



DM Planning

Statement of Environmental Effects

Alterations and additions to a dwelling house



11 Florence Terrace, Scotland Island

Report prepared for
James Wish

November 2024



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1 Introduction

This Statement of Environmental Effects ('**SEE**') has been prepared on behalf of James Wish to accompany a Development Application ('**DA**') for alterations and additions to a dwelling house at 11 Florence Terrace, Scotland Island.

This SEE has been prepared and is submitted to the Northern Beaches Council ('Council') pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* ('**EP&A Act**').

This SEE describes the site, its surroundings and describes how the proposal addresses and satisfies the objectives and standards of the Pittwater Local Environmental Plan 2014 ('**PLEP**'), the Pittwater 21 Development Control Plan 2014 ('**P21DCP**'), and the heads of consideration listed in Section 4.15 of the EP&A Act.

This SEE demonstrates that the proposal is generally consistent with the relevant provisions of the:

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

This SEE concludes that the proposal, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed works are compatible with the desired future character of the Lower Western Foreshores and Scotland Island locality.
- The proposed works will not give rise to adverse impacts on the environmental quality of the land or the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.



2 The site and locality

2.1 Site description

The site is legally described as Lot 108, DP 12749 and is known as 11 Florence Terrace, Scotland Island. The site is irregular in shape and has an area of 734m². It has a 10.06m frontage to Florence Terrace and a depth ranging from 58.67m to 60.66m down to the mean high watermark (MHW) frontage measured at 18m.

The land is currently developed with a modest, single storey, timber log dwelling with a metal roof, located in the centre of the site. There is a timber boatshed deck and jetty at the northern end of the site. The jetty is located below MHW. The existing jetty provides water access to Pittwater, with pedestrian access gained via the Florence Terrace frontage of the site.

There is no direct vehicular access to the site with the land accessible by boat only. Alternatively, the subject land can be accessed from Florence Terrace via a public wharf.

The slope of the site is measured at 20%, falling approximately 12.4m from the Florence Terrace frontage to the MHW. The site appears to contain predominantly native vegetation with several established native canopy trees throughout the property.

The site is mapped within the Pittwater Spotted Gum Forest Endangered Ecological Community, the Northern Beaches, Bush Fire Prone Map 2020, and the Pittwater Geotechnical Hazard Map.

The site does not contain any heritage items nor is it in a heritage conservation area.

The site is located within the C3 Environmental Management zone and is heavily vegetated with native trees including several spotted gums.

The location of the site is shown in Figures 1 and 2.

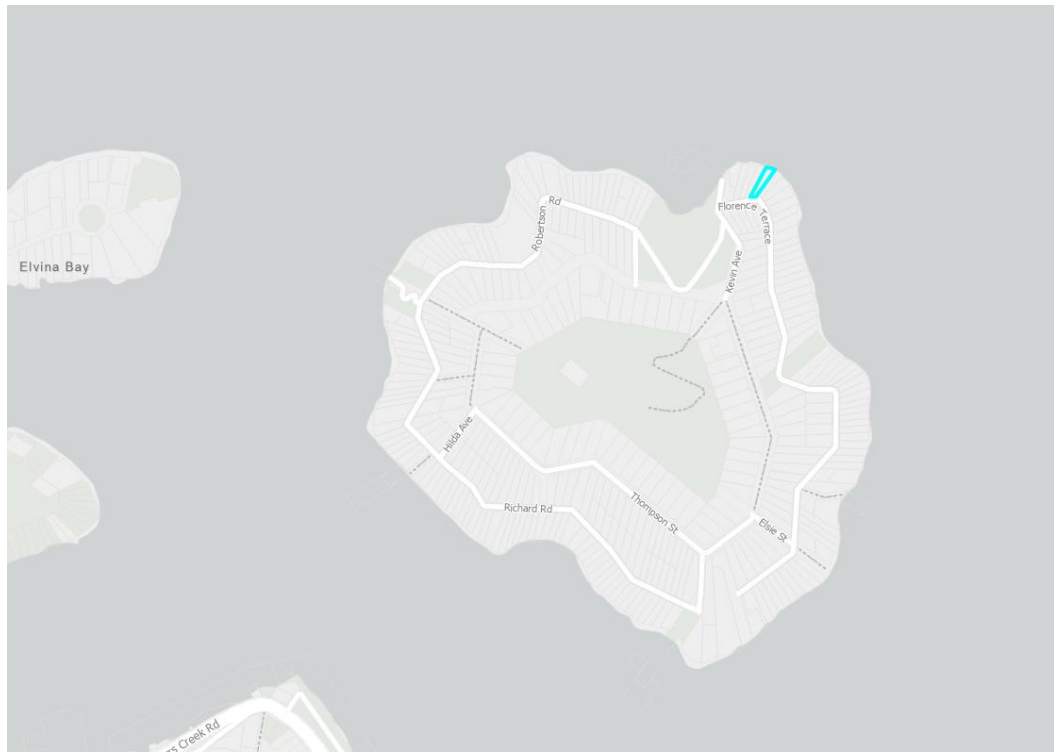


Figure 1. Location of the site (Source: NB Council)

