

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
INCLUDING NEW RUMPUS ROOM, SWIMMING POOL AND
DETACHED SECONDARY DWELLING

LOCATED AT

13A OCEAN ROAD, PALM BEACH

FOR

MICHELE & TREVOR MATTHEWS



Prepared
July 2016

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by MacCormick + Associates Architects; on behalf of Michele Matthews to detail the proposed alterations and additions to an existing dwelling, including a new swimming pool and the construction of a secondary dwelling at **13A Ocean Road, Palm Beach.**

The drawing list (Revision A dated 28 July 2016) which comprises the DA submission is:

- DA00.01 Drawing Schedule
 - DA00.02 Legend
 - DA00.03 BASIX requirements
 - DA00.04 Colour Scheme
 - DA01.01 Site Plan
 - DA01.02 Landscaped Area Calculation
 - DA02.01 Granny Flat and Rumpus Room Plan
 - DA02.02 Entry Plan and Maintenance Access
 - DA02.03 Existing Plans
 - DA03.01 Street Elevation
 - DA03.02 East Elevation
 - DA03.03 North Elevation
 - DA03.04 West Elevation
 - DA03.05 South Elevation
 - DA04.01 Section A 1:200
 - DA04.02 Secondary Dwelling Section
 - DA04.03 Rumpus Room Section
 - DA05.01 Site Analysis Plan + View Diagram (Plan)
 - DA05.02 View Diagram (Section)
 - DA05.03 Existing Plans
 - DA06.01 Shadow Diagram (June 21 – 9AM)
 - DA06.02 Shadow Diagram (June 21 – 12PM)
 - DA06.03 Shadow Diagram (June 21 – 3PM)
 - DA06.04 Shadow Diagram – 13 Ocean Road
-
- Stormwater management plans prepared by ITM Design Pty Ltd, Issue A, dated 27 July 2016
 - Landscape Plans prepared by Volker Klemm Landscape Design, Sheet DA1 Revision C dated 6/16
 - Arboricultural Impact Report prepared by Landscape Matrix Pty Ltd, dated 4 July 2016
 - Survey Plan prepared by C.M.S. Surveyors, Reference No. 12212, dated 16 February 2016
 - Geotechnical Assessment and Risk Analysis prepared by Douglas Partners, Ref No 85471.00, dated 11 July 2016
 - Coastline Hazard Assessment, prepared by Horton Coastal Engineering, dated 28 July 2016

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 2000*
- *State Environmental Planning Policy No 71 – Coastal Protection*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 13A Ocean Road, Palm Beach, being Lot 1 within Deposited Plan 121833 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is noted on Council's Geotechnical Hazard Map (W Hazard H1) and the Coastline Hazard Map (D Wave Inundation). The issue will be discussed further within this submission and a Geotechnical Assessment and Risk Analysis prepared by Douglas Partners, Project 85471.00, dated 11 July 2016 and a Coastline Hazard Assessment, prepared by Horton Coastal Engineering, dated 28 July 2016 have been included.

There are no other hazards affecting this site.

3.0 Site Description

The site is located on the western side of Ocean Road, with a secondary frontage to Sunrise Road at the rear and uphill of the site.

The lower portion of the site has a relatively gentle slope and supports the existing two storey dwelling and garage.

Immediately to the rear of the dwelling (as seen in the following figures) is an existing escarpment, with protective shotcrete, which has a general height of 7-8m, with the site rising more gradually to the rear boundary facing Sunrise Road. The site has a total fall of 36.3m over its length of 57m or approximately 64%.

The land has a general fall to the east, with stormwater from the roof areas directed to Ocean Road.

The site is generally irregular in shape and has a frontage of 19.715m to Ocean Road and northern and southern side boundaries measuring 48.475m and 57.16m respectively. The site narrows towards the rear, with the rear boundary measuring 11.47m. The total site area is 986m².

The site contains an existing two storey dwelling and attached garage.

Vehicular access to a site is provided via a concrete driveway from Ocean Road.

The details of the lots which comprise the parcel are contained within the survey report prepared by C.M.S. Surveyors, Reference No. 12212, dated 16 February 2016 which accompanies the DA submission.

The proposal was the subject of a Prelodgement Meeting with Pittwater Council on 6 April 2016. The issues discussed at the meeting have been considered in the preparation of the design.

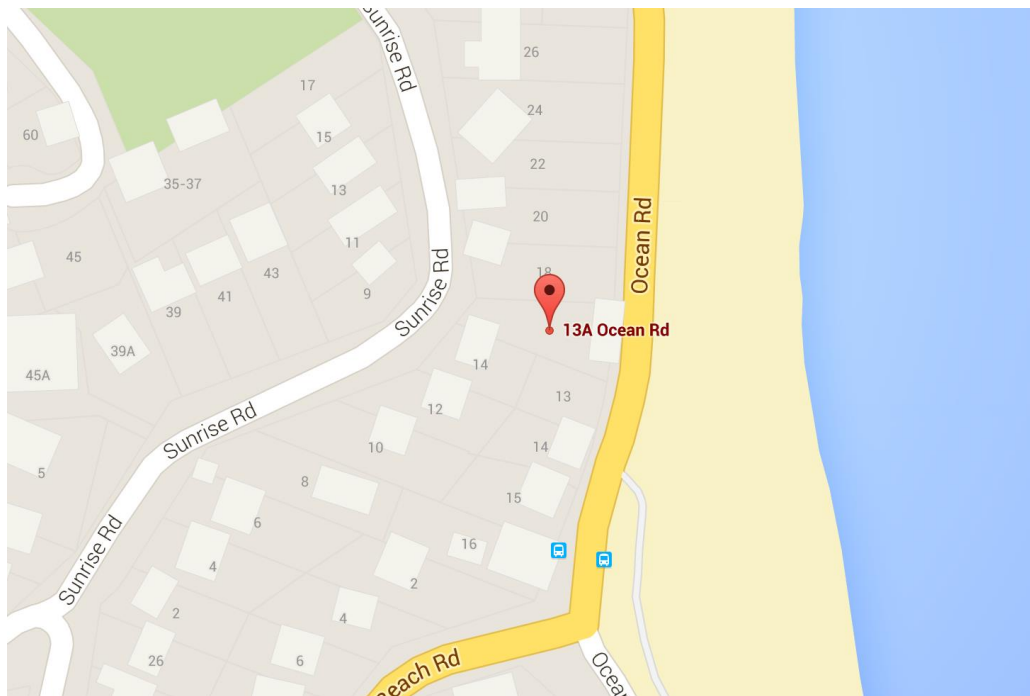


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of subject site and existing dwelling, with driveway access from Ocean Road



