following:</i></p> |   |
| <p>(i) <i>existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i></p>  | <ul style="list-style-type: none"> <li>▪ The proposal will not adversely impact upon existing access provisions.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>  |
| <p>(ii) <i>overshadowing, wind funnelling and the loss of views from public places to foreshores,</i></p>   | <ul style="list-style-type: none"> <li>▪ The proposal will not result in any significant or excessive overshadowing of the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> <li>▪ Given the nature of development contained within the site and the local context, particularly the nature, scale, and siting of development within properties surrounding the proposal is assessed as satisfactory in relation to this consideration.</li> </ul> |
| <p>(iii) <i>the visual amenity and scenic qualities of the coast, including coastal headlands,</i></p>  | <ul style="list-style-type: none"> <li>▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>  |
| <p>(iv) <i>Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that:</i></p>  | <ul style="list-style-type: none"> <li>▪ The proposal will not impact this matter for consideration. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>   |
| <p>(i) <i>the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i></p>  | <ul style="list-style-type: none"> <li>▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>  |
| <p>(ii) <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i></p>   | <ul style="list-style-type: none"> <li>▪ See above response.</li> </ul>   |

| 14 Development on land within the coastal use area   | Response   |
|--|--|
| <i>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>   | <ul style="list-style-type: none"> <li>▪ See above response.</li> </ul>  |
| <i>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>                                       | <ul style="list-style-type: none"> <li>▪ The subject site is established for residential purposes. Development is established on the site. Relatively modest alterations and additions are the subject of this DA.</li> <li>▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will it result in significant loss of views from a public place to the coastal foreshore.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul> |
| <i>(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i> | <ul style="list-style-type: none"> <li>▪ Noted; not applicable.</li> </ul>   |

## 5 Development Control Plan

In response to Section 4.15(1)(iii) of the Act, the Development Control Plan 21 (DCP) is applicable to the property. Relevant provisions of the Pittwater DCP are addressed below.

### 5.1 Overview

The proposal is:

- located within a landscaped setting and will be appropriately treated to blend with the character of the property and the locality;
- compatible with the architectural form and style of the contemporary dwellings within the local context and will complement this character when viewed from the street and public spaces;
- designed from an appropriate mix of high-quality materials and finishes, in a contemporary style.

### 5.2 Alterations and Additions and flood prone land

Because the proposal involves alterations and additions and the property is front flood prone land close C 1.9 definitions is applicable. The relevant definition of alterations and additions is copied and responded to below:

***Cl c1.9 definitions –***

***Alterations and Additions***

*(for the purposes of the Flood Prone Land clause only) means:*

*(a) In the case of residential development, a one-off addition to, or alteration of an existing dwelling and/or the construction of a new garage or development ancillary to residential development where the new work results in an additional ground floor area of less than 30m<sup>2</sup> or an increase of less than 10% of the ground floor area (whichever is lesser); or*

*(b) In the case of non-residential development, a one-off addition to, or alteration of, an existing building of not more than 100m<sup>2</sup> or 10% of the ground floor area (whichever is the lesser).*

The proposal complies with this definition because no additional gross floor area is proposed to the dwelling house. Therefore, the proposal does not involve utilisation of the 'one-off addition' provisions outlined in clause (b) of the definition. The proposal entirely satisfies this flood planning related development definition.

### 5.3 Newport Locality

The property is within the Newport Locality. This report demonstrates that the proposal has been designed to meet the desired future character of the Newport Locality through its design, siting and height and its ability to sit compatibility within a landscaped setting.

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows. Where a numerical non-compliance is identified, this is addressed separately below the table.