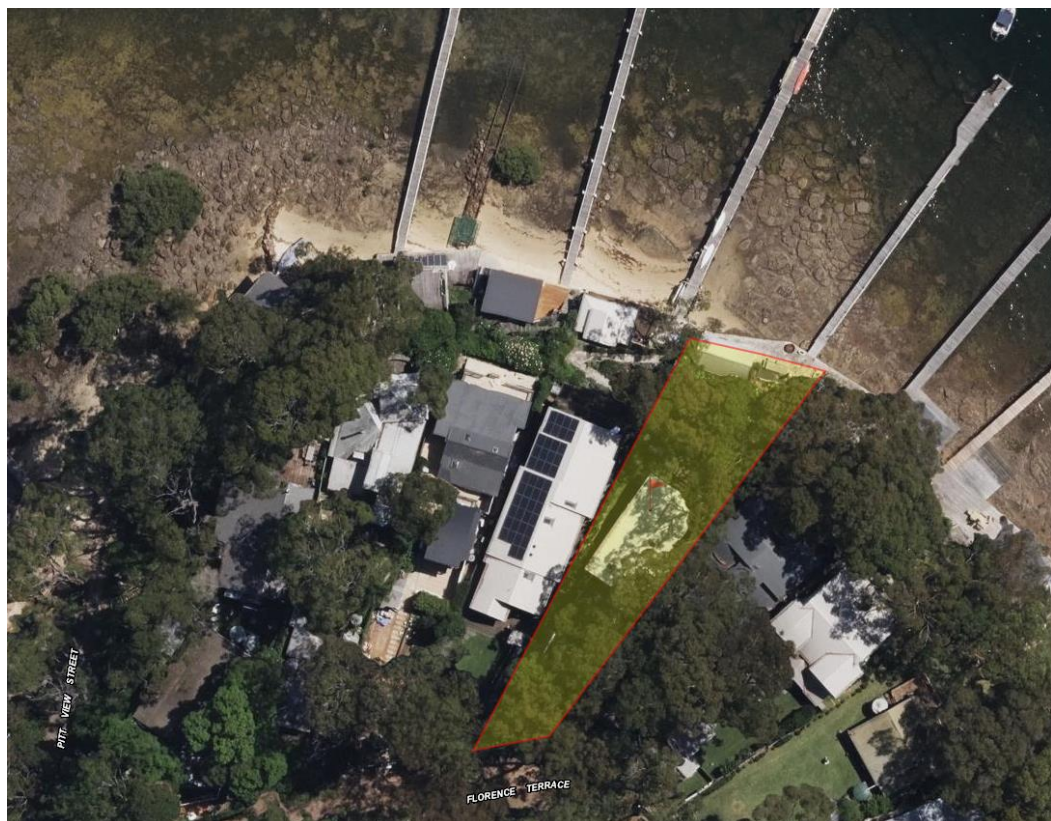


Figure 2. Aerial view of the site and its surroundings (Source: SIX Maps)



Figure 3. The site viewed from the waterway



Figure 4. North elevation of dwelling house (source: realestate.com.au)



Figure 5. View looking north from dining room (source: realestate.com.au)



Figure 6. View looking north from deck (source: realestate.com.au)

2.2 The locality

Scotland Island is characterised by moderate to steep slopes surrounded by water. The island has developed into a low-density residential area, with dwellings built throughout the lowlands, slopes, and ridges. The island is characterised mainly by detached dwelling houses on large, heavily vegetated lots. The residential development is of a diverse style and architecture, a common thread being the landscaped, treed environment and subdued external finishes.

Due to the topography and physical location, significant views can be obtained from most properties on the island. Conversely, the slopes and ridge tops of the locality, and land adjoining the Pittwater waterway, are visually prominent.

Much of the natural vegetation has been retained which gives the appearance of a natural environment. Many residential lots have waterfrontage with private boathouses, wharves, and jetties.

The island is not serviced by sewage or water mains for domestic use or vehicular access. Several pedestrian links and pathways exist within the island providing access to/from wharves.

The site shares a common boundary with the following two properties:

- 9 Florence Terrace – western boundary (two-story dwelling house with boathouse, wharf, and jetty)
- 13 Florence Terrace – eastern boundary (two-story dwelling house with boathouse, wharf, and jetty)

The following photographs show the site and surrounding area:



Figure 7. View from waterway with site outlined in red



2.3 Background

On 09/03/2021, Development Application DA 2020/1445 for alterations and additions to waterfront structures, including a new jetty, ramp, pontoon, and piles, was approved by Council. These works have since been completed.

3 The proposal

The proposed development involves partial demolition and alterations and additions to the existing dwelling house.

Specifically, the works comprise of:

- Partial demolition of decks and rear facade
- Reconfiguration of floor space
- Ground floor addition to the north for a living room and new deck
- Ground floor addition to the west for a master bedroom 'wing'
- New, extended west-facing decks
- Raised metal roof above additions
- Rainwater tanks below the deck

All significant trees will be retained (as detailed in the accompanying Arboricultural Impact Assessment).

Stormwater will continue to be directed to the waterway.