**Fig 3: View of existing dwelling and adjacent vacant land to the north, looking south-west from Ocean Road
(existing rock escarpment with protective shotcrete to the rear of the dwelling visible)**



Fig 4: View of neighbouring dwelling at No 13 Ocean Road, looking west from Ocean Road



Fig 5: View of existing streetscape to the south of the site, looking south-west from Ocean Road



Fig 6: View of site from Sunrise Road, looking south-east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by irregular shaped allotments within a natural setting, with a mix of low density residential developments within landscaped settings, the design of which reflects the sloping terrain and significant ocean vistas and retains a dominance of natural features and vegetation.

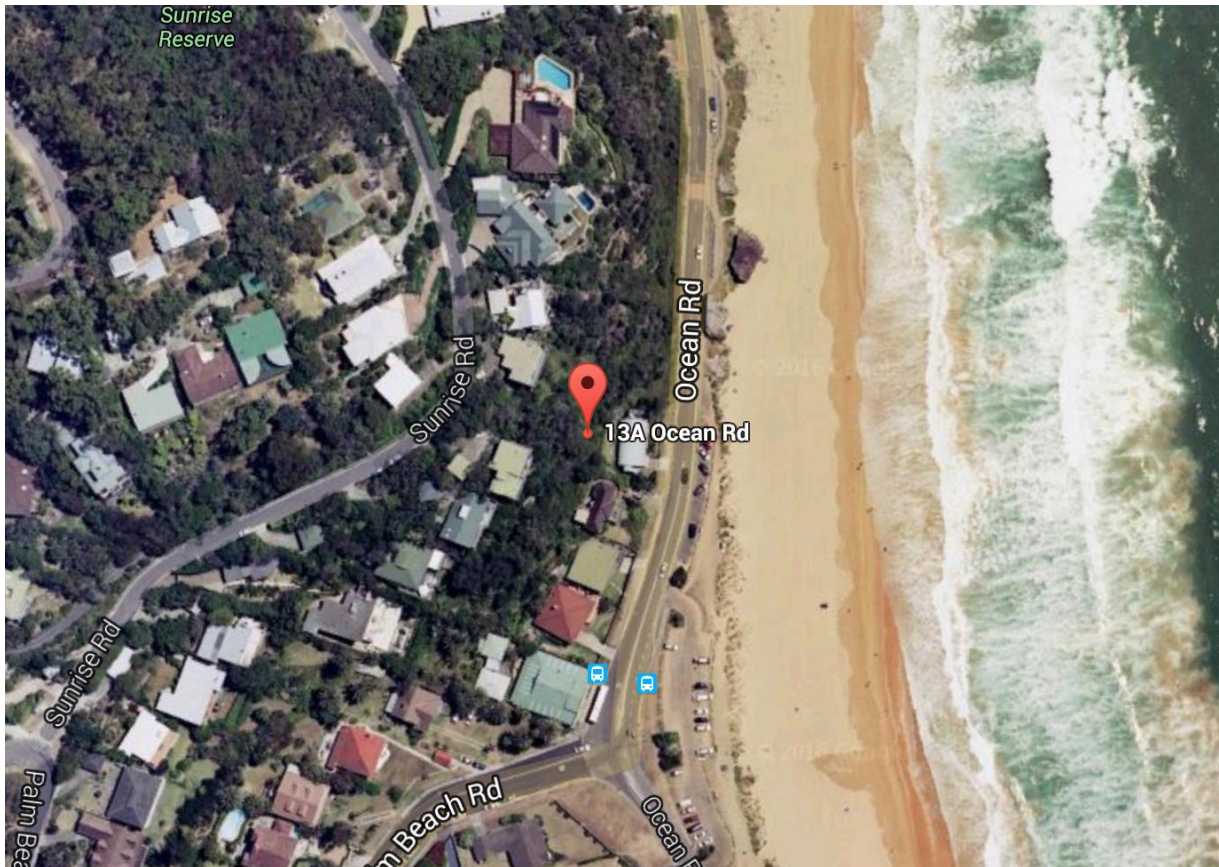


Fig 7: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for alterations and additions to an existing dwelling comprising a new rumpus room, swimming pool and detached secondary dwelling.

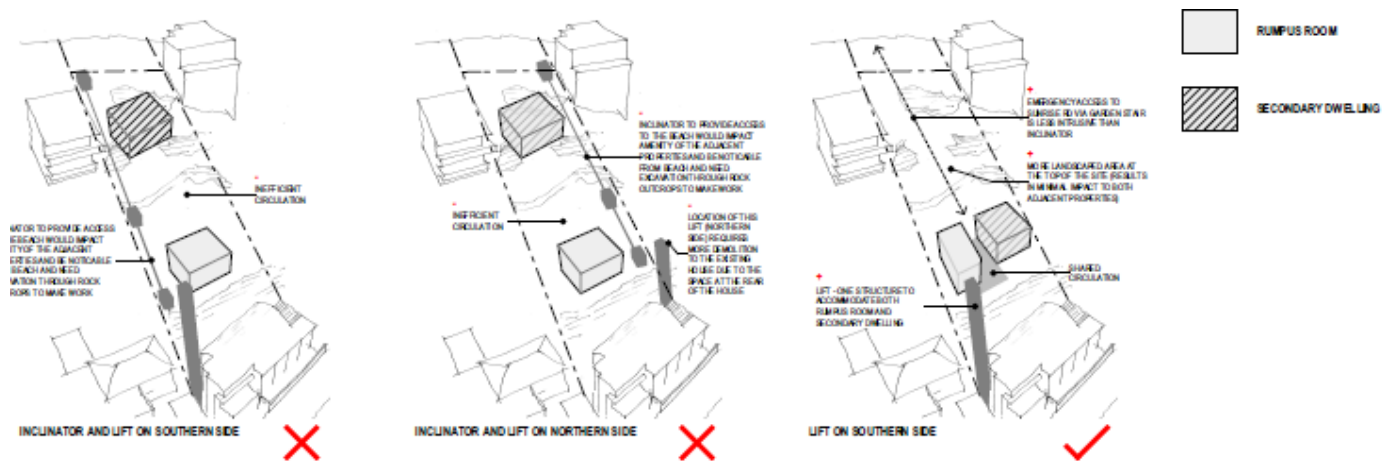
The new works comprise the following works:

