

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed New
Dwelling

168 Whale Beach Road,
Whale Beach

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1 Introduction

This statement has been prepared as part of the supporting documentation for a development application proposing the construction of a new dwelling with swimming pool, associated landscaping and a driveway.

A pre-lodgement meeting (PLM2020/0280) was conducted on 10th December 2020 and the outcomes of that meeting are reflected in the proposed development.

The design of the proposed new dwelling is innovative and of high architectural merit. The proposed works provide a site-specific design, which responds to the sites sloped topography and environmentally sensitive location. Particular attention has been given to ensuring that the proposed dwelling affords high levels of amenity for future occupants, capitalising on the expansive views, whilst ensuring high levels of residential amenity to adjoining properties are retained in relation to privacy, solar access and view sharing. The proposal is considered to positively contribute towards the built form quality of the housing stock established within the Palm Beach Locality.

In addition to the Statement of Environmental Effects, the application is also accompanied by the following:

- Survey Plan,
- Architectural drawings including, site plan; floorplans, elevations, sections, shadow diagrams, materials and finishes schedule prepared by Watershed Design,
- Arborist Report prepared by Peake,
- Geotechnical Report prepared by White Geotechnical,
- Basix Certificate,
- Stormwater Management Plan prepared by Taylor Consulting Engineers,
- Flora and Fauna Assessment prepared by ACS Environmental, and
- Landscape Plans prepared by Harrison's Landscaping

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;
- Pittwater Local Environmental Plan 2014;
- Pittwater Development Control Plan 2014;
- State Environmental Planning Policy (Building Sustainability Index BASIX) 2004;

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling is compatible with the desired future character of the Palm Beach locality.
- The proposed dwelling will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

2 Site Analysis

2.1 Site Description and Location

2.1.1 The Site

The application relates to Lot E, DP 18479, 168 Whale Beach Road, Whale Beach. A location map is included as **Figure 1**.



Figure 1: Site Location (Source: Six Maps)

Number 168 Whale Beach Road is an irregular shaped allotment comprising a total site area of 2825m². The site is the rear lot of a battle axe block with an access handle length of 42.67m. The northern side boundary is measured at 161.41m (including access handle), southern side boundary of 119.755m, rear boundary of 9.35m and approximate site width of 23.23m where the new dwelling is proposed to be sited. The site has not been developed previously apart from the driveway access adjacent to the northern side boundary.

The site is located in a prominent location with expensive panoramic water views towards Whale Beach. Trees and dense vegetation are found throughout the site.

2.1.2 The Locality

The subject site is located within the Palm Beach Locality. The locality is characterised mainly by two-storey dwelling houses on 750-1,400 square metre allotments, with allotments of 550-650 square metres (some smaller blocks may exist) adjoining the waterfront to the west. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. In the vicinity of Ocean Rd, the informal and casual nature of the parking carriageway and pedestrian pathway adds to the relaxed beach character of the locality and should be retained. Medium density housing concentrates around the Palm Beach neighbourhood retail centre on Barrenjoey Road.

2.1.3 Zoning and Key Environmental Considerations

The site is zoned E4 Environmental Living pursuant to the Pittwater Local Environmental Plan 2014. The key environmental considerations of the site are identified as follows:

- Acid Sulfate Soils, Class 5;
- Land identified on the Councils Biodiversity Map
- Landslip Hazard Map;
- Geotechnical Hazard Map;
- Bushfire Prone Land;
- Site is located within Area 1 of the Landscape Area Map

All the above environmental considerations are discussed in the following sections of this report and addressed in the documentation accompanying this Development Application.