External materials and finishes include:

- Fibre cement, black cladding with a vertical pattern
- Timber-framed window and door frames
- Timber privacy screens
- Frameless glass balustrades
- Metal roof



4 Environmental planning assessment

4.1 Environmental Planning and Assessment Act 1979

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment.

This section of the report provides the planning assessment against the key statutory environmental planning instruments and Development Control Plan relevant to the development. The following detailed assessment of the proposal is provided, which is based on the heads of consideration contained in section 4.15 of the EP&A Act.

4.15(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

Relevant Provision	Comment
(a) <i>the provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	<ul style="list-style-type: none"> The relevant state environmental planning instruments are addressed in Section 4.2. The relevant provisions of the Pittwater Local Environmental Plan 2014 (PLEP 2014) are addressed in Section 4.4.
(ii) <i>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</i>	N/A
(iii) <i>any development control plan, and</i>	The relevant provisions of the Pittwater 21 Development Control Plan 2014 (P21DCP) are addressed in Section 4.5.
(iiia) <i>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, and</i>	N/A
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	The requirements of the EP&A Regulations are satisfied. Applicable regulation considerations including demolition, fire safety, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work



Relevant Provision	Comment
	sites, critical stage inspections and records of inspections may be addressed by appropriate consent conditions.
(v) <i>(Repealed)</i>	
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	<p>Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the P21DCP section in this report.</p> <p>Social Impact The proposed development will not have a detrimental impact on the locality considering the character of the proposal</p> <p>Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
(c) <i>the suitability of the site for the development,</i>	The proposed development is suitable for the site as demonstrated throughout this report.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	Council will consider any public submissions relating to the proposal during its assessment.
(e) <i>the public interest.</i>	The proposal is in the public interest as it allows for appropriate and positive additions to an existing residential site.

Table 1: Section 4.15(1) assessment

4.2 State Planning Policy Controls Overview

The proposal has been designed having regard to the objectives and standards of the relevant planning instruments and policies that apply to the site. Under the provisions of the EP&A Act, the key applicable State Environmental Policies are:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The following sections of this SEE discuss the application of the above plans and policies.



4.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is located within the Coastal Environment and the Coastal Use Areas as identified in SEPP (Coastal Management) 2018.

Under clause 13(1) Council must consider 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,*

Comment: The proposal will have no impacts in this regard as it is generally within the existing cleared site area.

- (b) *coastal environmental values and natural coastal processes,*

Comment: The proposal will have no impact in this regard as it is within a cleared site area.

- (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,*

Comment: The proposal is connected to all relevant infrastructure and will have no impact on the water quality of the marine estate.

- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

Comment: The site is not located in proximity to any undeveloped headlands or rock platforms and the proposal will have no impact on marine vegetation, native vegetation and fauna and their habitats.

- (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,*

Comment: The proposal will not impact on any public open space. All access to public open space is maintained.

- (f) *Aboriginal cultural heritage, practices and places,*

Comment: No impact.

- (g) *the use of the surf zone.*

Comment: No impact.



Under clause 13(2) Council must be satisfied with the following matters before granting consent to the development:

- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*

Comment: The proposal will have no impact in this regard as it is located generally within an existing cleared area.

- (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

Comment: No adverse impacts arise as a result of the development.

- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact*

Comment: No adverse impacts arise as a result of the development.

Under clause 14(1)(a) Council must consider 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,*

Comment: The proposal does not affect public access to the foreshore and beach.

- (ii) *overshadowing, wind funneling, and the loss of views from public places to foreshores,*

Comment: The proposal has minimal overshadowing impacts, wind funneling, and the view from public places to foreshores.

- (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*

Comment: The alterations and additions are generally within the existing building envelope and have minimal impact on the visual amenity and scenic qualities of the coast.

- (iv) *Aboriginal cultural heritage, practices, and places,*

Comment: The proposal will have no impact on aboriginal heritage, practices, or places.

- (v) *cultural and built environment heritage*

Comment: The proposal has minimal impact on heritage items in the vicinity of the site.

Under clause 14(1)(b) Council must be satisfied of the following matters



before granting consent to the development:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

Comment: No adverse impacts arise as a result of the development.

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

Comment: No adverse impacts arise as a result of the development.

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact

Comment: No adverse impacts arise as a result of the development.

Under clause 14(1)(c) Council must consider the surrounding coastal and built environment, and the proposed development's bulk, scale and size. In this regard, the proposed additions are modest in scale and will have minimal impact on the coastal and built environment.

The proposal satisfies clause 15 as it will not increase the risk of coastal hazard on the subject site or other land because the additions are located generally within the existing building footprint.

The proposal satisfies clause 16 because there is no certified coastal management program applying to the land.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. The subject site has been used for residential uses with no known prior land uses. Council can be reasonably satisfied that there is no contamination risk, subject to the imposition of suitable conditions relating to demolition.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

4.2.2 State Environmental Planning Policy (Sustainable Buildings) 2022

The State Environmental Planning Policy (Sustainable Buildings) 2022 encourages sustainable development within NSW.

An assessment against the Sustainable Buildings SEPP has been undertaken and a BASIX certificate has been prepared. The proposed development will comply with the targets of the Building Sustainability Index.



