

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF A NEW SWIMMING POOL, SPA,
TERRACE, STAIRS, INCLINATOR AND ASSOCIATED LANDSCAPING**

LOCATED AT

13A OCEAN ROAD, PALM BEACH

FOR

MICHELE MATTHEWS



**Prepared
June 2019**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by MacCormick + Associates Architects, Project No. 1408, dated 29 May 2019, on behalf of Michele Matthews to detail the proposed construction of a new swimming pool, spa, terrace, stairs, inclinator and associated landscaping at **13A Ocean Road, Palm Beach**.

The site is currently undergoing the construction of a secondary dwelling in the rear, western yard. This was approved by Council on the 27 March 2018 under Development Consent No. N0373/17.

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 (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *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 as being Acid Sulfate Soils Class 5.

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 Pty Ltd, Project 85471.02, dated 24 April 2019.

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 bottom portion of the site has a relatively gentle slope and supports the existing two storey dwelling and garage. There is a single storey granny flat in the rear of the site. 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 and a single storey secondary dwelling is under construction in the rear yard.

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 29 March 2019, which accompanies the DA submission.

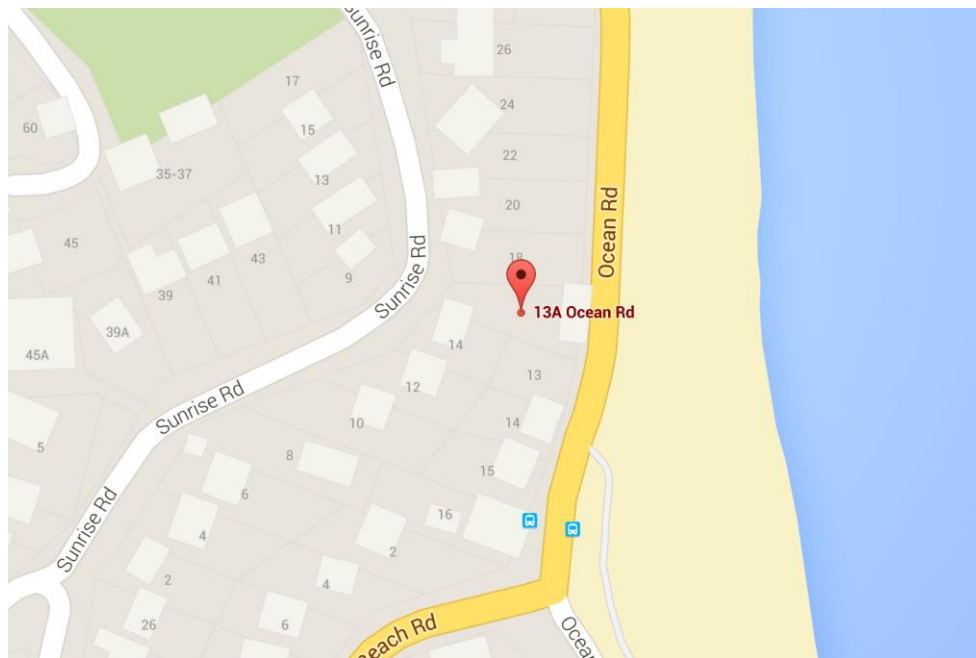


Fig 1: Location of Subject Site
(Source: Google Maps)



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



Fig 7: View of site from Palm Beach Pool, looking north-west

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.

