

untapped **PLANNING**

Statement of Environmental Effects

“Modification to approved Dwelling”

293 Hudson Parade, Clareville

Lot 31 DP 228119

Prepared for: Arclab Pty Ltd

Rev: B

Date: October 2024

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1. Executive Summary

1.1 Introduction

Untapped Planning has been commissioned by Arclab Pty Ltd to prepare a Development Application (DA) and accompanying Statement of Environmental Effects for proposed alterations and additions to an existing dwelling on Lot 31 DP 228119 at 293 Hudson Parade, Clareville.

1.2 Site Details

The subject site comprises Lot 31 DP 228119 with a street address of 293 Hudson Parade, Clareville.

The site has a total combined area of approximately 954m², with a street frontage of approximately 20m to Hudson Parade. Access to the site is via an existing driveway addressing Hudson Parade via an existing right of carriageway over adjacent allotments.

The site is zoned C4 – Environmental Living Residential under the Pittwater Local Environmental Plan (LEP) 2014.

Development for the purposes of a Dwelling and ancillary structures are permissible within the zone, with the consent of Council.

The following plan shows the site location in the context of the local area.

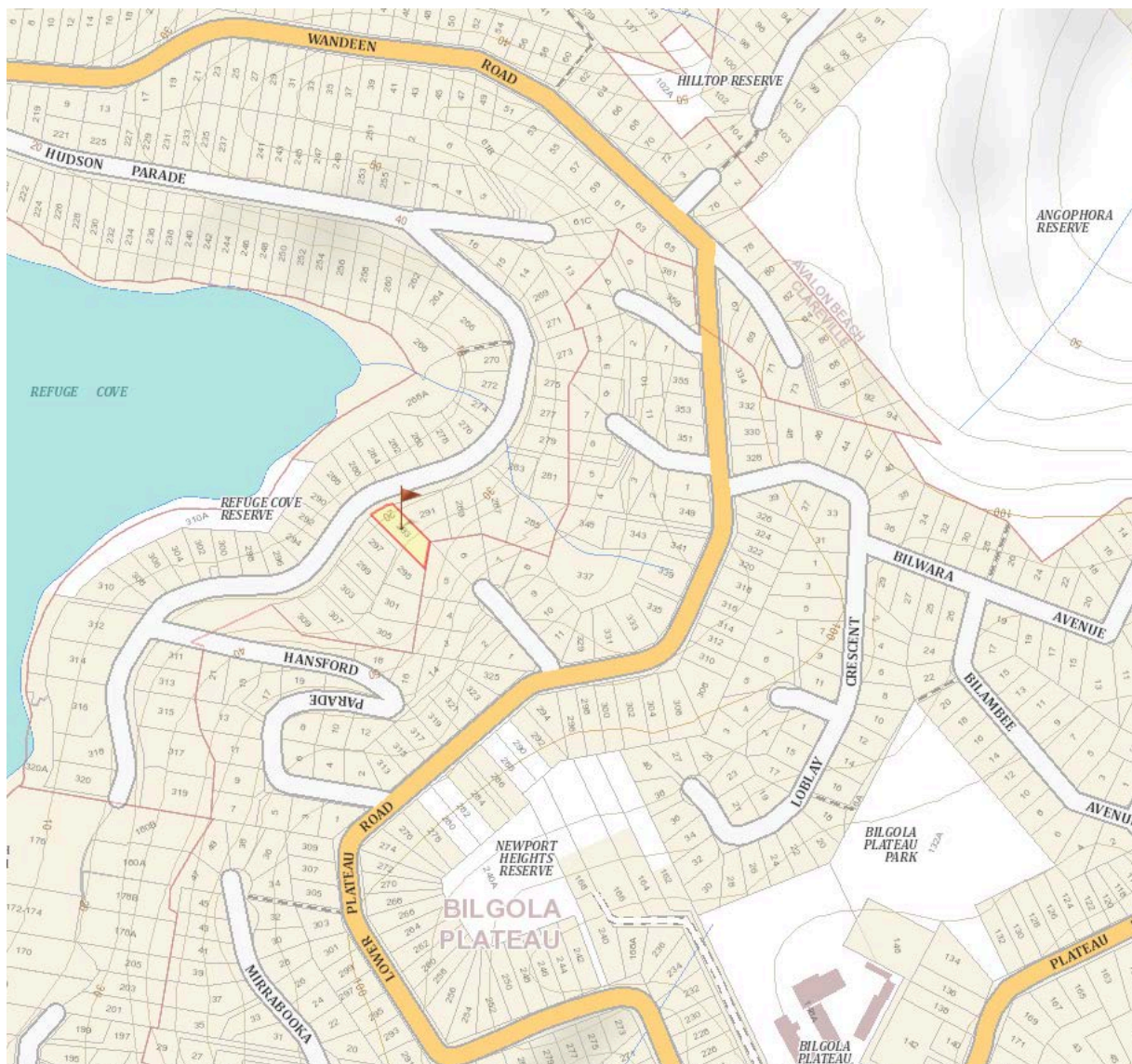


Figure 1: Locality of the subject site.

1.3 Purpose of the Report

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act and accompanying Regulation.

Its purpose is to:

- describe the proposed development;
- identify and summarise the relevant controls which guide assessment of the proposal;
- provide information on the site and its context; and
- review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to the Council's guidelines in preparing this Statement of Environmental Effects as well as the full range of other relevant legislation and development guidelines.

2. Proposed Development

2.1 Proposal Objectives

The objective of the proposed development is to seek approval for the alterations and additions to an dwelling on the subject allotment.

