

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR

**SECTION 4.55 MODIFICATION TO
DEVELOPMENT CONSENT**

DA2020/0355.

FOR

NEW DWELLING AND SWIMMING POOL

AT

7 ROCK BATH ROAD,

PALM BEACH 2108

(Lot 346 DP 16362)

LANCE DOYLE

M.Plan (UTS), B.AppSc (UWS),RPIA

Lance@doyleconsulting.com.au

Mob-0414747395



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1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared in support of a Section 4.55 Modification for the proposed modifications to the approved development on the subject site - 7 Rock Bath Road PALM BEACH NSW 2108 (Lot 346 DP 16362, comprising redevelopment of the property for the purposes of a new single dwelling that incorporates partial retention of existing structure under development consent number NO2020/0355.

During the preparation of this modification application, consideration was also given to the approved development on the subject site under the cover of DA 2023/0904 which was generally limited to works to be carried out to the approved development to incorporate a lift and some minor ancillary components. The author's assessment is that the proposed modification will not be required to modify the provisions of DA 2023/0904 as the works proposed are not specifically relevant to the provisions of this development consent.

The requested modifications are primarily a consequence of the subject site being no longer identified as bushfire prone under the provisions of the current *Northern Beaches Bush Fire Prone Land Map 2020*.

I have inspected the subject site and surrounding locality and assessed the plans and supporting documents for the proposed modified development. I consider that the proposed modified development is reasonable and is worthy of approval by Northern Beaches Council (Council).

It is my professional view that the proposed modifications should be assessed as "modifications involving minimal environmental impact" pursuant to Division 4.55 of the Environmental Planning and Assessment Act, 1979, due to the fact that there will be no unreasonable adverse amenity impacts on

adjoining properties or the public domain.

Background

The parent development consent DA 2023/0904 was issued under the provisions of the *Pittwater Bush Fire Prone Land Map 2013* which identified the subject site as bushfire prone however the subsequent *Northern Beaches Bush Fire Prone Land Map 2020* removed the bushfire prone land classification which now facilitates the removal of fire protection measures to a number of external openings within the approved development.

The proposed modifications also include some cosmetic changes and minor works including the minor increase in chimney height to satisfy the provisions of the National Construction Code and the Building Code of Australia.

The Requested Modifications

The following modifications to the approved DA plans are as follows.

Site plan

Addition to width of awning (vergola) to cover existing concrete terrace with stone finish. To all BCA & NCC requirements including as 4100, AS 1562 & AS 1170

Alteration to height of approved Sandstone wall , reduction in height by 475mm from RL 86.54 to new height of RL 86.065 for improved view.

Uniform stone cladding to engineered block wall.

Deletion of approved spiral staircase

Addition of Hydronic heat pumps and small water tanks for hot water now to be located where the original pool heat pumps as located in DA 2020/0335.

Align step to match with lower steps to comply with NCC & BCA requirements including as 1657:2018 and 3.9.1 & 3.9.2 of NCC

Ground floor plan

As above

Automated shade screens to contractors specification (Luxaflex evo screen or eq) to replace bifold BAL 12.5 micro louvers

Black butt timber finish to all posts, fascias and soffits to be Charred timber with 90 x 90 mm SHS structure to engineers specification

Retaining wall height to Increase by 260mm from 79.32 To 79.58 to assist in earth retention and overland Flood path to engineering Specification.

Automated shade screens to 0.430 contractors specifications (luxaflex evo screen or eq) located between proposed external posts

Level one

Addition to width of awning (vergola) to all BCA & NCC requirements including as 4100, as 1562 & as 1170

Automated & manual adjustable screens to contractors spec (vental 80 eq) to replace bifold BAL 12.5 screens

Alteration to height of approved stone chimney reinstatement, increase in height by 136mm from rl 86.93 to new height of rl 87.065 to comply with BCA NCC balustrade height requirements. Flue to BCA NCC requirements including AS/NAS 2918.

Change of primary bedroom sliding glass door panels with glass balustrade in front to multi panelled glass wall with operable panels above the required NCC and BCA Balustrade height.

Removal of approved external Spiral stair. Proposed replacement of approved rough Pebble surface on slab with flat stone surface on slab to match surrounding terrace

The level one terrace chimney flue to be hidden and taken to the west wall under the planter in the ceiling space and vented out the side external face.

