

# Statement of Environmental Effects

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## ALTERATIONS AND ADDITIONS 41 BAKERS ROAD, CHURCH POINT

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### Introduction

This Statement of Environmental Effects accompanies drawings prepared by Beecraft P/L Drawing Reference No.05-21- BAK sheets 1–10 dated May 2022.

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 acceptable and is worthy of the support of the council.

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

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

### Property Description

The subject allotment is described as 41 Bakers Road, Church Point being Lot 4 in D.P.222279 and is zoned C4 Environmental Living as per Pittwater Local Environmental Plan 2014.

The site is not listed as a heritage item or located within a conservation area.

Council's mapping indicates the property is not located on Bushfire Prone Land or noted as being flood affected.

### Site Description

The subject site is a 702.9m<sup>2</sup> residential block located on the southwest side of the cul-de-sac at the end of Bakers Road.

Natural surface falls steeply towards the street at approximately 22%.

The existing residence is located approximately 8.2 metres from the front boundary and is a one and two storey rendered brick structure with a pitched metal roof. At the front of the residence at lower floor level there is a paved patio with an open timber pergola. The residences entry and garage are located at this level along with a rumpus room, small bathroom and store at the rear of the garage. The front yard is established with terraced gardens, lawn and a paved area.

The residences main living areas and bedrooms are located at upper floor level where there is a small balcony at the front capitalising on the Pittwater vista to the north. A retaining wall several metres high skirts along the rear of the residence beyond which the yard rises steeply through dense vegetation. There are numerous trees within the rear yard and a small shed in the southern corner.

The adjoining property to the northwest contains a one and two storey stone and weatherboard clad residence with metal roofs and located in a similar building zone as the subject residence.

The property to the southeast has a large metal shed on the common boundary with No.41 which is located adjacent the subject residences lower floor level patio. This properties residence is located further up the block approximately 10 metres from the rear of the subject residence.



Arial view of subject site



Looking at No.41 from Bakers Road





Looking at residence from driveway



Looking at No.43 to the northwest



Looking at No.39's shed on boundary



## Proposed Development

### Lower Floor Level

- Rebuild existing lower floor level paved patio as a tiled concrete slab. The existing paving is subsiding and requires a more permanent structure. The existing stone perimeter wall is to be retained.

### Upper Floor Level

- Demolish existing front balcony and construct a new wider roofed balcony across the full width of the residence.
- Replace existing windows to master bedroom and dining room with new stacking glass doors.

## State Environmental Planning Policy (Building Sustainability Index: BASIX)

The proposal has been designed to meet the thermal targets required by BASIX. Refer to BASIX certificate accompanying this application and Basix Commitments noted on Sheet 7.

## Pittwater Local Environmental Plan 2014

### Clause 2.3 Zone Objectives and Land Use Table

The subject site is zoned C4 Environmental Living under Pittwater LEP 2014. The development of and use of land for residential purposes within C4 Environmental Living land is to be consistent with the zone objectives, which are noted as:

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

It is considered that the proposed development will be consistent with the desired future character of the surrounding area for the following reasons:

- The proposed development respects the scale and form of other development in the surrounding area and maintains the existing spatial separation to adjoining dwellings. The existing modest dwelling inclusive of the new upper floor balcony will remain secondary to the surrounding bushland environment.
- The development will not result in any change to existing vegetated areas retaining wildlife corridors.
- The development is a significant distance from the Pittwater foreshore.

### Clause 4.3 Height of Buildings

The maximum building height in this part of Church Point is 8.5 metres. All new structure is maintained well below the maximum building height.

### Clause 5.9 Preservation of trees or vegetation.

The proposal will not require the removal of any trees or vegetation.

### Clause 7.1 Acid Sulphate soils

All the proposed works are located on Class 5 land and will not result in a lowering of the water table to below 1 metre AHD.

### **Clause 7.2 Earthworks**

The development will not require any significant earthworks apart from several possible pier holes to support the new lower floor level patio slab. Refer to Geotechnical Report by White Geotechnical Reference J4464 dated 22 August 2022 for discussion on potential hazards and recommended construction techniques.