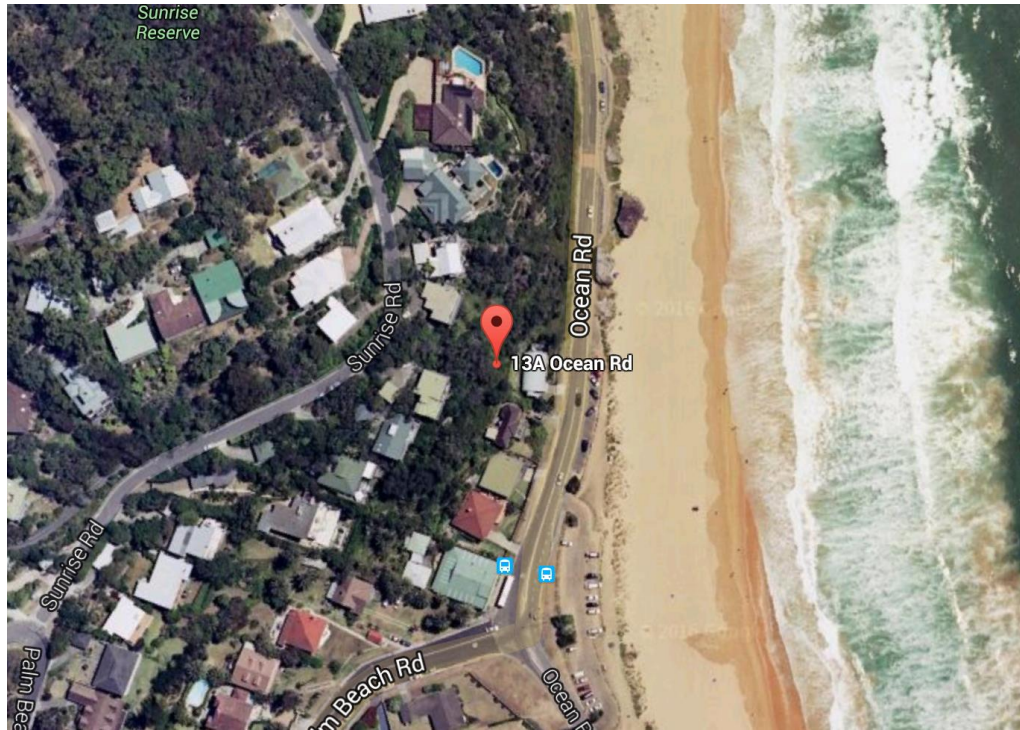


Fig 8: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of a new swimming pool, spa, terrace, stairs, associated landscaping and an inclinator.

The new works comprise the following works:

- New swimming pool and spa with paved surround and terrace
- New external stairs for access to the swimming pool from the existing dwelling and secondary dwelling
- New inclinator for access from the proposed new swimming pool to the secondary dwelling
- New landscaping surrounding pool

The proposed works are contained within the mid-level of the site.

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 the existing primary dwelling to the secondary dwelling, which limits the opportunity for the owners to enjoy the full potential of their land and suitably maintain the property. The proposal seeks to improve the amenity enjoyed by the residents whilst maintaining the character of the locality.

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

The development indices for the development are summarised as:

Site Area	986m ²
Required Soft Landscaped Area	60% or 591.6m ²
Total Landscaped Area	61% or 601.78m ² (inclusive of 6% allowance for functional open space)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

The proposal provides for a new swimming pool, spa, terrace, stairs, inclinator and associated landscaping, and a BASIX certificate has been prepared for this submission.

6.3 State Environmental Planning Policy (Coastal Management) 2018

The subject site is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

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

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

The Coastal Management Act 2016 states within Clause 3:

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

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and

- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and
- (m) to support the objects of the Marine Estate Management Act 2016.

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The relevant provisions of this clause are addressed as follows:

Division 3 Coastal environment area

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

- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Comment:

The proposal provides for the construction of a new swimming pool, spa, terrace, stairs, inclinator and associated landscaping. The proposed works will be carried out in accordance with the recommendations of the consulting Structural Engineer, which will ensure that appropriate structural integrity for the site will be maintained.

The collected stormwater will be directed to the existing easement within the northern portion of the site in keeping with the existing arrangements. The proposed stormwater management system will comply with Council's Water Management Policy.

Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

Division 4 Coastal use area

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 will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Comment

The proposal will not result in the removal of any existing public access along the foreshore.

As a result of the steep sloping topography and siting of the proposed works with generous setbacks to neighbouring properties, the proposal will not result in any overshadowing to the neighbouring properties and the foreshore area.

The proposed new development is modest in bulk and scale, and will not result in any loss of views to the foreshore area. By being stepped to follow the sloping topography of the site, the proposal will protect the visual amenity of the locality.

