

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR THE PROPOSED CONSTRUCTION OF ADDITIONS & ALTERATIONS  
TO AN EXISTING DWELLING INCLUDING CONSTRUCTION OF A CARPORT,  
STUDIO AND ASSOCIATED LANDSCAPING**

**LOCATED AT**

**146 WHALE BEACH ROAD, WHALE BEACH**

**FOR**

**TIM & FRANCK DYROFF**



**Prepared  
December 2024**

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## 1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Tim and Franck Dyroff by Woodward Architects, Sheets No. A00 – E.08, Revision A dated 9 December 2024 to detail the proposed construction of additions and alterations to the existing dwelling, including a carport, studio and associated landscaping at **146 Whale Beach Road, Whale Beach**.

Pre-Lodgement Meeting No. 2024/0034 was held on 30 April 2024, to discuss the proposal for the alterations and additions to the existing dwelling house.

It was acknowledged that an existing approval exists for the site, DA2019/1350 for alterations and additions to an existing dwellinghouse including a swimming pool, however the design of the approved proposal does not suit the requirements of the new owners of the dwelling house.

The submitted design addresses the matters raised by Council in the meeting.

Key issues identified in the Pre-lodgement process and the response to these in the DA, are outlined in Table 1 below.

**Table 1 – Pre-Lodgement Discussions summarised (PLM2022/0075)**

Discussion	Response
<b>D12.5 Front Building Line</b>	
<i>If the applicant does choose to proceed with the garage within the front setback it is recommended that the following is provided:1.A conventional roof with additional landscaping within the front setback where the existing driveway is located.2.Landscaping incorporated into the design of the garage, either through a green roof or planter boxes and a terraced area similar to that of existing development along Whale Beach Road</i>	The proposal is set further back into the site with only a minor front variation. The proposal has also been amended to provide for a carport rather than an enclosed garage door parking is located behind front setback.
<b>D12.5 Side and Rear Building Line</b>	
<i>The proposed garage, studio and swimming pool present compliant side boundary setbacks. The setback of the western extension to the existing dwelling to provide an additional bedroom and ensuite is unlikely to be supported</i>	The setback of the master bedroom was amended with only a very minor side setback variation to the ensuite to minimise

Discussion	Response
	further excavation and impact to surrounding trees.
<b>D12.10 Landscape Area</b>	
Council acknowledges that the existing landscaped area does not meet the requirement of 535.8sqm,however further reduction to the landscaped area is discouraged.	Detailed landscaping and tree removal is submitted with the DA and addresses the requirements of Pittwater LEP and DCP.
<b>Geotechnical</b>	
<i>The site is mapped as Geotechnical Hazard H1, report on geotechnical risks and their management with Form 1 and 1a in accordance with Pittwater Council's Pittwater 21 DCP 2014 Clause B3.1 Landslip Hazard, is to be submitted with development application</i>	A Geotechnical Investigation has prepared by White Geotechnical Group, Reference No J5613 dated 12 December 2024 and is submitted with the application.
<b>Development Engineering</b>	
<i>A long section of both sides of the proposed driveway (grades, existing and proposed levels with chainage) is to be included in the submission. The driveway crossings shall be in accordance with Council's standard Vehicular Crossing profile which is available in Council's web page. Driveway shall be designed with a suitable turning area within site boundary in compliance with AS/NZS 2890.1:2004, to ensure vehicles can enter and exit in a forward direction.</i>  <i>Stormwater discharge to be designed in accordance with Council's Water Management for Development Policy</i>	Detailed information regarding the proposed driveways has been included to ensure compliance with Australian Standards and Councils policy and guidelines.

Discussion	Response
<b>Biodiversity and Landscaping</b>	
<i>An Arboricultural Impact Assessment Report, prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree irrespective of property boundaries.</i>	Detailed information regarding the landscaping and tree removal, including a robust
<i>Development shall ensure that at least 60% of any new planting incorporates native vegetation (as per species listed in the appropriate ward of the Native Planting Guide which is available on the Council website).</i>	Landscape Plan prepared by Spirit Level Design Pty Ltd and an Arboricultural Impact Assessment and Site – Specific Preliminary Tree Plan of Management prepared by Growing My Way Tree Consultants has been submitted with the DA and addresses the requirements of Pittwater LEP and DCP.

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 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

## **2.0 Property Description**

The subject allotment is described as 146 Whale Beach Road, Whale Beach, being Lot 4 within Deposited Plan 210149 and is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site falls within the Class 5 Acid Sulfate Soils area in this issue will be discussed further within the statement.

The site is identified as being within the Coastal Use Area under the provisions of the SEPP (Coastal Management) 2018. This will be discussed further within this submission.

The site is affected by Council's Geotechnical Hazard mapping and accordingly a Geotechnical Investigation has prepared by White Geotechnical Group, Reference No J5613 dated 12 December 2024 is submitted with the application.

The site is not identified as being affected by any other hazards.

## **3.0 Site Description**

The property is located on the south-western, higher side of the Whale Beach Road hillside with views towards Whale Beach.

The site is irregular in shape, with a front boundary measuring 23.22m to Whale Beach Road, eastern and western side boundaries measuring 49.680m and 45.416m respectively and rear boundary measuring 21.01m. The total site area is 893.5m<sup>2</sup>.