### **Clause 7.6 Biodiversity Protection**

The property is located within a designated biodiversity area.  
As noted above the development will not result in any change to existing vegetation therefore maintaining the areas current biodiversity status.

### **Clause 7.7 Geotechnical Hazards**

Refer to Clause 7.2 above for comment.

### **Clause 7.10 Essential Services**

The property is serviced by all the normal residential services.

## **Pittwater 21 Development Control Plan 2014**

Council's Pittwater 21 DCP Section B (General Controls), Section C (Design Criteria) and Section D4 Church Point and Bayview Locality Statement outlines controls and objectives for development within the subject locality.

### *Desired Character*

*The Church Point and Bayview locality will remain 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 lowlands in the locality on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. 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. The locality is characterised by steeply sloping blocks so the provision of facilities such as inclinators, driveways and carparking need to be sensitively designed. The shared use of vehicular/pedestrian access, and the use of rooftops as parking areas can be solutions that minimise the physical and visual impact on the escarpment or foreshore.*

*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. Views from the buildings shall be maintained below the tree canopy level capturing spectacular views up the Pittwater waterway. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape and minimise site disturbance. Development will be designed to be safe from hazards.*

*The locality is visually prominent particularly from Scotland Island, Bilgola Plateau, and the Pittwater waterway. Therefore, 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, 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.*

*Pedestrian/cycle access around the foreshore and to areas of open space will be upgraded and maintained.*

*Church Point will remain an important link to the offshore communities.*

## **Section B General Controls**

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

### **B3.1 Landslip Hazard**

The control seeks to achieve the outcomes:

*Protection of people.*

*Protection of the natural environment.*

*Protection of private and public infrastructure and assets.*

For comment refer to Clause 7.7 above for comment.

### **B3.2 Bushfire Hazard**

The control seeks to achieve the outcomes:

*Protection of people.*

*Protection of the natural environment.*

*Protection of private and public infrastructure and assets.*

The property is not noted as being Bushfire prone land.

### **B4.4 Flora and Fauna Habitat Enhancement Category 2 Land**

The control seeks to achieve the outcomes:

*Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats.*

For comment refer to Clause 7.6 above.

### **B5.15 Stormwater**

The control seeks 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 development will not result in any additional impervious area maintaining existing drainage patterns. Currently stormwater from the property is piped and discharged to the street kerb.

### **B6.3 Off-Street Vehicle Requirements**

The control seeks to achieve the outcomes:

*Safe and convenient parking.*

The controls require a minimum of 2 parking spaces for the three bedroom dwelling.

The dwellings existing garage accommodates one vehicle with provision for a second on the driveway if required. The current owner has only one vehicle.

### **B8.1 Construction & demolition – excavation and landfill**

The control seeks to achieve the outcomes:

*Site disturbance is minimised.*

*Excavation, landfill and construction not to have an adverse impact.*

*Excavation and landfill operations not to cause damage on the development or adjoining property.*

Refer to Clause 7.2 above.

### **B8.2 Construction & demolition – Erosion and Sediment Management**

The control seeks to achieve the outcomes:

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

*Reduction of waste throughout all phases of development.*

*Public safety is ensured.*

*Protection of the public domain.*

Sediment control measures will be installed before the commencement of construction and maintained during the course of works.

Refer to Sheet 1 of architectural drawings for sediment and erosion control details.

### **B8.3 Construction & demolition – Waste Minimisation**

The control seeks 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.*

Due to the difficult nature of the site construction waste will generally be loaded directly into builder's trucks and removed from site on a regular basis. Some short term on-site storage of building materials and waste will be made available within the existing paved area off the side of the driveway.

## **Section C Design Criteria**

The Design Criteria applicable to the proposed development are summarised as:

### **C1.1 Landscaping**

The control seeks to achieve the outcomes:

*A built form softened and complemented by landscaping.*

*Landscaping reflects the scale and form of development.*

*Retention of canopy trees by encouraging the use of pier and beam footings.*

*Development results in retention of existing native vegetation.*

*Landscaping results in the long-term retention of Pittwater's locally native tree canopy.*

*Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species*

*Landscaping enhances habitat and amenity value.*

*Landscaping results in reduced risk of landslip.*  
*Landscaping results in low watering requirement.*

The development will maintain the properties existing generous area of landscaping which equates to 63% of site area.