2.2 Summary of Development

The proposed amendment to the existing approval involves;

Level 0

- Bedroom/Living extension
- New deck off Bed/Living room
- Laundry
- Internal Stairs
- External stairs/walkway

Level 1

- Deck extension and roof
- Dining room extension and internal stairs
- New internal stairs to proposed level 2

Proposed Level 2

- New Master Bedroom with walk in robe and ensuite

Carport roof extension.

3. Characteristics of the Site and Locality

3.1 The Site

The subject site comprises Lot 31 DP 228119, and is known as 293 Hudson Parade, Clareville.

The site has a combined total area of approximately 954m², with a frontage of approximately 20m to Hudson Parade.

Existing on the site is a two (2) storey dwelling house with a rear detached studio. Vehicle parking is to the rear of the dwelling and accessed via a right of carriageway.

The site falls steeply from the rear towards the street frontage.

Given the nature of the development, its siting and design responding to the site topography, minimal site modification will be required to facilitate the dwelling. It is considered that the development will not impact on the existing streetscape or area character in an adverse way.

3.2 The Locality

The subject site is located on the southern, high side of the Hudson Parade.

The general area is heavily vegetated.

The immediate locality is characterised by a mix of new and older single dwellings in vegetated surrounds. The proposed modifications to the existing approval are minor in nature and will match the existing building to ensure that the proposal is unlikely to present any detrimental visual impact when viewed from the Hudson Parade or surrounding allotments.

Further, as the development is modifications to existing structure, no additional large vegetation will be required to be removed and the vegetated character of the area can be maintained.

The following figure shows the location of the subject site within its immediate local context.



Figure 2: Aerial Photo.

3.3 Land Uses

The subject site currently contains a two (2) storey residential dwelling and detached studio.

The site is heavily vegetated within the front and rear setback areas and this vegetation is proposed to be retained.

3.4 Topography

The site slopes steeply rising from the street towards the rear of the site.

The proposed dwelling alterations and additions respond to the topography and the proposal will minimise excavation works or site modification.

3.5 Contamination and Geotechnical Considerations

3.5.1 Contamination

The site is not known to have any past contaminating uses.

3.5.2 Acid Sulfate Soils

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

3.5.3 Land Slip

The development site is identified on the Geotechnical Hazard Map as being within the H1 Geotechnical Hazard Zone.

3.6 Vegetation

An Arboricultural Impact Assessment has been undertaken by ezigrow (30 July 2024).

The Arboricultural assessment notes that no trees are to be removed however 9 important trees may be affected through disturbance to Tree Protection Zones. With respect to Category A and AA trees that could be impacted, the report states;

Nine category A and AA trees (2, 3, 4, 5, 6, 7, 8, 9 and 10) could potentially be adversely affected through disturbance to their TPZs as follows:

- Trees 3, 4, 6, 9 and 10: These are all important trees with a high potential to contribute to the amenity and ecology of the area so any adverse impacts on them should be minimised. These trees are all positioned away from the proposed works and are not close enough to be impacted by the building activities. I have reviewed the situation carefully and my experience is that these trees could be successfully retained without any adverse effects.*
- Trees 2, 5, 7 and 8: These are also very important trees with a high potential to contribute to the amenity and ecology of the area so any adverse impacts on them should also be minimised. The proposed works are to install above grade structures within the TPZ's of these trees. These construction works are considered to be tree sensitive and are not expected to impact these trees. It should be said that when digging the piers for the construction of the deck extensions, that if any significant roots are encountered then the pier should be re-located where possible. The general construction activities may still cause harm if not carried out with care. I have reviewed the situation carefully and my experience is that these trees could be successfully retained without any adverse effects if appropriate protective measures are properly specified and controlled through a detailed arboricultural method statement.*

Section 4 of the report includes an Arboricultural Method Statement that is followed will mitigate against potential impacts to vegetation.

It is considered that so long as this report is adhered to, the development will have no adverse impacts on vegetation.

3.7 Bushfire

The development site is not noted as being bushfire prone.

3.8 European and Aboriginal Archaeological Heritage

The site is not known to contain any items of European heritage significance, nor is it located within a heritage conservation area.

The site is not known to contain any items of Aboriginal archaeological significance.

3.9 Traffic, Access and Road Network

The site is located on Hudson Parade, Clareville. Access off Hudson Parade is via an existing concrete drive accessing a garage on the eastern side of the dwelling.

Given the minor scale of the development and the fact that no amplification of the site's use is proposed, it is not anticipated that there will be any adverse impacts to traffic levels in the locality as a result of the proposal.

3.10 Coastal Zone

The development site is subject to the provisions of the NSW Coastal Policy.

3.11 Services and Utilities

The site is currently serviced with both reticulated water and sewer.

4. Planning Controls

4.1 State Planning Controls

Environmental Planning and Assessment Act 1979

Section 91

The development is not considered to constitute integrated development under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021

The subject site is identified as being mapped within land that applies to SEPP (Resilience and Hazards) 2021. Part 2.2 of the SEPP sets out matters for consideration.

