

## Appendix 8 - Pittwater Development Control Plan 2014

Control	Provisions	Compliance
<b>Section A4 - Localities</b>		
A4.12 Palm Beach Locality	<p>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.</p> <p>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.</p> <p>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.</p> <p>Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.</p> <p>Palm Beach will remain an important link to the offshore communities.</p>	<p><b>Compliance</b></p> <p>The proposed development must be consistent with the existing character of the locality to the Palm Beach and demonstrate that the work will not detract from the work.</p> <p>The work must be portrayed in a way that is consistent with the domain of the locality.</p> <p>The proposed development must be sought to ensure that the horizontal massing of the existing built form is maintained.</p> <p>All buildings must match the natural environment and be carefully designed to blend with the existing landscape.</p> <p>The site is a heritage item and must be protected in accordance with the Statement of Heritage Conservation.</p>
<b>Section B General Controls</b>		
B1.1 Heritage Conservation – heritage items,	<ul style="list-style-type: none"> <li>Heritage Conservation Areas</li> <li>Development applications in heritage conservation areas, involving work likely to impact the heritage significance of the conservation area, must be</li> </ul>	<b>Compliance</b>

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<p><i>heritage conservation areas and archaeological sites listed in PLEP2014</i></p>	<p>accompanied by a Statement of Heritage Impact, establishing and assessing how the significance of the heritage conservation area will be affected by the development.</p> <ul style="list-style-type: none"> <li>• The existing street pattern that reflects the original subdivision pattern of the estates is to be retained. Development is to respond to the established development patterns of the area as displayed by the subdivision layout, and front and side setbacks.</li> <li>• Distinctive characteristics of the streetscapes including fitting into the unique topography, leafy quality and garden settings is to be retained.</li> <li>• No new intrusive changes or elements will be permitted in the heritage conservation areas, including high, visually impenetrable front fences, painting of face brick façades, removal of original detailing, or unsympathetic alterations and additions.</li> <li>• Development must minimise the visual impact on the surroundings, in particular the landscaped setting.</li> <li>• Development in heritage conservation areas is to be carefully designed to respond to the heritage significance of the heritage conservation area, and to complement the existing character of buildings within the heritage conservation area, particularly the nearby heritage item(s) in terms of height, massing, form, bulk, setbacks, scale and detailing. Solid to void ratios of elevations are to be similar to those of nearby buildings with heritage significance.</li> <li>• Where there are uniform levels or setbacks within the streetscape, development is to be consistent with the levels and setbacks of the adjoining buildings.</li> <li>• Development is not to obscure existing significant views to and from heritage items.</li> <li>• Contemporary design for new houses and for alterations and additions is acceptable and encouraged as long as it respects its context and achieves a cohesive relationship with historically and architecturally significant existing fabric.</li> <li>• The materials and finishes of new houses are to be compatible with the materials and finishes of adjoining buildings of heritage significance. They must be similar to, but should not copy, the characteristic materials, finishes, textures and colours of the buildings of heritage significance within the streetscape. Contemporary materials may be used where their proportions, detailing and quantities are consistent with the existing and desired future character of the heritage conservation area.</li> </ul>	<p>The site is located in the Ocean Road Heritage Conservation Area. Accordingly, a Heritage Impact Statement has been prepared and is attached in <b>Appendix 7</b> Refer to <b>Section 5.4</b> of the SEE for detailed discussion.</p>
<p><b>Section C Development Type Controls</b></p>		

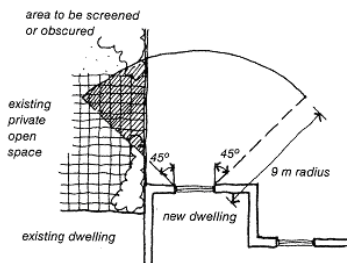
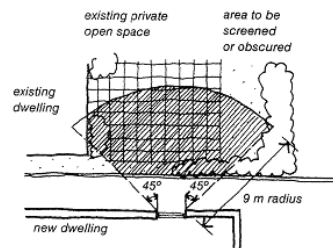
## C1 Design for Residential Development