### **C1.2 Safety and Security**

The control seeks to achieve the outcomes:

*On-going safety and security of the Pittwater community.*

*Opportunities for vandalism are minimised.*

*Inform applicants of Council's requirements for crime and safety management for new development.*

*Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements)*

*Identify crime and safety priority areas in Pittwater LGA*

*Improve community safety and reduce the fear of crime in the Pittwater LGA*

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

The proposed works will not alter the properties existing security arrangements.

### **C1.3 View Sharing**

The control seeks to achieve the outcomes:

*A reasonable sharing of views amongst dwellings.*

*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.*

*Canopy trees take priority over views.*

Due to its generous separation from adjoining residences and their higher elevation the new upper floor balcony structure will have no impact on the views from adjoining residences.

### **C1.4 Solar Access (Refer to Shadow Plans on Sheets 8 -10)**

The control seeks to achieve the outcomes:

*Residential development is sited and designed to maximise solar access during mid-winter.*

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

*Reduce usage and/dependence for artificial lighting.*

As demonstrated within the shadow plans accompanying this application proposed shadowing from new structure will have no impact on either adjoining property.

### **C1.5 Visual Privacy**

The control seeks to achieve the outcomes:

*Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.*

*A sense of territory and safety is provided for residents.*

We submit that any overlooking opportunities from the new upper floor balcony will be compatible to those from similar balconies at the front of adjoining and surrounding residences that are all capitalising on the Pittwater vista. We note the subject residence is sited forward of No.43 which is the only residence in close proximity. As result cross-viewing into that residence is significantly reduced.



### **C1.6 Acoustic Privacy**

The control seeks to achieve the outcomes:

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

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

The current generous separation to adjoining residences primary living spaces will be maintained ensuring their aural amenity is not significantly affected.

### **C1.7 Private Open Space**

The control seeks 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.*

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

*Private open space receives sufficient solar access and privacy.*

The upper floor balcony will provide a practical area of private open space located directly off the residences primary indoor living spaces.

Apart from this new space the site existing areas of private open space including the lower floor level patio remain for the use of the occupants.

### **C1.12 Waste and Recycling Facilities**

The control seeks to achieve the outcomes:

*Waste and recycling facilities are accessible and convenient and integrate with the development.*

*Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment.*

The property has an existing area designated for the storage of waste and recycling bins.

## **Section D Locality Specific Development Controls**

The **D4 Church Point and Bayview Locality Statement** contains a number of outcomes for development in the locality. In regard to those outcomes we submit that the development is well designed and consistent with community vision for development in Pittwater in that it is:

- Proposing a form of development that is compatible with the surrounding residential character and will provide new structure of appropriate scale to similar developments in the surrounding area.
- The proposal maintains the amenity of adjoining properties in terms of solar access, visual privacy, and views.

A summary of the DCP controls for the D4 Church Point and Bayview locality is as follows:

### **D4.1 Character as viewed from a Public Place**

The control seeks to achieve the outcomes:

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

*To enhance the existing streetscapes and promote a scale and density that is in keeping 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.*

*High quality buildings designed and built for the natural context and any natural hazards.*

*Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum.*

*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.*

The altered dwelling will present a contemporary built form that will complement the style and scale of other development in the surrounding area.

Outlooks and views will be retained to adjoining properties along with their visual and aural privacy.

The altered dwelling will remain a relatively modest structure incorporating a flat roof over a new balcony structure that will not impact unduly on the Bakers Road streetscape.

#### **D4.2 Scenic Protection - General**

The control seeks to achieve the outcomes:

*Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.*

The modest scale of the works will ensure the vegetated character of the surrounding area will remain the dominate visual element.

#### **D4.3 Building Colours, Materials and Construction**

The control seeks to achieve the outcomes:

*Achieve the desired future character of the Locality.*

*The development enhances the visual quality and identity of the streetscape.*

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

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

*The colours and materials of the development harmonise with the natural environment.*

*The visual prominence of the development is minimised.*

*Damage to existing native vegetation and habitat is minimised.*

The type of work proposed will not provide opportunity for any significant change to dwellings existing palate of colours and finishes.