Automated shade screens to contractors specification Luxaflex evo screen or eq) to replace bifold BAL 12.5 microlouvres

Alteration of internal wall and door to primary suite to as 1648 NCC & BCA requirements and engineers specification

Alteration, deletion of window to hall to BASIX & NATHERS requirements

Deletion of internal hall wall.

Roof plan

As above

North elevation

As above plus,

Alteration to height of approved garden wall , reduction in height by 475mm from rl 86.54 to new height of rl 86.065

Removal of BAL 12.5 bush fire compliant screens to windows to reclassification of site as now no longer in bush fire prone land

Section a

Proposed timber finish to posts, fascia and soffits to be charred timber (shou sugi ban)replacing black butt timber see elevations.

Full height glass sliding doors to master bedroom with 1metre glass balustrade to BCA and NCC requirements to replace bi fold frameless glass doors on solid 1 m high balustrade

Section b

As above

East elevation

Removal of BAL 12.5 bush fire compliant screens to windows to as site is now no longer in bush fire prone land

Location of water tank relocated to underground location and as approved in DA 2023/0904

South elevation

Removal of BAL 12.5 bush fire compliant screens to windows as is now no longer in bush fire prone land

West elevation

As above

The modifications sought under this application are illustrated in following plans by Patten Design, noting that several plans (DA MOD 0201, DA MOD

0202, DA MOD 1100) are unchanged by the proposed modifications.

DA MOD 0001 COVER SHEET & AREA SCHEDULE

DA 0002 BASIX REQUIREMENTS

DA MOD 0020 THERMAL SPECIFICATION

DA 0100 SITE PLAN

DA MOD 0201 DEMOLITION PLAN - GROUND N/A UNCHANGED.

DA MOD 0202 DEMOLITION PLAN - LEVEL 1 N/A UNCHANGED

DA MOD 1100 GARAGE LEVEL PLAN

DA MOD 1101 GROUND FLOOR PLAN PART A

DA MOD 1101.1 GROUND FLOOR PLAN PART B

DA MOD 1102 LEVEL 1 PLAN

DA MOD 1103 ROOF PLAN

DA MOD 2001 NORTH ELEVATION

DA MOD 2002 EAST ELEVATION

DA MOD 2003 SOUTH ELEVATION

DA MOD 2004 WEST ELEVATION

DA MOD 3001 SECTION A

DA MOD 3002 SECTION B

DA MOD 3003 SECTION C

DA MOD 6002 WINDOW SCHEDULE 01

DA MOD 6003 WINDOW SCHEDULE 02

DA MOD 6004 WINDOW SHADING SCHEDULE

2.0 DIVISION 4.55 ASSESSMENT

This modification application is submitted to Northern Beaches Council under the provisions of Division 4.55 – modification of consents– generally, ***Part 1(A) modifications involving minimal environmental impact.***

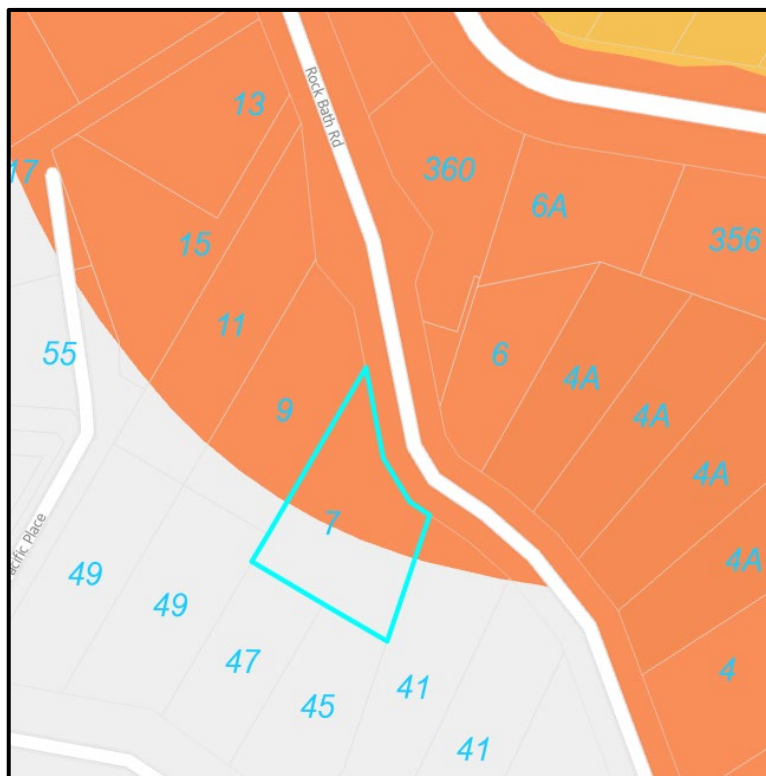
The proposed works will not result in any impacts, over and above the