<i>C1.1 Landscaping</i>	<ul style="list-style-type: none"><li>• 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.</li><li>• In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.</li><li>• At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</li><li>• Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m<sup>3</sup> within this area to ensure growth is not restricted.</li><li>• The following soil depths are required in order to be counted as landscaping:<ul style="list-style-type: none"><li>◦ 300mm for lawn</li><li>◦ 600mm for shrubs</li><li>◦ 1metre for trees</li></ul></li><li>• The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</li><li>• A planter or landscaped area with minimum dimensions of 4m<sup>2</sup> for shop top housing developments, 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and 50% for all other forms of residential development.</li><li>• Screening shall be of vegetation (not built items) and shall be calculated when viewed directly onto the site.</li><li>• Landscaping shall not unreasonably obstruct driver and pedestrian visibility.</li><li>• Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.</li><li>• Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.</li></ul>	<p><b>Maintains compliance</b></p> <p>The proposed works do not seek to alter the existing quantity of landscaping on site.</p>
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C1.2 Safety and Security	<p><u>1. Surveillance</u></p> <ul style="list-style-type: none"> <li>• Building design should allow visitors who approach the front door to be seen without the need to open the door.</li> <li>• Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</li> <li>• Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners.</li> <li>• Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: Control of the obtrusive effects of outdoor lighting.</li> <li>• Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.</li> <li>• Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</li> </ul> <p><u>2. Access Control</u></p> <ul style="list-style-type: none"> <li>• Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</li> <li>• Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</li> <li>• Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</li> <li>• The street number of the property is to be clearly identifiable.</li> <li>• Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</li> </ul> <p><u>3. Territorial reinforcement</u></p> <ul style="list-style-type: none"> <li>• Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</li> <li>• Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided.</li> </ul>	<p><b>Complies</b></p> <p>The proposed development does not alter the developments ability to comply with these controls. The development will. Maintain the existing rate of surveillance, access, territorial reinforcement or space management.</p>
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	<p><u>4. Space management</u></p> <ul style="list-style-type: none"> <li>• Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.</li> <li>• Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.</li> </ul>	
C1.3 View Sharing	<ul style="list-style-type: none"> <li>• All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</li> <li>• The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</li> <li>• Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</li> <li>• Views are not to be obtained at the expense of native vegetation.</li> </ul>	<p><b>Complies</b></p> <p>Due to the topography of the site, and the extent of work, the proposed alterations and additions will not significantly alter the sharing of views as currently available. Refer to Section 4.5 and 5.5.2 of the SEE for detailed discussion.</p>
C1.4 Solar Access	<ul style="list-style-type: none"> <li>• The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</li> <li>• Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</li> <li>• Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.</li> <li>• Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</li> <li>• The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</li> </ul>	<p><b>Complies</b></p> <p>The proposed development will not create any additional solar impacts to neighbouring properties from what currently exists on site. Refer to Section 5.5.1 of the SEE for detailed discussion.</p>
C1.5 Visual Privacy	<ul style="list-style-type: none"> <li>• Private open space areas including swimming pools 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 as shown in the diagram below (measured from a height of 1.7 metres above floor level).</li> </ul>	<p><b>Complies</b></p> <p>The proposed development maintains privacy on site. The subject site is large, screened by vegetation with site comprising the alterations and additions not overlooking residential properties. No changes are proposed on the</p>

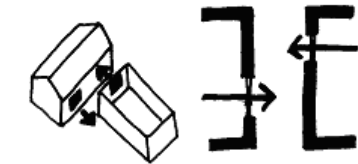
- Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.
- Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.



- Direct views of private open space or any habitable room window within 9m can be restricted (see diagram below) by:
  - vegetation/landscaping
  - a window sill height 1.7 metres above floor level, or
  - offset windows
  - fixed translucent glazing in any part below 1.7 metres above floor level, or
  - solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:
  - permanent and fixed;

southern elevation. The proposed enclosure of the balcony will provide additional privacy neighbouring sites. The site also comprises large front setbacks to. Mitigate privacy impacts from the public domain.

- made of durable materials; and
- designed and painted or coloured to blend in with the dwelling.



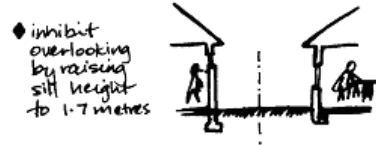
◆ ensure that windows are offset



◆ locate balconies to avoid overlooking



◆ minimise overlooking by use of vegetated screens



◆ inhibit overlooking by raising silt height to 1.7 metres

#### C1.6 Acoustic Privacy

- Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.
- Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the *Building Code of Australia*. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the *Building Code of Australia*).

#### Complies

The proposed works will not change the use or density on site. The proposed development will not introduce any additional acoustic impacts to the site which would impact on neighbouring properties.