**5.3.1 Principal built form controls**

| Control   | Requirement  | Proposed   | Complies   |
|---|--|--|--|
| <b>Part D: Locality Specific Development Controls</b> |  |  |  |
| Front building line                                   | <p>6.5m or average of adjoining – King St</p> <p>3.25 to secondary street frontage – Irrubel Rd</p> <p>Notes:</p> <p>Secondary street frontage – Irrubel Rd</p> <p>In applying the built form setback controls the property is a corner lot, which is rectangular in shape and has 4 boundaries comprising two side setbacks and two street frontage setbacks.</p> | <p>Primary street frontage (King Street) -7.35m to proposed carport</p> <p>Secondary street frontage (Irrubel St):</p> <p>2.75m to proposed secondary dwelling.</p>  | <ul style="list-style-type: none"> <li>▪ Yes</li> <li>▪ No* modest exceedance</li> </ul> |
| <b>Justification of exceedance</b>                    |  | <p>2.75m to proposed secondary dwelling. Appropriate in circumstances, noting that:</p> <ul style="list-style-type: none"> <li>▪ existing garage 1.35m</li> <li>▪ existing dwelling 1.35m</li> </ul> <p>Assessed as appropriate in the circumstances in meeting the outcomes of the controls noting: proposal will:</p> <ul style="list-style-type: none"> <li>▪ result in a more compatible streetscape relationship with the dwelling house to Irrubel Rd</li> <li>▪ maintain a landscaped setting to the proposed secondary dwelling</li> <li>▪ increase the landscape setting in this part of the site noting that the proposal involves removal of the existing driveway, replacement of it with landscape space, and an increased set back to the built form in this location</li> <li>▪ the proposed location (north and south setbacks) will reduce solar impact on adjacent secondary dwelling at 21 King Street</li> </ul> <p>Based on the above, flexibility in the application of the numerical standard is assessed as appropriate.</p> |  |
| Side and rear building line                           | <p>Side:</p> <p>1.0m one side</p> <p>2.5m to other side</p>  | <p>South side:</p> <ul style="list-style-type: none"> <li>▪ carport – 400mm</li> <li>▪ Secondary dwelling – 2.15m</li> </ul>   | <ul style="list-style-type: none"> <li>▪ No* see below</li> <li>▪ Yes</li> </ul>         |

|   |  |   |  |
|---|--|---|--|
|   |  | East side<br><ul style="list-style-type: none"> <li>▪ Secondary dwelling - 3.0m</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Yes</li> </ul>                |
| <b>Justification of exceedance</b>                        |  | <p>South side carport 400mm. Modest exceedance appropriate in the circumstances in satisfying the outcomes of the control noting:</p> <ul style="list-style-type: none"> <li>▪ The proposed car port is adjacent to a car parking hardstand on neighbouring property at 21 King Street</li> <li>▪ Sufficient setback provided for landscaping strip</li> <li>▪ No inappropriate adverse amenity impacts on 21 King Street</li> <li>▪ Level of land below the street and high (1800mm) fences established ensuring appropriate streetscape outcome.</li> </ul> <p>Based on the above, flexibility in the application of the numerical standard is assessed as appropriate.</p> |  |
|   | Rear: 6.5 m  | Corner site; rear setback not applicable  | <ul style="list-style-type: none"> <li>▪ NA</li> </ul>                 |
| Building Envelope   | 3.5m at 45 degrees measured at the side boundary   | <p>East</p> <p>Envelope – building height at eave 6.5m - Complies</p> <p>South</p> <p>Envelope – building height at eave 5.65m</p>  | <ul style="list-style-type: none"> <li>▪ Yes</li> <li>▪ Yes</li> </ul> |
| Landscaped Area - General                                 | <p>Site area: 787m<sup>2</sup></p> <p>50% / 393.5 m<sup>2</sup></p> <p>Area 3</p>  | Proposed: 421m <sup>2</sup> or 53.5%  | <ul style="list-style-type: none"> <li>▪ Yes</li> </ul>                |
| <b>C1.11: Secondary Dwellings Clause</b>                  |  |   |  |
| C1.11<br>Secondary Dwellings and Rural Worker's Dwellings | <p>The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.</p> <p>A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.</p> | <p>The proposal departs from this control with regards to one aspect being it's two storey nature. This aspect of the design has been assessed against the desired future character of the locality and the objectives of the control and found to be acceptable based on the following considerations and circumstances:</p> <ul style="list-style-type: none"> <li>▪ Relatively small building footprint will not result in an</li> </ul>   | <ul style="list-style-type: none"> <li>▪</li> </ul>                    |

