

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR THE PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING

LOCATED AT

5 STURDEE LANE, ELVINA BAY

FOR

BRUCE GRAY



**Prepared
March 2025**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Bruce Gray by StudioP Architecture & Interiors, variously dated, to detail the construction of alterations and additions at **5 Sturdee Lane, Elvina Bay.**

The list of drawings which accompany the submission are as follows:

Drawing No.	Drawing Name	Revision
A_SP_000_01	Cover Page	01
A_SP_A00A_01	Site Analysis Plan	01
A_SP_A00_06	Roof & Site Plan	06
A_SP_A01A_04	Lower Ground Floor Plan	04
A_SP_A01B_05	Ground Floor	05
A_SP_A01C_05	First Floor	05
A_SP_A02A_03	Elevations – South & North	03
A_SP_A02B_03	Elevations – West & East	03
A_SP_A02C_03	Elevations – West (Full Site)	03
A_SP_A02D_03	Elevations – East (Full Site)	03
A_SP_A03A_03	Sections A & B	03
A_SP_A03B_03	Sections B (Full Site)	03
A_SP_A04_01	Calculation Plan – Landscaped Area	01
A_SP_A05_01	Schedule of Materials	01
A_SP_X01A_01	Demolition Plan – Ground Floor	01
A_SP_X01B_01	Demolition Plan – Roof	01

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment, it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2021*
- *Biodiversity Conservation Act 2016*
- *Biodiversity Conservation Regulation 2017*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan*

2.0 Property Description

The subject allotment is described as **5 Sturdee Lane, Elvina Bay**, being Lot 122 within Deposited Plan 600228. The property is zoned C3 Environmental Management under the provisions of PLEP 2014.

The property is located within the Biodiversity Values Map designated by the NSW State Government (Department of Planning, Industry and Environment), making it subject to the provisions of the NSW Biodiversity Conservation Act 2016. The removal of native vegetation from within an area mapped on the Biodiversity Values Map triggers the Biodiversity Offset Scheme (BOS) and the subsequent requirement for a Biodiversity Development Assessment Report (BDAR) to be prepared by an accredited assessor and submitted with the application. This will be discussed further within the submission.

The site is identified on Council's Biodiversity Map and being within 'Class 5' on the Acid Sulfate Soils Map of PLEP 2014. Further, the site is identified within 'Geotechnical Hazard H1' on the Geotechnical Hazard Map of PLEP 2014. These issues will be discussed further within this submission.

The site is not identified as being in the immediate vicinity of heritage item or area, with Item 2270008 at 1 Sturdee Lane located to the north-east of the site.

The site is identified as Bushfire Prone Land. Accordingly, a Bushfire Risk Management Report has been prepared by Bushfire Consulting Services Pty Ltd, Report No J24/0803 prepared on the 20 March 2024 and accompanies this submission.

The site is located on the Western Foreshore of Pittwater and does not have access to the Sydney Water sewerage system. As such, an On-site Wastewater Report has been prepared by Broadcrest Consulting Pty Ltd and accompanies this submission.

No other hazards or constraints have been identified.