Chapter 2 – Coastal Management	
Division 1 – Coastal wetlands and littoral rainforests area	
2.7 Development on certain land within coastal wetlands and littoral rainforests area	
<p>(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> only with development consent—</p> <p>(a) the clearing of native vegetation within the meaning of Part 5A of the <i>Local Land Services Act 2013</i>,</p> <p>(b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the <i>Fisheries Management Act 1994</i>,</p> <p>(c) the carrying out of any of the following—</p> <p>(i) earthworks (including the depositing of material on land),</p> <p>(ii) constructing a levee,</p> <p>(iii) draining the land,</p>	<p>The site is not mapped as being within coastal wetlands or littoral rain forests.</p>

<p>(iv) environmental protection works,</p> <p>(d) any other development.</p> <p>Note—</p> <p>Clause 2.14 provides that, for the avoidance of doubt, nothing in this Part—</p> <p>(a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or</p> <p>(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.</p>	
<p>(2) Development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.</p>	N/A
<p>(3) Despite subsection (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> may be carried out by or on behalf of a public authority without development consent if the development is identified in—</p> <p>(a) the relevant certified coastal management program, or</p> <p>(b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the <u><i>Local Government Act 1993</i></u>, or</p> <p>(c) a plan of management under Division 3.6 of the <u><i>Crown Land Management Act 2016</i></u>.</p>	N/A
<p>(4) A consent authority must not grant consent for development referred to in subsection (1) unless the consent authority is satisfied that</p>	Noted - The site is not mapped as being within coastal wetlands or littoral rain forests.

sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.	
(5) Nothing in this section requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the <u>Biosecurity Act 2015</u> .	N/A
(6) This section does not apply to the carrying out of development on land reserved under the <u>National Parks and Wildlife Act 1974</u> if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.	N/A
2.8 Development on land in proximity to coastal wetlands or littoral rainforest Note— The <i>Coastal Wetlands and Littoral Rainforests Area Map</i> identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both.	
(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> unless the consent authority is satisfied that the proposed development will not significantly impact on— (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.	<p>The site is not mapped as being within a buffer to coastal wetlands.</p> <p>The site is not mapped as being within close proximity to littoral rainforest.</p>
(2) This section does not apply to land that is identified as “coastal wetlands” or “littoral	The site is not mapped as being within a buffer to coastal wetlands.

rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> .	The site is not mapped as being within close proximity to littoral rainforest.
Division 2 – Coastal Vulnerability Area	
Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the <i>Coastal Vulnerability Area Map</i> unless the consent authority is satisfied that—	The site is not within the Coastal Vulnerability Area.
<p>a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</p> <p>b) the proposed development—</p> <ul style="list-style-type: none"> (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and <p>c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</p>	N/A
Division 3 – Coastal Environment Area	
<p>(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—</p> <p>a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</p>	<p>The site is within the Coastal Environment Area.</p> <p>The proposal will;</p> <ul style="list-style-type: none"> • Not impact on the integrity or resilience of the biophysical or hydrological environment. • Not impact on the environmental values and coastal process. • Not impact on water quality

<ul style="list-style-type: none"> b) coastal environmental values and natural coastal processes, c) the water quality of the marine estate (within the meaning of the <u>Marine Estate Management Act 2014</u>), 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. 	<ul style="list-style-type: none"> • Not adversely impact marine or native vegetation. • Not impact upon aboriginal places of cultural heritage.
<p>(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), 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. 	<p>It is not considered that the development will result in any adverse impacts.</p>
Division 4 – Coastal Use Area	
<p>1) Development consent must not be granted to development on land that is within the</p>	<p>The site is within the Coastal Use Area.</p> <p>The proposal will have no impact in terms of;</p>

<p>coastal use area unless the consent authority—</p> <p>a) has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <ul style="list-style-type: none"> (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 <p>b) is satisfied that—</p> <ul style="list-style-type: none"> (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 <p>c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	<ul style="list-style-type: none"> • safe access to the public foreshore. • Overshadowing • Visual amenity and scenic qualities. • Aboriginal cultural heritage • Cultural environment.
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4.2 Local Planning Controls

The development site is currently controlled by the provisions of the Pittwater Local Environmental Plan 2014.

Pittwater Local Environmental Plan 2014

Under the Pittwater Local Environmental Plan 2014, the site is zoned C4 – Environmental Living. An excerpt of the Pittwater Local Environmental Plan 2014 zoning map is shown in Figure 3.