4.2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in Non-Rural Areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposed development does not seek consent for the removal of any trees, with tree retention measures outlined in the accompanying Arboricultural Impact Assessment Report.

The site is identified as having high biodiversity value, as shown on the Biodiversity Values Map of the Biodiversity Conservation Regulation 2017. No significant vegetation removal is proposed.

4.2.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

The works are within proximity to electricity infrastructure. Consequently, it is anticipated that Council will initiate a referral to the electricity supply authority.

4.3 Northern Beaches Bushfire Prone Land Map

As shown in Figure 12 below, the majority of the site is identified as bushfire prone land (vegetation category 1) on the Northern Beaches Council's Bushfire Prone Land Map. Consequently, the proposed development is required to meet the requirements of the NSW Rural Fire Service (RFS) document *Planning for Bushfire Protection 2019* (PBP) and the construction requirements of Australian Standard AS3950 – 2018.

A Bushfire Report has been prepared by Peterson Bushfire in support of the proposal. The accepted BAL assessment methodology for Scotland Island has been to classify Elizabeth Park within the centre of the island as a forest hazard as well as any other remnant patches such as Leahvera Reserve.

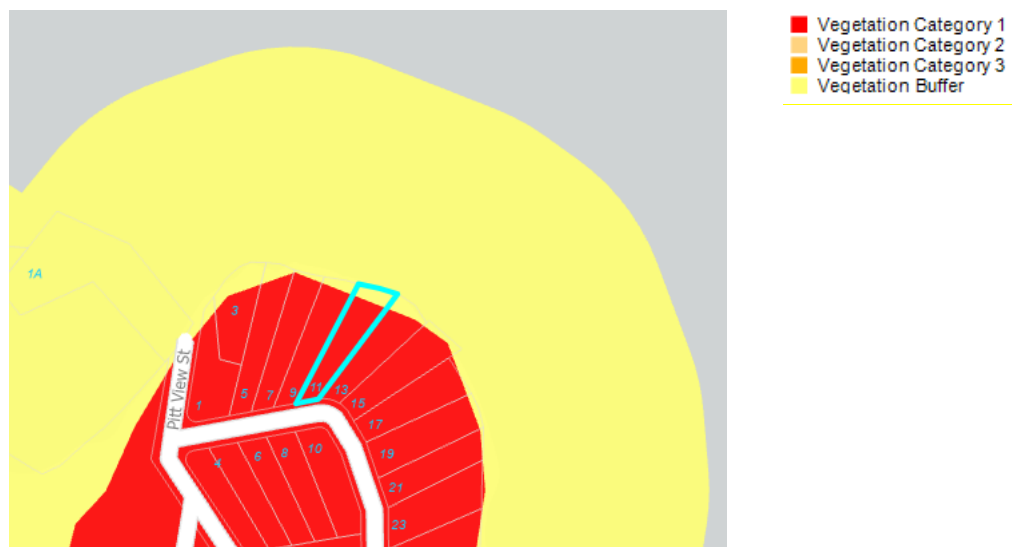


Figure 8. Extract from Northern Beaches Bushfire Prone Land Map 2020

The report recommends construction bushfire attack levels (BALs) for each elevation.

The report also recommends additional bushfire protection measures including: the establishment of an inner protection area, access, water supply, electricity, and gas supply.



4.4 Pittwater Local Environmental Plan 2014

The site is identified on the Land Application Map of PLEP and the provisions of this plan are applicable in relation to the site and the proposed development. The applicable clauses of the PLEP are:

- Clause 2.3 – Zone objectives and landuse table
- Clause 4.3 – Height of Buildings
- Clause 7.1 – Acid sulfate soils
- Clause 7.2 – Earthworks
- Clause 7.6 – Biodiversity
- Clause 7.8 - Limited Development on Foreshore Area
- Clause 7.10 – Essential services

An assessment of the development application against the above relevant Clauses of the PLEP is provided in the following sections of this SEE.

Clause 2.3 – Land Use Zoning and Permissibility

The site is zoned C3 – Environmental Management, as shown in the zoning map excerpt in Figure 10. The provisions of the zone are stated below:

Zone C3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural, or aesthetic values.
- To provide for a limited range of development that 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 and not visually prominent.
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.
- To ensure the continued viability of ecological communities and threatened species.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Environmental protection works; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Pond-based aquaculture; Roads; Tank-based aquaculture; Water recreation structures

4 Prohibited

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Table 2: Provisions of the C3 Environmental Management (PLEP)



The proposed dwelling house is permissible with consent in the C3 zone. The proposal is consistent with the objectives of the zone.