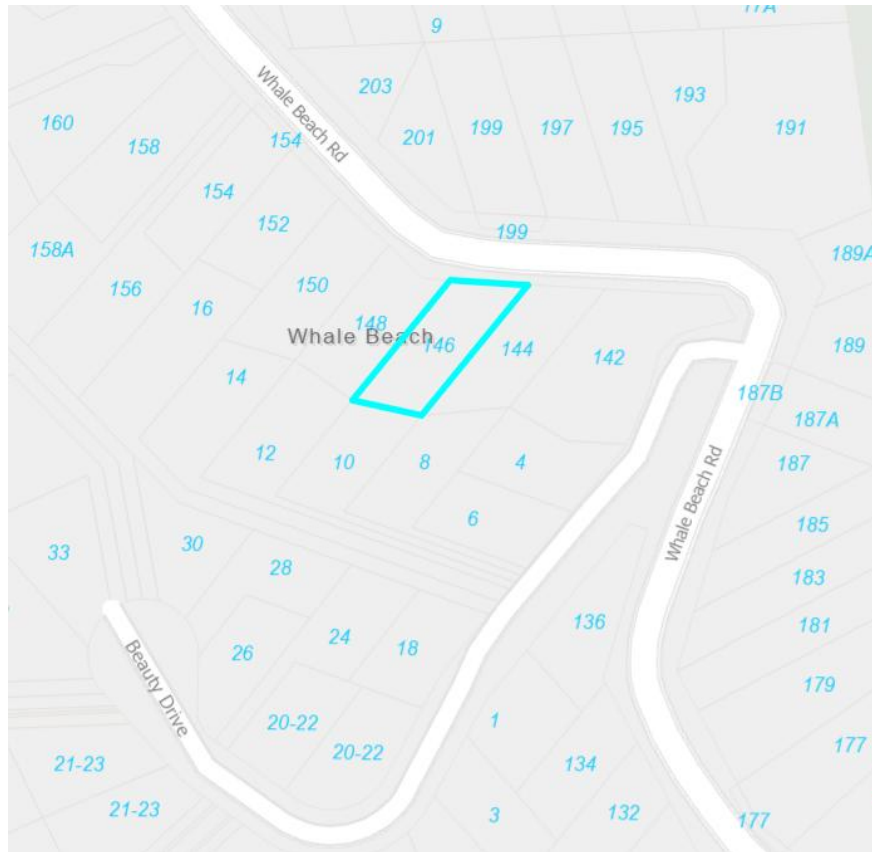
The site has steeply sloping topography over its length from the western rear boundary to northern front boundary (Whale Beach Road) of over 15m.

Currently the site is developed with a split level dwelling. Driveway access is available to the site via an existing concrete driveway from Whale Beach Road, with parking available within a hardstand area. The existing residence is located at the upper part of the site and is accessible from the hardstand parking area by a narrow path and series of steps and an inclinator.

The orientation of the dwelling is to the north and north-east to take advantage of the view lines to Whale Beach and hillside above the beach area.

Stormwater is currently dispersed to the street verge. The site is currently vegetated, however existing landscaping are mainly introduced species, and highly modified tiered landscaped areas across the site to accommodate the sloping topography.

The details of the site are identified in the accompanying survey report prepared by CMS Surveyors, Reference No 5386Cdetail, dated 31 July 2024, which accompanies the DA submission.



**Fig 1: Location of the subject site  
(Source: Northern Beaches Council mapping)**



**Fig 2: Street view of the driveway entry to the subject dwelling**



**Fig 3: Streetscape view of the existing development to the north-west of the site**



**Fig 4: Streetscape view of the existing development to the south-east of the site**





**Fig 5: View of the subject dwelling, looking south-west**



**Fig 6: View of the existing parking area and location of new carport with studio above, looking east**



**Fig 8: View of existing driveway and turning area, looking west towards neighbouring dwelling at No 148 Whale Beach Road**



**Fig 9: View of the rear elevation of the dwelling, looking east**



**Fig's 10 & 11: Views looking north of the of the north-western corner of the dwelling and the location of the new Master Bedroom extension**