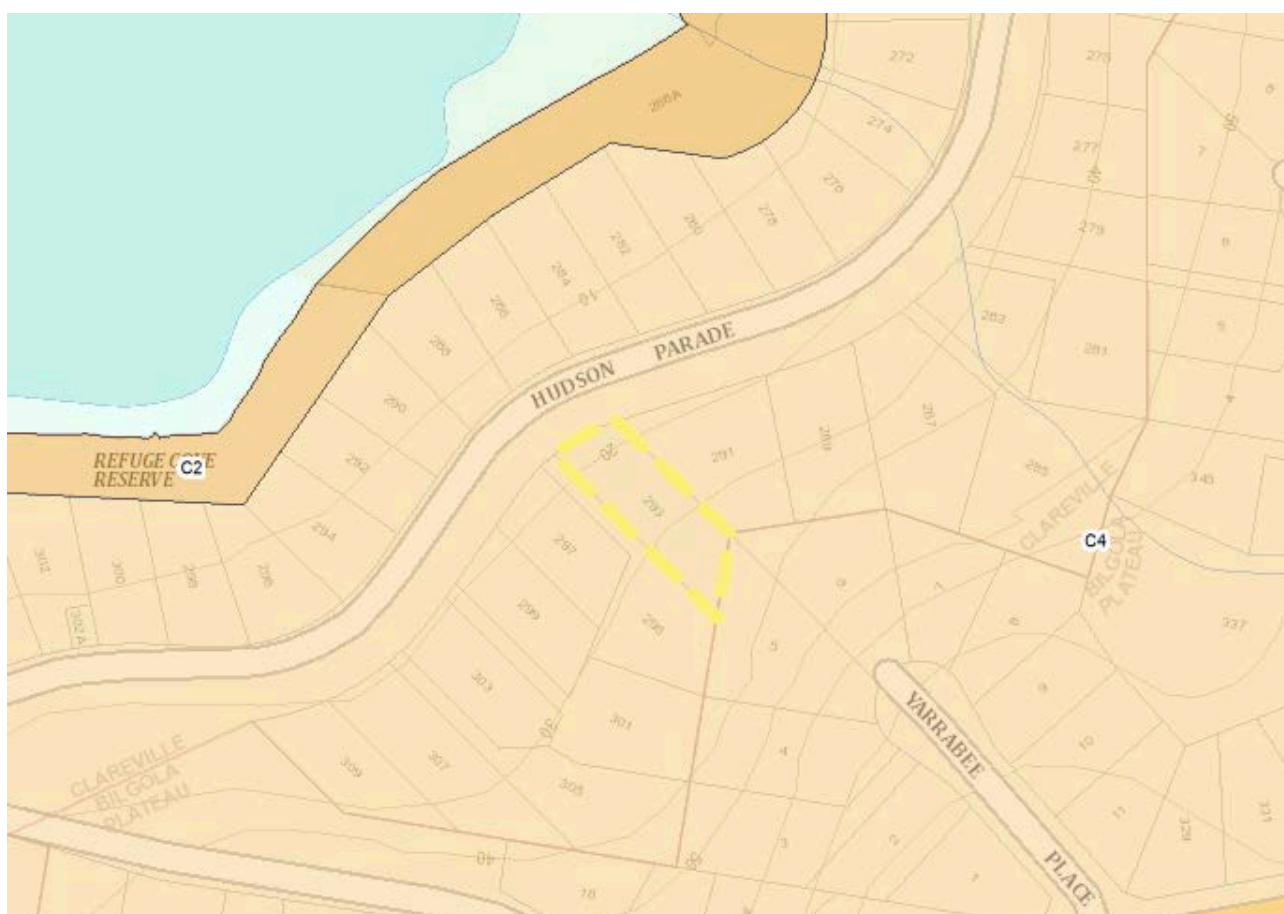


Figure 3: Site Zoning under Pittwater Local Environmental Plan 2014

The provisions for the C4 Environmental Living zone state;

- 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.

Comment: The proposed Dwelling is considered to be consistent with the objectives of the C4 – Environmental Living Zone.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

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

4 Prohibited

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

Comment: Under subclause 3, Dwelling Houses are permissible with Consent.

Part 4 - Principal Development Standards

Clause 4.3 Height of Buildings.

The subject site is mapped as having a maximum building height of 8.5m.

The development steps down the slope to better integrate with the site. Due to the steep nature of the site, and attempts to minimise excavations, parts of the dwelling are elevated off the ground leading to the proposed Level 2 addition having a maximum height of no more than 10m.

Notwithstanding this, Clause 4.3(2D) states;

(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

Comment: Sections 3, 4 and 5 show the height of the dwelling relative to natural ground at multiple points in the structure that correlate to high points in the building. The sections indicate that the maximum height of the building is 9.9m

(b) the objectives of this clause are achieved, and

Comment: The objectives of the clause state;

(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.

The proposal is consistent with the objectives in that;

- The development is consistent with the height and scale of surrounding development and the height encroachment is contained to small areas of the upper floor. .
- The development does not result in any overshadowing, or view loss.
- The development is for alterations and additions to an existing structure that steps down the slope. The building was originally constructed so as to minimise excavation resulting in an elevated ground floor plate.
- The development has no impact on heritage conservation areas or heritage items.

(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and

Comment: The development site has a slope of approximately 45.5% in the vicinity of the dwelling. This is significantly more than the trigger for this clause.

(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 development is for alterations and additions to an existing structure that steps down the slope. The building was originally constructed so as to minimise excavation resulting in an elevated ground floor plate.

The proposed upper floor addition is sited so as to eliminate the need to modify the existing rocky outcrop on the site. The presence of this outcrop prevents the new elements from being moved up the hill to reduce the height variation.

Clause 4.4 Floor Space Ratio

While the Floor Space Ratio Maps do not identify a Floor Space Ratio for the subject site, the development is consistent with the objectives of this clause. The objectives of clause 4.4 state;

- (1) The objectives of this clause are as follows:*
- (a) to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
 - (b) to minimise adverse environmental effects on the use and enjoyment of adjoining properties and the public domain,*
 - (c) to minimise any overshadowing and loss of privacy to neighboring properties and to reduce the visual impact of any development,*
 - (d) to maximise solar access and amenity for public places,*
 - (e) to minimise the adverse impact of development on the natural environment, heritage conservation areas and heritage items,*
 - (f) to manage the visual impact of development when viewed from public places, including waterways,*

(g) to allow for the reasonable sharing of views.

The minor scale of the development and use of existing structures and build footprint will ensure that the character of the locality is not compromised. The siting of the proposal also ensures that no significant vegetation will be removed.

Part 7 - Additional Local Provisions

Clause 7.1 Acid Sulfate Soils

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

Clause 7.7 Geotechnical Hazards

The development site is identified on identified in the Geotechnical Hazard Map as being within the H1 Geotechnical Hazard Zone.

Geotechnical implications are discussed in section 3.5.3 of this report.

Clause 7.10 Essential Services

The subject site is serviced by reticulated water and sewer.

Pittwater Development Control Plan 21

The following relevant controls have been considered in the preparation of the subject application.

The development is considered to be compliant with the DCP controls for single dwellings.

B3 - Hazard Controls

Controls	Response
<p>B3.1 Landslip Hazard</p> <p>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</p> <p>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</p> <p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	<p>The development site is identified on identified in the Geotechnical Hazard Map as being within the H1 Geotechnical Hazard Zone.</p> <p>A Geotechnical Assessment has been undertaken by Ascent Geo (Ref AG24295)</p> <p>The report concludes that the development is considered to be suitable for the site. The development has been found to represent an Acceptable risk to life and low risk to property.</p> <p>It is considered that this report is still valid and the development compliant with this clause.</p>
<p>B3.2 Bushfire Hazard</p> <p>All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.</p> <p>Development land to which this control applies must comply with the requirements of:</p> <ul style="list-style-type: none">- Planning for Bushfire Protection (2006)- AS 3959 - Construction of a Building in a Bushfire Prone Area	<p>The development site is not noted as being bushfire prone.</p>

B3.5 Acid Sulfate Soils

Works involving the disturbance of soil or the change of groundwater levels, as described in the following table, shall not be carried out on land of the class specified for those works, unless it has been determined whether acid sulphate soils are present and whether the proposed works are likely to disturb these soils.