3 Description of Proposed Development

3.1 Details of the Proposed Development

This application proposes a new dwelling including the construction of a swimming pool, associated landscaping works and new driveway. The extent of the works are detailed on the architectural plans prepared by Watershed Design. Specifically, the works include:

Level 1 (Garage):

- Double car garage with storage area
- Bin storage area
- Entry foyer with storage space and cellar

Level 2:

- 3 bedrooms with bedroom 4 including an ensuite
- Study
- Living room/breakout space
- Bathroom
- A terrace wraps around from the north to the eastern elevations

Level 3:

- Main bedroom with ensuite and walk in robe
- Gym
- Guest Bedroom with ensuite
- Laundry
- East facing balcony access from both bedrooms
- Plant room

Level 4:

- Open plan kitchen/dining/living
- Family Room
- Bathroom
- Living areas access to the rear terrace and swimming pool area
- Landscaped roof east facing terrace.

Internal lift and stairs are proposed to provide access to each level. An external staircase is also included adjacent to the northern boundary providing additional access to each level also. A new driveway extension from the existing access driveway is proposed and detailed on the engineering drawings provided.

The application is accompanied by a detailed landscape plan prepared by Harrisons Landscaping. Green roofs have been proposed to level 2 and 3 which are also detailed on the landscape plan. Several trees within the proposed building footprint will be required to be removed which are detailed in the arborist and ecological reports provided. The trees to be retained will include tree protection measures as recommended. The stormwater management plans have also been prepared by Taylor's Consulting Engineers with engineering advice from TEG obtained in relation to the driveway extension geometry and functionality.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 79C of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

4.1.1 Zoning and Permissibility

As previously noted the site is zoned E4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

Dwelling Houses are permissible with consent in the E4 zone. The specific objectives of the zone are identified as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values;*
- *To ensure that residential development does not adversely affect those values;*
- *To provide for residential development of a low density and scale integrated with the landform and landscape;*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

The application relates to the provision of a low-density development consisting of a dwelling house, swimming pool and associated landscaping works. The proposal is integrated and responsive to the landform and landscape. We have formed the considered opinion that the development is permissible in the zone and consistent with the zone objectives as outlined above. Accordingly, there is no statutory impediment to the granting of consent.

4.1.2 Height of Buildings

Pursuant to clause 4.3(2) PLEP 2014 the height of a building on any land is not to exceed 8.5 metres. The objectives of the 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.*

The proposed development is compliant with the 8.5m development standard as depicted on the elevations and sections prepared by Watershed Design.

4.1.3 Acid Sulfate Soils (Clause 7.1)

Pursuant to Clause 7.1 of the LEP, the site is classed as being class 5 on the acid sulfate soils map. A geotechnical report prepared by White Geotechnical accompanies the DA. The report provides recommendations to be followed during construction to reduce the impact the excavation on the local environment with respect to drainage and runoff. The works are considered acceptable with regard to the level of risk.

4.1.4 Biodiversity Protection (Clause 7.6)

Pursuant to Clause 7.6, the site is identified on the biodiversity map. A flora and fauna assessment has been prepared and provided with this application. An arborist report has also been prepared. The proposal retains the existing Pittwater Spotted Gum Forest on the western side of the property with the removal of introduced noxious weeds at the front of the property proposed as a component of the application.

The reports provide recommendations to reduce the impact of the proposed development on the local environment. The report concludes that the proposal is not likely to be unacceptable with regard the Act and meets the objectives of part 7.6 of the Pittwater LEP.

4.1.5 Geotechnical Hazards (Clause 7.7)

The site is located within a Geotechnical Hazard Area. The geotechnical report prepared by White Geotechnical details several recommendations and design parameters to ensure that the risk to the land stability is minimised. We anticipate that these recommendations will be included as part of any consent issued for the site.

4.2 Pittwater Development Control Plan 2014

This policy document came into effect on 1 February 2004. P21 DCP contains development controls for the design and construction of buildings and the development of land in Pittwater. The proposed development has been assessed against the relevant provisions of P21 DCP as outlined in the following sections of this report.

4.2.1 Palm Beach Locality

The property is located within the Palm Beach Locality. The desired future character of the Palm Beach Locality will remain primarily a low-density residential area. The key objectives for the desired future character are identified as follows:

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.