The site does not contain any heritage items, nor is it within a conservation area. The site is within the vicinity of a number of heritage items, and will not detract from their significance. The site has been previously cleared, and it is not anticipated that any items of Aboriginal heritage will be encountered.

Division 5 General

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.

Comment

The proposal provides for the construction of a new swimming pool, spa, terrace, stairs, associated landscaping and inclinor access. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: No coastal management programs have been identified.

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or

- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.

Comment: Noted

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

Comment

Noted

6.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Pittwater Local Environmental Plan 2014.

The aims of the SEPP are detailed in Clause 3 and note:

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal will not require the removal of any significant vegetation, and the new works will therefore comply with the provisions of the SEPP.

6.5 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.

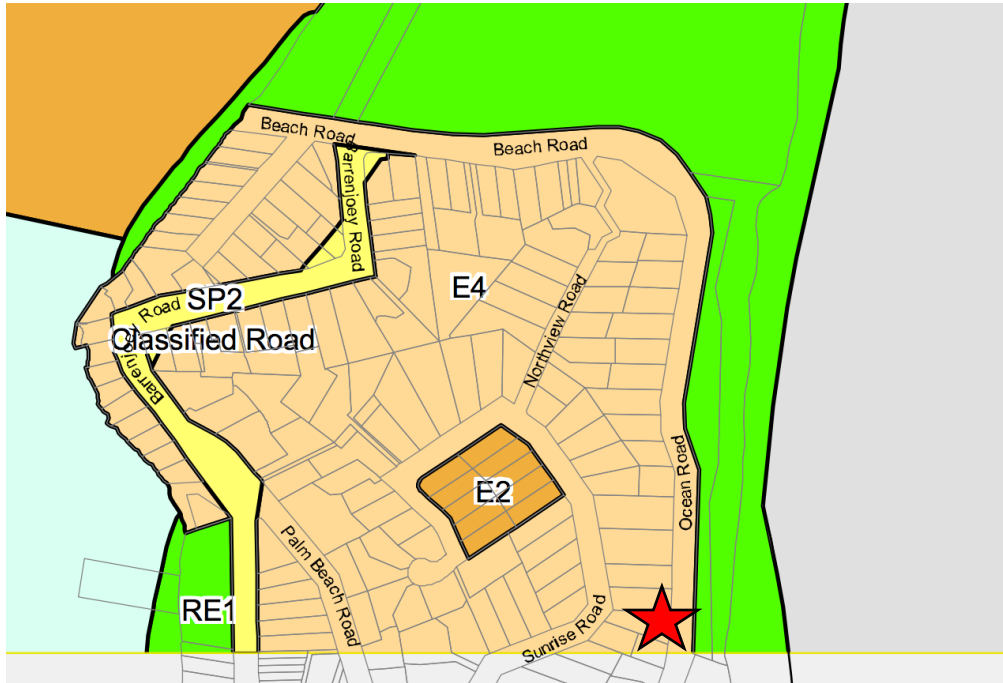


Fig 9: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The proposed construction of a new swimming pool, spa, terrace, stairs, associated landscaping and inclinor 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 construction of a new swimming pool, spa, terrace, stairs, associated landscaping and inclinor will be consistent with the desired future character of the surrounding locality for the following reasons (over):

- 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 the sloping site will therefore minimise any significant or adverse impact on the neighbouring properties.
- By locating the pool between landscaped components of the site, the massing of the development on the site is broken up and softened. This presents a significant improvement on the DA that was lodged in 2016, which amalgamated the secondary dwelling and the pool, and therefore had a greater visual bulk than the current proposal.
- The proposed inclinator 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 inclinator will not be highly visible from the adjoining public spaces or the streetscape.
- 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.

The maximum proposed height of the new works is approximately 3m, to the top of the pool fence. The proposed new works will therefore comfortably comply with the maximum height control.

