

STATEMENT OF ENVIRONMENTAL EFFECTS
FOR CONSTRUCTION OF A SECONDARY DWELLING
LOCATED AT 13 ILYA AVENUE, BAYVIEW
LOT 1 DP 28379
FOR GAIL AND JON PEMBERTON



PREPARED AUGUST 2022
By Gail, Jon & Rex Pemberton

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Gail, Jon & Rex Pemberton, dated August 2022 on behalf of Gail & Jon Pemberton, the owners to detail the proposed construction of a secondary dwelling on the land at 13 Ilya Avenue Bayview.

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

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

- The Environmental Planning and Assessment Act, 1979 as amended
- The Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy (Building Sustainability Index: BASIX 2004)
- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan

2.0 Property Description

The subject allotment is described as 13 Ilya Avenue, Bayview, NSW 2104

The property is located on the north side of Ilya Avenue. The front of the site falls towards the north-east, with the rear of the site falling to the north.

The land is irregular in shape with a total front boundary of 40.69m to Ilya Avenue, and eastern and western boundaries of 67.055m and 58.9.85m respectively. The rear boundary, again irregular measures 50.19m on the north-western side and the north-eastern boundary measures 46.495m. The site has a total area of 4167.8m².

The existing dwelling is located toward the centre and eastern portion of the lot. Stormwater from the site is currently dispersed into the councils, storm water management system.

The site is currently developed with a two-storey rendered house with a galvanised roof with both an attached garage and two open-air car ports. It is currently zoned as a dual occupancy but as can be seen from the attached plans prepared by Waterview Surveying modifications have been made to turn it into a single dwelling. The dual occupancy will be rescinded on your granting of the DA, as discussed with your planning consultant officer.

The details of the site are included on the survey plan prepared by Waterview Surveying Services, project 1525, created in March 2022 which accompanies the DA. This Survey was

conducted to measure the liveable area of the residence to determine the size of the proposed secondary dwelling based upon the 25% rule.

- The property is zoned R5 Large Lot Residential under the Pittwater Local Environmental Plan 2014.
- The site is not listed as a Heritage Item nor is it within a Conservation Area.
- The site is listed as being within a Class 5 zone on the Acid Sulphate Soils Map and has been identified on Council's Biodiversity Map.
- The site is not noted as bushfire prone land.
- The property addresses Ilya Avenue to the south and the rear boundary fronts a private road/Ilya and Taminga to the north.
- Driveway access is provided via Ilya Avenue on the southern side.
- Vegetation consists of dense, mixed endemic and introduced species of small, medium and large trees.