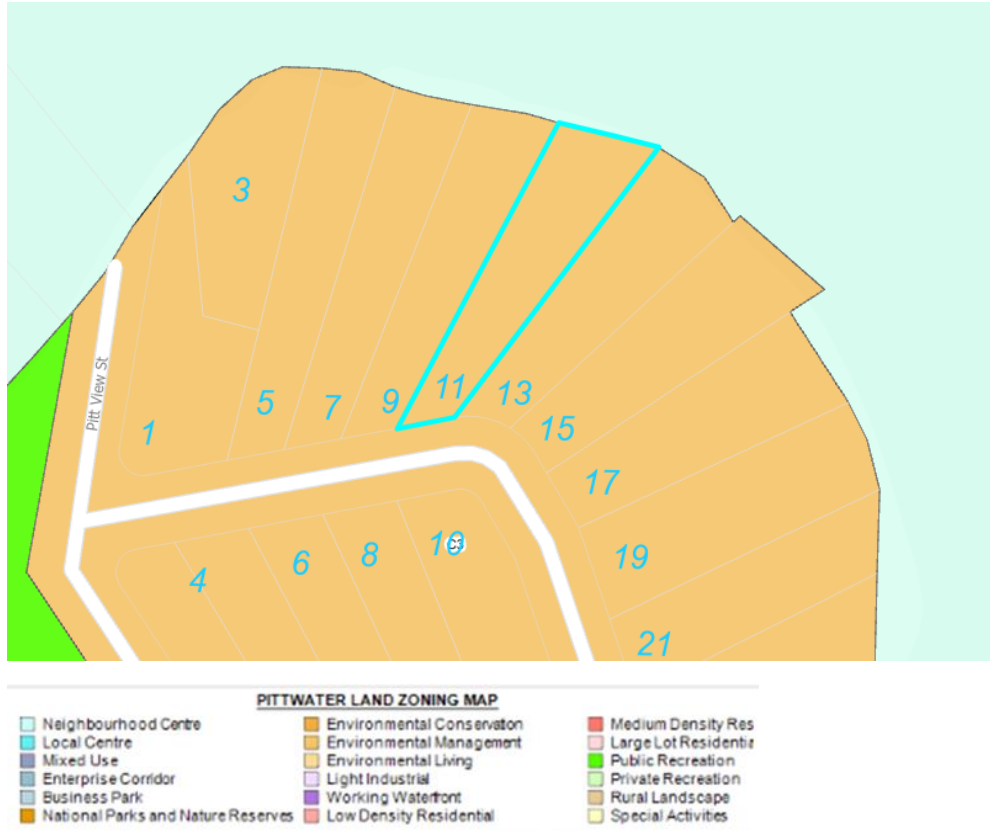


Figure 9. PLEP Zoning Map extract with site outlined in red (Source: NBC Website)

Clause 4.3 – Building Height

Clause 4.3(2) applies an 8.5m maximum building height to the site, as shown on the Height of Buildings Map. As shown in Figure 14 below, the proposed development has a compliant building height of 8.5m.

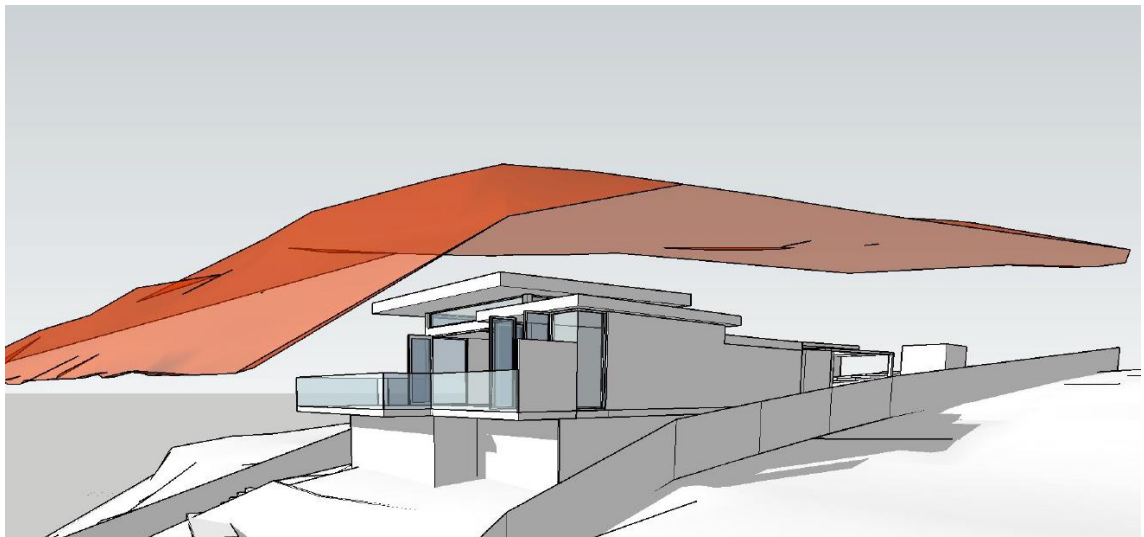


Figure 10. Height plan diagram showing compliance with the 8.5m height line (source: Shed Architects)

Clause 7.1 – Acid sulfate soils

The objective of clause 7.1 is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The site is identified as Class 5 on the Acid Sulfate Soils Map (the lowest-risk category).

The proposed works are not within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. Accordingly, no further investigation is required.

Clause 7.2 – Earthworks

The objective of clause 7.2 is that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal does not require any significant excavation. Only minor excavation for the footings for the additions and deck is required.

A Geotechnical Report has been prepared by Crozier in support of the proposal.

Clause 7.6 - Biodiversity

The site is identified by the Council as being within a 'biodiversity' area.

Before granting consent, the Council will need to be satisfied that development is:

- (a) designed, sited and managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—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.