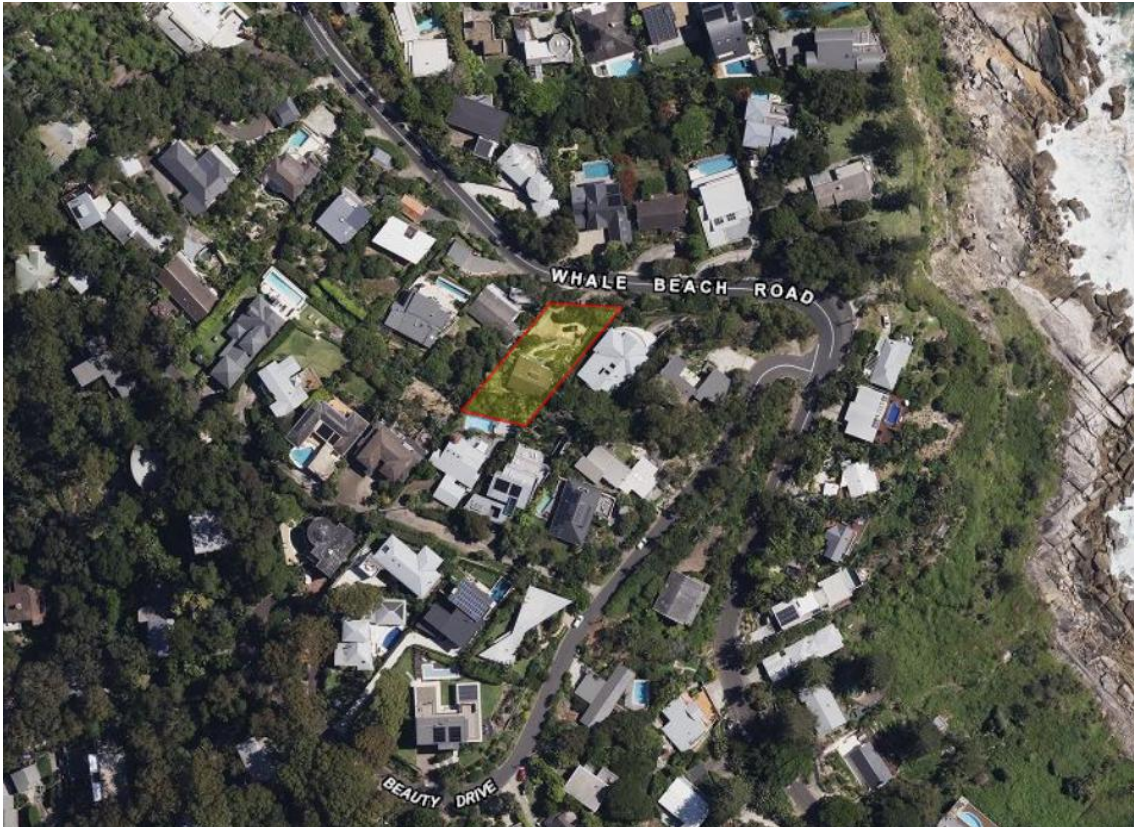


**Fig. 12: View looking north-west over the location of the new Master Bedroom extension and looking towards neighbouring property at No 148 Whale Beach Road**

#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by irregular shaped allotments characterised by the natural landscaped setting with a mix of low-density residential developments.

The design of development in this locality reflects the sloping terrain and significant views over Whale Beach, Palm Beach and the Pacific Ocean, and retains a dominance of natural features and vegetation.



**Fig 13: Aerial Photograph  
(Source: Six Maps)**

## 5.0 Proposed Development

As detailed within the accompanying architectural plans prepared by Woodward Architects, the proposal seeks approval for the construction of alterations and additions to the existing dwelling.

The new works will comprise the following works:

### Carport Level

- Bin & battery storeroom
- Laundry area for the studio
- Double carport
- Driveway lowered and realigned on the upper portion servicing the carport
- New access stairs and inclinator

### Studio Level

- New bedroom, bar/living area and bathroom

### Lower Ground Level

- New swimming pool with associated decking

### Ground Level

- New master, ensuite and WIR

The proposed works represent a high-quality architectural design solution that will provide a significant enhancement to the amenity and usability of the existing dwelling.

The resultant development is highly articulated, with skillful use of materiality to break down the apparent size of the existing dwelling and reduce bulk and scale.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

The internal design and arrangement will afford exceptional amenity to future occupants without unreasonably compromising the amenity of surrounding residential properties or the foreshore scenic attributes of the precinct. The inclusion of a new carport, consistent with the existing streetscape character, integrated into the overall design of the proposal ensures greater usability and safety for the occupants and surrounding roadway users.

The proposed external finishes have been detailed on the submission and which reflect the existing visual representation of the dwelling and will complement the existing and future character of the surrounding development.

The new swimming pool is located at the lower ground level set forward of the dwelling for ease of access from the main dwelling and also to to minimise excavation.

The proposed new plantings will further assist in maintaining the privacy and the amenity of both the

subject and neighbouring properties and will soften the visual impact of the resultant development.

The development indices for the development are summarised as:

Site Area	893.5m <sup>2</sup>
Required Building Height:	8.5m
Proposed Building Height:	5.806m (studio) 3.82m (dwelling house additions)
Required Landscape Area	60% or 535.8m <sup>2</sup>
Proposed Landscape Area	40.35% or 360.95m <sup>2</sup> or 46.35% or 414.19m <sup>2</sup> incl 6% functional landscaped area (See DCP discussion)

## **6.0 Zoning and Development Controls**

### **6.1 Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### Chapter 2 Vegetation in non-rural areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation.

There are no trees within the site that have been identified as Heritage Items or identified within a Significant Tree Register.

An Aboricultural Impact Assessment & Site-Specific Preliminary Tree Plan of Management prepared by Growing My Way Tree Consultants dated November 2024 accompanies the application. The Assessment considers the impact of the works on 15 trees within the site and concludes that the proposal does not impact on significant or protected vegetation on the site, neighbouring properties or the surrounding public domain. Smaller, exempt species will be removed to accommodate the new works.

The Assessment recommends mitigation measures for tree protection zones for the trees being retained to ensure their ongoing viability.

As no significant or protected trees are to be removed, there is no adverse impacts on the biodiversity value for the site or the locality. No further consideration under the SEPP is required.

### **6.2 State Environmental Planning Policy (Sustainable Buildings) 2022**

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

### **6.3 State Environmental Planning Policy (Resilience and Hazards) 2021**

#### Chapter 2 – Coastal Management

The proposed development site has been within on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP). Hence, Divisions 3, 4 and 5 of the SEPP apply.

The stated Aim of the Policy under Chapter 2.1 is to:

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



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

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

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

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

### **2.10 Development on land within the coastal environment area**

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) *coastal environmental values and natural coastal processes,*
  - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) *Aboriginal cultural heritage, practices and places,*
  - (g) *the use of the surf zone.*
- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
  - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

**Comment:** No existing significant protected trees are proposed to be removed by the proposal.

The proposal will not adversely impact upon existing access provisions and is therefore considered satisfactory in relation to this consideration.

The matters for consideration under Division 4 of the SEPP are:

### **2.11 Development on land within the coastal use area**

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
    - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
    - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
    - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
    - (iv) *Aboriginal cultural heritage, practices and places,*
    - (v) *cultural and built environment heritage, and*

- (b) *is satisfied that:*
- (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
  - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

**Comment:** The proposed dwelling will not adversely affect the visual amenity of the locality.

Accordingly, the development is unlikely to detract from the scenic quality of the locality, maintaining an appropriate visual relationship with the surrounding built environment.