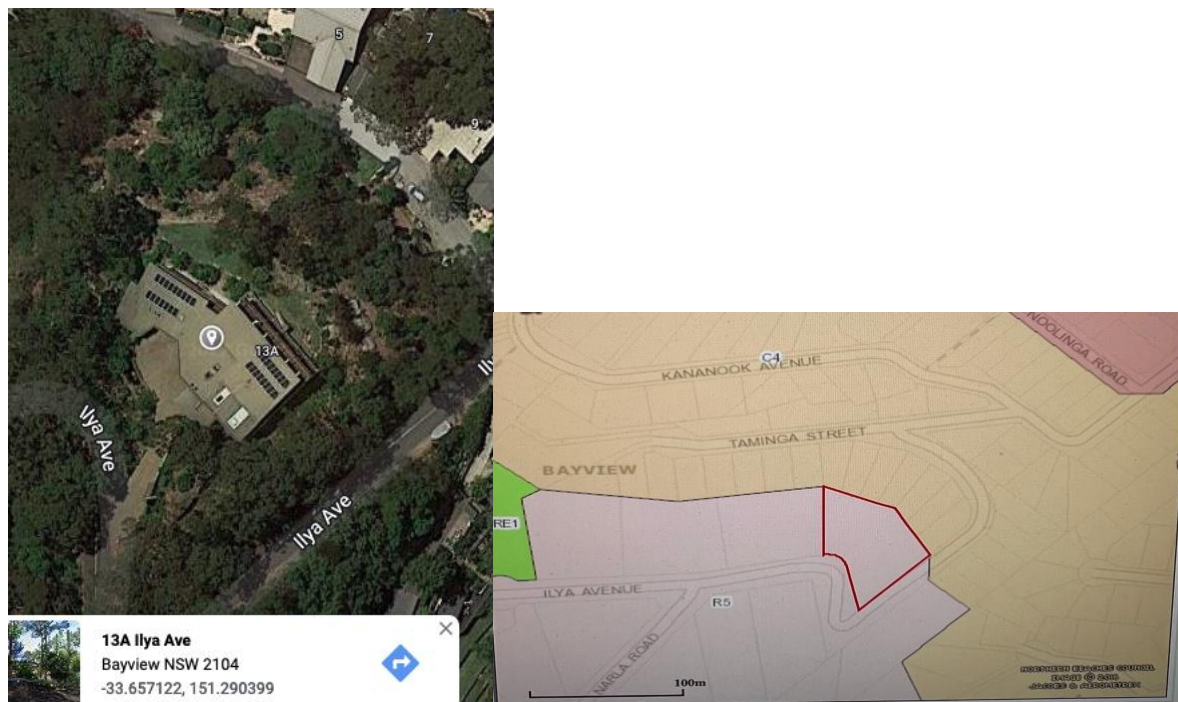


Fig 1 Aerial Satellite image and position of 13 Ilya Ave Bayview NSW 2104



Fig 2 View of 13 Ilya Avenue from entry driveway, looking north.

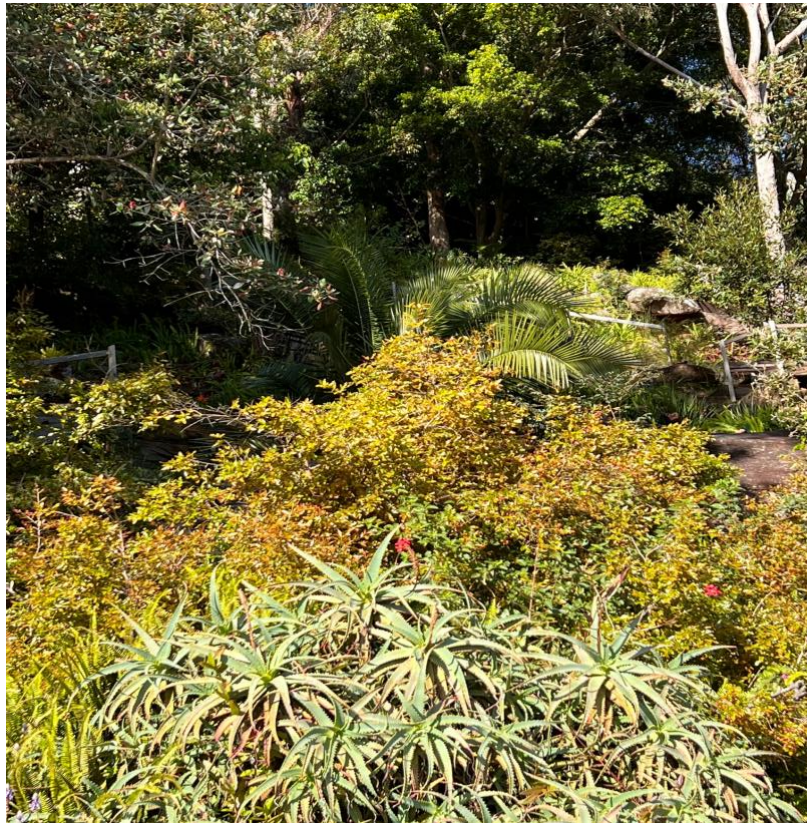


Fig 3 Site of proposed Secondary Dwelling

Fig 4 & 5: Photos from private road looking up to the proposed site of Secondary Dwelling



From outside 1 Ilya Avenue looking up to the site of proposed Secondary Dwelling, note natural and dense vegetation coverage which reduces visual impact from private road below. This natural vegetation will not be removed in construction.



Looking to the south at the proposed site from 3 Ilya Avenue (on private road)

3.0 The Proposal

The construction of a new detached secondary dwelling on the northern western corner of the R5 lot.

The proposed new works will comprise two bedrooms, study nook, living / kitchen area, bathroom, laundry, with decks along the northern face side of the building.

All external materials will be finished in dark and earthy tones. in accordance D2.3 of Councils PLM Meeting Notes 2022 0110.

4.0 The Surrounding Environment, Development and Zoning Controls

The general vicinity of the site is characterised by large residential and low density residential. Most dwellings are two stories high in a variety of styles and scales of development.

4.1 Pittwater Local Environment Plan 2014

The site is zoned R5 large lot under the provisions of the Pittwater LEP 2014. The proposed alterations and additions are permissible with the consent of council.