The biodiversity mapping generally relates to the ecological community of the Pittwater Spotted Gum. There are no significant trees proposed to be removed or impacted by the proposed works.

Clause 7.8 Limited Development on Foreshore Area

As shown in Figure 11 below, the site is subject to a foreshore building line (FBL).

Clause 7.8 of the PLEP states that there is to be no development on land in the foreshore area. The proposed works are behind the FBL and therefore the proposal complies with Clause 7.8.

The FBL has been plotted on the Survey based on information provided by Council and is shown as two red lines (representing the thickness of the line provided by Council). Following the adopted practice, the architect has used the centre of the two lines as the FBL.



Figure 11. Extract from the Pittwater Foreshore Building Line Map (source: PLEP)

Clause 7.10 Essential Services

Council can be satisfied that the supply of water and electricity, the disposal and management of sewerage, stormwater drainage, and suitable vehicular access (watercraft only) is available to the site and will remain available prior to the occupation of the proposed works, consistent with the provisions of clause 7.10 of PLEP.

An Onsite Water Management System/Septic Report, prepared by Blue Mountains Geological and Environmental Services Pty Ltd, in support of the proposal.



4.5 Pittwater 21 Development Control Plan 2014

The following Pittwater 21 Development Control Plan 2014 (P21DCP) requirements are relevant to the development of the site.

Built Form Controls:

Built Form Control	Requirement	Proposed	Compliance
Front building line	6.5m, or established building line, whichever is the greater	19m - 25m	Yes
Rear building line	Foreshore building line	Behind FBL	Yes
Side Building line	2.5m to one side boundary	2.5m (east)	Yes
	1m to the other side boundary	1m (west)	Yes
Building envelope	Planes projected at 45 degrees from a height of 3.5m above ground level (existing)	The proposed works are within the building envelope except the eaves on the western elevation. Eaves are permitted to extend outside the building envelope.	Yes
Landscaped area	71% of the site area 521m ²	66.53% (existing) 52.45% (proposed)	No

Other relevant clauses:

Pittwater 21 DCP clause	Requirement	Proposal	Compliance
Lower Western Foreshore and Scotland Island Locality (Clause A4.8)	Two-storey dwelling house integrated with the natural environment.	Single-storey dwelling house with undercroft.	Yes
Landscape and Flora and Fauna Enhancement Category 2 and Wildlife Corridor (Clause B4.4)	The controls seek to achieve the following 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.	The proposal does not seek to remove any significant trees or vegetation. The proposal will not unreasonably impact any flora or fauna habitat, The proposal meets the objectives of the clause.	Yes
Pittwater Spotted Gum Forest -	Development shall not have an adverse impact on Pittwater Spotted Gum	The proposed development is restricted to the immediate proximity of the existing dwelling and will not result in	Yes



Pittwater 21 DCP clause	Requirement	Proposal	Compliance
Endangered Ecological Community (Clause 4.7)	Endangered Ecological Community. Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community).	any impacts on existing canopy trees or vegetation. The application is supported by an arborist report confirming that there will be no adverse impacts on existing canopy trees.	
Water Management (Clause 5.15)	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	Stormwater is to be collected on-site with overflow directed to the waterway. Stormwater Management Plans are submitted in support of the proposal.	Yes
Construction and Demolition (Clauses B8.3 – B8.6)	Outlines requirements for: <ul style="list-style-type: none"> • Erosion and sediment management • Waste minimisation • Site fencing and security • Works in the public domain • Traffic management plan • Excavation and landfill 	As required, appropriate sedimentation controls will be implemented throughout construction to prevent the transportation of sediment to adjoining properties or the waterway. As required, appropriate waste management controls will be implemented throughout construction.	Yes
Part C1	Design Criteria for Residential development		
Landscaping (Clause C1.1)	All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community.	All canopy trees will be retained.	Yes



Pittwater 21 DCP clause	Requirement	Proposal	Compliance
Safety and security (Clause C1.2)	Crime Prevention through Environmental Design (CPTED) principles that are to be used in the assessment of development applications include the following: 1. Surveillance 2. Access Control 3. Territorial Reinforcement 4. Space Management	The design and layout of the dwelling are consistent with CPTED principles.	Yes
View sharing (Clause C1.3)	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.	It is not anticipated that the proposed development will give rise to impacts on views enjoyed by neighbouring properties. View corridors towards Pittwater will be maintained. The proposal is consistent with the principles of view sharing established by the planning principal <i>Tenacity vs Warringah Council</i> .	Yes
Solar Access (Clause 1.4)	The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9 am and 3 pm on 21 June. Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9 am and 3 pm on 21 June (that is, to at least 50% of the glazed area of those windows).	Shadow diagrams have been prepared and are included in the set of architectural plans. The minor additional shadowing created by the proposal will not result in any unreasonable shadowing impacts. The proposal complies with the solar access requirements of P21DCP.	Yes
Visual Privacy (Clause C1.4)	Private open space areas including swimming pools	Privacy impacts on the two adjoining properties have been carefully	Yes