3.0 Site Description

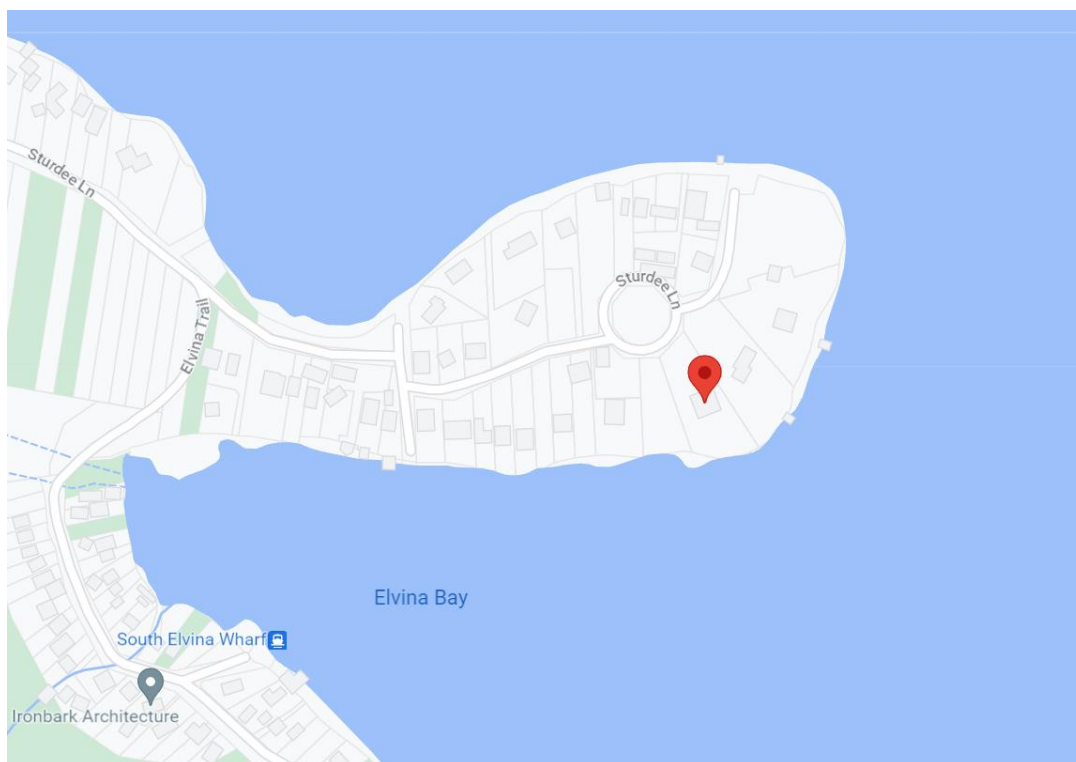
The property is regular in shape, with a front boundary measuring 26.995m to Sturdee Lane and a site depth which varies between 79.19m and 107.55m to the Mean High-Water Mark. The land has a total site area of 3783m² (by survey).

The waterfront residential property is on the downhill side of Sturdee Lane. It has a south-east aspect, with a sloping topography of over 17 degrees from the front boundary of Sturdee Lane to the rear Pittwater Waterway beyond. An existing one and two storey clad and stone dwelling is located in the middle of the site, with a pathway connecting to the boathouse, jetty and pontoon at the waterway.

Access to the site is limited to pedestrian access only, with access to Elvina Bay obtained by boat via the Pittwater Waterway.

The site contains dense vegetation throughout.

The details of the site are included on the survey plan prepared by C.M.S Surveyors Pty Ltd, Reference No. 3979A, dated 13 October 2022 and revised 30 November 2023 which accompanies the DA submission.



**Fig 1: Location of subject site
(Source: Google Maps)**



Fig 2: View of subject site from Pittwater, looking north-west



Fig 3: View of the existing development to the south-west of the site, looking west



Fig 4: View of the boatshed, deck and jetty, looking north



Fig 5: View of the existing dwelling, looking north-east



Fig 6: View from the existing western yard area, looking west



Fig 7: View from the existing dwelling, looking west



Fig 8: View of the existing dwelling, looking north-west



Fig 9: View from the site, looking south-east towards Scotland Island



Fig 10: View looking north-east towards the neighbouring dwelling at No 3 Sturdee Lane

4.0 The Surrounding Environment

The general vicinity of the site is characterised by low density residential development within the natural bushland setting of Elvina Bay.

The site and surrounding properties are orientated towards Pittwater to maximise views and solar access.



Fig 11: Aerial view of locality
(Source: Six Maps)

5.0 Proposed Development

The new works will provide for the construction of Minor internal demolition and removal of portions of the existing external walls and windows and alterations and additions to an existing dwelling at the subject site.

The proposed alterations and additions will comprise:

Ground Floor

- Alterations and additions to existing ground floor layout to provide for new open plan kitchen, living and dining with bar area and pantry, three bedrooms & study area, two bathrooms and laundry, extension of the deck area

First Floor

- Construction of a new first floor to provide for a new primary bedroom with walk in robe, ensuite and attached deck

External Works

- New paved deck and stair access

The proposed works represent a high-quality architectural design solution that will provide a significant enhancement to the amenity and usability of the site and provide an amended dwelling that corresponds with the significant slope of the site. The resultant development is highly articulated, with skillful use of glazed window openings, and materiality to break down the apparent size of dwelling and reduce bulk and scale.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks provides appropriately for spatial separation, tree retention, deep soil landscape opportunity, privacy, solar access and view sharing.

The internal design and arrangement will afford exceptional amenity to future occupants of the amended dwelling without unreasonably compromising the amenity of surrounding residential properties or the foreshore scenic attributes of Elvina Bay.

