

Statement of Environmental Effects



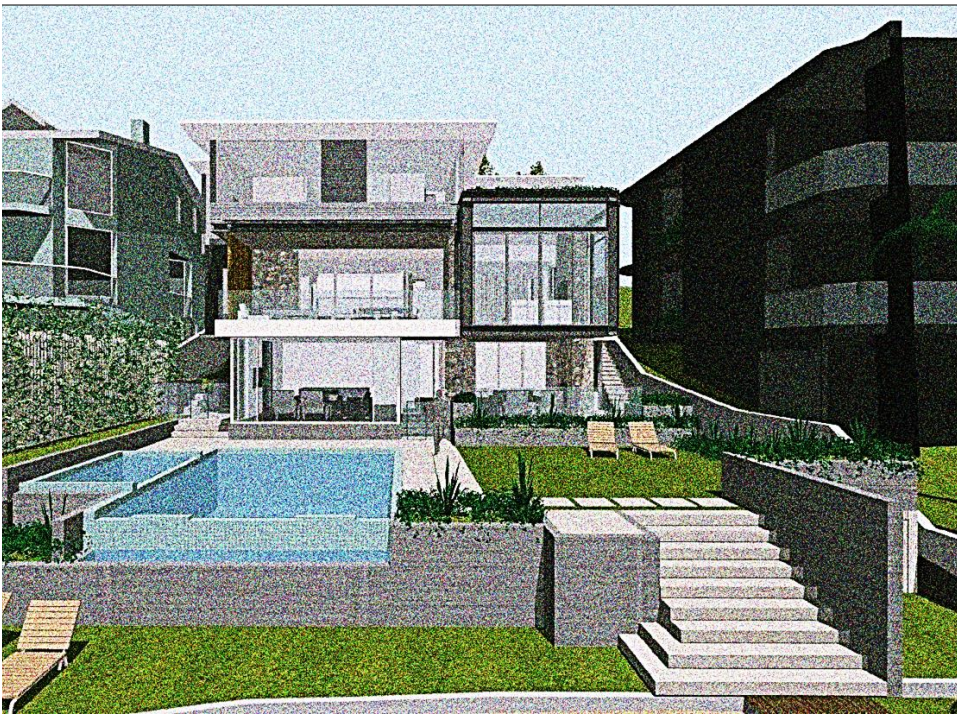
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New Dwelling @

1772 Pittwater Road, Bayview

Prepared For A Bursill & G Torrens

project no 1925

date December 2019

issue A

1.0 INTRODUCTION

This Statement of Environmental Effects is a report that forms part of an application for development consent submitted to the Northern Beaches Council for: -

- Demolish existing dwelling and build a new 3 storey dwelling
- Demolish existing in-ground swimming pool and build a new in-ground swimming pool

The location of the proposal is 1772 Pittwater Road, Bayview which contains a single dwelling and pool on Lot 51, DP 740538. The site has a total area of 717m².

The site has a rear boundary frontage to Pittwater and is shown on the aerial image below indicated by the yellow star. The site is steeply sloping from the road frontage of Pittwater Road down to the waterfront, falling 9.64m (from RL10.70 to RL1.04) over a length of 39.04m along the NW side boundary providing an average slope of 24.7%.

The slope of the land under the building footprint is however in the steepest portion of the site with an average gradient of 30% (28.04% on NW boundary and 32.14% on SE boundary).



Figure 1. Aerial view of the location of the site and context of Pittwater.

2.0 THE SITE, BACKGROUND & DESIGN RESPONSE

The proposal seeks to construct a new dwelling to replace the existing dwelling, in the same location with the same height but with a contemporary layout to take better advantage of the water frontage location. The setbacks are primarily the same as the existing dwelling to maintain a "status quo" to adjoining properties in terms of maintaining the existing solar access, privacy and views that these properties currently share.