The matters for consideration under Division 5 of the SEPP are:

***2.12 Development in coastal zone generally—development not to increase risk of coastal hazards***

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

**Comment:** The proposal will not cause an increased risk of coastal hazards on the site or surrounding land.

The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Resilience and Hazards) 2021.

*Chapter 4 – Site Contamination*

SEPP (Resilience and Hazards) 2021 and in particular Clause 4.6(2) 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.

## 6.4 Pittwater Local Environmental Plan 2014

### Clause 2.2 Zone objectives and Land Use Table

The site is zoned C4 Environmental Living under the provisions of the PLEP 2014.

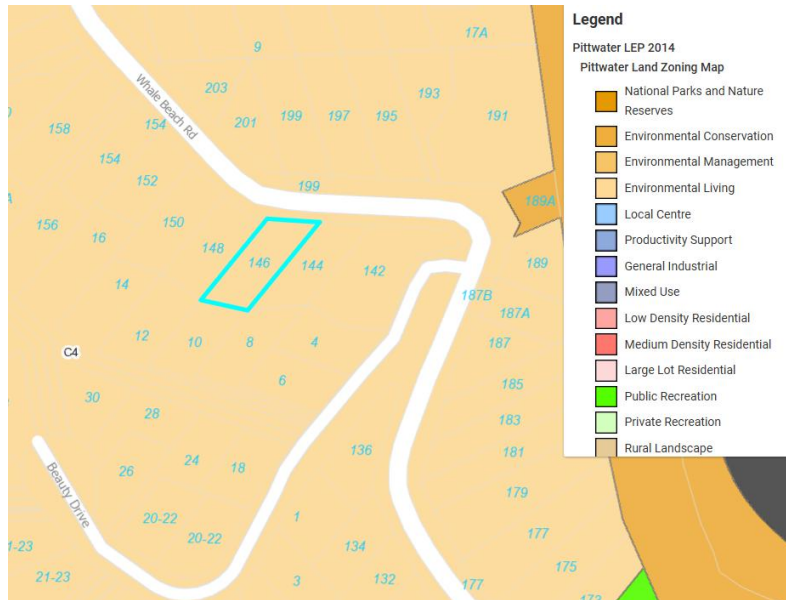


Fig 14: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The proposal for alterations and additions is considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the C4 Environmental Living Zone is 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 alterations and additions to an existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal provides for a residential development in an area with special coastal aesthetic values and does not have an adverse effect on the values in terms of foreshore scenic protection.
- The development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.
- The proposal maintains consistency with the existing varied residential within the locality.

- The proposed new works will provide for increased residential amenity, together with improved functionality through the introduction of new functional recreation areas.
- The proposal does not have any unreasonable impact on views, solar access or amenity for the neighbouring properties.
- The site is utilised as housing and will continue to maintain the residential use.
- The bulk and scale of the existing dwelling remains largely unchanged, with a more modern and compatible built form with that of existing development in this portion of Whale Beach Road.
- The proposal is not considered to have any significant impact on any scenic or long-distance views.

#### **Clause 4.3 – Height of Buildings**

The maximum building height in this portion of Whale Beach is 8.5m. The proposal will provide for a height of up to 3.82m for the new additions to the existing dwelling and therefore complies with the 8.5m building height control.

It is notable that the proposed development presents a substantial reduction in the height bulk and scale of the development when compared to the recent approval under DA2019/1350.

#### **Clause 7.1 – Acid Sulfate Soils**

The site is identified as being within an area affected by Acid Sulfate Soils (Class 5). The new works will not involve any substantial site disturbance and are not within 500m of other Acid Sulfate Soil classes, or impact the water table. Accordingly, it is not anticipated that acid sulfate soils will be encountered and no further assessment is considered necessary.

#### **Clause 7.2 – Earthworks**

The proposed development involves minor excavation. The excavation involves removing areas within the proposed driveway footprint for the new carport and studio, along with minor excavation for the upper driveway, swimming pool and dwelling house additions. It is considered that the excavation can be undertaken to minimise any impacts that may occur. A Geotechnical Investigation prepared by White Geotechnical Group, Reference No J5613 dated 12 December 2024 accompanies the development application.

The report addresses any effects of the earthworks required as a result of the proposed development and concludes the proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality. The works will be carried out in accordance with the recommendations of the consulting structural engineer and the recommendations of the geotechnical report.

As required, appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties.

### **Clause 7.6 – Biodiversity protection**

The development does not necessitate the removal of any significant vegetation with a generous area of soft landscaping maintained within the site.

Accordingly, the proposal is therefore considered to be consistent with the provisions of this clause.

### **Clause 7.7 – Geotechnical hazards**

The site is noted as being subject to Council’s landslip risk mapping.

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No J5613 dated 12 December 2024 and accompanies the application.

The Investigation assesses the stability of this site as it exists, together with the potential impacts resulting from new works.

The report notes:

*“The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice”.*

The Investigation provides recommendations to be observed during the construction to ensure the ongoing stability of the site.

The works will be carried out in accordance with these recommendations and under the guidance of the Consulting Geotechnical Engineer.

### **Clause 7.10 – Essential Services**

All essential services will be maintained to the site.