- Alterations and additions to the existing dwelling comprising new entry & bin storage area.
- New vertical passenger lift to provide access to the central portion the site, above the escarpment line at the rear of the dwelling.
- New detached single storey rumpus room with WC & storage area, together with deck access to the lift.
- New detached single storey secondary dwelling comprising open plan living room and kitchen, bedroom and bathroom
- New swimming pool and associated landscaping

The proposed works are sited to the rear of the existing dwelling and at the mid-level of the site, above the escarpment level.

There is currently no viable direct access from the dwelling to the mid and upper levels of the site. No formal or readily accessible pathway is provided from Sunrise Road, which limits the opportunity for the owners to enjoy the full potential of their land and suitably maintain the property.

The initial Site Analysis carried out by MacCormick Architects identified a range of possible access options (see extract below) which highlighted a mix of inclinator, pathway and vertical lift options.



The Architect's notes included the following comments:

"The change in level is approximately 16m high. A stair option would require approximately 90 steps and over 30m of steps and landings to reach the proposed level. The level was selected for its relationship with the rock outcrop to limit excavation and to separate the buildings from the property at 13 Ocean Road.

On all options a stair had been considered to provide access to existing house level, however, it did not provide an access for disabled people who might need access to the rumpus room or secondary dwelling from the existing house. therefore, a lift is the preferred option."

The proposed vertical lift with separate access pathway to Sunrise Road was considered to be the most appropriate option and would restrict the potential for ongoing acoustic and privacy issues for the neighbours which would result from an inclinator to the Sunrise Road boundary.

The lift has been sited and located within an existing "niche" within the escarpment line behind the dwelling. The lift façade will be finished with a recessive finish and additional screen planting through an elevated planter which has sufficient depth to sustain additional tree planting and vertical climbing plants.

The new detached building works will provide for stepped floor levels to respect the sloping topography the site. Some minor excavation is proposed to accommodate the new works and has been discussed within the Geotechnical Risk Assessment prepared by Douglas Partners.

The proposed external finishes for the new works have been detailed in Drawing No DA00.03 and comprise a mix of sandstone stone/tiles and painted brickwork/concrete wall with a flat colourbond steel roof. The proposed colours and finishes are consistent with the existing dwelling and the requirements of the Pittwater 21 Development Control Plan 2014.

Stormwater from the new detached structures will be connected via a rainwater tank to the existing system which is directed to Ocean Road – refer to Hydraulic Plan.

The proposal seeks to provide new landscape planting to soften the built form of the proposed new works. As detailed in the Landscape plan prepared by Volker Klemm Landscape Design, the proposal provides for the introduction of additional locally occurring tree and landscape screen planting to the perimeter of the secondary dwelling, rumpus room and lift shaft.

The additional planting surrounding the new buildings will be further supplemented with additional vertical screening to the face of the escarpment. Elevated planter boxes will sustain climbing vertical screening plants, supported by a wire mesh frame affixed to the existing shotcreted escarpment.

The proposal will retain the existing street crossing location, access driveway and garage.

The development indices for the development are summarised as:

Site Area	986m²
Existing impervious area	206.44m ² or 21%
Proposed impervious area	409.64m ² or 41.5% * (See DCP discussion)
Proposed Landscaped Area:	576.08m ² or 58.4% * (See DCP discussion)

6.0 Zoning and Development Controls

6.1 State Environmental Policy No 71 – Coastal Protection

The subject site has been identified as being within the coastal zone and therefore SEPP 71 Coastal Protection is applicable to the proposed development.

Clause 7(b) of SEPP 71 outlines the matters for consideration set out in **Clause 8**, which are to be taken into account by a consent authority when it determines a development application to carry out development on land to which the policy applies.

Following is an assessment of the matters for consideration in Clause 8 of SEPP 71:

The **Aims** of SEPP 71, as set out in **Clause 2** are

- (a) To protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*
- (e) To ensure that the visual amenity of the coast is protected, and*
- (f) To protect and preserve beach environments and beach amenity, and*
- (g) To protect and preserve native coastal vegetation, and*
- (h) To protect and preserve the marine environment of New South Wales, and*
- (i) To protect and preserve rock platforms, and*
- (j) To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and*
- (k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*
- (l) To encourage a strategic approach to coastal management.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed new development is consistent with the aims of SEPP 71.

The matters for consideration under **Clause 8** of SEPP 71 are:

- (a) *Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.*

The location for the proposed new rumpus room and detached secondary dwelling and ancillary works is wholly within the private land and will not affect public access to the foreshore area above the beach line. The proposal will not remove or reduce existing or future public access along the coastal foreshore as the works will not extend beyond the private boundaries of the land.

- (b) *Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.*

The proposed development will not limit the potential for new public access to be provided along the coastal foreshore, as the works do not alienate any areas of public land.

- (c) *The suitability of development given its type, location and design and its relationship with the surrounding area.*

The proposed development for additions and alterations which are ancillary to the existing residential is suitable for the site.

- (d) *any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*

The proposed development will not have any detrimental impact on the amenity of the coastal foreshore, cause any significant overshadowing of the coastal foreshore or any significant loss of views from a public place to the coastal foreshore.

- (e) *the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*

The proposed development will not detract from the scenic qualities of the NSW coast. The structures will be appropriately screened from view and will be treated with a recessive colour finish and supported by additional landscape screen planting to reduce their visual impact.

- (f) *measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*

The development will not impact on foreshore vegetation or habitat.