The key features of the site are:

- The site has a frontage to Pittwater and faces north-east similar to adjoining dwellings to the north and south
- The site is steeply sloping from the road frontage down to the water frontage

This report refers to the following accompanying documents: -

- Architectural Drawings **DA01-DA18 issue A**, Project No.1925
- Landscape Plan
- Survey
- Arborist Report
- Geotechnical Report
- Estuarine Inundation Levels Report
- BASIX certificate

This report examines the issues of compliance with Council codes and applicable SEPP's, analyses the potential environmental impacts of the development and summarises the design opportunities that the proposal provides. The report will demonstrate how the proposal succeeds the test of compliance with the relevant SEPP, LEP, DCP and statutory policies that apply to the site and is appropriate for granting of consent on the merits of the application and design.

Background

As mentioned above, the design has evolved to maintain the amenity to the adjoining neighbours. This involves locating the footprint and setbacks to preserve existing views and solar access. The characteristics of the existing site context are:

Relationship to adjoining dwelling at 1770 Pittwater Road,

- South-East boundary side setbacks at present vary from 900mm (streetfront) to 3,400mm (waterfront) to open up north views to the dwelling at 1770.
- Dwelling at 1770 is three storeys with a consistent 1,550mm setback to the common boundary and has living areas to the NE waterfront façade
- The owners of 1770 have developed preliminary Alterations & Additions plans for renovations with plans by Luigi Rosselli Architects. These plans maintain the existing wall to the side boundary at the existing setback.
- Both houses have a significant side boundary envelope breach, albeit that the breach carries no adverse impacts to either property.
- 1770 has a sloping roof with a roof ridge at RL14.60 and RL15.40

Building Heights

- The existing dwelling is currently at approximately 8,500mm maximum height. Whilst the new proposal exceeds height, it is at a lower level down the site. The new proposal has a slightly lower maximum roof ridge at RL14.835 as against the existing roof ridge at RL14.84 (not including the shaft at RL15.25)

Relationship to adjoining dwelling at 1778 Pittwater Road,

- North-West boundary existing side setbacks vary from 1,000mm to 7,500mm (terrace) and open up internal views from 1778 to the South East
- Dwelling at 1778 adjoining the boundary is three storeys with a setback varying from 1,900mm to 2,200mm with living areas to the NE waterfront façade
- Both houses have significant breach of the side boundary envelope
- 1778 has a flat roof with a roof ridge/parapet at RL13.53 – 13.94
- Dwellings on the opposite side of Pittwater Road are substantially elevated with floor levels at RL15.87 and RL19.05 and share views over the top of 1770, 1772 (subject site) and 1778.

Currently, all three dwellings of 1770, 1772 & 1778 are of similar height, bulk and scale, albeit that the existing dwelling of 1772 is lesser bulk and scale than both neighbours (refer figure 2)



Figure 2. Photo from the jetty looking back at dwellings 1770(left), 1772(centre) and 1778(right)

A thorough view sharing analysis was undertaken with reference to the Land & Environment Court principle *"Tenacity Consulting Pty Ltd -v- Warringah Council (2004)"*. As demonstrated in the images below, the proposed dwelling will not have any greater impact on views to surrounding private property and views from a public place, than the existing dwelling.

Figure 3. View north, to Scotland Island, the Pittwater waterway and eastern foreshores. All properties maintain this view





Figure 4. View from the footpath of Pittwater Road. There is a “pocket view” between the houses over the roof of 1772 to Pittwater. This view is to be maintained – refer to the South Elevation of the application plans showing the new NW roof ridge at a lower height than the current pitched roof

Figure 5. View northeast from all properties, Pittwater waterway and eastern foreshores. All properties maintain this view





Figure 6. View from 2019 Pittwater Road opposite the site (corner of Kananook Ave). View taken from the lower floor level (primary living areas on upper floor level). The proposal will not impact upon this view as the proposal seeks a roof ridge no higher than the existing curved roof ridge.

Design Proposal

The design of the proposed new dwelling seeks to optimise the opportunities for the owners to connect to the Pittwater waterway with views from all rooms of the house, whilst maintaining the status quo to neighbours by preserving or improving the current views, solar access and privacy.

The dwelling has been designed to harmoniously blend into both the foreshore and Pittwater Road streetscapes with low pitched roofs, design modulation, complementary heights and varying setbacks to achieve the desired future character.