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

## 6.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP and Section D12 Palm Beach Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

### 6.5.1 Section A Introduction

#### **A4.12 Palm Beach Locality**

##### **Desired Character**

*The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the lowlands and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.*

*Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.*

*Future development will maintain a building height limit below the tree canopy and minimise bulk and scale whilst ensuring that future development respects the horizontal massing of the existing built form. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.*

*The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.*

*A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.*

*Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.*

*Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.*

*Palm Beach will remain an important link to the offshore communities.*

It is considered that the proposal is consistent with the desired character of the locality by providing for the proposed construction of alterations and additions to existing dwelling.

The proposed design incorporates varied elements including new glazing, decking areas and fenestration details which minimise the visual bulk of the dwelling as it presents to adjoining properties and the public domain.

The proposal has been designed to follow the slope of the land with the works being setback into the existing building footprint, corresponding with the slope of the topography to minimise unnecessary solar impact and protrusion into existing scenic view lines. The proposal will maintain scenic view opportunities for neighbouring properties.

The proposal will maintain vegetation within the front setback, with the opportunity to incorporate further plantings if required to soften the built form of the new works and continue to provide for a dwelling within the required bushland setting.

The works will be finished in a range of textures and finishes which will complement the existing surrounding development and the use of earthy tones will harmonise with the landscaped setting of the locality.

It is considered that the proposal is consistent with the desired character of the Palm Beach Locality.



## **6.5.2 Section B General Controls**

The General Controls applicable to the proposed additions and alterations to the existing dwelling and associated structures are summarised as:

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

The controls seek to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

*Protection of private and public infrastructure and assets. (S)*

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No J5613 dated 12 December 2024 and accompanies the application

The Investigation assesses the stability of this site as it exists, together with the potential impacts resulting from new works.

The report notes:

*The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.*

The Investigation provides recommendations to be observed during the construction to ensure the ongoing stability of the site.

The works will be carried out in accordance with these recommendations and under the guidance of the Consulting Geotechnical Engineer.

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

The controls seek 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. (En)*

The proposed development will not require the removal of any significant or protected trees and an Aboricultural Impact Assessment & Site-Specific Preliminary Tree Plan of Management prepared by Growing My Way Tree Consultants dated November 2024 and accompanies the application.

No significant trees will be affected, with the trees to be removed being smaller exempt species.

The Aboricultural Impact Assessment Report suggests tree protection zones for the trees being retained and regulations for the installation tree protection measures.

A comprehensive landscaping plan prepared by Spirit Level Design Pty Ltd. Project No 2093 dated 25 November 2024 has been submitted as part of the application which includes the incorporation of additional planting of native species to ensure greater establishment of native flora on the site.

### **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.*

Stormwater will be collected and drained to the Whale Beach Road verge as per the existing stormwater arrangement in accordance with the Stormwater Management Plans prepared by Resolute Stormwater dated 23 November 2024.

Suitable sediment control measures will be implemented in order to minimise potential impacts on surrounding sites and the adjacent waterway. The proposal will therefore comply with this control.

### **B6.1 Access Driveways and Works on the Public Road Reserve**

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)*

There is no change to the existing vehicle arrangement from Whale Beach Road. The existing driveway access will continue to provide for vehicle access for the site and to the proposed double carport.

The existing turning and manoeuvring area adjacent to the western boundary of the site will be retained to allow vehicles to enter and leave the site in a forward direction.

## **B6.2 Internal Driveways**

This control seeks to achieve the outcomes:

- Safe and convenient access. (S)*
- Reduce visual impact of driveways. (S)*
- Pedestrian safety. (S)*
- An effective road drainage system. (En, S)*
- Maximise the retention of trees and native vegetation.*
- Reduce contaminate run-off from driveways.*

The proposal includes alterations and additions to the existing upper driveway area adjoining the new carport and associated hardstand from Whale Beach Road. The widening, lowering and grading of the gradient of the upper driveway will be in accordance with Councils required guidelines, all while improving the existing access arrangement and provide for a safe and convenient method of access for vehicles that will not present an unreasonable degree of visual impact to the streetscape.

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

This control seeks to achieve the outcome:

- Safe and convenient parking. (S)*

The proposal includes a new double carport with direct access from Whale Beach Road, therefore satisfying Council's minimum off-street vehicle parking requirements.

## **B8.1 Construction & Demolition – Excavation and Landfill**

The controls seek to achieve the outcomes:

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

As state previously, minor excavation is required to be undertaken to accommodate the proposed works. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No J5613 dated 12 December 2024 and accompanies the application

The works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical engineers and therefore will satisfy the provisions of this clause.

### **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)*

Appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties. The site will be landscaped to prevent ongoing erosion.

### **B8.3 Construction and Demolition – Waste Minimisation**

The controls seek to achieve the outcomes:

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

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

### 6.5.3 Section C Development Type Controls

The Development Controls for the proposed additions and alterations to the existing dwelling are summarised as:

#### C1.1 Landscaping

The controls seek to achieve the outcomes:

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

The required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing landscaping, with the current plantings within the site to be retained.

A comprehensive landscaping plan prepared by Spirit Level Design Pty Ltd, dated Project No 2093 dated 25 November 2024 has been submitted as part of the application which includes additional planting of native species to ensure greater establishment of native flora on the site.

The proposal results in a minor reduction in the available landscaped area, which largely provides for the carport, dwelling and recreational areas. The new works will however substantially improve the function and amenity of the site by providing for recreation space, while managing the existing substantial slope of the site. Increase the amenity of the site for the dwellings occupants, and therefore satisfy the desired outcomes of this clause.

#### 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 dwelling's entry and rear recreational areas will continue to allow for casual surveillance of persons entering the site from Whale Beach Road.

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

The controls seek to achieve the outcomes:

- A reasonable sharing of views from public places and living areas. (S)*
- Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)*
- Canopy trees take priority over views (En, S)*

The required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties. The site and the adjacent dwellings enjoy a view to the north east towards Whale Beach and the towards the Pacific Ocean.