The external finishes of the new works will comprise a sandstone, cladding, hardwood timber framing, windows and doors, and metal roof sheeting, as detailed in the Material Finishes Schedule (A_SP_A05_01) accompanying this application.

The application does not propose the removal of any vegetation or significant trees, with the works to maintain the existing planting surrounding the dwelling and within the neighbouring sites.

The application is supported by a Bushfire Report by Bushfire Consulting Services Pty Ltd, prepared on the 20 March 2024, which identifies the site has a BAL rating of BAL Flame Zone and provides a series of recommendations to ensure that the dwelling can be constructed and maintained to appropriately manage the risk of bushfire.

A Geotechnical Report has been prepared by White Geotechnical Group Pty Ltd, prepared on 14 July 2023 to accompany the application, which includes a series of recommendations to ensure that the works are undertaken appropriately with respect to the geotechnical hazard that affects the site.

An On-Site Wastewater Report has been prepared by Broadcrest Consulting Pty Ltd dated May 2024. The proposed development will provide for a suitable wastewater system in accordance with the recommendations of the On – Site Wastewater Report.

The proposal results in the following indices:

Site Area:	3607m ²
Required Building Height:	8.5m
Proposed Building Height:	8.396m
Maximum hard surface area:	230m ²
Proposed hard surface area:	202m ² (Complies – SEE DCP discussion)

6.0 Zoning and Development Controls

6.1 Biodiversity Conservation Act 2016 & State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Development Application seeks consent for the alterations and additions of an existing dwelling on a steep vegetated site.

The property is located within the Biodiversity Values Map designated by the NSW State Government (Department of Planning, Industry and Environment), making it subject to the provisions of the NSW Biodiversity Conservation Act 2016. The removal of native vegetation from within an area mapped on the Biodiversity Values Map triggers the Biodiversity Offset Scheme (BOS) and the subsequent requirement for a Biodiversity Development Assessment Report (BDAR) to be prepared by an accredited assessor and submitted with the application.

There are no significant trees or vegetation required to be removed as part of the works. As a result, a BDAR is not required to be prepared as part of the application and the Biodiversity Offsets Scheme (BC Act and associated regulation as well as the BAM (DPIE 2020) is not required as part of the application.

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation. No trees are proposed to be removed as part of the proposed development, and therefore there is no change to the existing provision of biodiversity value on the site.

Additional landscaping is to be undertaken as part of the proposal in order to satisfy the intent of the SEPP and is demonstrated on the Landscape Plan prepared by Studio P, dated 25 February 2025, submitted with the application. No further consideration under the SEPP is required.

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Coastal Hazard

The subject site is identified as being within the coastal use area on the Coastal Use Area Map and within the coastal environment area on the Coastal Environment Area Map and therefore the provisions of Chapter 2 of SEPP (Resilience and Hazards) are applicable to the proposed development.

The stated Aim of this Chapter as outlined in clause 2.1 is to:

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

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

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

- (a) *to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) *to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) *to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) *to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) *to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) *to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) *to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) *to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) *to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) *to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) *to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) *to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) *to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the proposal, as considered in this Statement of Environmental Effects, is consistent with the objects of the SEPP (Resilience and Hazards), as set out in Clause 3 of the Coastal Management Act 2016. The relevant provisions of this Chapter are addressed as follows:

Division 3

2.10 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—*
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland*

- or rock platform for members of the public, including persons with a disability,
- (f) Aboriginal cultural heritage, practices and places,
- (g) the use of the surf zone.
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—
- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
- (3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Comment: Council can be reasonably satisfied that the proposed development has been sensitively designed and sited to avoid adverse impacts on the matters identified in Part (1) above. The proposed development has been designed to minimize impact upon existing vegetation, with supporting technical reports that ensure that the development has been designed and will be constructed to be safe from hazards.

Division 4

2.11 Development on land within the coastal use area

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

Comment: The bulk and scale of the built form is commensurate with the established built environment throughout Elvina Bay and other offshore localities. The proposed works do not require significant or unreasonable disturbance to the site and are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The subject site is not located within the foreshore area and will not result in any loss of public access.

The works will be carried out in accordance with the recommendations of the consulting Geotechnical and Structural Engineers, and stormwater runoff from the site will be suitably managed.

The proposed new works are largely contained within the proximity of the existing building footprint. A generous area of soft landscaping is maintained, and the new works will not result in unreasonable impacts to existing vegetation.