- (g) *measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats*

The proposed development will not impact upon the ability to conserve fish and marine vegetation.

(h) existing wildlife corridors and the impact of development on these corridors

The proposed development will be within an existing lightly vegetated zone and will not unreasonably impact upon any existing wildlife corridor.

(i) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,

The proposed development is unlikely to impact on any coastal hazards or coastal processes. A Geotechnical report has been prepared by Douglas Partners Consulting Engineers, dated 11 July 2016 and a Coastline Hazard Assessment has been prepared by Horton Coastal Engineering, dated 28 July 2016 and accompanies the DA submission.

(j) measures to reduce the potential for conflict between land-based and water-based coastal activities,

The proposed development will not cause any conflict between land-based and water-based coastal activities.

(k) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,

The proposed development will not prevent the protection of cultural places, values, customs, beliefs and traditional knowledge of Aboriginals

(l) likely impacts of development on the water quality of coastal waterbodies,

The proposed development will not impact on the water quality of coastal waterbodies.

(m) the conservation and preservation of items of heritage, archaeological or historic significance

The subject site has not been identified as being of heritage significance. Heritage items have been identified in the surrounding area, however the location of the work will not have any direct impact on the heritage items or their significance.

(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities

This matter for consideration is not applicable to the proposed development.

(p) Only in cases in which a development application in relation to proposed development is determined:

(i) The cumulative impacts of the proposed development on the environment, and

- (ii) Measures to ensure that water and energy usage by the proposed development is efficient.

The cumulative impact of the proposed development will be minimal given the proposed development surrounding the site that has been considered. The proposed development has been found to achieve satisfactory compliance with SEPP BASIX requirements.

The assessment has concluded that the proposed development is consistent with the matters for consideration under Clause 8 of SEPP 71.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal has been designed to respect the water, thermal and energy standards required by BASIX.

A BASIX Certificate (Certificate No. A250035) has been provided to support the proposed works.

6.3 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned E4 Environmental Living under the provisions of the PLEP 2014.

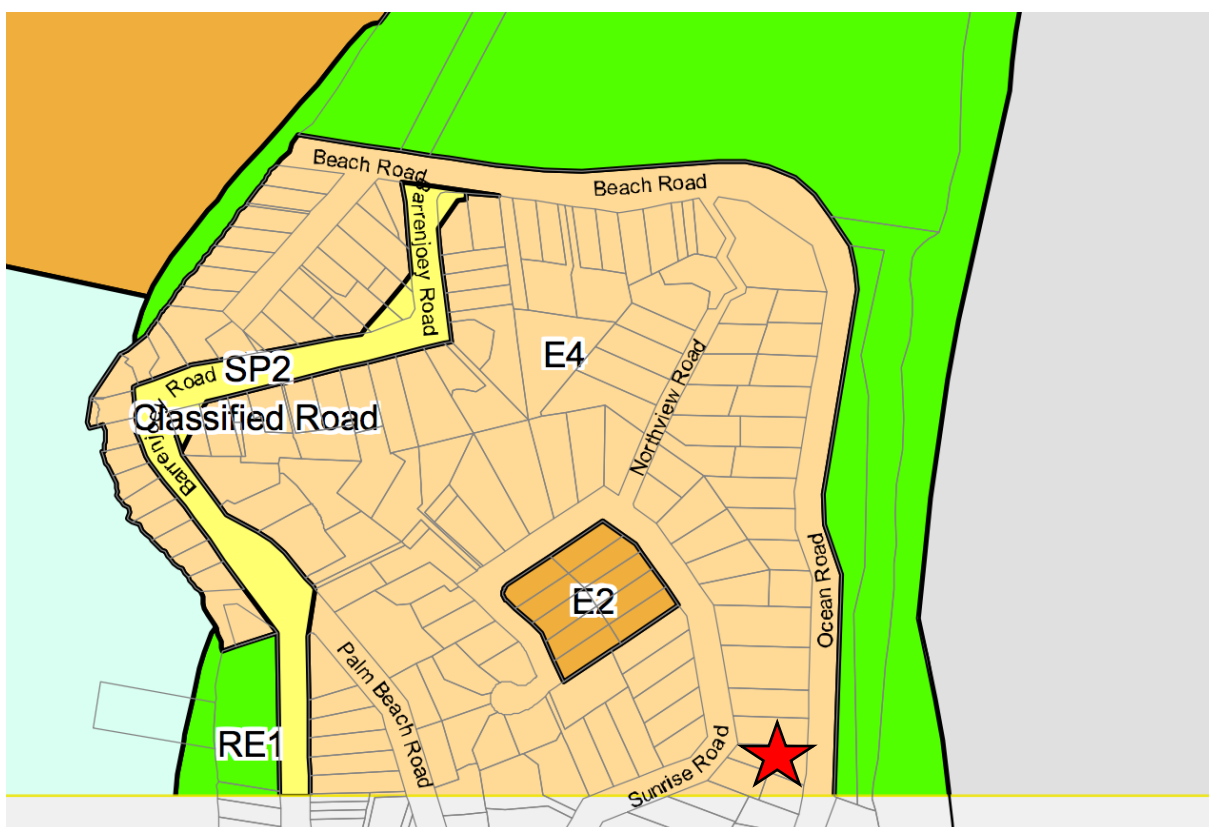


Fig 8: Extract of Pittwater Local Environmental Plan 2014 zoning map

The proposed alterations and additions to an existing dwelling comprising a new rumpus room, swimming pool and detached secondary dwelling is considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the E4 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 comprising a new rumpus room, swimming pool and detached secondary dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The proposed new works are appropriate in bulk and scale and excavation extent and will therefore minimise any significant or adverse impact on the neighbouring properties. The proposed lift shaft may have the potential to be a dominant feature in the locality, however the proposed façade treatment and elevated planters in front will ensure that the lift will not be highly visible from the adjoining public spaces.
- The setbacks are compatible with the existing surrounding development.
- The proposal is not anticipated to have any adverse impact on long distance views.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Palm Beach is 8.5m. As the site's overall slope exceeds 30% (64% across the site length and greater through the specific building area), the maximum allowable height is 10m.