The architects have responded to the client brief to provide a dwelling of design merit and visual interest which harmonises with the natural features of the site while also being conscious of the environmentally sensitive nature of the area. The design of the dwelling responds to the topography of the site and is compatible with the character and scale of development within the locality and immediate context. The development will provide a quality built form outcome on the site with the development sitting lightly into the landform and established landscape setting.

The design, scale and treatment of the proposed development is compatible with dwellings within the immediate setting. External materials and finishes will not dominate the natural coastal escarpment setting.

4.2.2 Hazard Controls

With regard to control B3.1, Landslip Hazard, a geotechnical report has been prepared and accompanies this application. The report determines the level of risk to be acceptable within hazard 1 area. The risk associated with hazard 2 area are deemed unacceptable until retaining walls are constructed. The report provides recommendations for construction that is anticipated will be included as conditions of consent.

4.2.3 Bushfire Hazard

The subject site is mapped within the Pittwater LEP as being bushfire prone land. The land is categorised as being vegetation buffer and vegetation category 2. A bushfire risk assessment has been prepared by Building Code and Bushfire Hazard Solutions. It is anticipated that the recommendations of the report be included as part of the conditions of consent.

4.2.4 Natural Environment

With regard to control B4, controls relating to the natural environment, a flora and fauna report has been prepared by ACS Environmental and an arborist report by Peake have been provided. The reports assess the biodiversity of the site with regard to clause B4.1 of the DCP. The report also assesses the Pittwater Spotted Gum Forest with regard to clause B4.7 of the DCP.

The report concludes that no threatened species of flora or fauna will be impacted with the proposed development. The report does recommend that weed-infestations present on site should be cleared to improve the ecological value of the area. The area of Spotted Gum Forest that occurs on the western side of the slope will not be impacted by the development.

4.2.5 Preservation of Trees or Bushland Vegetation

Pursuant to Clause B4.22, an arborist report accompanies the application. Tree protection measures have been recommended and will be adhered to during the construction.

4.2.6 Stormwater Management – On-Site Stormwater Detention

The application is accompanied by stormwater drainage. The proposed On-site Stormwater drainage design has been prepared in accordance with the DCP requirements and detailed on the plans prepared by Taylors consulting.

4.2.7 Internal Driveway

Pursuant to Clause B6.2, an internal driveway is proposed to be constructed and connected to the existing access handle driveway. The new section of driveway has been designed to Australian Standard AS/NZS 2890.1-2004 Parking Facilities Off Street Car Parking as detailed on the diagrams prepared by TEG Consulting Engineers.

4.2.8 Site Works Management

In accordance with Part B8 appropriate measures are proposed to address the issues of construction impacts, erosion and sedimentation management, waste minimisation, site fencing and security.

The site being of adequate area and dimension does not impose any unusual construction or on-site material storage difficulties. The site works will be managed in accordance with the Protection of The Environment Operations Act 1997 with appropriate erosion and sedimentation control, construction fencing and air pollution controls being implemented.

4.2.9 Landscaping

Pursuant to Clause C1.1 the proposal will require the removal several trees not forming part of the Pittwater Spotted Gum Forest Community and located on the eastern slope of the site which has been previously cleared and is now weed infested. An arborist report and flora and fauna study also accompany this application with both reports provide recommendations to be complied with during the construction of the dwelling.

A landscape plan has also been provided which demonstrates an enhancement of the site which utilises various native species consistent with the E4 zone and biodiversity of the area.

4.2.10 Safety and Security

In accordance with clause C1.2 building design should allow visitors who approach the front door to be seen without the need to open the door. Buildings and the public domain are to be designed to allow occupants to overlook public places and communal areas to maximise casual surveillance. Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.

The proposed dwelling have been designed to provide an easily identifiable entrance to the dwelling and will be appropriately lit.

4.2.11 View Sharing

Pursuant to Clause C1.3 all new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. 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.

It is not anticipated that the development will give rise to any view impacts to neighbouring dwellings. The dwelling will sit in an elevated position on a ridgeline and is not in close proximity to other dwellings. It is considered that the development is consistent with the planning principal *Tenacity vs Warringah Council* with regard to view sharing.