The proposed will reasonably maintain existing views to and from the foreshore area.

The proposal will not result in any overshadowing of the foreshore area.

Division 5 General

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

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

Comment: The application is supported by a Geotechnical Report to address the landslip hazard that affects the site. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

Overall, the proposed modified development remains consistent with the relevant provisions of SEPP (Resilience and Hazards).

6.3 State Environmental Planning Policy (Sustainable Buildings) 2022

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

Bushfire Prone Land

A Bush Fire Report prepared by a Bushfire Report by Bushfire Consulting Services Pty Ltd, prepared on the 20 March 2024 is submitted with the application. Subject to existing recommendations of the Bush Fire Report, it is considered that the proposed development satisfies the considerations of Planning for Bushfire Protection.

6.4 Pittwater Local Environmental Plan 2014

The subject site is zoned C3 Environmental Management under the provision of PLEP 2014, and alterations and additions to an existing dwelling is permissible with consent within the zone.



Fig 12: Extract of Zoning Map of PLEP 2014

The development of and use of the land for residential purposes within the C3 Environmental Management Zone is consistent with the zone objectives, which are noted as:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that 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 and not visually prominent.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*
- *To ensure the continued viability of ecological communities and threatened species.*

It is considered that the alterations and additions will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality. Development in this area is influenced by the natural landscape of the locality, falling towards the waterfront to Pittwater.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The proposal provides for the alterations to the existing dwelling, which will not have any unreasonable impacts to the neighbouring properties.

- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.

Clause 4.3 relates to building height. The maximum building height in this portion of Elvina Bay is 8.5m.

The proposed alterations and additions to the existing dwelling is limited to a height of approximately 8.396m above existing ground level, consistent with the provisions of clause 4.3 of PLEP 2014.

Clause 7.1 relates to acid sulfate soils. The site has been identified as Class 5 on the Acid Sulfate Soils Map of PLEP 2014. The proposal will not see any significant excavation of the site and as such, it is not anticipated that any acid sulfate soils will be disturbed.

Clause 7.2 relates to earthworks. The proposal has been designed to achieve the objectives of this clause with regard to ensuring earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or features of the surrounding land. The proposal is accompanied by a Geotechnical Site Investigation and Risk Assessment prepared by White Geotechnical Group Pty Ltd, dated 14 July 2023.

All site works will be carried out in accordance with the recommendations of the consulting geotechnical and structural engineers, and therefore satisfy the provisions of this clause.

Clause 7.6 relates to biodiversity protection. The land is noted within Council's Biodiversity mapped area.

The development is supported by a Landscape plan to ensure that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land; the importance of the vegetation on the land, the habitat and survival of native fauna; or the habitat elements providing connectivity on the land.

It is considered the additions to the dwelling and associated works will not unreasonably fragment, disturb, or diminish the biodiversity structure, function, or composition of the land.

It is considered the proposal includes appropriate measures to avoid, minimise, or mitigate the biodiversity impacts of the development.

Clause 7.7 relates to geotechnical hazards. The site is identified within 'Geotechnical Hazard H1' on the Geotechnical Hazard Map of PLEP 2014. Accordingly, a Geotechnical report has been prepared by White Geotechnical Group Pty Ltd, dated 14 July 2023, which confirms that all geotechnical risks have been considered. The proposed works will be carried out in accordance with the recommendations of the Consulting Geotechnical Engineer.

The proposed development is also supported by the geotechnical risk assessment and stormwater management plans that demonstrate waste water, stormwater and drainage are suitably managed on site.

The proposal is therefore considered to satisfy the provisions of this clause.

The proposal is considered to satisfy the provisions of this clause.

Clause 7.10 relates to essential services. Council can be satisfied that the proposed development will have access to all services required on a site in an offshore community. Water tanks will provide water

supply for residential and bushfire purposes. Electricity is available the area, with additional opportunities for solar power be utilised.

The application is supported by an On-Site Wastewater Management Report by Broadcrest Consulting Pty Ltd to confirm that sewage can be appropriately managed at the site, with a Stormwater Management Plan by Broadcrest Engineering and Environmental Consultants that demonstrates appropriate stormwater drainage.