Figure 7. Pittwater Road streetscape, 1778 (left), 1772 (subject site - centre) and 1770 (right)

The design results in several numerical non-compliances due to the steep topography and the irregular and inexplicable geometry of the Foreshore Building line. The non-compliances do not carry any adverse impacts, as demonstrated further in this statement. The non-compliances are:

1. Building Height (above 8.5m)
2. Foreshore Building Line
3. Side Boundary Envelope
4. Landscaped Open Space

The design provides a dwelling with the following aspects:

- A maximum building height slightly lower than the existing dwelling with the majority of the dwelling well below the 8.5 limit and consistent with surrounding context
- A low scale streetfront presentation with roofs below the tree canopy
- Minimum side setbacks at the streetfront increasing on both side boundaries to generous side setbacks at the waterfront, to open and maintain view corridors to neighbours, privacy and solar access
- A foreshore setback that exceeds both adjoining neighbours albeit breaching the foreshore building line. The setback in excess of neighbours maintains a consistent pattern of development to the foreshore with no adverse impact to the waterway or neighbours
- A landscaped foreshore and landscaped street setback consistent with the desired future character and consistent with surrounding context.
- A respective bulk and scale, reduced by careful building modulation and variation of materials



Figure 8. Foreshore aerial view, 1770 (left), 1772 (subject site - centre) and 1778 (right)

We submit that the design produces an outcome that enhances the foreshore and streetscape with a considered response to the topography and adjoining properties.

Notwithstanding the numerical non-compliances, the proposal will exhibit no adverse environmental impact over and above the existing situation. The variations to compliance are therefore justified and should be supported by council.

3.0 PLANNING CONTROLS & COMPLIANCE

PITTWATER 21 DEVELOPMENT CONTROL PLAN & PITTWATER LOCAL ENVIRONMENT PLAN 2014

SEPP – COASTAL MANAGEMENT

The following responses deal with the clauses relevant to this application and in particular, the Locality Statement relevant to the site.

Pittwater LEP 2014

Zoning E4 Environmental Living

Zone Objectives

- *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.*

The proposed development is permissible within the zone

Clause 7.8 Limited Development on Foreshore area

The objectives of this clause are:

- To ensure that development in the foreshore area will not impact on natural processes or affect the significance and amenity of the area,*
- To ensure continuous public access along the foreshore area and to the waterway*

As the proposal is completely within the boundaries of the subject property and simply seeks to replace existing structures in their current location, the proposal achieves the objectives

Subclause (2) states that Development consent must not be granted for development on land in the foreshore area except for the following purposes:

- the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,*
- boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors)*

The proposal seeks to replace an existing dwelling with a new dwelling. The existing dwelling is shown dashed on the plans and the curved elevated terrace provides the maximum breach. The proposed new dwelling has been designed such that the outermost point being the Level 1 Living area on DA-05 does not extend any further into the foreshore area than the existing dwelling. **The proposal therefore qualifies for the exception**

Both the existing and the proposed pools will be within the Foreshore Building Line, at the same level being in-ground pools. **The pool therefore qualifies for the exception.**

Further to subclause (2), subclause (3) provides *Development consent must not be granted under this clause unless the consent authority is satisfied that:*

- the development will contribute to achieving the objectives for the zone in which the land is located, and, **The development achieves the zone objectives. The dwelling is a low impact residential dwelling with no adverse affect to ecological, scientific or aesthetic values, the dwelling is well integrated to the landform and landscape and has no impact on riparian and foreshore vegetation or wildlife corridors***
- the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and, **The proposal is consistent with surrounding development***
- the development will not cause environmental harm such as—*