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|  | <p>A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.</p> <p>Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.</p> <p>Where the secondary dwelling or rural worker's dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum building height is to be in accordance with the height controls contained within Pittwater Local Environmental Plan 2014.</p> <p>A secondary dwelling above a detached garage is not supported.</p> | <p>overwhelming bulk or building mass on the property</p> <p>Appropriate location noting:</p> <ul style="list-style-type: none"> <li>▪ significant separation afforded by adjoining vehicle driveways to the East</li> <li>▪ appropriate boundary setbacks within the property</li> <li>▪ the character of development on the adjoining property to the South noting that it contains a secondary dwelling and studio within the eastern portion of the site which the proposed secondary dwelling will be adjacent to.</li> <li>▪ the amenity of the southern adjoining neighbour has been considered and it is noted that there will be no unacceptable visual impact, solar access, privacy or view sharing impacts arising from the proposed foreman sighting of the secondary dwelling.</li> </ul> <p>Furthermore:</p> <ul style="list-style-type: none"> <li>▪ The proposal complies with the provisions of SEPP Affordable Rental Housing which is an environmental planning instrument that establish is development standards for secondary dwellings.</li> <li>▪ The proposal complies with the height of buildings development standard under the LEP. A 5.5m height of buildings development standard only applies to the E4 zone.</li> <li>▪ A 5.5 m height of buildings development standard only applies to the E4 zone.</li> <li>▪ A building design that is attached to the existing dwelling would technically comply with this clause however it would also potentially result in a bulkier building mass with an increased development footprint and therefore would</li> </ul> |  |
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|  |   | <p>potentially be not in keeping with the objectives of the control</p> <ul style="list-style-type: none"> <li>In terms of siting - does not sit proud, out-of-alignment or forward of the property's building alignment</li> </ul> <p>Based on the above, flexibility in the application of the numerical standard is assessed as appropriate.</p>   |   |
| <b>Part C: Development Type Controls</b> |   |   |   |
| Views (C1.3 DCP)                         | <p>New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p>   | <p>Given the building envelope of the proposed development and the neighbourhood context of the property, the proposal is not anticipated to significantly or unreasonably impede any established views from surrounding residential properties or public vantage points.</p> <p>Noting these characteristics, the proposal will achieve an appropriate view sharing outcome between the properties. The provisions of this control are satisfied by the proposal.</p>  | <ul style="list-style-type: none"> <li>Yes</li> </ul> |
| Solar Access (C1.4 DCP)                  | <p>Min 3 hours to each proposed dwelling within the site.</p> <p>Min 3 hours to neighbouring dwellings PoS areas.</p> <p>In accordance with Clause C1.4 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.</p> <p>Windows to the principal living areas of the proposal and the adjoining dwellings are to receive a minimum</p> | <p>Shadow diagrams accompany and support the proposal and demonstrate that the compliance with the DCP is achieved. The following key aspects are noted:</p> <ul style="list-style-type: none"> <li>The site and the adjoining properties have a north / south orientation to Park Ave.</li> <li>It is noted that 2 driveways adjoin the eastern side boundary and increase the separation between the proposed secondary dwelling and the dwellings to the east.</li> <li>The proposed secondary dwelling has compliant building height (LEP) south side setback and boundary envelope.</li> </ul> | <ul style="list-style-type: none"> <li>Yes</li> </ul> |

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|  | <p>of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the glazed area.</p> | <ul style="list-style-type: none"> <li>▪ A secondary dwelling with north facing deck is located on the adjoining property to the south.</li> <li>▪ The ‘view from the sun’ and shadow diagrams demonstrate that appropriate levels of sunlight will be maintained to the secondary dwelling, its deck, and other areas of the property.</li> <li>▪ The level of shading proposed reflects the existing development &amp; shading pattern for properties along the southern side of Park Ave, and provides a relatively even distribution of shade, consistent with the development pattern along the street.</li> </ul> <p>The DCP requires:</p> <p><i>‘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.</i></p> <p><i>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).</i></p> <p>In accordance with Clause Cl.4 of the DCP, the sunlight available to the private open space of adjoining the dwellings will not be impacted by more than 3 hours between 9am and 3pm on 22 June.</p> <p>It is assessed that, whilst shade onto adjoining properties will be moderately increased above the current levels, the extent of the increase is within reasonable limits, and satisfies the DCP. Therefore, it is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties</p> |  |
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|   |   | <p>and the provisions of the control are satisfied.</p> <p>For these reasons it is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the provisions of the control have been satisfied.</p>  |   |
| Visual Privacy (C1.5 DCP)                               | Privacy DCP's objectives.   | <p>Privacy has been considered in the proposed design and satisfies the DCP's privacy objectives. The following key aspects are noted:</p> <ul style="list-style-type: none"> <li>▪ No first floor level terraces or balconies are proposed.</li> <li>▪ The proposed ground level terrace is significantly separated from adjoining properties.</li> <li>▪ Appropriate window openings are proposed within the side facing elevations of the proposal.</li> </ul> <p>It is concluded that the proposal will not significantly or unreasonably affect the visual privacy of the neighbouring properties.</p> | <ul style="list-style-type: none"> <li>▪ Yes</li> </ul> |
| Private Open Space (PoS) (C1.7 DCP)                     | <p>80 m<sup>2</sup> at ground floor</p> <p>16 m<sup>2</sup> (out of the 80m<sup>2</sup>) must be provided off a principal living area of the dwelling. 4m x 4m min dimension and grade no steeper than 1 in 20 (5%)</p> | <p>A terrace is proposed adjacent to the main living area of the secondary dwelling (7m<sup>2</sup>) with further surrounding turf and garden spaces to the east (side) and north (side) of the residence comprising approx. 30m<sup>2</sup> in total.</p>  | <ul style="list-style-type: none"> <li>▪ Yes</li> </ul> |
| <b>Part B: General Controls</b>                         |   |   |   |
| B5.10 Stormwater Discharge into Public Drainage System. | Connected by gravity means to street or established piped system.   | Connected by gravity means to the proposed OSD system.  | <ul style="list-style-type: none"> <li>▪ Yes</li> </ul> |
| Car Parking (B6.5 DCP)                                  | 2 spaces per 2 or more bedroom dwellings  | <ul style="list-style-type: none"> <li>▪ 2 separately accessible car parking spaces are accommodated within the proposed carport accessed from King Street.</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Yes</li> </ul> |