4.2.12 Solar Access

In accordance with Clause C1.4 the main private open space of the dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. Windows to the principal living areas of the proposal and windows to the principal living area of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the glazed area.

The layout and design of the proposed dwelling maximises the amount of solar access received to the principal living areas of the dwelling, swimming pool and the main areas of private open space. These areas will receive a minimum of three hours of sunlight between 9am and 3pm on June 21st.

Shadow diagrams have been prepared by Watershed Design and are provided within the architectural set of drawings. The diagrams demonstrate that the development will not result in any significant overshadowing to neighbouring dwellings and is consistent with the controls.

4.2.13 Visual Privacy

Pursuant to clause C1.5 private open space, recreation areas and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation. Elevated decks, verandas and balconies should incorporate privacy screens where necessary and should, where possible, be located at the front or rear of the building.

Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.

The proposed siting of the dwelling does not give rise to any privacy impact concerns considering that there are no immediately adjoining dwellings. The proposed dwelling is also significantly distanced from the dwelling at No. 166 Whale Beach Road and sits in an elevated position that there is little overlooking risks. As such, it is considered that the proposal is consistent with the control. Balconies are setback from the eastern elevation with green roof forms introduced to screen the balcony elements of the development.

4.2.14 Acoustic Privacy

The proposed dwelling has been designed to comply with Clause C1.6 of the DCP and the relevant provisions of the Protection of the Environment Operations Act, 1997. The dwelling is significantly distanced from adjoining dwellings that there is a negligible risk to the acoustic amenity to neighbouring properties.

4.2.15 Private Open Space

Pursuant to Clause C1.7, a minimum area of 80sqm of private open space per dwelling is to be provided at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.

The proposed dwelling includes areas of private open space areas well in excess of 80m².

4.2.16 Waste and Recycling Facilities

Pursuant to Clause C1.12 all waste and recycling receptacles will be stored within the property boundaries as per the existing circumstance. A bin storage area is proposed adjacent to the garage.

4.2.17 Swimming Pool Safety

The proposed swimming pool fencing has been designed and will be constructed in accordance with the Swimming Pools Act 1992 and regulations.

4.2.18 Character as viewed from a Public Place – Palm Beach Locality

In accordance with the Palm Beach locality controls, buildings should incorporate design elements such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Walls without articulation shall not have a length greater than 8 metres to any street frontage. The bulk and scale of buildings must be minimised. Parking structures must be located behind the front building line and be no greater than 50% of the lot frontage or 7.5 metres, whichever is the lesser. Landscaping is to be integrated with the building design to screen visual impact of the built form.

The proposal provides a dwelling of design merit of an appropriate scale and height which positively responds to its context. The development will not impact on the existing streetscape due to the location and topography of the site. The development will not be readily discernible from the street.

The dwelling has been design to sit within the existing landscape setting, below the tree canopy, to ensure that the prominent landscape features continue to be the defining character of the locality and the E4 zone. The building form is terrace to follow the topography of the site with the introduction of green roof elements ensuring the development blends into the vegetated escarpment which forms a backdrop to the site.

4.2.19 Scenic Protection

The outcomes of control D12.2, scenic protection, aim to achieve the desired future character of the Palm Beach Locality and ensure that the bushland landscape is the predominate character.

The design incorporate a range of earthy materials to integrate with the natural environment with many significant trees to be retained and enhanced with the proposed landscape plan. The dwelling will sit in a prominent elevated position relative to adjoining development. In this regard, the dwelling has been sited to sit below the existing tree canopy and utilises earthy tones with its materials to ensure the dwelling is secondary to natural environment. The building form is terrace to follow the topography of the site with the introduction of green roof elements ensuring the development blends into the vegetated escarpment which forms a backdrop to the site.

4.2.20 Building Colours and Materials

A schedule of finishes accompanies the application. The development incorporates external colours, materials and finishes which are consistent with the predominant colours of development in the Palm Beach locality, reflecting the dark and earthy tones.