- (i) *pollution or siltation of the waterway, or* The proposal will not cause any pollution or siltation being contained wholly within the site and resulting in no change to the waterfront land interface
- (ii) *an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or* As above, the proposal will have no impact
- (iii) *an adverse effect on drainage patterns, or* The proposal will result in no change to drainage patterns, replacing an existing dwelling with a new dwelling of similar size
- (iv) *the removal or disturbance of remnant riparian vegetation, and* No removal or disturbance will occur
- (d) *the development will not cause congestion or generate conflict between people using open space areas or the waterway, and* The development does not affect public use of the foreshore
- (e) *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and* The development maintains the existing beach and does not compromise any future opportunity to provide public foreshore access
- (f) *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and* There are no significant features as described above on the land
- (g) *in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and* The proposed rebuilding of the dwelling is in the same footprint with no increase into the foreshore area and sits behind the defacto foreshore line of adjoining dwellings, thereby having no adverse impacts to the foreshore
- (h) *sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.* The proposal maintains all natural and existing levels at the foreshore and will not impact matters in this subclause



Figure 9. Foreshore Building Line

The proposed development satisfies the requirements of Subclause 4 in that the proposal to replace an existing dwelling with a new dwelling in a similar footprint, consistent with surrounding development and contained completely within the site boundaries. The proposal will have no impact on public access, links, or open space as there is no current public access to the foreshore outside the subject site as this area is below mean high water mark.

In summary,

- The proposed works achieve the objectives of the clause 7.8
- The works are permissible under PLEP 7.8 (2)(a) and (b).
- The design satisfies PLEP 7.8 (3)
- The works comply with PLEP 7.8 (4), there is currently no public access so this is not applicable

The application is justified for approval in respect of this clause in the PLEP

The application is accompanied by an Estuarine Report to support the proposal.

Clause 4.3 Height of Buildings

Subclause (1) provides that the stated objectives of such control are as follows:

- (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*

Subclause (2) requires that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Building Map. The map indicated the maximum for this site is 8.5 metres.

The proposed works have a maximum height above ground level of 9.10 metres.

Subclause (2D) provides that despite subclause (2), development on land that has a maximum building height of 8.5metresmay exceed a height of 8.5 metres, but not be more than 10.0 metres if:-

- a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
- b) the objectives of this clause are achieved, and*
- c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

The proposal satisfies the above 4 points as follows:

- The majority of the dwelling is well below 8.5 metres as demonstrated in elevations and section drawings. A very minor area breaches 8.5m to a maximum 9.1m. The portion of building above 8.5m is minor.
- The objectives of the clause are met. As demonstrated earlier in this report, the proposed dwelling is consistent with the desired future character, comparable in height and scale with adjoining dwellings, and does not cause undue overshadowing to adjoining dwellings. The proposal maintains all view sharing, responds sensitively to the topography by stepping down the site and breaking bulk and scale with modulation, and in doing so minimises visual impact from both the streetscape and the waterfront
- As shown in the section drawings, the area of the site that breaches 8.5m height has a building footprint below of 32.14%
- The proposal utilises the existing excavation and results in extremely low volumes of additional excavation as it sensitively steps down the site.

Therefore, under subclause (2D), the proposal qualifies for a maximum height of 10.0m, and with a proposed height of 9.1m, the proposal complies with this clause.

B5.1 Water Management Plan

Outcomes	<i>Effective management of all water and wastewater resources Protection of receiving environments downstream of all water management systems</i>
Controls	Rainwater and Stormwater are managed on site by catchment of roof waters and hard surface run-off and utilise the existing stormwater system with direct outlets to Pittwater. The roof waters are connected to the proposed 18,000L above ground tanks located under the dwelling. The BASIX certificate requires 18,000L to meet the minimum requirement. There is no requirement for OSD as the site connects directly to Pittwater. The disposal method of the stormwater complies.

B5.7 Stormwater Management - On-Site Detention

Outcomes	<i>Rates of stormwater discharged into receiving environment maintained or reduced.</i>
Controls	The proposal results in a decrease of hard surface coverage from pre to post development scenario of 63.85m ² and in addition connects directly to Pittwater. The proposal requires no OSD system The proposal complies.

B6.1 Access Driveways

B6.2 Internal Driveways

B6.3 Off-Street Vehicle Parking

Outcomes	<i>To ensure safe and convenient access and parking is provided. Pedestrian Safety</i>
Controls	The proposal seeks to relocate the existing access driveway to councils profiles. The internal driveway is less than 10% gradient. The proposal provides parking for a minimum 2 cars behind the building line. The proposal complies.