If it is determined that acid sulphate soils are present or are likely to be present on the land, consideration must be given to:

- the likelihood of the proposed development resulting in the discharge of acid water; and
- any comments from the Department of Planning.

Consent for development to be carried out by Councils or drainage utilities is required despite:

- clause 35, and items 2 and 11 of Schedule 1, to the Environmental Planning and Assessment Model Provisions 1980, as adopted by Pittwater LEP 1993; and
- clause 10 of SEPP No 4 Development Without Consent and Miscellaneous Complying Development.

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

B6 Access and Parking

Controls	Response
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy	No modification to the existing site access and parking is proposed.
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy	<p>An internal driveway currently exists for the development. This drive is via a right of carriageway over adjoining properties.</p> <p>No modification is proposed to the previous approval.</p>
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy On-Site Car Parking Requirements The minimum number of vehicle parking spaces to be provided for off-street parking is as follows: Small dwelling (1 bedroom) - 1 space Large dwelling (2 bedrooms or more) 2 spaces For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling.	The development proposed 2 parking spaces in compliance with this clause.

B8 Site Works Management

Control	Response
<p>B8.1 Construction and Demolition - Excavation and Landfill</p> <p>Excavated and landfill areas must be constructed to have no adverse impact on any structures, bushland or significant trees to be retained on the site.</p> <p>Excavation and landfill must be constructed to have no adverse impact on any adjoining public or private lands due to settlement or structural instability.</p> <p>Excavation and landfill areas must be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties so as to cause a nuisance.</p> <p>Excavation and landfill on any site that includes the following:</p> <ul style="list-style-type: none">- Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation, and/or;- Any excavation greater than 1.5 metres deep below the existing surface, and/or;- Any excavation that has the potential to destabilise a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property, and/or;- Any landfill greater than 1.0 metres in height, and/or;- Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils, <p>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council.</p>	<p>No additional excavation is proposed by this development proposal.</p>

<p>B8.3 Construction and Demolition - Waste Minimisation</p> <p>Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.</p>	<p>Waste will be managed through the construction process.</p>
<p>B8.4 Construction and Demolition - Site Fencing and Security</p> <p>All sites are to be protected by site fencing for the duration of the works.</p> <p>Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the Roads Act.</p>	<p>Appropriate site fencing will be implemented during construction.</p>
<p>B8.6 Construction and Demolition - Traffic Management Plan</p> <p>All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.</p> <p>All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance.</p> <p>All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.</p>	<p>No works are proposed to be undertaken within the public road reserve.</p> <p>Sufficient off street manoeuvring space exists to ensure that no public nuisance is caused during the construction period.</p> <p>It is noted that at times during construction cranes, material deliveries and concrete agitators will require site access. Traffic management will ensure that this does not cause a prolonged nuisance to neighbours.</p> <p>It is envisaged that site contractors will also utilise on-street parking.</p>

C1 Design Criteria for Residential Development

Control	Response
Section C1.1 – Landscaping	
<p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community.</p> <p>Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</p>	<p>No additional trees are proposed to be removed by this modification.</p>
<p>In all development a range of low lying shrubs, medium high shrubs and canopy trees shall be retained or provided to soften the built form.</p>	<p>No significant vegetation removal is required by this modification.</p>
<p>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the longterm.</p> <p>Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</p>	<p>The required canopy trees currently exist on site and will be retained.</p> <p>It is not considered that any supplemental plantings will be required by the development due to its minimal impact on the existing vegetated state and appearance.</p>
<p>Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ within this area to ensure growth is not restricted.</p>	<p>N/A</p>
<p>The following soil depths are required in order to be counted as landscaping:</p> <ul style="list-style-type: none"> • 300mm for lawn • 600mm for shrubs • 1metre for trees 	<p>The site provides for the required soil depths.</p>
<p>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</p> <ul style="list-style-type: none"> • A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments, • 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and • 50% for all other forms of residential development. 	<p>Existing vegetation in the front building setback is proposed for retention.</p> <p>Given the development is for modifications to an existing approval, it is not considered that any supplemental plantings are required.</p>

Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.	No vegetating screening is proposed or required by the development.
In bushfire prone areas, species shall be appropriate to the bushfire hazard.	The site is not bushfire prone.
Landscaping shall not unreasonably obstruct driver and pedestrian visibility.	No landscaping will obstruct driver or pedestrian visibility.
Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.	The development utilises the existing built footprint and does not propose the removal of any significant trees or vegetation on site.
Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.	No new canopy trees are proposed to be introduced to supplement the existing vegetation and canopy trees.
Noxious and undesirable plants must be removed from the site	No noxious plants have been identified on site.
Section C1.2 – Safety and Security	
<p>1. Surveillance</p> <p>Building design should allow visitors who approach the front door to be seen without the need to open the door.</p> <p>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</p> <p>Development design and design of the public domain (including landscaping) is to minimize opportunities for concealment and avoid blind corners.</p> <p>Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 42821997: Control of the obtrusive effects of outdoor lighting.</p> <p>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbors.</p> <p>Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</p>	<p>No reduction to the existing surveillance arrangements are proposed through this development application.</p> <p>No landscaping is being introduced that will limit or hinder the current levels of street surveillance, nor is it seen that the development will provide any new opportunities for vandalism or anti-social behaviour.</p>