impacts assessed under the approved Development Applications (as modified), particularly with regard to view loss, solar access or the overall built form and meets the criteria to satisfy Clause 4.55, 1(A).

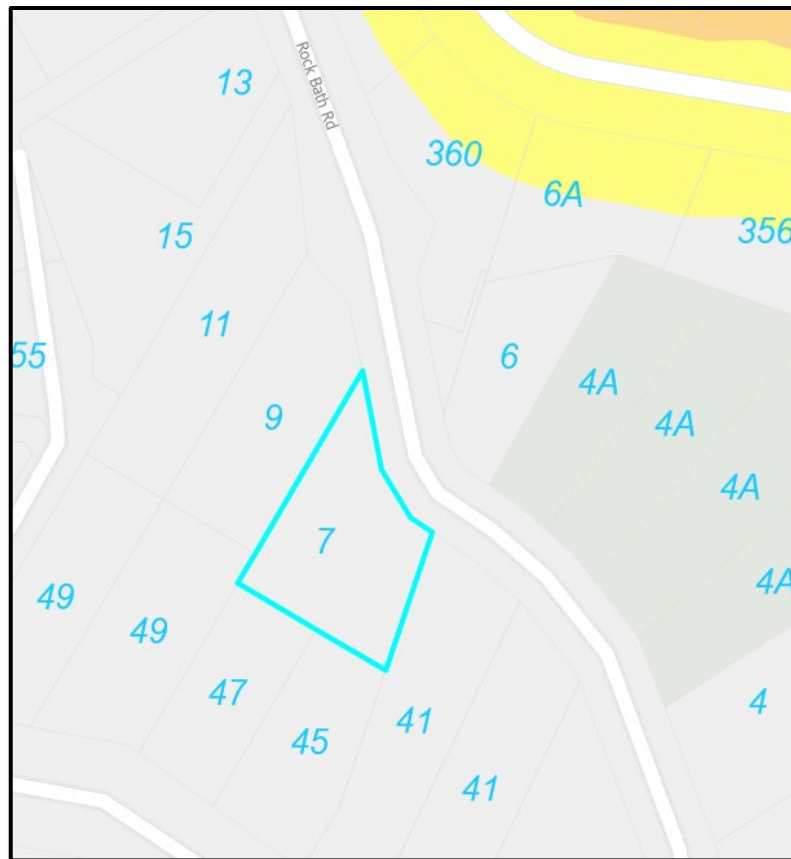
Reasons for the Proposed Modification

The reasons for the support of the proposed Division 4.55 Modification are primarily due to the removal of the subject site from the Bush Fire Prone Land Map illustrated in the following extracts from the previous (2013) and current (2020) Bush Fire Prone Land Maps confirming the subject site is no longer identified as prone to attack by bushfire.

Other modifications are generally cosmetic or requiring minor changes to achieve compliance with current standards under the NCC and BCA.



PITTWATER BUSH FIRE PRONE LAND MAP 2013



NORTHERN BEACHES BUSH FIRE PRONE LAND MAP 2020

Prescribed Conditions to be modified

Condition 1A-

Replace the schedule of plans with the submitted set drawn by Patten Design and the accompanying letter and plans by Triaxial Consulting Engineers.