The siting of the additions will display the building height of the existing dwelling (RL 65.55) and will allow for all existing view corridors to be maintained over and past the dwelling.

Accordingly, equitable access to the available views and outlook for the neighbouring dwellings and from public areas is maintained.

### **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.

Shadow diagrams have been prepared to support the development (Drawing No E.06). Due to the orientation of the subject site and neighbouring properties, the proposal which will see only a modest increase in height and will result in a minor change to the existing solar access received by neighbouring properties.

The solar access analysis prepared by Woodward architects confirms that there are no unreasonable solid impacts impact to either the adjacent dwelling's outdoor entertaining space or primary living rooms with these particular spaces retaining suitable access for sun during the day. Accordingly, the subject and neighbouring dwellings will continue to enjoy excellent solar access to their internal and external living areas during the day.

It is considered that the proposal has appropriately considered the principal areas of the neighbouring property and the shadow analysis provided with the application confirms that the development has maintained reasonable regional solar access in accordance with Council's requirements.

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

The controls seek to achieve the outcomes:

*Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (S)*

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

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

New window openings are proposed on all elevations. The new window openings on the studio north are orientated towards the view lines to Whale Beach and the Pacific Ocean. One new window on the eastern elevation is proposed, however this window is specifically location to ensure there is no unreasonable overlooking to No. 144 Whale Beach Road. The new glazing on the western elevation are located sufficiently back from the side boundary in order to ensure privacy impacts are mitigated.

There are no new windows proposed for the western elevation of the new master bedroom, with the terrace area servicing this bedroom as per existing arrangements.

The new balcony area and swimming pool, forward of the dwelling house incorporate sufficient setbacks and screening landscaping to ensure there is no unreasonable overlooking to the adjoining sites. Accordingly, the thought-out design ensures there no unreasonable privacy impact to the neighbouring dwelling or its private open space areas.

The new external access stairs, inclinor and carport will allow for improved accessibility for the occupants and are a transitory area orientated within the site, meaning there is no unreasonable privacy impacts to the adjoining neighbour.

The proposal is therefore considered to maintain suitable privacy for the adjoining neighbours.

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

The controls seek to achieve the outcomes:

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

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

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources. The proposed pool filter equipment will be

located in the sub floor under the house.

Given the residential nature of the works, it is suggested that there will not be any significant change to the existing site conditions.

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

The controls seek to achieve the outcomes:

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

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

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

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area which are further supplemented by the proposed decking from the swimming pool area.

The proposed works retain extensive areas of private open space. The functionality of the private open space area is improved through the addition of the proposed swimming pool, and terrace and decking area which in turn acting as an extension of the internal living areas.

The site will retain the existing rear yard for private recreation, with the proposed works to provide for the improve the quality and function of the outdoor recreational opportunities for the owners.

The proposed development provides sufficient private open space within the sloping site with high levels of amenity for future occupants of the dwelling.

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

The controls seek to achieve the outcomes:

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

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

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

A new waste area will be provided for within the carport area for the storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.



#### **C1.14 Separately Accessible Structures**

The controls seek to achieve the outcomes:

*Separately accessible structures that provide a recreational or office function for residents. (S)*

The proposal includes a studio detached from the dwelling house. This new areas provide much needed office area and recreational space for the occupants of the dwelling.

#### **C1.17 Swimming Pool Safety**

The controls seek to achieve the outcomes:

*The promotion of personal safety.  
Compliance with Swimming Pools Act 1992 and Regulations*

The proposed pool has been designed in accordance with the Swimming Pools Act and regulations. The proposal will provide for a perimeter fence to the swimming pool, which maintains an effective barrier between the dwelling and the pool.

#### **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 dwelling entry area will provide eave overhangs which provide for weather protection and add visual interest to the dwelling. The majority of the existing roof of the dwelling remains unchanged.

#### 6.5.4 Section D Locality Specific Development Controls

The **D12 Palm Beach Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The stormwater runoff from the development will be directed to the street gutter in Whale Beach Road. There will not be any adverse siltation or water pollution impacts on the general drainage system of the area or to local waterways.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D12 Palm Beach Locality** is provided below:

##### **D12.1 Character as Viewed from A Public Place**

The control seeks to achieve the outcomes:

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

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

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

*The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*

*High quality buildings designed and built for the natural context and any natural hazards. (En, S)*

*Buildings do not dominate the streetscape and are at 'human scale'.*

*To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.*

*To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.*

*To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)*

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows modulation, spatial separation, landscaping etc.

The proposal will provide for the construction of additions and alterations to the existing dwelling with a new carport and studio which will supplement the retained areas to provide for improved amenity

for the property owners.

Views will be retained for the surrounding properties due to the considered siting of the new works.

The proposed works are considered to be consistent in terms of bulk and scale to the existing surrounding development, which generally comprises two and three storey dwellings. The setbacks provided reflect the setbacks of the existing dwelling house and adjoining properties.

The proposed front elevation is well articulated to provide visual interest and maintain a compatible bulk and scale when viewed from Whale Beach Road. In addition, the existing and proposed landscaping will ensure that the proposed works will be interspersed with the natural landscape setting.

### **D12.3 Building colours and materials**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.*

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

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

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

*The colours and materials of the development harmonise with the natural environment. (En, S)*

*The visual prominence of the development is minimised. (S)*

*Damage to existing native vegetation and habitat is minimised. (En)*

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP and detailed in the submitted plans.

The proposed external finishes and materials are detailed within the submitted elevations and the external finishes schedule prepared by Woodward Architects within Drawing E.01, including imagery of the proposed materials and product information.