4.2.21 Front Building Line

The subject site is a battle-axe block and, as such, a front building line control is well in excess of 6.5m

4.2.22 Side and Rear Setback

The development is consistent with the side and rear setback controls. The northern side setback is measured at 2.625m and the southern side setback proposed at 1.2 metres. The proposal is well in excess of the 6.5m rear setback control.

4.2.23 Building Envelope

Clause D1.11 requires planes to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.

The development will minorly breach the building envelope control to the south-east corner of the dwelling. The majority of the dwelling is compliant with the building envelope control.

The minor breach to the building envelope does not give rise to any amenity impacts with regard to privacy, view loss or overshadowing. No visual impact or unreasonable bulk and scale concerns are envisaged considering the minor nature of the breach and that there are no immediately adjoining dwellings. The significant spatial separation also mitigates any privacy concerns. Also, the existing trees and vegetation, along with proposed landscaping treatments, provide adequate softening and screening of the built form.

The dwelling is situated in an elevated position and is well distanced from the nearest public domain spaces. As such, there is no impact on the public domain.

4.2.24 Landscaped Area – Environmentally Sensitive Land

The site is mapped as Area 1 on the landscape area map. Clause D12.6 requires that 60% of the total site area be landscaped area. The proposal has a total landscaped area of 61.4% which is consistent with the control.

4.2.25 Pittwater 21 Development Control Plan Compliance Table

A table demonstrating compliance with the relevant numerical provisions of the Pittwater 21 DCP 2014 is detailed as follows:

Control	Requirement	Proposed	Compliance
General Controls			
Development Type Controls			
<p>Solar Access Clause C1.4</p>	<p>Main private open space of the dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. Windows to the principal living areas of the proposal and windows to the principal living area of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the glazed area.</p>	<p>The proposed shadow diagrams prepared by Watershed Design demonstrate compliance is achieved.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
Private Open Space Clause C1.7	Minimum area of 80sqm of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard	<80m ²	Yes
Palm Beach Locality Specific Development Controls			
Front Building Line D12.5	Development is to maintain a front building line of 6.5 metres or the established building line, whichever is greater.	Well in excess	Yes
Side and Rear Building Line D12.6	Development is to maintain a minimum side building line of 2.5 metres to one side and 1 metre to the other side. 6.5 metre rear building line.	1.2m to the southern boundary 2.625m to the northern boundary Well in excess of the 6.5m rear setback.	Yes

Control	Requirement	Proposed	Compliance
Building Envelope D12.8	Projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.	Minor breach which has been addressed in section 4.2.23 of this report.	No – minor breach, worthy on merit
Landscaped Area Environmentally Sensitive Land D12.10	Total Landscaped Area is 60% of the total site area.	61.4%	Yes

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the residential component of the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.4 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(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

N/A

(iii) Any development control plan

Pittwater DCP applies

(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, and

N/A

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

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(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,

N/A

Context and Setting

i. What is the relationship to the region and local context in terms of:

- *The scenic qualities and features of the landscape*

- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The proposal provides for the addition of an integrated 2 car garage.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Utility services will be able to connect to the dwelling.

Flora and Fauna

The application is accompanied by a flora and fauna report and an arborist report.

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

The site is identified falling within a geotechnical hazard area, biodiversity and bushfire prone land. These matters have been addressed in the subsequent reports provided.

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

i) *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings.*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*

- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The architect has responded to the client brief to provide for a dwelling of design merit that provides a high level of amenity for the future occupants whilst appropriately addressing the sites setting and maintaining the amenity of the nearby residential properties. The development will provide a quality built form outcome on the site.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

The proposed dwelling and associated works are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposal, given the constraints imposed by the sites typography and environmental characteristics. The proposal is consistent with the numerical controls, with only a minor breach to the building envelope control, and does not give rise to adverse amenity impact by virtue of its location and spatial separation to adjoining properties.

It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling and associated works are compatible with the desired future character of the locality.
- The proposed dwelling will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of exceptional design merit, that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Boston Blyth Fleming Pty Limited



Greg Boston

B Urb & Reg Plan (UNE) MPIA

Director