Clause 5.10 – Heritage Conservation

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

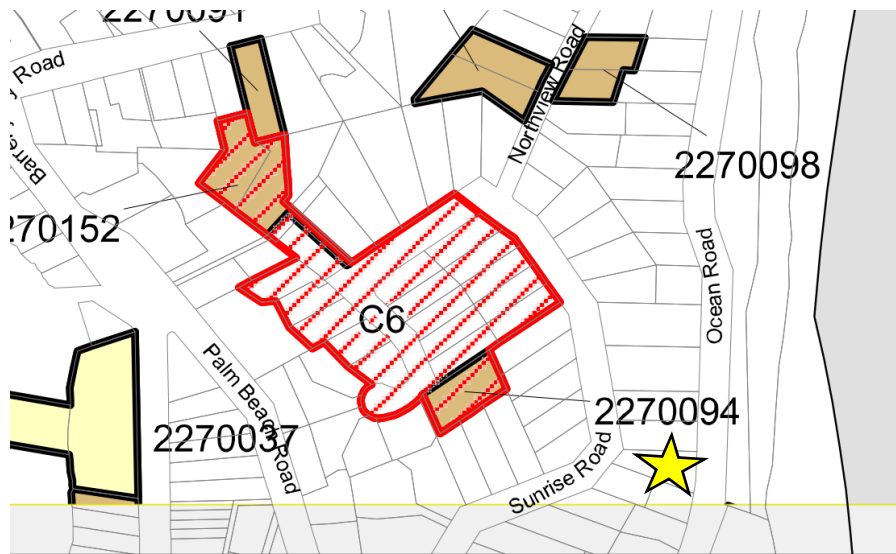


Fig 10: Extract of Pittwater Local Environmental Plan 2014 Heritage Map

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

The proposal provides for low profile works that are ancillary to the existing dwelling and secondary dwelling on the site. 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. Accordingly, a Geotechnical Investigation has been prepared by Douglas Partners, Project 85471.02, dated 24 April 2019. Subject to compliance with the recommendations contained within the report, the proposal will satisfy the provisions of this clause.

Clause 7.5 – Coastal risk planning

The site is identified on Council's Coastline Hazard Map as being subject to Wave Inundation. The proposed works are substantially elevated above the coastal frontage. The works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers, and the coastal risk for the site will therefore be minimised.

Clause 7.7 – Geotechnical Hazards

A Geotechnical Investigation has been prepared by Douglas Partners; Project 85471.02, dated 24 April 2019 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.

6.6 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.

6.6.1 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 a new swimming pool, spa, terrace, stairs, inclinators and associated landscaping.

The proposed new works will have a modest bulk and scale, which works around and retains the existing rock outcrops. The built form of the development is dispersed throughout the site in order to minimise the visual impact in the locality. 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, and will re-vegetate the slope with locally indigenous plants to soften the built form of the new works. Undesirable weed species, such as morning glory and lantana, have been 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.

6.6.2 Section B General Controls

The General Controls applicable to the proposed swimming pool, inclinor and landscaping 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 Geotechnical Assessment has been provided for Council's consideration, prepared by Douglas Partners, Project No. 85471.02, dated 24 April 2019, which concludes that the site is stable subject to compliance with the recommendations contained within the report. The proposal will therefore satisfy the provisions of this clause.

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 Geotechnical Assessment has been provided for Council's consideration, prepared by Douglas Partners, Project No. 85471.02, dated 24 April 2019, 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 provided.

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)

The proposed pool overflow will be connected to the existing stormwater system.

B5.9 Stormwater Management - Water Quality – Other than 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)

The proposed pool overflow will be connected to the existing stormwater system.

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.

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)

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 the construction of a new swimming pool, spa, terrace, stairs, inclinator and associated landscaping.

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

6.6.3 Section C Development Type Controls for Residential Development

The Development Controls applicable to the proposed a new swimming pool, spa, terrace, stairs, inclinor and associated landscaping 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 will enhance the opportunity for recreation with the yard areas of the site. Locally occurring species will be provided in accordance with Council's controls, with the proposed landscape design comprising 86% locally occurring species and 14% native species.