The proposal will comply with these controls and through the use of natural finishes to the façade of the new works to ensure that the built form is not dominant and complements the streetscape.

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

### **D12.5 Front Building Line**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.*

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

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

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

*Vehicle manoeuvring in a forward direction is facilitated. (S)*

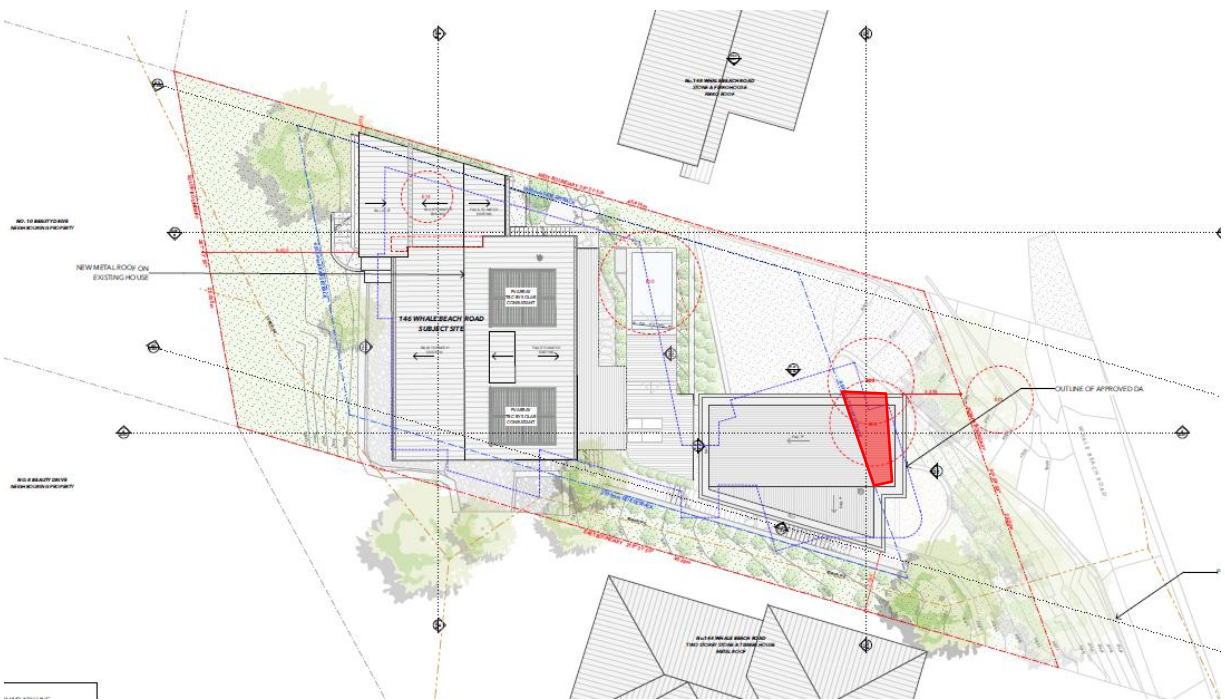
- To preserve and enhance the rural and bushland character of the locality. (En, S)*
- To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
- To encourage attractive street frontages and improve pedestrian amenity.*
- To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

The control to achieve this outcome is to provide a 6.5m setback for land zoned C4 Environmental Living, or the established building line to the street frontage, whichever is the greater.

As detailed in the architectural plans, the proposed carport and studio will see a very minor area set forward of the 6.5m front setback building line.

The low profile, open style carport, and studio is logically placed on the site due to the sloping topography and difficulty with access.

The proposed development is designed in such a way that the bulk of the new works for the carport and studio are set well away from the street frontage with only a minor portion protruding the front setback line, thereby respecting the existing streetscape (see Figure 15 below).



**Figure 15: Minor area of the built form forward of the front building line**

The proposed works forward of the dwelling remains compliant with the overall maximum building height and are not visually identifiable when considered in the context of the entire site. The proposed development maintains generous setbacks and is softened by the high degree of modulation and

fenestration, with the incorporation of additional landscaping in order to screen and soften the built form from the public space and neighbouring sites.

The open style design ensuring bulk and scale is minimised to Whale Beach Road, with the storage area discreetly located within the carport, meaning this structure is not visually identifiable from the public street view.

Based on the above, it is concluded that the development responds to the spatial characteristics of the existing built and natural environment.

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

#### **D12.6 Side and rear building line**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality. (S)*

*The bulk and scale of the built form is minimised. (En, S)*

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

*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

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

*Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

*Flexibility in the siting of buildings and access. (En, S)*

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

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

The relevant controls to achieve this outcome are to maintain a minimum setback of 2.5m for one side and minimum 1.0m setback for the other side.

The new works on the on the eastern side setback, comply with the 2.5m requirement. The carport and the studio displays a setback to the eastern side setback that is well over 2.5m.

There is a very minor variation on the western elevation of up to 0.4m for the new ensuite and main bedroom. However, the location of the ensuite is logical in its placement to due to the sloping topography of the site, while ensuring excavation and impacts to existing trees is minimised. The site has a steep gradient, and it is not uncommon for the buildings to encroach the side setback due to the slope of the site, or in order to minimise the impact to existing trees onsite. There is no privacy impacts from this minor encroachment as there is no additional window within this area, with the design being of a low profile, below the canopy trees, with additional landscaping to ensure visual impact is reduced and the built form is screened and softened appropriately.

The studio has been sited in order to minimise impact to the existing trees located within the southern area of the site, with the studio well-articulated and modulated to break up the bulk and scale, and responds to the slope of the site through the stepping of levels.