C1.1 Landscaping

Outcomes	A built form dominated and complemented by landscaping. Landscaping that reflects the scale and form of development.
Controls	The proposal complies. The landscape plan provides a design using native trees and plants and provides an increase to the landscaped area on site.

C1.3 View Sharing

Outcomes	Public views and vistas are protected, maintained and where possible, enhanced. Maintain reasonable sharing of views from public places and living areas.
Controls	The proposal has no impact on surrounding views from private domains and no impact on public domain, as demonstrated above. The proposal complies

C1.4 Solar Access

Outcomes	<i>Residential development is sited and designed to maximise solar access during mid-winter. A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. Reduce usage and/dependence for artificial lighting.</i>
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Controls	The proposal is accompanied by shadow diagrams. These demonstrate compliance with the controls for maintaining solar access to adjoining properties.
	The proposal complies.

C1.5 Visual Privacy

Outcomes	<i>Habitable rooms and outdoor areas shall achieve and maintain visual privacy.</i>
Controls	The proposal has been designed to minimise overlooking into living areas and private open spaces
	There is no loss of visual privacy to the adjoining dwellings. The proposal complies.

D4.1 Character As Viewed From A Public Place

Outcomes	<p><i>To achieve the desired future character of the Locality.</i></p> <p><i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built form and natural environment.</i></p> <p><i>To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.</i></p> <p><i>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.</i></p> <p><i>High quality buildings designed and built for the natural context and any natural hazards.</i></p> <p><i>To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.</i></p>
Controls	<p>The proposal results in a dwelling that it below the street with very low bulk and scale to the streetscape.</p> <p>The façade incorporates an entry, roofs and planters behind a front fence to be consistent with the existing and surrounding context. The garage is less than 50% of the site and has been designed with timber cladding to blend into the house design.</p> <p>The proposal complies</p>

D4.2 Scenic Protection

Outcomes	<p><i>Achieve the desired future character of the locality</i></p> <p><i>Bushland landscape is the predominant feature of Pittwater with the built form being secondary component of the visual catchment</i></p>
Controls	The proposal satisfies all controls of D4.2.

D4.3 Building Colours, Materials and Construction

Outcomes	<p><i>The development enhances the visual quality and identity of the streetscape.</i></p> <p><i>To provide attractive building facades which establish identity and contribute to the streetscape.</i></p> <p><i>To ensure building colours and materials compliments the visual character of its location with the natural landscapes of Pittwater.</i></p> <p><i>The colours and materials of the development harmonise with the natural environment.</i></p> <p><i>The visual prominence of the development is minimised.</i></p> <p><i>Damage to existing native vegetation and habitat is minimised.</i></p>
Controls	The proposal satisfies all controls of D4.3 with the colours and materials as presented in the colour and finishes schedule.

D4.5 Front Building Line

Outcomes	<p><i>Achieve the desired future character of the Locality.</i></p> <p><i>The amenity of residential development adjoining a main road is maintained.</i></p> <p><i>Vegetation is retained and enhanced to visually reduce the built form.</i></p>
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Vehicle manoeuvring in a forward direction is facilitated.
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.

Controls The controls require that 'The minimum front building line shall be 10m, or established building line, whichever is the greater'. This applies to Pittwater Road, which the site fronts.

The proposed setback is a minimum of 10m to the walls of the dwelling. The boundary is slightly oblique to the site, and minor elements such as bay windows, fin walls and stone features project upto 400mm into the setback.

These elements do not impose bulk and scale, nor appear as the walls of the dwelling but as features on the façade and should therefore be supported for approval.

D4.6 Side and Rear Building Line

Outcomes The proposal satisfies all outcomes of D4.6
Achieve the desired future character of the Locality.
The bulk and scale of the built form is minimised
To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping
To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties
Substantial landscaping, a mature tree canopy and an attractive streetscape
Flexibility in the siting of buildings and access
Vegetation is retained and enhanced to visually reduce the built form

Controls The controls require that the minimum setback is 2.5m for at least one side and 1m for the other and 6.5m to the rear or foreshore building line.