An Arboricultural Impact Report has been prepared by Landscape Matrix, dated 29 May 2019. Subject to the tree protection measures detailed in the report, the proposal will result in the retention and protection of the existing vegetation on site.

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.

The proposed new works present a modest height that will not have any adverse impacts on neighbouring properties.

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.

Due to the modest height and scale of the new works, the subject and neighbouring properties will continue to receive excellent solar access between at 9am and midday on 21 June.

C1.5 Visual Privacy

The controls seek to achieve the outcomes (over):

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 suitably 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.

Additionally, there is existing landscaping comprising a cabbage tree palm and new shrub planting along the southern boundary of the property to assist with visually separating the works from the southern neighbour.

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 inclinor 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 with 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.

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 will see existing on-site storage of waste and recyclables retained.

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, which maintains a compliant barrier between the dwellings and the pool.

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.

The new pool filter and inclinor equipment will be acoustically treated to minimise any noise disturbance to the adjoining premises. The inclinor rail is to be painted in a dark colour to ensure it blends with the natural landscape of the locality.

6.6.4 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 proposed works maintain compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows modulation, spatial separation, landscaping etc.

The proposal will provide for the construction of a new swimming pool, spa, terrace, stairs, inclinator and associated landscaping. The proposal presents a contemporary form, which complements the style and scale of other new development in the area. The built form is staggered rather than grouped on the site, thereby reducing the built form and allowing landscape to dominate.

The proposed new works are considered to be consistent in terms of bulk and scale to the existing surrounding development and present compliant setbacks.

The proposed form and modulation to the new works is well articulated to provide visual interest and reduce bulk when viewed from the ocean.

Views over and to the side of the new works will be retained for the neighbouring dwellings located uphill of the proposal.

In addition, the existing and new landscaping, together with the retention of rock outcrops, will ensure that the proposed works will be interspersed with the natural landscape setting.

The approved secondary dwelling incorporates the use of sandstone that has been removed as part of the excavation works, to assist with maintaining the visual appearance of the site.

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. The approved secondary dwelling incorporates the use of sandstone that has been removed as part of the excavation works, to assist with maintaining the visual appearance of the site.

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.

Swimming pools and spas are subject to a minimum setback of 1m from all property boundaries.

The proposed new pool and terrace will stand 1m from the northern side boundary and 2.5m from the southern side boundary and therefore comply with this control.

The proposed inclinator carriage and rail presents a setback of 2m and 2.5m to the southern boundary respectively, which is considered appropriate. The inclinator will be selected to minimise visual and acoustic impacts for neighbouring properties.

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

D12.8 Building Envelope

The controls seek to achieve the outcomes:

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

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

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

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

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

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

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

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

The proposal will not alter the compliance of existing development with the building envelope control.

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 601.78m² or 61% of the site as landscaped area, inclusive of Council's permissible 6% allowance for impervious landscape treatments, and will therefore comply with this control on merit.

The proposal presents a modest bulk and scale, with the existing and proposed new plantings to assist with further softening and screening the new pool, spa, terrace and inclinator.

Of the proposed new plantings, 86% are locally indigenous, and the remaining 14% are native species.

The proposal will not result in any additional runoff, and the overflow from the pool is to be connected to the existing stormwater system.

The proposal will retain suitable solar access, amenity and privacy for neighbouring properties.

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.

The new works have been sited to minimise any visual impact on the environment and along with their modest bulk and scale will not take away from the surrounding natural environment.

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

The existing and proposed landscaping within the site will assist with screening the new works.

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

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Coastal Management) 2018 and the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

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

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

There are no draft instruments applying to the land.

7.3 Any development control plan

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

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

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

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

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

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

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

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

It is considered that the proposal, which seeks consent for the construction of a new swimming pool, spa, terrace, stairs and inclinor, 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.

7.7 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.

7.8 Submissions made in accordance with this Act or the regulations

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

7.9 The public interest

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

8.0 Conclusion

The principal objective of this development is to provide for consent for the construction of a new swimming pool, spa, terrace, stairs, inclinor and associated landscaping.

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.

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