The siting of the new swimming pool readily complies with both side setback controls.

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

### **D12.8 Building Envelope**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality. (S)*

*To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

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

*The bulk and scale of the built form is minimised. (En, S)*

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

*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties. (En, S)*

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

The 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°.

The proposal is constrained by the sloping topography and existing location of the dwelling on the subject site. The design will provide a complaint building envelope on both elevations.

The innovative design of the structures are logically placed, is not visually prominent or jarring when looking at the dwelling as a whole and does not contribute to any adverse impacts for neighbouring properties in terms of views, overshadowing or general amenity.

### **D12.10 Landscaped Area – Environmentally Sensitive Land**

The controls seek to achieve the outcomes:

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

*The bulk and scale of the built form is minimised. (En, S)*

*A reasonable level of amenity and solar access is provided and maintained. (En, S)*

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

*Conservation of natural vegetation and biodiversity. (En)*

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

*To preserve and enhance the rural and bushland character of the area. (En, S)*

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

The required controls to achieve the outcomes are to ensure that residential development maintains a minimum of 60% of the site as landscaped area. In this instance, the site area is 893.3m<sup>2</sup> and the required minimum total landscaped area for the site is 535.98m<sup>2</sup>.

The extent of the existing driveway and the area required for the turning and manoeuvring of vehicles allow cars to enter and leave in a forward direction provides a substantial constraint on the front portion of the land.

The proposal will retain a landscaped area of 414.19m<sup>2</sup>, or 46.35% inclusive of the permissible 6% landscaped area allowance for functional landscaping.

The proposed development is consistent with the desired future character of the Palm Beach Locality, as the development is designed to ensure that the visual impact of the development is secondary to landscaping.

In addition, it can be said that the proposal has been effectively integrated within the landform, through retaining existing trees, incorporating new multi-level planting including additional canopy trees and ensuring a considerable landscape buffer areas in the front, sides, and rear of the site remain.

The proposal will not result in any unreasonable impact on light, solar access or privacy. This is as a result of the sufficient orientation and separation of the proposed works.

The proposal is also supported by a comprehensive and robust Landscape Plan prepared by Spirit Level Design Pty Ltd which provides for the managed replanting of the site and the introduction of additional tree cover.

Stormwater will be appropriately managed on the site in accordance with the Stormwater Management Plan prepared by Resolute Stormwater.

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

Notwithstanding the minor variation to the landscaped area control, the proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.

### **D12.13 Construction, retaining walls, terracing and undercroft areas**

The controls seek to achieve the outcomes:

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

*To protect and minimise disturbance to natural landforms.*

*To encourage building design to respond sensitively to natural topography.*

The proposal satisfactorily responds to the topography of the site. The proposed works will be carried out in accordance with the directions of the Structural and Geotechnical Engineers, and are therefore considered to satisfy the provisions of this clause.

Given the elevated nature of the pool to ensure that it is accessible from the ground floor area, the façade of the pool undercroft will be treated with recessive colours and finishes to present a natural appearance and blend with the proposed additional planting's surrounding the pool.

#### **D12.14 Scenic Protection Category One Areas**

The controls seek to achieve the outcomes:

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

*To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En,S).*

*Maintenance and enhancement of the tree canopy. (En,S)*

*Colours and materials recede into a well vegetated natural environment. (En,S)*

*To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component. (En, S)*

*To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.*

*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

*To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.*

*Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.*

The required controls to achieve the outcomes are to ensure that the development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

The proposed works will see modest alterations and additions relative to surrounding dwellings.

The new works are not considered to be bulky or overbearing when viewed from the adjoining public areas or neighbouring properties.

The proposed works will retain the existing views available for the surrounding properties and from the public areas.

The compatible bulk and scale of the dwelling will ensure that it is not a dominant feature within the locality and will not adversely affect the natural environment.

The recessive tones and external finishes that have been selected to further minimise the bulk and scale of the built form. The proposed external finishes have been detailed in the external finishes schedule prepared by Woodward Architects and which accompanies the DA submission.



**7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979**

**7.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

**7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

There are no draft instruments applying to the land.

**7.3 Any development control plan**

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

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

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

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

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

**7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),**

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

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

It is considered that the proposal, which seeks consent for the construction of additions and alterations to the existing dwelling including detached studio and swimming pool which are not considered to unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

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

### **7.7 The suitability of the site for the development**

The subject land is currently C4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

The design manages the challenges presented by the slope of the subject site and otherwise there is no significant constraint to the construction of the proposed development.

### **7.8 Any 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 unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

### **8.0 Conclusion**

The principal objective of this development is to provide for the construction of alterations and additions to an existing dwelling including a new swimming pool, which respects and complements the site's location and context.

It is considered that the proposed works satisfy the stated objectives of PLEP 2014, P21 DCP and other relevant plans and policies.

The outcome is a modernised dwelling of exceptional design quality which displays a highly articulated building form which appropriately responds to the sites existing dwelling, geometry and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The proposal provides a complimentary and compatible building form when compared to the existing dwelling, other development located along this section of Whale Beach Road and within the site's visual catchment generally.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, landscape opportunity, privacy, solar access and view sharing.

The proposal seeks to upgrade the existing driveway and car parking arrangement to meet contemporary design standards, together with providing a new swimming pool. The proposed development is a high quality design solution which seeks to maximise recreational amenity for occupants of the subject site whilst minimising impacts to adjoining properties.

As the proposed development will not have any significant adverse impacts on the environment, scenic quality of the area or the amenity of the adjoining allotments, there is no statutory impediment or meritorious reason as to why Council should not grant consent to the proposed development.

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