Given the slope of the site to the east as it rises steeply from the street level, a portion of the new works, (the proposed lift) will be up to 10.5m in height above the existing ground level. A submission under Clause 4.6 of PLEP 2014 has been prepared to address the height control variation and is included as an appendix to this submission.

Clause 5.9 – Preservation of trees or vegetation

The proposal will not necessitate the removal of any significant existing trees or shrubs. The landscape plan prepared for the development by Volker Klemm Landscape design will see the managed re-planting of the site and the re-introduction of screen planting to contribute to the landscaped character of the locality.

Two existing trees (T1 & T4) are proposed to be removed. According to the Arborist's report prepared by Landscape Matrix Pty Ltd dated 4 July 2016, the trees are assessed as low to moderate significance. Tree T4 has been identified as in poor health and with a very short useful life expectancy.

Clause 5.10 – Heritage Conservation

The site has not been identified as a Heritage Item, nor is it with a Heritage Conservation Area.

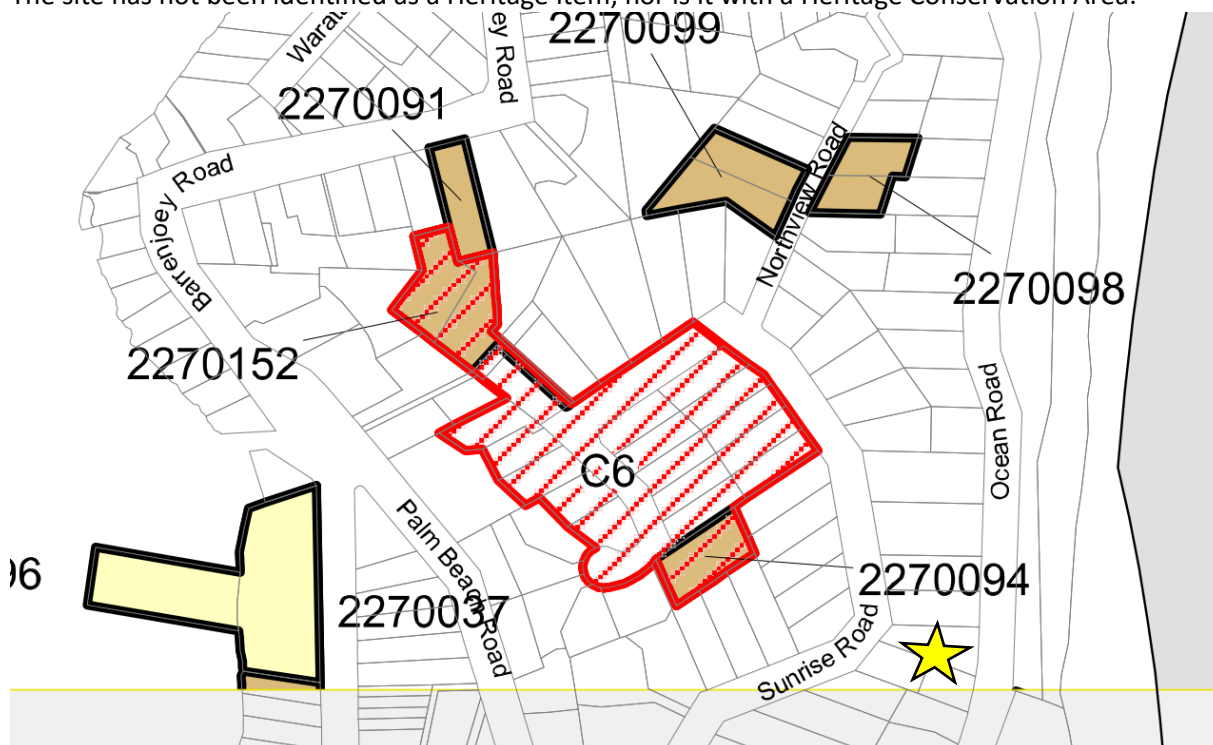


Fig 9: Extract of Pittwater Local Environmental Plan 2014 Heritage Map

However, the site is within the vicinity of a Heritage Conservation Area (C6 – Sunrise Hill Heritage Conservation Area).

The site is located below the ridgeline which provides a physical separation from the conservation area. Through the use of recessive colours and finishes and with a scale consistent with adjoining development, the proposal is considered to be sensitive to the heritage conservation area.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by Acid Sulfate soils (Class 5). The proposal is not considered to significantly alter the water table, and accordingly it is not anticipated that acid sulfate soils will be disturbed.

Clause 7.2 – Earthworks

The proposal will see some excavation of the site to accommodate the proposed works. The works

have been considered in the Geotechnical Investigation prepared by Douglas Partners, dated 11 July 2016 which supports the proposed works.

Clause 7.7 – Geotechnical Hazards

A Geotechnical Investigation has been prepared by Douglas Partners dated 11 July 2016 to address the provisions of this Clause.

The report concludes that the proposed developments are suitable for the site and the site can achieve the Acceptable Risk Management Criteria of Council's Geotechnical Risk Policy.

Clause 7.10 – Essential Services

The proposal will see the existing essential services to the site being maintained.

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

6.3 Pittwater 21 Development Control Plan

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

6.3.1 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 alterations and additions to an existing dwelling and a new secondary dwelling.

The proposed new works will have a modest bulk and scale, although the height is constrained by the steeply sloping topography of the site. The will maintain view opportunities for neighbouring properties.

The development will continue to be compatible with the low density scale of the area and with the flat roof profile and recessive colours and finishes will not be visually prominent within the Palm Beach locality.

The proposal will not require the removal of any significant trees, with additional landscape plantings to be provided to soften the built form of the new works. Refer to Section 5.9 in this report. Only trees of low to moderate landscape significance (T1 and T4) are proposed to be removed.

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.

The proposal is well modeled. The central courtyard breaks down the mass of two buildings, separates their uses and retains the natural rock feature on site. The integration of landscape between the rumpus room and the secondary dwelling further assists to breakdown the massing of the proposal.