<p>2. Access Control</p> <p>Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</p> <p>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</p> <p>Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</p> <p>The street number of the property is to be clearly identifiable.</p> <p>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</p>	<p>Access to the dwelling will remain unchanged to the existing approval.</p>
<p>3. Territorial reinforcement</p> <p>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</p> <p>Blank walls along all public places (streets, open space etc) shall be minimised.</p>	<p>The dominant walkway into the site will be unchanged by the proposed modifications.</p>
<p>C1.3 – View Sharing</p>	
<p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p>	<p>The development will have no changes to the maximum RL of development on the site.</p> <p>The proposed upper floor sits well below the existing carport and studio.</p> <p>It is not considered that any view corridors will be adversely impacted upon.</p>
<p>The proposal must demonstrate that view sharing is achieved though the application of the Land and Environment Court's planning principles for view sharing.</p>	<p>As no obstruction of views is envisaged, and assessment against the Land and Environment Courts planning principles for view sharing is not required.</p>
<p>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</p>	<p>N/A</p>
<p>Views are not to be obtained at the expense of native vegetation.</p>	<p>N/A</p>

C1.4 Solar Access	
The main private open space of each 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.	The bulk of the dwelling will remain unchanged and as such the existing solar access arrangement will remain.
Windows to the principal living area 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 (that is, to at least 50% of the glazed area of those windows).	No changes to the solar access of existing living areas has been proposed.
Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.	The development is compliant.
Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.	The development is compliant.
The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	The planning principles resulting from <i>Parsonage v Ku-ring-gai Council</i> [2004] NSWLEC 347 have been taken into account and it is considered that the development is not contrary to any of these planning principles.
C1.5 – Visual Privacy	
Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).	Open space and terrace areas are all on ground level and do not present any overlooking potential. The existing fence is considered to constitute adequate screening.
Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.	The development does not result in any elevated decks or verandas overlooking adjacent private open space,
Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50%	New upper floor window have high sills to prevent overlooking of adjoining properties,.

of the private open space of a lower level dwelling directly below.	
C1.6 – Acoustic Privacy	
Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.	The development is compliant with this control.
Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).	The development will be compliant with the Building Code of Australia.
Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.	N/A
Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.	The development does not proposed any elements that would breach the Protection of the Environment Operations Act 1997
C1.7 – Private Open Space	
<p><u>a) Dwelling houses, attached dwellings, semidetached dwellings, and dual occupancies:</u></p> <p>Minimum 80m² 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.</p> <p>Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</p> <p>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</p> <p>Private open space areas are to have good solar orientation (i.e. orientated to the northeast or northwest where possible).</p> <p>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</p>	The development will not reduce the existing open space provision on the site.

Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.

A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.

Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.

An accessible and usable area for composting facilities within the ground level private open space is required.

Section D3 – Bilgola Locality

Control	Comment
D3.1 – Character as viewed from a public place	
Buildings which front the street must have a street presence and 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. Blank street frontage facades without windows shall not be permitted.	While the building has a frontage to a public street, the site topography and vegetation mean that functionally, the dwelling can not address the street.
Walls without articulation shall not have a length greater than 8 metres to any street frontage.	No unbroken, unarticulated wall of length of greater than 8m are proposed to be created.
Any building facade to a public place must incorporate at least two of the following design features: <ul style="list-style-type: none"> • entry feature or portico; • awnings or other features over windows; • verandahs, balconies or window box treatment to any first floor element; • recessing or projecting architectural elements; • open, deep verandahs; or • verandahs, pergolas or similar features above garage doors. 	<p>The approved façade will receive only minor modifications through the extension of the existing decks.</p> <p>It should be noted that the combination of the elevated aspect of the dwelling relative to the street, combined with the onsite vegetation make view lines to the front of the dwelling from a public space limited.</p>
The bulk and scale of buildings must be minimised.	No change to the existing bulk, scale and appearance of the dwelling will be visible from the street.
Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.	The existing approved carport is to be retained.
Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	Existing site landscaping and vegetation is proposed to be retained.
Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.	No alteration is proposed to the existing television antennas.

General service facilities must be located underground.	General Service facilities will be in accordance with existing service provisions.
Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.	No modification to existing visual elements of plumbing or electrical cabling is proposed by the development.
D3.2 – Scenic Protection	
Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	It is not considered that when viewed from any waterway, road or public reserve that the development will have any adverse visual impacts.
D3.3 – Building Colours and materials	
External colours and materials shall be dark and earthy tones as shown below Finishes are to be of a low reflectivity.	The development is compliant with this requirement.
D3.6 – Front Building Line	
The minimum front building line for C4 zoned land shall be in 10m or established lines, whichever is the greater.	No modification to the approved front building line is proposed.
D3.7 – Side and Rear Building Line	
Controls 2.5 at least to one side; 1.0 for other side 6.5 rear (other than where the foreshore building line applies)	The existing side and rear setbacks will remain unchanged by the proposal. The proposed Level 2 will step in from the existing side setback with the new portion of the structure being setback 1.967m from the boundary.
D3.9 – Building Envelope	
Planes are 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 (refer to Pittwater Local Environmental Plan 2014).	Refer to variation request at the end of the DCP compliance table.
D3.11 – Landscaped Area General – Environmentally Sensitive Land	
The total landscape area on land zoned R2 Low Density Residential or E4 Environmental Living shall be 60% of the site area.	The approved landscaping areas will remain unchanged by the proposed modifications.
The use of porous materials and finishes is encouraged where appropriate.	N/A
Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped Area.	The approved landscaping areas will remain unchanged by the proposed modifications.