Pittwater 21 DCP clause	Requirement	Proposal	Compliance
	<p>and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation.</p> <p>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</p>	<p>considered during the design process, with windows treated to avoid direct overlooking.</p> <p>The proposed north-facing deck is satisfactorily setback from the adjoining properties.</p> <p>In addition, the landscaped setting provides natural screening between the dwellings.</p> <p>Given these circumstances, the development will afford both the occupants and the neighbours' acceptable levels of visual privacy.</p>	
<p>Acoustic Privacy (Clause C1.6)</p>	<p>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources.</p> <p>Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</p>	<p>The development is consistent with the Protection of the Environment Operations Act 1997 regarding noise generation.</p> <p>The proposed works will not generate any unreasonable level of noise.</p>	<p>Yes</p>
<p>Private Open Space (Clause C1.7)</p>	<p>A minimum of 80m² of private open space is required per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</p>	<p>With the addition of the north facing deck, the proposal will increase the amount of usable open space areas available to occupants. The site has more than 80m² of private open space available.</p>	<p>Yes</p>
<p>Waste and Recycling Facilities (Clause C1.12)</p>	<p>Waste facilities are accessible and convenient and integrate with the development.</p>	<p>A bin storage area is provided at the rear (south) of the dwelling.</p>	<p>Yes</p>



Pittwater 21 DCP clause	Requirement	Proposal	Compliance
	Waste facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment.		
Part D8 Scotland Island Locality - specific development controls			
Character viewed from a public place (Clause D8.1)	<p>Buildings should incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.</p> <p>Any building facade to a public place must incorporate at least two design features.</p> <p>The bulk and scale of buildings must be minimised.</p> <p>Landscaping is to be integrated with the building design to screen the visual impact</p> <p>On Scotland Island, garages, carports and other parking structures including hardstand areas must not be the dominant site features when viewed from a public place.</p>	<p>The proposal achieves the desired future character of the Scotland Island Locality.</p> <p>The proposed development responds to the sloping topography and is consistent with development in the vicinity of the site.</p> <p>The dwelling sits below the 8.5m building height and the tree canopy which ensures an appropriate scale of the dwelling.</p> <p>The proposed colours, materials and finishes comprise of dark and earthy tones and will assist in integrating the dwelling with the surrounding landscape.</p> <p>There are no existing or proposed parking structures on the site.</p>	Yes
Scenic Protection - General (Clause D8.2)	Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	The existing vegetation will effectively screen the proposed additions when viewed from the waterway. The use of dark recessive colours and natural timber will assist in minimising visual impacts from the foreshore.	Yes



Pittwater 21 DCP clause	Requirement	Proposal	Compliance
Building colours and materials (Clause D8.3)	<ul style="list-style-type: none"> External colours and materials shall be dark and earthy tones as shown in the DCP. White, light coloured, red or orange roofs and walls are not permitted. Finishes are to be of a low reflectivity. 	A schedule of material and finishes is provided with this application. The proposed colours and materials comprise of dark colours and the use of timber accents.	Yes
Fences – (Clause D8.10)	<p>Front fences and side fences (within the front building setback) shall not be permitted other than for blocks with a water frontage.</p> <p>For blocks with a water frontage, front fences and side fences (within the front building setback) shall have a maximum height of 1 metre above existing ground level, and shall be setback 1.5 metres from the property boundary. Landscaping is to screen the fence on the foreshore side.</p> <p>Original stone fences or stone fence posts shall be conserved.</p>	No fencing is proposed with this application	Yes
Construction, retaining walls, terracing and undercroft areas (Clause D8.11)	<p>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</p> <p>Retaining walls and terracing shall be kept to a minimum.</p>	The proposed deck additions utilise lightweight pier and beam construction.	Yes
Site Disturbance (Clause D8.15)	<p>On Scotland Island and the Western Foreshores, at no time shall site disturbance exceed 25% of the site area.</p>	<p>The existing and proposed area of site disturbance exceeds 25%.</p> <p>Despite the non-compliance the objectives of the control are satisfied as follows:</p>	Yes



Pittwater 21 DCP clause	Requirement	Proposal	Compliance
		<ul style="list-style-type: none"> The existing topography of the land, and surface and subsurface drainage patterns are retained. Site disturbance is minimised. The proposed additions do not result in visual scarring of the landscape. The resultant dwelling house will sit comfortably in the landscape. 	
<p>Scenic Protection Category One Areas (Clause D8.16)</p>	<p>Screen planting shall be located between structures and boundaries facing waterways.</p> <p>Canopy trees are required between dwellings and boundaries facing waterways and waterfront reserves.</p> <p>Development is to minimise the impact on existing significant vegetation.</p> <p>The applicant shall demonstrate the retention and regeneration of existing native vegetation outside of the immediate area required to carry out the development.</p> <p>The development is to incorporate measures for planting and maintenance of native vegetation within those areas which are already cleared, and which are not required to be cleared to allow for the development.</p> <p>The siting, building form, orientation and scale of the development shall not compromise the visual integrity of the site by removal of canopy</p>	<p>The proposal retains all significant vegetation on the site, including the existing canopy trees.</p> <p>Tree protection measures will be implemented during construction as outlined in the accompanying Arborist report.</p> <p>The proposed additions are single storey and resulting in a relatively modest built form that will sit comfortably into the landscaped.</p> <p>The proposed finishes and colours comprise of dark earthy tones that will blend with the environment.</p>	<p>Yes</p>