The relevant provisions of Division 4.55 (1A) are as follows –

A consent authority must, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if;

- a) It is satisfied that the proposed modification is of minimal environmental impact and,*

RESPONSE

The proposed modifications are considered to be of minimal environmental

impact due to the general configuration of the approved construction being consistent and the works proposed will not materially alter the or have any impact on the completed development on the subject site.

b) It is satisfied that the development to which the consent has modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

RESPONSE

The development as proposed to be modified will be the same development for which development consent was granted, namely a new dwelling and swimming pool.

c) It has notified the application in accordance with;

- i. The regulations, if the regulations so require, or*
- ii. A development control plan, if the consent authority in the Council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

RESPONSE

The requested modification will be notified to likely affected parties by Northern Beaches Council if deemed necessary.

d) It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan

RESPONSE

Submissions made in response to the notification of the requested modification will be considered by the consent authority as part of the assessment process.

3.0 PLANNING ASSESSMENT

3.1 Pittwater Local Environmental Plan 2014

1.2 Aims of Plan

- (1) *This Plan aims to make local environmental planning provisions for land in Pittwater in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *The particular aims of this Plan are as follows:*
- (a) to promote development in Pittwater that is economically, environmentally and socially sustainable,*
 - (b) to ensure development is consistent with the desired character of Pittwater's localities,*
 - (c) to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,*
 - (d) to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,*
 - (e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,*
 - (f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,*
 - (g) to protect and enhance Pittwater's natural environment and recreation areas,*
 - (h) to conserve Pittwater's European and Aboriginal heritage,*
 - (i) to minimise risks to the community in areas subject to environmental hazards including climate change,*
 - (j) to protect and promote the health and well-being of current and*

future residents of Pittwater.

Comment:

The proposed development as modified remains consistent with the aims of the PLEP 2014.

Zone C4 Environmental Living

2 Objectives of zone

- *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.*

3 Permitted without consent

Home businesses; Home occupations

4 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Water recreation structures

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Comment:

This application seeks no change in the use of the site from the use as a dwelling house. Dwelling houses are permissible within the C4 Environmental

Living zone, with development consent.

4.3 Height of Buildings

(1) *The objectives of this clause 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.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

(2A) *Despite subclause (2), development on land:*

- (a) at or below the flood planning level or identified as "Coastal Erosion/Wave Inundation" on the Coastal Risk Planning Map, and*
- (b) that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map, may exceed a height of 8.5 metres, but not be more than 8.0 metres above the flood planning level.*

(2D) *Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may 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.*

Comment:

The subject works will remain compliant with the 8.5m maximum height limit applying to the site. The only height change proposed is the increased height of the chimney (by 135mm) however the proposal will remain compliant with this development standard.

7.1 Acid Sulfate Soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*
- (2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

Class of land Works 5

Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.*
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:*
- (a) a preliminary assessment of the proposed works prepared in*

- accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and*
- (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.*
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):*
- (a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,*
- (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),*
- (c) minor work, being work that costs less than \$20,000 (other than drainage work).*
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:*
- (a) the works involve the disturbance of less than 1 tonne of soil, and*
- (b) the works are not likely to lower the watertable.*

Comment:

The site is located on Class 5 Acid Sulfate Soils. No works are proposed that are likely to generate acid sulphate due to excavation of the substratum.

7.2 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on*

environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless:

- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*
- (i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

Comment:

No earthworks are proposed apart from the approved works.

3.2 Pittwater Development Control Plan

B3.6 Contaminated Land and Potentially Contaminated Land

Objectives

Protection of public health.

Protection of the natural environment. Successful remediation of contaminated land.

Comment:

The site has a long history of residential uses and is not considered to be at risk of contamination.

B4.3 Flora and Fauna Habitat Enhancement Category 2 Land

Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species

Comment:

No works are proposed likely to impact upon any site vegetation.

B4.22 Preservation of Trees or Bushland Vegetation

Objectives

To protect and enhance the amenity that trees and/or bushland vegetation provide.

To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.

To protect, enhance and account for the contribution trees and/or bushland vegetation provide to the ecological value and biodiversity of Pittwater, including habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.

To promote the benefits that corridors of trees and/or bushland vegetation

provide for the movement of flora and fauna.

Comment:

The subject works will not result in the modification or removal of any vegetation required to be retained.

B8.1 Construction and Demolition – Excavation and Landfill

Objectives

Site disturbance is minimised.

Excavation, landfill and construction not to have an adverse impact.

Excavation and landfill operations not to cause damage on the development or adjoining property.

Comment:

The subject works will be completed without the necessity for any material excavation or landfill being carried out on the subject site apart from the approved works.