The proposal seeks to provide a range of setbacks to achieve the outcomes of the policy, and in doing so does not strictly comply with the policy.

The proposed NW side setbacks vary from 1.5m for a small portion of the dwelling 4m long at the streetfront, to 2.5m for the main portion of the dwelling and 6.8m to the top floor as the dwelling approaches the foreshore rear boundary.

The proposed SE side setbacks vary from 1.0m to 1.45m to 2.8m as the dwelling nears the foreshore setback. These setbacks exceed the minimum but are done so to address the steeply sloping site and the neighbouring building to open up views from within the neighbouring site.

Whilst the setbacks are not strictly compliant, they do provide on average greater setbacks than the minimum and produce a better outcome for the site and neighbouring dwellings.

The setbacks are therefore justified for approval.

D4.8 Building Envelope

Outcomes The proposal satisfies all outcomes of D4.8
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 residential properties. (En, S)
Vegetation is retained and enhanced to visually reduce the built form. (En)

Controls

The controls require that *'Buildings are to be sited within an envelope projected at 45 degrees from a height of 3.5m above natural ground level at the side boundaries....'*

The proposal does not comply with envelope due to the steep slope of the site and other restricting factors. The site is restricted by:

- 10m front setback
- Irregular and inexplicable Foreshore Building line
- Steep slope in excess of 30% under the building footprint

These factors combine to restrict the building footprint. The breach of envelope although significant, does not cause any unacceptable impacts to the neighbouring dwellings.

The existing dwelling and the neighbours dwellings all exhibit smaller setbacks and tall 3 storey walls facing the side boundaries. However, they all exist harmoniously due to the design of dwellings with windows facing the rear and not sides. Refer to the figures below to demonstrate the existing situation



Figure 10. View of 1772 and 1770 from street, no adverse impact of breach of envelope



Figure 11. View down the side boundary between 1772 and 1770, no adverse impact of breach of envelope to privacy, views, solar access due to dwelling design

Figure 12. View of 1770 and 1772 from the foreshore. No impact due to breach of envelope as the rear facades harmoniously address the foreshore



Figure 13. View of 1778 and 1772 from street, no adverse impact of breach of envelope

Figure 14. View of 1772 and 1778 from the foreshore. No impact due to breach of envelope as the rear facades harmoniously address the foreshore and are well landscaped to screen the height of the 3 storey element to 1778



Although the breach of envelope is significant, the proposal achieves all the outcomes as follows:

- Desired future character is achieved, dwellings in a landscaped setting below the tree canopy (from streetscape) and a consistent residential waterfront character
- The streetscape is enhanced with a low scale streetfront façade below trees
- The design responds to the steeply sloping site by stepping and increasing side setbacks as the dwelling steps down the site
- Bulk and scale is minimized through the design with varying elements projecting and recessing and a reduced top storey facing the foreshore
- View sharing is maintained
- Privacy, amenity and solar access are maintained through the design
- Vegetation is enhanced by increasing deep soil and landscape on the site

Strict compliance is difficult due to the extreme steeply sloping site of the land.

The proposal however does achieve all outcomes of this policy and is therefore justified for variation due to the site constraints

D4.10 Landscaped Area – Environmentally Sensitive Land

Outcomes	<p><i>Achieve the desired future character of the Locality.</i></p> <p><i>The bulk and scale of the built form is minimised.</i></p> <p><i>A reasonable level of amenity and solar access is provided and maintained.</i></p> <p><i>Vegetation is retained and enhanced to visually reduce the built form.</i></p> <p><i>Conservation of natural vegetation and biodiversity.</i></p> <p><i>Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.</i></p> <p><i>Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.</i></p>
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Controls The site is identified within Area 1 of the Landscaped Area map. The control requires a minimum of 60% of the site shall be landscaped area.

The existing landscape ratio is 45.8%.