A schedule of colours and finishes accompanies the application.

#### **D4.5 Front Building Line**

The control seeks to achieve the outcomes:

*Equitable preservation of views and vistas to and/or from public/private places.*

*The amenity of residential development adjoining a main road is maintained.*

*Vegetation is retained and enhanced to visually reduce the built form.*

*Vehicle manoeuvring in a forward direction is facilitated.*

*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 relevant control is to maintain a minimum front setback of 6.5 metres. The new upper level balcony proposes a varying setback of 5.15 – 7.1 metres. As the property is located at the end of a cul-de-sac there is no uniform setback pattern to residences in the immediate vicinity with the steep terrain also dictating the location of residences. We submit that although the development will not strictly adhere to the numerical setback requirement, when viewed in context the non-compliance will not result in structure in an uncharacteristic location. As discussed previously the new balcony structure will have no significant impact on the amenity of the nearest adjoining property No.43 which also has structure close to the front boundary. The rebuilt patio at lower floor level will maintain its existing setback to the front boundary of 4.55metres. This structure is nestled amongst established gardens that successfully screens the majority of structure when viewed from the street. We request in this instance considering the unique location of the property that Council consider a variation to the front setback control.

#### **D4.6 Side and Rear Building Line**

The control seeks to achieve the outcomes:

*The bulk and scale of the built form is minimised.*

*Equitable preservation of views and vistas to and/or from public/private places.*

*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.*

*Substantial landscaping, a mature tree canopy and an attractive streetscape.*

*Flexibility in the siting of buildings and access.*

*Vegetation is retained and enhanced to visually reduce the built form.*

*To ensure a landscaped buffer between commercial and residential zones is established.*

The relevant control is to maintain a minimum side boundary setback of 1metre to one side and 2.5metres to the other and rear boundary setback of 6.5 metres.

The new upper floor balcony proposes a setback of 2.3 metres to the southeast boundary and 900mm to the northwest boundary. Due to the irregular positioning of residences at the end of the cul-de-sac there is significant separation between them. The minor non-compliance to the side setback control will not therefore result in any property sustaining any undue visual bulk.

There are no works proposed at the rear of the residence which is over 15 metres from the rear boundary.

#### **D4.7 Building Envelope**

The control seeks to achieve the outcomes:

*To achieve the desired future character of the Locality.*

*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.*

*Equitable preservation of views and vistas to and/or from public/private places.*

*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

*Vegetation is retained and enhanced to visually reduce the built form.*

Due to the steep terrain and skewed side boundary the new upper floor balcony roof will breach the designated building envelope along the northwest elevation. The roof is an open flat profile structure that will not present any significant bulk. At its closest point



where the breach is the least the new roof will be 5.5 metres from the adjoining residence and where the breach is the greatest 9.5 metres.  
Considering the significant distance the offending portion of structure is from the adjoining residence we request that Council consider a variation to the control in this instance.

#### ***D4.10 Landscaped Area – Environmentally Sensitive Land***

The control seeks to achieve the outcomes:

*Achieve the desired future character of the Locality.*

*The bulk and scale of the built form is minimised.*

*A reasonable level of amenity and solar access is provided and maintained.*

*Vegetation is retained and enhanced to visually reduce the built form.*

*Conservation of natural vegetation and biodiversity.*

*Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

*To preserve and enhance the rural and bushland character of the area.*

*Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*

The relevant control is to limit development to maintain a minimum landscaped area of 60% of site area (421.7m<sup>2</sup>).

The development will not result in any change to the sites calculated landscape area of 442.9m<sup>2</sup> or 63%.

## **Conclusion**

The principle objective of the development is to provide for the replacement of a failing paved patio at lower floor level and the enlargement of an existing upper floor balcony that will incorporate a flat metal roof. Windows to an adjoining bedroom and dining area will be replaced with glass doors to provide access onto the new balcony.

We submit that the proposed works satisfy the stated objectives of Council's

Development Controls and will not result in any undue impact on the environment, scenic quality of the area or the amenity of the adjoining allotments. We request the issue of Development Consent under the delegation of Council.