	<ul style="list-style-type: none"> <li>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.</li> <li>Developments must comply in all respects with the <i>Protection of the Environment Operations Act 1997</i>, and other relevant legislation.</li> </ul>	
C1.7 Private Open Space	<ul style="list-style-type: none"> <li><u>Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-</u></li> <li>Minimum 80m<sup>2</sup> of private open space 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.</li> <li>Within the private open space area, a minimum principal area of 16m<sup>2</sup> with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</li> <li>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</li> <li>Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</li> <li>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</li> <li>Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.</li> <li>A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.</li> <li>Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.</li> <li>An accessible and usable area for composting facilities within the ground level private open space is required.</li> </ul>	<p><b>Complies</b></p> <p>The proposed works will not alter the existing residential s ability to comply with these controls. No alterations are sought to the outdoor private open space.</p>
C1.10 Building Facades	<ul style="list-style-type: none"> <li>Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.</li> </ul>	<p><b>Complies</b></p> <p>The proposed materiality of the alterations and additions will match and be complementary to/</p>







		and an extension of the existing materials and finishes of the residential dwelling on site.  Refer to <b>Section 3.3</b> of the SEE for detailed discussion.
<i>C1.12 Waste and Recycling Facilities</i>	<ul style="list-style-type: none"> <li>All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan</li> </ul>	<b>Complies</b>  The proposed works will maintain the existing Waste facilities and system on site for the residential dwelling.
<i>C1.23 Eaves</i>	<p>Dwellings shall incorporate eaves on all elevations.</p> <p>Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.</p>	<b>Complies</b>  All additional eaves and gutters match existing residential dwelling
<i>C1.25 Plant, Equipment boxes and Lift Overrun</i>	Where provided, plant and equipment boxes, air conditioning units and lift overruns are to be integrated internally into the design fabric of the built form of the building.	<b>Complies</b>  The proposed works seek to install a passenger shaft and lift. The proposed design has integrated the associated lift overrun into the built form as much as possible. Refer to <b>Section 4.5.4</b> of the SEE for detailed discussion.

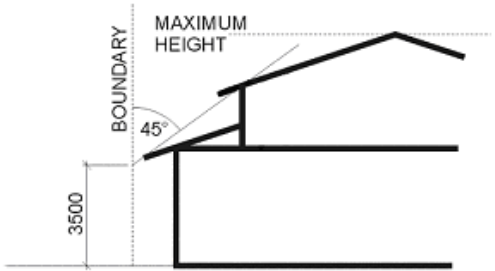
#### Section D Locality Specific Development Controls

##### D12 Palm Beach Locality

<i>D12.1 Character as viewed from a public place</i>	<ul style="list-style-type: none"> <li>Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.</li> <li>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</li> <li>Any building facade to a public place must incorporate at least two of the following design features:               <ul style="list-style-type: none"> <li>i. entry feature or portico;</li> <li>ii. awnings or other features over windows;</li> <li>iii. verandahs, balconies or window box treatment to any first floor element;</li> </ul> </li> </ul>	<b>Complies</b>  The proposed works are modest in nature and seek to improve internal amenity and accessibility for the residents on site.  The dwelling as viewed from the public domain will remain largely unaltered. The enclosure of the front balcony will be seamless with materiality and design with the existing.  The proposed works complement the desired future character of the Locality and will have negligible visual impact on the locality. All landscaping on site will remain unchanged.
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	<ul style="list-style-type: none"> <li>iv. recessing or projecting architectural elements;</li> <li>v. open, deep verandahs; or</li> <li>vi. verandahs, pergolas or similar features above garage doors.</li> </ul> <ul style="list-style-type: none"> <li>• The bulk and scale of buildings must be minimised.</li> <li>• Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</li> <li>• Landscaping is to be integrated with 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.</li> <li>• Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.</li> <li>• General service facilities must be located underground.</li> <li>• Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.</li> </ul>	<p>The design will be of a consistent high quality like the existing dwelling and has ensured consideration of the natural context of the area and any associated site hazards.</p> <p>The proposed alterations and additions will not dominate the streetscape and will ensure that the residents retains its human scale and two storey appearance.</p>
D12.2 Scenic Protection - General	Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	<p><b>Complies</b></p> <p>The proposed modest alterations and additions will have negligible impact on the visual character of the area with the proposal ensuring that the landscaping remains predominant feature of the site and locality.</p>
D12.3 Building colours and materials	<p>External colours and materials shall be dark and earthy tones as shown below:</p> <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px; text-align: center;">  Black ✓         </div> <div style="margin-right: 10px; text-align: center;">  Dark grey ✓         </div> <div style="margin-right: 10px; text-align: center;">  Dark green ✓         </div> <div style="margin-right: 10px; text-align: center;">  Dark brown ✓         </div> <div style="margin-right: 10px; text-align: center;">  Mid grey ✓         </div> <div style="margin-right: 10px; text-align: center;">  Green ✓         </div> <div style="margin-right: 10px; text-align: center;">  Brown ✓         </div> <div style="margin-right: 10px; text-align: center;">  Dark blue ✓         </div> </div>	<p><b>Complies</b></p> <p>The proposed design of the alterations and additions embrace the significant façade of the existing dwelling with new additions of the same or complementary material and colour to the colour, finishes and proportion of the existing materials on the building and are sympathetic to the character and heritage of the buildings within the Heritage Conservation Area.</p> <p>It is considered the works will maintain the visual quality and identity of the landscape, maintains</p>