D3.12 – Fences – Flora and Fauna Conservation Areas.	
	No change is proposed to the existing fencing on site so the provisions of this section do not apply.
D3.14 – Construction, Retaining Walls, Terracing and Undercroft Areas.	
Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.	The development is compliant
Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.	The development does not propose any additional new retaining walls or terracing to the existing approval.
In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.	No additional cut or fill is proposed.
Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.	No new undercroft area is proposed.
D3.15 – Scenic Protection of Category One Areas	
Screen planting shall be located between structures and boundaries facing waterways.	No screen planting is proposed as a part of this development.
Canopy trees are required between dwellings and boundaries facing waterways and waterfront reserves.	No change to the existing approved vegetation and canopy trees on site are proposed.
Development is to minimise the impact on existing significant vegetation.	The development does not propose to remove any significant vegetation.
The applicant shall demonstrate the retention and regeneration of existing native vegetation outside of the immediate area required to carry out the development.	No additional vegetation is proposed to be removed by the modification to the development.
The development is to incorporate measures for planting and maintenance of native vegetation within those areas which are already cleared, and which are not required to be cleared to allow for the development.	The development site currently has areas of planting and there is considered to be no need to supplement these further.
The siting, building form, orientation and scale of the development shall not compromise the visual integrity of the site by removal of canopy trees along ridges and upper slopes.	The general siting and bulk of the structure will remain un-altered by this proposal. When viewed from a distant vantage point, the proposed dwelling will be consistent with surrounding development.

The development must incorporate the use of unobtrusive and non-reflective materials and the colours of exterior surfaces shall help blend structures into the natural environment.	The development will not incorporate the use of reflective or obtrusive materials, colours or surfaces.
Applicants are to demonstrate that proposed colours and materials will be dark and earthy.	The development can comply with this requirement.

Variation to Clause D3.9

A variation to this control is sought to address the encroachment into the building envelope by the proposed second storey. The DCP states.

Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis.

The site, at the building, has a slope of 45%, well in exceedance of the trigger for a merits based consideration of the clause to be considered.

In considering the merits of the variation we have taken into account the potential view angles of the dwelling from which bulk can be perceived, the presence of a non-functional battle axe handle that provides additional separation between adjacent properties and site constraints such as slope and the existence of a large rocky outcrop.

Views to the proposed ensuite do not exist from the street, the waterway, from the adjoining North Eastern or South eastern properties. The only view corridor exists from the adjacent dwelling on 297 Hudson that is stepped up the site and more in line with the rocky outcrop.

The main area of the building envelope non-compliance relates to the proposed ensuite for the upper storey master bedroom. This section of wall is minor in scale having a length of 4.029m. While it has been suggested that a solution would be to remove the proposed Walk In Robe, we would consider that for a modern residential dwelling that it is entirely appropriate and reasonable in terms of residential amenity for a master bedroom to contain both of these features.

The desired outcomes of the Building Envelope clause are;

- *To achieve the desired future character of the Locality. (S)*
- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- *The bulk and scale of the built form is minimised. (En, S)*
- *Equitable preservation of views and vistas to and/or from public/private places. (S)*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*

The development as proposed does not contradict any of these desired outcomes.

- The proposal is consistent with other development in the locality and is a modest sized dwelling containing only two bedrooms. The development responds to both the steep nature of the site and the presence of a large rocky outcrop.

The adjacent dwelling to the south west has elevated elements built to a near zero lot line. Any potential impact is mitigated against as a result of the battleaxe handle.

- The development is not visible from the street and will have no impact on the streetscape. The area of non-compliance is only present to corridors from the south west limiting views to the adjacent dwelling. The 1.967m setback combined with the battle axe handle serves to reduce perceived bulk.
- The development responds to the rocky outcrop. The development sits below this outcrop and has an increased setback to the outcrops natural form. From many viewing angles, the outcrop restricts views to the additions.
- As noted the development is not large scale with excessive numbers of bedrooms or living areas. The encroachment relates to the very steep nature of the site.
- The development is not a bulky building and the articulation in the design further reduces any potential bulk. When considering the perception of bulk it should be considered where the building will be viewed from.

When viewed from the adjacent dwelling there is a separation distance of 10.2m from the proposed ensuite addition and the adjacent residential dwelling.

- No views are impeded by the development as submitted.
- The development has a large separation to the adjacent dwelling due to the presence of a battleaxe handle in between. This handle can not be built on in effect provides a large separation between buildings.
- Vegetation is to be retained.

In effect it is considered that a major objective of this clause is to limit any potential impacts between dwellings on adjoining properties in terms of visual dominance, privacy and solar access while maintaining potential view corridors. In this instance the dwelling to which the impacts would occur is on an adjacent allotment, separated by the presence of a battleaxe handle. It is considered that this battleaxe handle has no future development potential and in effect serves to greatly increase the perceived and physical separation between the adjacent dwellings.

Figure 4 below demonstrates the bulk of the proposal in relation to the natural environment and surrounding built form. It can be seen in this image that the proposed ensuite sits not only below the rock outcrop in terms of roof elevation, but is also stepped further into the site than the outcrop. The built form is dwarfed by the natural environment and an increase in the ensuite site setback would have minor impacts on the perception of bulk.

Further the adjacent dwelling is sited further up the slope opposite the rock outcrop. There is no direct sight lines



Figure 4: Bulk in relation to rock outcrop

Figures 5 and 6 show the separation between the adjacent sites, noting the adjoining property in this location is a battle axe handle with the dwelling on this lot sited further up the slope. The red barriers indicate the location of the boundary

It can be seen that from any view corridor down the slope, the area of non-compliance is largely not visible and has no impact on the perception of bulk. Any impact on the adjacent dwelling is mitigated against by the battleaxe handle. Vegetation in this area further masks the elevation reducing any potential impacts.