B8.2 Construction and Demolition – Erosion and Sediment Management

Objectives

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites.

Reduction of waste throughout all phases of development.

Public safety is ensured.

Protection of the public domain.

Comment:

Works on the subject site are protected by sediment or erosion control measures.

B8.3 Construction and Demolition - Waste Minimisation

Objectives

Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.

Comment:

The subject works will be carried out in a manner that is consistent with the approved Waste Management Plan.

C1.1 Landscaping

Objectives

A built form softened and complemented by landscaping. Landscaping reflects the scale and form of development.

Retention of canopy trees by encouraging the use of pier and beam footings.

Development results in retention of existing native vegetation.

Landscaping results in the long-term retention of Pittwater's locally native tree canopy.

Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species

Landscaping enhances habitat and amenity value.

Landscaping results in reduced risk of landslip.

Landscaping results in low watering requirement.

Comment:

The landscaping regime approved on the subject site remains unaltered by the proposed modifications.

C1.2 Safety and Security

Objectives

Ongoing safety and security of the Pittwater community. Opportunities for vandalism are minimised.

Inform applicants of Council's requirements for crime and safety management for new developments

Improve community awareness in relation to Crime Prevention through Environment al Design (CPTED), its principle strategies and legislative requirements

Identify crime and safety priority areas in Pittwater LGA

Improve community safety and reduce the fear of crime in the Pittwater LGA

Develop and sustain partnerships with key stakeholders in the local area who are in involved in community safety.

Comment:

The proposed development meets the four principles of CPTED.

C1.3 View Sharing

Objectives

A reasonable sharing of views amongst dwellings.

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.

Canopy trees take priority over views.

Comment:

The subject modified works have no material impact upon views available from surrounding dwellings and public areas of open space as the finished height will still be substantially below the 8.5 metre height limit.

C1.4 Solar Access

Objectives

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.

Comment:

The subject works will maintain a reasonable level of solar access to adjoining properties, as well as the site.

C1.5 Visual Privacy

Objectives

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.

A sense of territory and safety is provided for residents.

Comment:

There are no changes to the proposal that have the potential to impinge upon privacy to adjacent areas of private open space.

C1.6 Acoustic Privacy

Objectives

Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited.

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

Comment:

The subject works will not acoustically impact upon areas of private open space.

D12.1 Character as Viewed from a Public Place

Objectives

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.

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.

High quality buildings designed and built for the natural context and any natural hazards.

Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two storey maximum. 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.

Comment:

The subject works will be entirely compatible with the surrounding character of the locality when viewed from the public domain.

D12.3 Building Colours and Materials

Objectives

Achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape.

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.

The visual prominence of the development is minimised. Damage to existing native vegetation and habitat is minimised.

Comment:

All finishes will be as per the approved Schedule of Finishes.

D12.5 Front Building Line

Objectives

Achieve the desired future character of the Locality.

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

The amenity of residential development adjoining a main road is maintained.

Vegetation is retained and enhanced to visually reduce the built form. Vehicle manoeuvring in a forward direction is facilitated.

To preserve and enhance the rural and bushland character of the locality.

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.

Comment:

There is no change proposed to the existing front setback.

D12.6 Side and Rear Building Line

Objectives

To achieve the desired future character of the Locality. The bulk and scale of

the built form is minimised.

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

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.

To ensure a landscaped buffer between commercial and residential zones is established.

Comment:

The subject works do not impinge upon the approved setbacks.

D12.8 Building Envelope

Objectives

To achieve the desired future character of the Locality.

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.

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

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

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

Comment:

The subject works do not impinge upon the approved building envelope.

D12.9 Landscaped Area - General

Objectives

Achieve the desired future character of the Locality. The bulk and scale of the built form is minimised.

A reasonable level of amenity and solar access is provided and maintained.

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

Conservation of natural vegetation and biodiversity.

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

To preserve and enhance the rural and bushland character of the area.

Soft surface is maximised to provide for infiltration of water to the water table, minimise runoff and assist with stormwater management.

Comment:

The subject works have not reduce the quantum of landscaping below that approved under the parent development consent.

Comment:

No change is proposed to the approved quantum of landscaping.

4.0 SECTION 4.15 EVALUATION

7.6 Matters for consideration—general

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

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) 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

RESPONSE

The relevant provisions of PLEP 2014 have been addressed in the body of this Statement.