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

6.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D8 Lower Western Foreshores Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

6.5.1 Shaping Development – Desired Character

The desired outcomes for the Lower Western Foreshores and Scotland Island Locality, in which this site falls, are as follows:

D8 Lower Western Foreshores and Scotland Island Locality

The Lower Western Foreshores and Scotland Island locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Development will be limited primarily due to the locality's remoteness and lack of vehicular access, but also due to the steepness of slope, proximity to the waterway, species and habitat diversity, and visual prominence. Community and recreational facilities will serve the community. Church Point will remain an important link to the offshore communities.

Future development is to be limited by the proximity of Ku-ring-gai Chase National Park, until it can be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. A proliferation of domestic animals should also be restricted on the Western Foreshores to ensure the survival of native animals that reside in the National Park but frequent the area from time to time.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. 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.

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, 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.

Pedestrians will continue as the dominant desired land traffic within the locality. Private land based vehicles are to be discouraged on Scotland Island and not permitted on the Western Foreshores. Pedestrian access within the locality will be maintained and upgraded, especially public access along the Pittwater foreshore.

The design quality and visual aesthetic of development on this site is significantly enhanced as a consequence of the contemporary design, facade treatments and extensive landscaping proposed.

The height, form and massing of the development is complementary and compatible with that established by adjoining dwelling houses, and other ancillary structures within the site's visual catchment. The alterations provide a stepped design in order to correspond with the slope of the site and will not be a visually prominent feature within the locality.

The height, bulk and scale of the development will not give rise to any adverse visual impacts and will enhance the scenic amenity/ built form quality of the area when viewed from surrounding public and private land.

The proposed development will result in an enhancement of landscaping to improve and soften the visual impact of the development and enhance the landscape character of the area.

The building materials and colours will harmonise with the natural environment and will not detract from the existing locality. The proposed external finishes materials have been detailed within Sheet A_SP_A05_01.

The proposed alterations and additions are designed to be safe from hazards.

6.5.2 Section B General Controls

The General Controls applicable to the proposed alterations and additions to the existing dwelling are summarised as:

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The proposal is accompanied by a Geotechnical Report prepared by White Geotechnical Group Pty Ltd, dated 14 July 2023. The report concludes:

"The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice"

Accordingly, subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

B3.2 Bushfire Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (Ec)

The site is identified within the 'Vegetation Category 1' and 'Vegetation Buffer' area of Council's

Bushfire Prone Land Map. Bushfire Report by Bushfire Consulting Services Pty Ltd, prepared on the 20 March 2024 is submitted with the application. Subject to existing recommendations of the Bush Fire Report, it is considered that the proposed development satisfies the considerations of Planning for Bushfire Protection.

B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community

The controls seek to achieve the outcomes:

Conservation of intact Pittwater Spotted Gum Forest EEC. (En)
Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC. (En)
Reinstatement of Pittwater Spotted Gum Forest to link remnants. (En)
Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)

The development is supported by a Landscape plan to ensure that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, specifically the Pittwater Spotted Gum.

B4.16 Seagrass Conservation

The controls seek to achieve the outcomes:

The conservation of seagrass beds in Pittwater. (En)
The replacement of lost/damaged seagrass beds. (En)

The works are wholly within the property boundaries, with no works in the foreshore area or along the land/water interface. The proposed development will not result in any adverse impacts upon seagrass.

B4.19 Estuarine Habitat

The controls seek to achieve the outcomes:

To protect and enhance the mangroves, saltmarsh, seagrasses, intertidal sand/mud flats and other foreshore habitats that comprise the estuarine habitat of Pittwater. (En)
Development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development. (En)
The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)
The social and cultural values of estuarine habitats are conserved and enhanced. (S)
Biodiversity, ecological processes and other estuarine habitat values are conserved. (En)

The works are wholly within the property boundaries, with no works in the foreshore area or along the land/water interface. The proposed development will not result in any adverse impacts upon estuarine habitats.

B5.13 Development on Waterfront Land

The controls seek to achieve the outcomes:

Protection of waterways and improved riparian health (En)
Stormwater and creek flows are safely managed. (S)
Appropriate setback between waterways and development (En)

The proposal is accompanied by a Stormwater Management Plan prepared by Broadcrest Engineering and Environmental Consultants. Subject to compliance with the recommendations contained within the Stormwater Management Plan, the proposal is considered to satisfy Council's stormwater requirements.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)
Excavation and construction not to have an adverse impact. (En)
Excavation operations not to cause damage on the development or adjoining property. (S)

The proposal is accompanied by a Geotechnical Report prepared by White Geotechnical Group Pty Ltd, dated 14 July 2023. The report concludes:

"The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice"

Accordingly, subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

B8.2 Construction & Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)
Reduction of waste throughout all phases of development. (En)
Public safety is ensured. (S)
Protection of the public domain. (S, En)

As required, appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties and Pittwater.