6.3.2 Section B General Controls

The General Controls applicable to the proposed additions and alterations 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)

The controls seek to ensure that all development complies with Council's Interim Geotechnical Risk Management Policy for Pittwater. A report has been provided for Council's consideration, prepared by Douglas Partners dated 11 July 2016 which concludes that the site is stable subject to the recommendations contained within the report.

The works will be constructed in accordance with the recommendations contained within the Geotechnical Report.

B3.3 Coastline (Beach) 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)

The controls seek to ensure that all development complies with Council's Coastline Risk Management Policy for Development in Pittwater. A report has been provided for Council's consideration, prepared by Douglas Partners dated 11 July 2016 and a Coastline Hazard Assessment, prepared by Horton Coastal Engineering, dated 28 July 2016 concludes that the site is stable subject to the recommendations contained within the report.

B4.3 Flora and Fauna Habitat Enhancement Category 2 Land

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 proposal will not have any direct impact on any substantial tree cover, with managed re-planting of the site with locally occurring species contemplated.

B5.7 Stormwater Management – On-site Stormwater Detention

The controls seek to achieve the outcomes:

Rates of stormwater discharged into receiving environment maintained or reduced. (Ec, S)

Stormwater from the new roof areas will be connected via rainwater tank to the existing system which is directed to Ocean Road as per the Hydraulic Engineer's plan.

B5.8 Stormwater Management - Water Quality – Low Density Residential

The controls seek to achieve the outcomes:

No increase in pollutants discharged with stormwater into the environment. (En)

Development is compatible with Water Sensitive Urban Design principles. (En)

Roofwater from the new roof areas will be directed to Ocean Road.

As the stormwater is direct run off from the roof, there will not be any significant issue in terms of water quality.

B5.13 Development on Waterfront Land

This control seeks to achieve the outcomes:

Protection of waterways and improved riparian health (En)

Stormwater and creek flows are safely managed. (S)

Appropriate setback between waterways and development (En)

The proposal will maintain significant areas of soft landscaping. The site is separated from the beachfront by Ocean Road and as such, no direct impact to the waterfront is anticipated.

B6.1 Access Driveways and Works on the Public Road Reserve – Low Density Residential

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)

The existing access driveway will remain unchanged.

B6.5 Off-Street Vehicle Parking Requirements – Low Density Residential

This control seeks to achieve the outcome:

Safe and convenient parking. (S)

The controls require a minimum of 2 parking spaces for each dwelling. The proposal will maintain the existing double garage with the existing driveway access from Ocean Road.

Council's DCP suggests an additional off street car space should be provided for a secondary dwelling. In this instance, the challenging topography (long and steep climb/descent) and limited opportunity for level car parking space within the site restricts the ability to provide for additional off street parking.

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)

A report has been provided for Council's consideration, prepared by Douglas Partners which concludes that the site is stable subject to the recommendations contained within the report.

The works will be constructed in accordance with the recommendations contained within the Geotechnical Report.

Appropriate soil and sedimentation measures will be implemented during the construction phase.

B8.2 Construction and 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)

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways.

Appropriate erosion and sediment barriers will be installed prior to the commencement of any works on site.

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)

The proposal will see alterations and additions to an existing dwelling comprising a new rumpus room, swimming pool and detached secondary dwelling.

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

6.3.3 Section C Design Criteria for Residential Development

The Design Criteria applicable to the proposed additions and alterations to the existing dwelling and construction of a new secondary 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 significant trees and to provide for locally occurring species within any proposed replanting of the site.

The works will not require the removal of any significant trees and will retain and enhance the existing perimeter screen planting. The proposed development of the mid level of the site will enhance the opportunity for the owners to access and use their yard areas. The site will be cleared of weeds and re-planted with locally occurring species in accordance with Council's controls.

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 existing dwelling's entry and primary living areas will continue to allow for casual surveillance of persons entering the site and the street area.

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 an expansive view to the east.

Notwithstanding that the steep fall in the site levels towards the east which results in the eastern elevation of the rumpus room and lift shaft exceeding the 8.5m overall height control, the view of the proposed new works from Ocean Road is relatively modest as a result of the proposed façade treatment to ensure the works will not be visually prominent. The line of sight from Ocean Road to the new works is interrupted by the existing dwelling.

The siting of the proposed works is uphill of the adjoining dwellings on Ocean Road, and downhill of the properties on Sunrise Road, and therefore equitable access to the available views and outlook for the neighbouring dwellings is largely 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.

The proposal is accompanied by shadow diagrams which demonstrate the overshadowing impacts of the proposed works. The subject and neighbouring properties will continue to receive excellent solar access between at 9am and midday on 21 June.

Whilst the rear elevation of No. 13 Ocean Road (not a private open space) will see a minor reduction in solar access, the front portion (private open space) of the dwelling will continue to receive 3 hours of solar access between 9am and midday. Accordingly, the proposal is considered to satisfactorily address the provisions of this clause.

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.

The proposed works are well separated from adjoining development, and given the significant difference in levels, are not considered to result in any significant impacts on the privacy of neighbouring properties.

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.

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

The new mechanical equipment for the pool and lift will be treated to ensure that no nuisance is created for the adjoining properties.

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 and at a grade which will facilitate outdoor private recreation.

Given the significant slope of the land, the principal outdoor recreation spaces will be provided as elevated terraces and the swimming pool area. This is not uncommon in this area due to the constraints presented by the sloping terrain.

C1.11 Secondary Dwellings and Rural Worker's Dwelling

The controls seek to achieve the outcomes:

Limitation of the visual bulk and scale of development. (En, S)
Provision of design flexibility for second storey development.
Restriction of the footprint of development site. (En)
Retention of natural vegetation and facilitation planting of additional landscaping. (En)
Provision of rental accommodation. (S)

The proposal is compliant with Council's DCP control, in so far as:

- The development of the secondary dwelling will result in not more than two (2) dwellings being erected on an allotment of land.
- The proposal will not be visually prominent within the locality, with the proposed low scale and stepped floor levels respecting the topography to be combined with a recessive colours and finishes palette to assist in successfully mitigating the visual impact of the proposed development.
- The site will retain suitable areas of perimeter planting, with further supplementary planting to be provided as detailed in the landscape Plan prepared by Volker Klemm Landscape Design.

C 1.12 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.