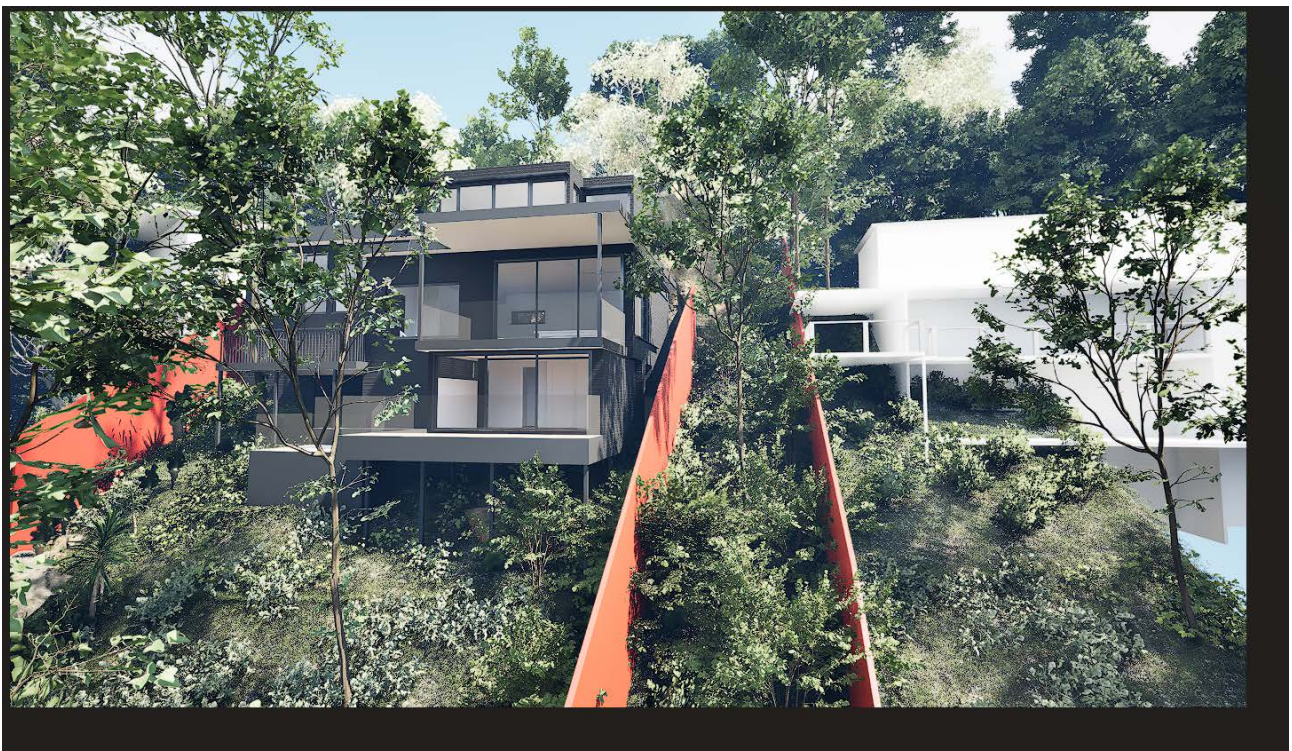


Figure 5: Adjacent Building Separation



Figure 5: Adjacent Building Separation

It is considered that this battleaxe handle should be taken into account when considering the merits and impacts of the proposed variation. The battle axe handle currently contains no development and is unlikely to in the future. The perception of bulk and the ability to interpret setbacks increased with visual separation. In this case the boundary to which the envelope applies is not a common boundary with the adjacent dwelling and the handle itself contains no function ability to be developed further. This provides for an additional 4.5m separation between the dwellings to that that would be expected if they were sharing a common boundary.

The lack of development potential in this access handle will further mitigate against the impact of future impacts on 295Hudson Parade as insufficient land exists to build a structure on the adjoining land.

The battleaxe handle serves to;

- Functionally retain view corridors
- Ensure overshadowing, privacy and visual dominance issues between the adjacent dwellings are eliminated through an enforced separation.
- Give a sense of building separation when viewed from off the site and from a distance.
- Enable the land between the adjacent dwellings to contain significant vegetation that limits sight lines and masks the built form.

The West Elevation and rendered illustrations show the extent of the separation between 297 and 293 Hudson Parade.

As the building progresses up the site the amount of variation is substantially reduced.

The ensuite portion of the addition has been stepped into the structure, with a 1.967m side setback, to reduce the overall encroachment.

It is considered that the variation is acceptable in this instance for the following reasons;

- The area of encroachment is adjacent to the unused battleaxe handle for 295 Hudson Parade. As discussed, this land effectively increases the setback and separation to the nearest adjacent building. The battleaxe handle is partially vegetated providing a buffer between the dwellings.
- The encroachment will not result in the blocking of any view corridors.
- The development is not visible from the street frontage, the north or east.

- The encroachment is entirely due to the steep nature of the site. The site has a slope of 45.5%, as the building progresses up the slope, the encroachment lessens rapidly.
- Stepping the addition further to the centre of the building is not possible and would not result in any tangible benefits in amenity to adjacent dwellings.
- The development is small in scale and setback in relation to the rock outcrop that forms a backdrop to the dwelling. The dwelling is a neutral colour that will blend with the natural rock outcrop.

5. Conclusion

This proposal is for modifications to an existing approval for a new Dwelling on an C4 – Environmental Living zoned parcel of land.

The proposal is considered to be consistent with the provisions of the Pittwater Local Environmental Plan 2014 and the provisions of Pittwater DCP 21.

Furthermore, the proposal is considered to have no adverse impacts upon the environment or the general locality or surrounding properties.

Councils support to the proposal is therefore requested.