Pittwater 21 DCP clause	Requirement	Proposal	Compliance
	<p>trees along ridges and upper slopes.</p> <p>The development must incorporate the use of unobtrusive and non-reflective materials and the colours of exterior surfaces shall help blend structures into the natural environment.</p> <p>Applicants are to demonstrate that the proposed colours and materials will be dark and earthy.</p>		

Table 3. Relevant clauses of Pittwater 21 DCP

Clause A4.8 Lower Western Foreshores and Scotland Island Locality

The site is located within the Lower Western Foreshores and Scotland Island Locality, as identified on the Lower Western Foreshores and Scotland Island Locality Map of P21DCP. The resultant dwelling house is consistent with the desired future character for this locality, as follows:

- The dwelling house contributes to the existing low-density residential character
- The dwelling house is limited to two storeys in height in any one place and integrated with the landform and landscaping.
- The height of the dwelling house will remain the same as the existing and below the existing tree canopy.
- The design of the proposed dwelling house is a highly considered and sensitive response to the positive attributes and constraints of the site.
- The resultant development will present as a dwelling house nestled amongst existing canopy trees, and the leafy and bushland character of the locality will be retained.
- The proposed development is appropriately articulated which reduces the visual impact of the development.
- The proposed development has been designed to be safe from hazards that affect the site.

Clause D8.9 Landscaped Area

Clause D8.9 requires that the maximum area not provided as landscaped area (i.e. site coverage) is 29% (equating to a requirement for 71% landscaped area).

The existing development has a landscaped area of 66.53% which does not comply with the control. The proposed development results in a decrease in landscaped area to 52.45%.



The proposed landscaped area is acceptable on merit as the development is otherwise consistent with the outcomes of the control, as follows:

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

Comment: The proposed development does not detract from the desired character of the Lower Western Foreshores and Scotland Island Locality.

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

Comment: The additional hard surfaces beyond the footprint of the existing dwelling are limited to a modest side addition and a deck. These elements of the proposal do not contribute to excessive bulk and scale, and the overall apparent size of the development remains generally modest in scale.

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

Comment: The proposed development does not result in any adverse impacts on adjoining properties with regard to privacy, amenity, and solar access. The proposed additions provide a significant enhancement to the amenity of the existing dwelling, with more functional and usable living spaces to the north of the existing dwelling.

- ***Vegetation is retained and enhanced within the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation including tree canopy.***

Comment: The proposed development has been sensitively designed to minimise impacts on significant vegetation, and the application is accompanied by an Arborist report demonstrating the retention and protection of the existing canopy trees.

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

Comment: Stormwater runoff is appropriately managed as demonstrated in the accompanying stormwater plan.

- ***To ensure the distribution of height and mass preserves and enhances neighbourhood amenity and has regard to site characteristics and environmental constraints.***

Comment: The proposed works are located immediately adjacent to the footprint of the existing, single storey dwelling. The works do not detrimentally impact the distribution of height and massing at the site, and the apparent size of the development as seen from the waterway will remain consistent with surrounding properties. The proposed works have been designed to respond to the characteristics of the sloping land.



- ***To conserve significant natural features of the site and contribute to effective management of biodiversity.***

Comment: The proposed development does not result in any adverse impacts on significant vegetation at the site. The development will respect the existing quality and quantity of landscaping on the site.

- ***The area of site disturbance is minimised.***

Comment: The proposed works are located adjacent to the footprint of the existing modestly sized dwelling, and are primarily pier and post design, to minimise site disturbance.

- ***Soft surface is maximised.***

Comment: The proposal incorporates an appropriate amount of soft surface.

The proposed development performs well against the outcomes of the control and, notwithstanding the technical non-compliance with the landscaped area control, the proposal is assessed as acceptable.



5 Conclusion

This SEE supports a development application for alterations and additions to an existing dwelling house at 11 Florence Terrace, Scotland Island.

The merits of this application have been identified in this assessment under Section 4.15 of the EP&A Act, PLEP, and P21DCP.

The proposed works are permissible and consistent with the intent of the built-form controls as they are reasonably applied to the proposal, given the constraints imposed by the site's topography and environmental characteristics.

The proposal achieves the objectives of the Council's development controls and strategic aims. Consequently, the proposal is recommended for approval.

The proposal represents a highly considered design solution for the site, which has given considerable regard to the amenity of adjoining properties and the natural features of the site. The proposal appropriately reflects the desired future character for the Lower Western Foreshores and Scotland Island Locality.

The proposal complies with the foreshore building line development standard prescribed by PLEP and the development is consistent with the objectives of the foreshore building line development standard and the C3 Environmental Management zone.

The proposal involves non-compliance with the landscaped area control of P21DCP. We ask that the Council apply flexibility in this regard, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, noting that surrounding development is similarly non-compliant with these controls and that the outcomes of the controls are nonetheless achieved.

Overall, the proposed development will positively contribute to the existing bushland character of Scotland Island Locality, and the application warrants the Council's approval.