The proposal seeks to provide a new bin storage area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)
Compliance with Swimming Pools Act 1992 and Regulations (En, S)

The required controls to achieve the outcomes are to ensure that swimming pools are provided with suitable fencing in accordance with the Swimming Pools Act 1992.

The proposal will provide for a perimeter fence along the southern, northern and western edge of the swimming pool, with the northern and eastern edge having non-trafficable coping with non-scalable external walls. This maintains a compliant 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 proposal provides for extended eaves, which enhances the architectural form and provides both articulation to the buildings' form and shading in summer.

The design of the proposal complements other newer development in the immediate area.

C1.25 Plant, Equipment Boxes and Lift Over-Run

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

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 achieve reduction in visual clutter. (En, S)

The appropriate location and design of noise generating equipment.

As previously discussed, the lift has been sited and located within an existing "niche" within the stabilised escarpment line behind the dwelling. The lift façade will be finished with a recessive finish and additional screen planting through an elevated planter to sustain additional tree planting and vertical climbing plants.

The new pool filter and lift equipment will also be selected and located under the rumpus room adjacent to the rainwater tanks to minimise any noise disturbance to the adjoining premises.

6.3.4 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 contained and directed to the street gutter in accordance with the existing conditions. 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 alterations and additions to an existing dwelling including a new rumpus room, swimming pool and secondary dwelling. The proposal presents a contemporary form, which complements the style and scale of other new development in the area.

Views over and to the side of the new secondary dwelling and detached rumpus room will be retained for the neighbouring dwellings located uphill of the proposal.

The proposed new works to provide for a detached secondary dwelling, rumpus room and swimming pool with access via a new passenger lift are considered to be consistent in terms of bulk and scale to the existing surrounding development, which generally comprises two and three storey dwellings that are orientated towards Palm Beach. The setbacks provided reflect the setbacks of the adjoining properties.

The proposed form and modulation to the new works is well articulated to provide visual interest and reduce bulk when viewed from the ocean. Due to the elevated nature of the site, the eaves and ceilings will be visible from the street level. Accordingly, the proposed timber eave lining was selected as the material will blend well with the surrounding landscape tones. In addition, the existing 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.

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 setback of 6.5m, or the established building line to the street frontage.

The proposed works are to the rear of the existing dwelling and will not encroach on the existing front building line.

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. A rear setback of 6.5m applies.

The proposed new works will stand from between 2000mm and 2600mm to the southern side boundary and 1080mm from the northern site boundary due to the splayed boundary line, with a lower level planter to approximately 930-1700mm to the northern boundary, which presents a minor variation to this control.

The southern elevation is varied and the northern elevation sees only minor point encroachments on the permissible 1m setback, and is therefore considered acceptable on merit.

Whilst the height of the easternmost portion of the works does not comply with the statutory height limit due to the steeply sloping topography of the site, the proposal is otherwise modest in bulk and scale.

The proposed works are well separated from uphill properties, and will therefore maintain the significant views towards Palm Beach available for neighbouring properties.

The proposed works are suitably separated from adjoining development, and in conjunction with the varied levels between the subject and adjoining properties, along with the considered location of window openings, the proposal will maintain appropriate privacy for the subject and adjoining properties.

Significant areas of soft landscaping are maintained on the site, and additional plantings are to be provided to screen the proposed pool and lift shaft.

The articulated form of the design and the varying side setbacks are considered to be adequate in this instance and will achieve the outcomes of Clause D12.6.

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°.

Given the significant slope of the site to the east (in excess of 30%), the proposed new works will present a non-compliance with the building height plane controls to eastern extremity of the works.

Notwithstanding the non-compliance to the easternmost portion of the works, the building will continue to maintain appropriate levels of solar access in accordance with Council's policy for the primary living and outdoor recreation spaces for both the neighbouring and subject dwellings and is therefore considered worthy of support.

D12.10 Landscaped Area – Environmentally Sensitive

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.

The site will retain up to 576.08m² or 58.4% of the site as landscaped area, inclusive of Council's permissible 6% soft landscaped area.

The proposed total soft landscaped area will be marginally less than the required minimum of 54% (51%) however the landscaping surrounding the development will be substantially improved which will ensure that the site will achieve the Objectives of the control.

The Landscape Plan prepared by Volker Klemm Landscape Design will provide for locally occurring species to be introduced and the site works will see the removal of existing weed species.

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. All excavated areas to be retained in accordance with the directions of the Structural and Geotechnical Engineer.

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.

As discussed, the new detached secondary dwelling and detached rumpus room with swimming pool and lift access are not considered to be bulky or overbearing when viewed from the adjoining public areas. The degree of modulation provided by the combination of open terrace areas and horizontal emphasis provided by the extended eaves distributes the sense of bulk.

The recessive tones and external finishes that have been selected for their natural weathering will further minimise the visual bulk of the building.

The existing and proposed landscaping both in the site and in the sites surrounding the land will also appropriately screen the new works.

7.0 Matters for Consideration under Section 79c 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 draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

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 Part B, Part C and Part D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 74BA provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 79C(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular, we consider that

the variation to the building envelope control, side setback control and minimum landscaped area are a reasonable alternative solution to compliance where the significant slope and rise in levels above the Ocean Road roadway presents a local constraint to a fully compliant development.

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.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site and which will make a positive contribution to the area.

7.4 Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

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

7.5 Any matter prescribed by the regulations that apply to the land to which the development relates.

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

7.6 Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979).

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

7.7 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 alterations and additions to an existing dwelling including a detached secondary dwelling, rumpus room and new swimming pool with lift access will not 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.

7.8 The suitability of the site for the development

The subject land is currently E4 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.