The proposal provides a total landscaped area of 385m² for the 717m² site area, or a ratio of **53.7%**, with the following breakdown:

- Landscape area – 333m² (46.4%), an increase over existing landscape of 63.85m² (9%)
- Impervious Landscape treatments, paved areas – 45m² (6.3%)
- Impervious paths/stairs less than 1m wide – 7m² (1.0%)

The proposal also achieves the outcomes as follows:

- Desired future character is achieved, dwellings in a landscaped setting below the tree canopy (from streetscape) and a consistent residential waterfront character
- Bulk and scale is minimized through the design with varying elements projecting and recessing and a reduced top storey facing the foreshore. **The area of the swimming pool and spa does not contribute to bulk and scale as they are in-ground. These area are 42m² and if they were added to landscape area would bring the total to 59.5%. Therefore the bulk and scale is representative of a landscaped area 59.5%**
- Privacy, amenity and solar access are maintained through the design
- Vegetation is enhanced by increasing deep soil and landscape on the site by increasing landscape by 63.85m²
- Stormwater run-off is minimised by natural filtration into the sand. Stormwater is also direct to Pittwater and therefore does not pass through a piped system increasing run-off.
- Soft surface areas are increased by 63.85m²

Although the proposal does not comply, it is an improvement to the existing and should therefore be supported for approval.

D15.15 Waterfront Development

Outcomes *Waterfront development does not have an adverse impact on the water quality and estuarine habitat of Pittwater. (En)*
Public access along the foreshore is not restricted. (S)
Waterfront development does not encroach on navigation channels or adversely affect the use of ferries and service vessels or use of the waterway by adjoining landowners. (S, Ec)
Structures blend with the natural environment. (S)
Structures are not detrimental to the visual quality, water quality or estuarine habitat of the Pittwater Waterway. (En, S)
To promote a mix of commercial waterfront development for the accommodation of boats, their repair and maintenance, and for organised waterfront development. (Ec)
Waterfront development which does not comply with the outcomes of this clause are removed. (En, S, Ec)

Controls The proposal does not seek any new or amended structures that apply to waterfront development.

The existing jetty is to be retained with no changes

Waste Management

The proposal for a new dwelling results in relatively small amounts of waste materials. The majority of the materials to be demolished or are anticipated to be disposed of at the 'Kimbriki tip'. Wherever possible, any timber products will be reused for temporary building requirements such as formwork for concreting and temporary bracing, in the construction to maximise reuse and recycling of materials and minimise overall waste.

Coastal Management Act 2016

The Coastal Management Act 2016 (The Act) applies to the land, as the land is identified on mapping within the SEPP (Coastal Management) 2018 (The SEPP). The SEPP identifies the site in both the *Coastal Environment Area Map*, and the *Coastal Use Map* and as such, clauses 8 and 9 of the Act are relevant to this application.

The objectives in the act align with the considerations that must be given by councils in The SEPP, and have been taken into consideration in the design of this application as follows:

Clause 8 Coastal Environment Area

- 2) *The management objectives for the coastal environment area are as follows:*
- a) *to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity*
 - b) *to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change*
 - c) *to maintain and improve water quality and estuary health*
 - d) *to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons*
 - e) *to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place*
 - f) *to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms*

The proposal being totally within the site and on private land, with all works above MHW, has no impact on items a), b), c). The proposal has no effect on the social values of the waterway by replacing an existing dwelling with a new dwelling, consistent with waterfront properties. The proposal has no impact upon the ability for residents to partake in social and cultural values of the waterway.

The proposal is not applicable to item e) as it is not on an ocean or waterway beach, and the proposed works are completely within private land and therefore have zero impact upon public access.

The proposed development achieves the objectives of The Act.

Clause 9 Coastal Use Area

- 3) *The management objectives for the coastal use are as follows:*
- a) *to protect and enhance the scenic, social and cultural values of the coast by ensuring that:*
 - (i) *the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast, and*
 - (ii) *adverse impacts of development on cultural and built environment heritage are avoided or mitigated, and*
 - (iii) *urban design, including water sensitive urban design, is supported and incorporated into development activities, and*
 - (iv) *adequate public open space is provided, including for recreational activities and associated infrastructure, and*
 - (v) *the use of the surf zone is considered*
 - b) *to accommodate both urbanised and natural stretches of coastline*

The proposal is consistent in type, bulk and scale to surrounding development and there are no adverse impacts of the development that replaces an existing dwelling with a new dwelling of similar size and location

The location is non-urban nor within a surf zone and these items are not applicable to the assessment. The proposal is within private land and this item is also not applicable. The proposal maintains the natural stretch of the waterway interface to the property boundary.