B8.3 Construction & Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

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

As required, appropriate waste management controls will be implemented throughout construction.

A Waste Management Plan has been prepared and is included with the DA submission.

6.5.3 Section C Development Type Controls

The Development Type Controls applicable to the proposed development and are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcome:

- A built form softened and complemented by landscaping. (En)*
- Landscaping reflects the scale and form of development. (En)*
- Retention of canopy trees by encouraging the use of pier and beam footings. (En)*
- Development results in retention of existing native vegetation. (En)*
- Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*
- Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*
- Landscaping enhances habitat and amenity value. (En, S)*
- Landscaping results in reduced risk of landslip. (En, Ec)*
- Landscaping results in low watering requirement. (En)*

Existing vegetation is to be retained at the rear of the site, with new plantings within the site to be incorporated.

The proposal will retain a vast area of soft landscaping on site, and the site will maintain its contribution to the landscaped character of the locality. As such, the proposed development is considered to achieve consistency with the provisions of this clause.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (S, Ec)*
- Inform applicants of Council's requirements for crime and safety management for new development. (S)*
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*
- Identify crime and safety priority areas in Pittwater LGA (S, Ec)*
- Improve community safety and reduce the fear of crime in the Pittwater LGA (S)*
- Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)*

The proposal will retain the opportunity to view the site's entry point with casual surveillance of the immediate area available.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views amongst dwellings. (S)
Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)
Canopy trees take priority over views. (En, S)

The proposal provides for the construction of alterations and additions at the subject site. The proposed setbacks are generally consistent with the setback of the existing dwelling, ensuring that any impacts to peripheral views from adjoining properties are appropriately minimized.

Due to the generous setbacks, and position of the neighbouring houses along the sloping topography, neighbouring view lines remain entirely unaffected by the proposed development. Contextually, the new works, particularly the second level, is considered to respect the outlook and amenity of the neighbouring properties and view sharing between properties is achieved.

C1.4 Solar Access

The controls seek to achieve the outcomes:

Residential development is sited and designed to maximise solar access during mid-winter. (En)
A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)
Reduce usage and/dependence for artificial lighting. (En)

The required controls to achieve these outcomes are to ensure that areas of private open space and windows associated with living areas of both the subject dwelling and adjoining dwelling receive a minimum of 3 hours of solar access in mid-winter.

The application is supported by Shadow Diagrams prepared by Design Draft Dimensions to confirm that 3 hours of sunlight will be achieved with respect to areas of private open space and windows associated with living areas of both the subject dwelling and adjoining dwelling in midwinter.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)
A sense of territory and safety is provided for residents. (S)

The required controls to achieve these outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The proposed alterations and additions are located well over 9m from the side boundaries and

oriented to the front and back of the subject site, to minimise overlooking of adjoining properties. The proposed development is entirely commensurate with adjoining and nearby development with respect to visual privacy.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)

Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or recreation areas (S)

Given the residential nature of the works, there will not be any significant Impact on the surrounding locality in terms of acoustic privacy. The works will maintain the current ample separation to living areas of adjoining properties, thereby maintaining existing levels of acoustic privacy.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)

Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)

Private open space receives sufficient solar access and privacy (En, S).

The required controls to achieve these outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation. The proposal provides substantial areas of private open space which enjoy good solar access, consistent with the requirements of this control.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

Waste facilities are accessible and convenient, and integrate with the development. (En)

Waste facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment. (En, S)

The required controls to achieve these outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials. There is sufficient area surrounding the dwelling for on-site storage of waste and recyclables.

6.5.4 Section D Design Criteria

The **D8 Lower Western Foreshores and Scotland Island Locality** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure.

A summary of the DCP controls for the **D8 Lower Western Foreshores and Scotland Island Locality** is provided below:

D8.1 Character as Viewed from A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)

To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.

The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)

High quality buildings designed and built for the natural context and any natural hazards. (En, S)

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

To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures being a secondary component.

To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows, modulation of wall and roof planes, spatial separation, landscaping etc.