(iii) any development control plan,

RESPONSE

The relevant provisions of the Pittwater DCP have been considered by Council during the assessment of the parent DA, no changes are proposed to the approved development design or location.

(iiia) 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,

RESPONSE

Not applicable.

and

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

RESPONSE

The relevant regulations have been given due regard in the construction of this Statement.

and

(b)the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

RESPONSE

The body of this Statement describes the potential impacts upon the natural and built environments and the mechanisms to be incorporated to reduce or prevent these impacts upon the locality.

(c) the suitability of the site for the development,

RESPONSE

The subject site, by virtue of its existing layout, topography and locality is

suitable for the modified proposal.

(d) any submissions made in accordance with this Act or the regulations,

RESPONSE

Any submissions received in response to Councils notification of the proposal will be considered as part of Councils assessment of the proposal.

(e) the public interest.

RESPONSE

The proposal endorses the public interest by limiting the impact of the proposal to the existing developed area of the subject site, with subsequent limited disturbance to the natural and built environment.

Environmental Planning Instruments

The proposal as approved and as modified remains a permissible development under the provisions of the Pittwater Local Environmental Plan.

Development Control Plans

The proposal is bound by the provisions of Pittwater Development Control Plan. The proposed modification to the Development Consent is mindful of Council's Controls.

Impact on the Natural Environment.

The proposed modification will not impact upon flora and fauna, soil or water quality, air quality or the conservation of natural resources.

Impact on the Built Environment.

Scenic qualities – The proposed modification is consistent with the current and future character of the locality.

Compatibility with adjacent land uses – The proposed modification will not materially alter the compatibility with the adjacent land uses.

Bulk and scale – The proposed amendments will not materially impact upon bulk and scale of the approved development of the dwelling and pool.

Overshadowing – The proposed modification will not impact upon the solar access to nearby sites.

Views and vistas – There will be no impacts upon views and vistas across or

around the subject site.

Site design – The refinements to the approved works are considered reasonable for the subject site.

Public domain – There are no works proposed in the public domain.

Amenity Impacts – I consider that there will be no unreasonable amenity impacts from the proposed modification.

Impact on the Social and Economic Environment.

The proposal is unlikely to result in any negative social or economic impacts.

Suitability of the Site.

The subject site, by virtue of its existing development, zoning, topography and locality is suitable for the proposal.

5.0 COMPLIANCE TABLE

Pittwater Local Environmental Plan 2014			
Development Standard	Control	Proposed	Compliance
E4 – Environmental Living	Dwelling Houses	Dwelling House	YES
Maximum Building Height	8.5 m	< 8.5 m	AS APPROVED
Acid Sulfate Soils	Class 5 Acid Sulfate Soils on the site		AS APPROVED
Pittwater Development Control Plan			
Building Front Setback	10 m or prevailing	Less than 10m	AS APPROVED

	setback		
Building Side Setback	Minimum 2.5 m one side Minimum 1 m other boundary	NIL >1 m	AS APPROVED AS APPROVED
Landscaped Area	60%	<60%	AS APPROVED
Building envelope	45° above 3.5 m	< 45° above 3.5 m	AS APPROVED
Front Fence Height	1 m high	N/A	N/A
Side and Rear Fence Height	1.8 m high behind front setback	1.8 high behind front setback	AS APPROVED
Solar Access			AS APPROVED
Private Open Space	One area of 85 m ² at the ground level with direct access to internal living areas	Private open spaces in excess of provided	AS APPROVED
No. of Parking Spaces	Minimum of 1 car parking space per dwelling house	2 parking spaces provided	AS APPROVED

6.0 CONCLUSION

The necessity for the submission of this application has occurred as a consequence of the subject site being no longer deemed prone to attack by bushfire thereby allowing the deletion of bushfire resistant fittings and minor modifications to some components to achieve compliance with the NCC and BCA whilst still retaining the approved built form.

It is therefore reasonable for Council to favourably consider this submission and endorse the requested modifications due to the reasonableness of the proposal and lack of material impacts.

LANCE DOYLE
M.Plan (UTS), B.AppSc (UWS),RPIA
Lance@doyleconsulting.com.au
Mob-0414747395



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