The proposed development achieves the objectives of The Act.

State Environmental Planning Policy (Coastal Management) 2018

The SEPP mapping identifies the site as falling within the area assessable under the Coastal Management SEPP. The site is shown within the *Coastal Environment Area Map*, and the *Coastal Use Map* (extract below).

For the purposes of assessment of this application, the relevant SEPP clauses are 13, 14, 15 with discussion below:



As the land is identified within the *Coastal Environment Area Map*, the following clause applies:

13 Development on land within the coastal environment area

- 1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and*
 - b) *ecological environment,*
 - c) *coastal environmental values and natural coastal processes,*
 - d) *the water quality of the marine estate (within the meaning of the Marine Estate*
 - e) *Management Act 2014), in particular, the cumulative impacts of the proposed development*
 - f) *on any of the sensitive coastal lakes identified in Schedule 1,*
 - g) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands*
 - h) *and rock platforms,*
 - i) *existing public open space and safe access to and along the foreshore, beach, headland or*
 - j) *rock platform for members of the public, including persons with a disability,*
 - k) *Aboriginal cultural heritage, practices and places,*
 - l) *the use of the surf zone.*

The site is located within the coastal environment area. The proposal to replace an existing dwelling with a new dwelling are substantially setback from the foreshore of the site.

None of the works proposed will cause any adverse impacts to items a) to l) above as the works are wholly contained within the subject site and do not extend into the waterway.

The proposed new pool is located in a similar position within the site to the existing pool and will be inground, with no greater visual impact on the coastal area than the current pool.

The proposed works being completely contained on private land, do not have an impact on public foreshore access, coastal processes or are within the vicinity of any known Aboriginal heritage sites.

- 2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that*
 - a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposed development is located entirely within the property boundaries on private land, and the replacement of an existing dwelling with a new dwelling involves minimal material change to the setting fronting the Pittwater waterway. As such the proposed development does not result in a further impact to the processes of the Pittwater Waterway, public foreshore access, Aboriginal heritage or native vegetation than what has been previously established by the existing Dwelling and pool.

Council can be satisfied that the proposed replacement of an existing dwelling with a new dwelling on the site will achieve compliance with this clause of the SEPP.

As the land is identified within the *Coastal Use Map*, the following applies:

14 Development on land within the coastal use area

- 1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
 - b) *is satisfied that*
 - (i) *the development is designed, sited and managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development*

The proposed development is consistent with the character, bulk and scale of the locality with a dwelling of similar scale to those adjoining and near the site. The proposal has no impact upon foreshore vegetation. No Aboriginal heritage sites are located within the vicinity of the development and public access to the foreshore is not affected as the works are wholly contained within private land.

The development does not result in any additional overshadowing to the foreshore area or impact upon any views to the foreshore from the public domain (Pittwater Road). Council can be satisfied that the proposal to replace an existing dwelling with a new dwelling on the site will achieve compliance with this clause of the SEPP.

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

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

A Coastal Engineering Assessment report has been prepared to accompany the development application. The report was prepared by Horton Coastal Engineering and assesses amongst considerations of the design and its ability to withstand coastal forces such as waves developing in Pittwater. The report discusses impacts and safety factors and adequately addresses this clause of the SEPP.

5.0 CONCLUSION

The proposal to replace an **existing dwelling with a new dwelling** at 1772 Pittwater Road, Bayview as submitted is permissible with the consent of Council. The development is consistent with the provisions of the Pittwater LEP 2014 and responds to the relevant DCP controls and outcomes, and provides assessment under the requirements of the Coastal SEPP.

The proposal is in keeping with the Desired Future Character statement for the area. The development will provide a positive contribution to the locality. The proposal will not have any unacceptable adverse environmental effects and conforms to the relevant statutory planning requirements.

The application is therefore suitable for approval.