	<p>White, light coloured, red or orange roofs and walls are not permitted:</p> <div style="display: flex; flex-wrap: wrap; justify-content: space-around;"> <div style="text-align: center;"> White ✗</div> <div style="text-align: center;"> Light blue ✗</div> <div style="text-align: center;"> Red ✗</div> <div style="text-align: center;"> Orange ✗</div> <div style="text-align: center;"> Light grey ✗</div> <div style="text-align: center;"> Beige ✗</div> </div> <ul style="list-style-type: none"> <li>Limited use of corporate colours may be permitted within Business zoned land.</li> <li>Finishes are to be of a low reflectivity.</li> <li>Applications in commercial areas shall use the three elements of stone, timber and landscaping as feature elements to any facade presenting to the street.</li> </ul>	<p>colours and materials that harmonise with the existing built and natural environment, minimises visual prominence of the development and will have negligible impact on the existing native vegetation and habitat on and in the vicinity of the site.</p> <p>Refer to <b>Section 3.3</b> of the SEE for detailed discussion.</p>
D12.5 Front building line	<ul style="list-style-type: none"> <li>The minimum front building line shall be in accordance with the following table: <ul style="list-style-type: none"> <li>Land zoned R2 Low Density Residential or <b>E4 Environmental Living</b> adjoining Ocean Road, north of Ocean Place and south of Palm Beach Road – 10m or established building line, whichever is the greater.</li> </ul> </li> <li>Built structures, other than driveways, fences and retaining walls are not permitted within the front building setback. Fences shall be setback 3 metres from the front property boundary on land zoned Residential adjoining the western side of Iluka Road.</li> <li>Where new streets or accessways are proposed in residential flat buildings and multi dwelling housing, a minimum front setback of 3 metres must be provided between the carriageway and dwellings.</li> </ul>	<p><b>Complies</b></p> <p>The proposed alterations and additions will not alter the existing front building line as approved. The deck enclosure will not protrude further into the front building line or established setback. Refer to <b>Section 4.5.2</b> of the SEE for detailed discussion.</p>
D12.6 Side and rear building line	<ul style="list-style-type: none"> <li>The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table: <ul style="list-style-type: none"> <li>Land zoned R2 Low Density Residential or E4 Environmental Living - 2.5 to at least one side; 1.0 for other side and 6.5 (rear) unless Foreshore Building Line applies</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>Refer to <b>Section 4.5.2</b> of the SEE for detailed discussion.</p>
D12.8 Building envelope	<ul style="list-style-type: none"> <li>Buildings are to be sited within the following envelope:</li> </ul>	<p><b>Acceptable solution</b></p>

	 <p style="text-align: center;"><b>STREET FRONTAGE</b></p> <ul style="list-style-type: none"> <li>• Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis.</li> <li>• Where subject to Estuarine, Flood &amp; Coastline (Beach) Hazard Controls, the building envelope shall be measured from a height above the minimum floor level requirement under the Estuarine, Flood and Coastline (Beach) Hazard Controls.</li> <li>• Eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope.</li> <li>• Council may consider a variation for the addition of a second storey where the existing dwelling is retained.</li> </ul>	<p>Refer to <b>Section 4.5.3</b> of the SEE for detailed discussion.</p>
<p><i>D12.10 Landscaped Area – Environmentally Sensitive Land</i></p>	<ul style="list-style-type: none"> <li>• The total landscaped area on land zoned R2 Low Density Residential or <b>E4 Environmental Living</b> shall be 60% of the site area.</li> <li>• The use of porous materials and finishes is encouraged where appropriate.</li> <li>• Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area.</li> </ul>	<p><b>Maintains compliance</b></p> <p>The proposed works do not seek to alter the existing quantity of landscaping on site.</p>