7.9 Submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.10 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 alterations and additions to an existing dwelling including a new detached secondary dwelling, rumpus room, swimming pool and with lift access from the existing dwelling.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)

APPENDIX A

CLAUSE 4.6 SUBMISSION

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 CLAUSE 4.6 SUBMISSION – MAXIMUM BUILDING HEIGHT

OBJECTION PURSUANT TO CLAUSE 4.6 OF PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

**13A OCEAN ROAD, PALM BEACH
PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING DWELLING INCLUDING NEW RUMPUS
ROOM, SWIMMING POOL AND SECONDARY DWELLING**

For: Alterations and additions to existing dwelling including new rumpus room, swimming pool and secondary dwelling
At: 13A Ocean Road, Palm Beach
Owner: Michele & Trevor Matthews
Applicant: Michele & Trevor Matthews C/- MacCormick Architects

Introduction

This objection is made pursuant to the provisions of Clause 4.6 of Pittwater Local Environmental Plan 2014. In this regard it is requested Council support a variation with respect to compliance with the maximum building height as described in Clause 4.3 of the Pittwater Local Environmental Plan 2014 (PLEP 2014).

1.0 Is the control to be varied a development standard?

Clause 4.3 restricts the height of a building within the E4 Environmental Living Zone and refers to the maximum height noted within the *"Height of Buildings Map."*

The relevant building height for this locality is 8.5m and is considered to be a development standard as defined by Section 4 of the Environmental Planning and Assessment Act.

As the site's overall slope exceeds 30% (64% across the site length and greater through the specific building area), the maximum allowable height is 10m.

Due to the site's fall to the east towards Ocean Road and the design intent to provide for a flat contemporary roof form which reflects the variety in style and form of roofing within the immediate locality and the form of the lift shaft to accommodate the site's levels, the proposed development will present a maximum height of 10.5m to the eastern elevation.

The controls of Clause 4.3 are considered to be a development standard as defined in the Environmental Planning and Assessment Act, 1979.

2.0 What is the underlying object or purpose of the development standard?

The underlying purpose of the development standard is to control the maximum height of buildings in the E4 Environmental Living Zone.

The control seeks to achieve the desired outcome contained within the aims of the PLEP 2014, Clause 4.3 of PLEP 2014 and the PLEP supporting document, Pittwater 21Development Control Plan 2014.

The Aims of PLEP 2014 are detailed over as:

The particular aims of this Plan are as follows:

- (a) to promote development in Pittwater that is economically, environmentally and socially sustainable,*
- (b) to ensure development is consistent with the desired character of Pittwater's localities,*
- (c) to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,*
- (d) to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,*
- (e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,*
- (f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,*
- (g) to protect and enhance Pittwater's natural environment and recreation areas,*
- (h) to conserve Pittwater's European and Aboriginal heritage,*
- (i) to minimise risks to the community in areas subject to environmental hazards including climate change,*
- (j) to protect and promote the health and well-being of current and future residents of Pittwater.*

The specific objectives of Clause 4.3 of PLEP 2014 are detailed as:

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) to minimise any overshadowing of neighbouring properties,*
- (d) to allow for the reasonable sharing of views,*
- (e) to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

3.0 Is compliance with the development standard consistent with the aim of Clause 4.6?

The objectives of Clause 4.6 are to:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In this regard it is considered that the development standard is not consistent with the objectives of Clause 4.6 as it does not allow flexibility in building design in this instance as the development, whilst meeting the aims of the standards by providing a development of a bulk and scale that is compatible with similar developments in the area and that relates well in its context, is outside the numerical criteria outlined for maximum building height.

It is considered that the variation to the height control will lead to a better outcome as the design will add positively to the varied form of development in the areas and in allowing for alterations and additions to an existing dwelling and a new secondary dwelling with detached secondary dwelling which respect the privacy and amenity of neighbours and the adjacent public areas, and is therefore in the public interest.

Locating the development further up the site as an alternative that may comply with the height control would have resulted in greater impact to the neighbours in Sunrise Road.

4.0 Why compliance with the standard is unreasonable or unnecessary in the circumstances of this case.

It is considered that compliance with this standard is unnecessary for the following reasons:

- The proposed building height results primarily from the challenges presented by the slope of the site to the east. The roof design to the rumpus room and lift shaft provides for a low level flat roof style to respect the design of other contemporary developments in the vicinity.
- The development does not result in a significant bulk when viewed from either the street or the neighbouring properties.
- The development will maintain a compatible scale relationship with the existing residential development in the area. Development in the vicinity has a wide range of architectural styles and the given the variety in the scale of development, this proposal will reflect a positive contribution to its streetscape.
- The extent of the proposed new roof and eave overhang where it is not compliant with Council's maximum height control does not present any significant impacts in terms of view loss for neighbours, loss of solar access or unreasonable bulk and scale.

5.0 Would strict compliance tend to hinder the attainment of the objectives of Clause 4.6 of PLEP 2014?

As the non-compliance does not create any unacceptable amenity impacts on neighbours related to view loss, visual bulk, overshadowing and privacy, compliance with the maximum height control is unnecessary and unreasonable in the circumstances of the case.

The application also provides for the proper management of the property and the orderly and economic use of the land in accordance with the applicable environmental planning control regime.

Accordingly, it is clear that the proposal is in keeping with the objectives of Clause 4.6 of the PLEP 2014.

6.0 Is the objection well founded?

It is considered that a variation to the building height control can be supported on merit for the following reasons:

- The proposal is consistent with the height and scale of surrounding dwellings.
- The design effectively manages the challenges presented by the slope of the land from west to east
- The articulated form of the proposed new works effectively distributes the new floor area and reduces the sense of bulk and scale.
- The proposal will not impact significantly on public or private views. The proposed development satisfies Council's view sharing objectives.
- The established landscape screening in conjunction with the proposed new plantings will ensure that the height, bulk and scale of the development are not perceived as inappropriate when viewed from the public domain.
- The proposal does not create any adverse amenity impacts on adjoining neighbours in terms of privacy or solar access to living spaces and private open spaces.
- The proposal meets the objectives of the E4 Environmental Living zone.

7.0 Conclusion

This objection to the maximum building height of Clause 4.3 of the Pittwater LEP 2014 adequately demonstrates that the objectives of the standard will be met.

The visual bulk and scale of the proposal is acceptable and the height, form and design of the new dwelling is appropriate for the site and locality.

The proposed works will not result in any significant adverse impacts on the existing amenity of the neighbouring properties.

In my view, strict compliance with the maximum building height of 10m would be unreasonable and unnecessary in the circumstances of this case.

VAUGHAN MILLIGAN

Town Planner