The proposal will provide for the construction of alterations and additions to the existing dwelling, of minimal bulk and scale. Views will be retained for the neighbouring dwellings which are located to the north-east and south-west of the proposal.

The proposed alterations and additions are setback from the waterway and will be screened and softened by existing and proposed landscaping. The proposed alterations to the existing dwelling is well articulated to provide visual interest and reduce bulk when viewed from Pittwater and adjoining properties.

D8.2 Scenic Protection - General

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)*

The proposal does not seek to remove any vegetation within the foreshore area of the site. The works within the rear portion of the site will see the retention of the existing vegetation.

The development is complementary in scale and form to the surrounding area and as suggested by Council's controls, will maintain and enhance the tree canopy and include suitable screen planting to soften the built form.

D8.3 Building Colours, Materials and Construction

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
The development enhances the visual quality and identity of the streetscape. (S)
To provide attractive building facades which establish identity and contribute to the streetscape.
To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater.
The colours and materials of the development harmonise with the natural environment. (En, S)
The visual prominence of the development is minimised. (S)
Damage to existing native vegetation and habitat is minimised. (En)*

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP. The proposed development comprises dark and earthy tones and natural materials, as demonstrated in the Material Schedule accompanying this application (Drawing No. A_SP_A05_01).

D8.5 Front Building Line

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)
Equitable preservation of views and vistas to and/or from public/private places. (S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
To preserve and enhance the rural and bushland character of the locality. (En, S)
To encourage attractive frontages and improve pedestrian amenity.
To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

The control to achieve this outcome is to provide a setback of 6.5m, or the established building line. The new works site well in excess of 6.5m from the front boundary.

The new additions do not result in any adverse impacts upon the amenity of adjoining properties or the natural features of the site, and as such, consistency with the outcomes are achieved.

D8.6 Side and rear building line

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- The bulk and scale of the built form is minimised. (En, S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*
- Flexibility in the siting of buildings and access. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*
- To ensure a landscaped buffer between commercial and residential zones is established. (En, S)*

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m for at least one side and a minimum of 1.0m setback for the other side

The proposal complies with the side setback requirements.

The siting of the proposed new additions do not result in any unreasonable impacts upon the amenity of the adjoining property, with appropriate privacy and solar access maintained.

Clause D13.6 of P21 DCP also prescribed a minimum rear setback of 6.5m. the proposed works are sited well in excess of 6.5m, from the mean high watermark (rear boundary).

The outcomes of the control are considered to be satisfactorily achieved.

D8.8 Building Envelope

The controls seek to achieve the outcomes:

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

The control to achieve these outcomes is to maintain development below a plane projected at 45

degrees from a height 3.5m above existing ground levels along the side boundary. The additions proposed for the dwelling house are compliant with the building envelope control.

The compliant development is consistent with regard to bulk and scale, with a highly articulated façade presenting to the Pittwater waterway.

The new additions do not attribute to any adverse impacts upon the amenity of adjoining properties. As seen from the waterway, the dwelling will sit comfortably below the tree canopy, and will be secondary to foreshore landscaping.

The outcomes of the control are considered to be satisfactorily achieved.

D8.9 Landscaped Area

The controls seek to achieve the outcomes:

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

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

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

Vegetation is retained and enhanced within 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 including tree canopy. (En)

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

To ensure the distribution of height and mass preserves, and enhances neighbourhood amenity and has regard to site characteristics and environmental constraints.

To conserve significant natural features of the site and contribute to effective management of biodiversity.

The area of site disturbance is minimised. (En)

Soft surface is maximised. (En, S)

The relevant controls to achieve this outcome are to limit the maximum area not provided as landscaped area to 23% of the total site area, being 230m² with respect to the subject site.

The proposed development seeks consent for a maximum site coverage of 202m², with the landscape area of the site is 3340m² compliant with the requirement of the clause.

The proposal complies with Council's maximum non-landscaped area control and achieves the outcomes of control as follows:

- The proposed development is of minimal bulk and scale.
- The proposed development does not result in any adverse impacts upon the amenity of adjoining properties with respect to solar access, privacy or views.
- All significant vegetation is to be retained.
- Stormwater is appropriately managed.
- The unique character of Elvina Bay is appropriately maintained.
- Soft surfaces are maximised across the site.