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|   |  | <ul style="list-style-type: none"> <li>▪ Secondary dwelling – previously addressed (section 4.3.2)</li> </ul>  |   |
| <b>RESIDENTIAL DEVELOPMENT CONTROLS</b> |  |  |   |
| 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.   | The proposal will improve the property's built-form quality. The proposal will present appropriately to the site's street frontage.  | <ul style="list-style-type: none"> <li>▪ Yes</li> </ul> |
| Scenic Protection – General             | <p>Achieve the desired future character of the Locality.</p> <p>Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.</p>  | <p>The proposed development will be within a landscaped setting and will present appropriately to the street and adjoining land.</p> <p>The proposal is of a character and scale that will be compatible with other dwellings within the site's context.</p> | <ul style="list-style-type: none"> <li>▪ Yes</li> </ul> |
| Building Colours and Materials          | <p>The development enhances the visual quality and identity of the streetscape.</p> <p>To provide attractive building facades which establish identity and contribute to the streetscape.</p> <p>To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.</p> <p>The colours and materials of the development harmonise with the natural environment.</p> <p>The visual prominence of the development is minimised.</p> | The proposal will present appropriately to the public spaces around the property.  | <ul style="list-style-type: none"> <li>▪ Yes</li> </ul> |

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|  | Damage to existing native vegetation and habitat is minimised. |  |  |
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**Figure 6 - the property's King Street interface noting the road level is higher than the property and there is already fencing established that limits sightlines to the property**



**Figure 7 – the location of the proposed carport already has an established function for parking in vehicles**



**Figure 8 – the interface with adjoining development to the south west of the site at 21 King St**



**Figure 9 – the sites existing streetscape character end landscape setting with Irrubel Rd will be improved due to the removal of the existing driveway, increased set back, and landscaped interface**

## 6 Section 4.15 the Environmental Planning and Assessment Act 1979 - Summary

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
  
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental Impacts arising from the proposal.
  
- The proposal will result in positive social and economic impacts, noting:
  - Employment during the construction phase of the works;
  - Economic benefits, arising from the investment in improvements to the land;
  - Social (and environmental) benefits arising from renewal of the existing housing stock with a BASIX compliant dwelling and additional rental housing provision.
  
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP and the relevant provisions of the Council's DCP.
  
- It is compatible with the current and likely future character of development within the local context.
  
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
  
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
  
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
  
- The public interest is best served through the approval of the application.

## 7 Conclusion

The application seeks development consent for alterations and additions to the existing dwelling, including a new secondary dwelling at 23 King Street, Newport.

Walsh<sup>2</sup> Architects have responded to the client's brief with an appropriate design that is responsive to the prevailing planning objectives for the site and the development character of the location. The proposal involves a contemporary building design that is responsive to the circumstances of the site and pattern of development at the location.

The variations proposed to the standards of the DCP have been appropriately acknowledged and their acceptability assessed and considered, having regard to the objectives of the relevant controls and available variation provisions.

The property can accommodate the proposal without any significant changes or impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views. The proposal will improve the site's streetscape and built form quality. It will also be complementary and compatible with the site's land use and built form context.

This report demonstrates that the proposal is appropriately located and configured to complement the property's established neighbourhood character. The proposal succeeds when assessed against the Heads of Consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 and should be granted development consent.

### **BBF Town Planners**



**Michael Haynes**  
**Director**



Appendix 1      DA Appendices – under  
separate cover