D8.10 Fences

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- To discourage the use of fencing. (En, S)*
- To provide fencing only where necessary and to ensure that such fencing is sympathetic to the bushland setting of the locality. (En, S)*
- To ensure fences compliment and conserve the visual character of the street and neighbourhood.*
- To contribute positively to the public domain.*
- An open streetscape that allows casual surveillance of the street. (S)*
- Fences, where provided, are suitably screened from view from a public place. (S)*
- Safe sight distances and a clear view of the street including to and from driveways for motorists and pedestrians. (Ec, S)*
- To ensure heritage significance is protected and enhanced.*
- To ensure an open view to and from the waterway is maintained. (S)*

N/A - No fences are proposed.

D8.13 Stormwater Overflow

The controls seek to achieve the outcomes:

- Limit the adverse impacts of concentrate flow of stormwater caused by development within the fragile Scotland Island and Western Foreshore Environment. (En)*

Stormwater run from the proposed roof areas will be directed to the existing system. A stormwater concept plan is included with the architectural submission.

There is no formal public drainage system available to the site. Stormwater from the roof areas will be collected and piped to large rainwater tanks in the rear of the site.

Subject to compliance with the recommendations contained within the Stormwater Management Plan, the proposal is not considered to result in unreasonable impact on the Pittwater waterway and will satisfy Council's stormwater requirements.

D8.14 Parking management

The controls seek to achieve the outcomes:

- The environmental and social amenity of Scotland Island and the Western Foreshores is maintained through strictly limiting the number of vehicles. (En, S)*

N/A - The use or storage of vehicles is not proposed.

D8.15 Site disturbance

The controls seek to achieve the outcomes:

The natural topography of the land, and surface and subsurface drainage patterns are retained. (En)

Site disturbance is minimised. (En)

Development does not result in visual scarring of the landscape. (En)

The proposed development is generally maintained within the footprint and immediate vicinity of the footprint of the existing dwelling such that site disturbance is minimised and complies with the requirements of the control.

Erosion and Sediment Control Plans have been prepared by Broadcast Engineering and Environmental Consultants, Project No 3041-ES dated 21 March which detail the proposed erosion and sediment control measures.

D8.16 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

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

To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as ridges, upper slopes and the waterfront. (En, S)

Maintenance and enhancement of the tree canopy. (En,S)

Colours and materials recede into a well vegetated natural environment. (En,S)

To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component. (En, S)

To preserve and enhance district and local views which reinforce and protect Pittwater's bushland landscape and urban form to enhance legibility.

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to the natural environment.

Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

The proposal will retain all significant plantings within the site and while providing for additional landscape planting to surround the proposed additions and increase the biodiversity value of the site.

Given the scenic importance identified by the C3 Environmental Management Zone, the design has placed particular emphasis on stepping the upper floor level to follow the site contour and maintaining the building height and setback requirements for the site.

The bulk and scale of the development is generally in keeping with the extent of development in the immediate locality. The proposal will maintain suitable privacy, amenity and solar access for neighbouring dwelling.

The proposal is therefore considered to be in keeping with the provisions of this clause.

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

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of PLEP 2014. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its objectives.

The proposal has also considered all relevant SEPPs, and Council can be satisfied that the proposal is consistent with these policies.

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

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to meet the outcomes of P21 DCP.

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

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

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

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

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

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

It is considered that the proposal has been located and designed to appropriately minimise impacts on the amenity of adjoining properties, resulting in a development that is compatible with and will complement the character of the area.

7.7 The suitability of the site for the development

The subject land is zoned C3 Environmental Management under the provisions of PLEP 2014 and is considered suitable for the proposed development.

7.8 Submissions made in accordance with this Act or the regulations

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

7.9 The public interest

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

8.0 Conclusion

The proposal provides for the alterations and additions to an existing dwelling which will not result in any detrimental impacts on the adjoining properties or the locality.

The proposal is a site-specific design response which takes advantage of the properties superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

The outcome is a modernised dwelling which displays a highly articulated building form which appropriately responds to the sites existing dwelling, geometry and the constraints imposed by the siting and design of environmental adjoining development in relation to privacy, solar access and views.

The proposal floor plan is appropriately distributed throughout the site, with the dwelling displaying a complimentary and compatible building form when compared to other development located within Elvina Bay and within the site's visual catchment generally.

The setbacks maintain the rhythm of development and provide appropriately for spatial separation, deep soil landscape opportunity, landscape retention, privacy, solar access and view sharing.

By maintaining our neighbour's amenity and by complementing the scale and form of other development in the immediate locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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