The neighbouring properties comprise a mix of two storey dwellings with additional structures such as outbuildings, decks, entertainment areas & swimming pools. A number of secondary dwellings have been constructed in the local area which have similar footprints to the development proposed.

4.2 – Height Of Buildings And Slope Of Site

The maximum building height in this portion of Bayview is 8.5m. The proposed secondary dwelling is situated on a steep slope of **53.5 degrees**. Because of the angle of the hillside, the proposed construction will be two single stories stepped down the slope to integrate with the landform and landscape to minimise site disturbance and visual impact, as outlined in the Pittwater Development Control Plan.

By constructing the secondary dwelling this way, it significantly reduces excavation, the need for large retaining walls and ensures minimal disturbance of the natural landscape including storm water runoff.

In response to the Councils Pre-Lodgement Meeting Notes, the height of the building has now been reduced to 3.58m on the south side entry way and **7.03m at the intersection of both stories. This complies with the** 8.5m height restriction (PLEP 2014). The side construction, utilizes the natural slope and presents modest height and scale, limiting the visual bulk of the proposed development.

5.0 Proposed Development

The site is located in the Bayview Heights Locality. The character of this locality is very much centered around the natural environment to ensure that the built form is secondary to landscaping and vegetation.

5.1 Setbacks Pittwater DCP 2014

D2.6 Side and rear building line in the Pittwater 21 DCP stipulates that sites located in an R5 Large Lot Residential zone must provide a minimum 20m setback to the rear boundary and 6.5M on the side boundary.

While we recognise that the 20m rear setback assists in minimising the bulk and scale of the built form and to retain the substantial landscaping at the rear of the site which is characteristic of the larger lots within the vicinity of the subject site. We are asking Council to reduce this to approximately 12m in view of the difficulty positioning this proposed development. As Council has said after inspection of the site and in the PLM notes:

“The site presents a number of constraints which has resulted in the proposed location of the secondary dwelling”.

To meet Council's requirements of a 20m setback we would need to remove four major significant trees, a large Ficus tree and three large Sydney Gum trees. Due to site constraints like large rock outcrops, over 2.5 m high and 8 -10 m in length, a 20m setback is unable to be achieved and would make this development unviable.







In the PLM Notes – PLM20220110, it is stated that “a visit to the site revealed that the location proposed for the secondary dwelling is relatively clear of vegetation with rock outcrops present (see photos above). The rear of the property is bordered by a private road

which provides vehicle access to No. 1 – No. 11 Ilya Avenue and No. 10, 11, 12, 13 and 14 Taminga Street.

In response to PLM Notes - PLM2022, the proposed development has been moved and amended to provide a more compliant setback to the rear boundary more in line with the controls.

The proposed development has been moved further south, up the hill, as a result the setback distances have increased to 14m on the north west Corner and 12m on the North East corner.

The site location, ensures there will be little visual impact to neighbouring properties and no impact on the existing trees on the lot. This greatly reduces the visual impact of the development, helping to achieve the goals of the Pittwater Development Plan specifically Bayview Locality.

The site is difficult to see from a public place, as the road below the development is a private road. The closest public place the site can be seen from is Pittwater out on the water (see photo below. Thus we feel a reduced setback is in line with the current controls and should be considered in this case.



Front and side boundaries meet the required 6.5m set back.

5.4 – Miscellaneous Permissible Uses

The controls state:

- *If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:*
- *60 square metres,*
- *25% of the total floor area of the principal dwelling.*

In accordance with Clause 5.4(9), the gross floor area of the principal dwelling, as calculated by Waterview Surveying Services is 434m², and the maximum permissible gross floor area for the proposed secondary dwelling is 25% of the total floor area of the principal dwelling or 108.5m². The proposed works for the secondary dwelling therefore complies with the control and has been designed in a compliant manner.

5.5 Preservation Of Trees Or Vegetation

The Pittwater 21 development control plan clause D2.9 relates to the preservation of trees or vegetation. The control states A minimum required area of soft landscaping is 80% of the total site area.

The soft landscaping on the site is marginally less than 80%, currently at 78%, according to the survey, done by Waterview Surveying Services. The existing residence was built before regulations changed in 2014.

The soft landscaping on the site will drop to approximately 76% after this construction. However, we plan to mitigate this by building a roof top garden on the secondary dwelling to increase the landscaping area and softening the effect of the building. This reduces visual impact using and facilitates planting of additional landscaping. This will bring up the landscaping back to 78%. As can be seen by fig 4 and 5 there is plenty of natural landscaping, bush, tree and shrub growth on the site.

The proposal will have no impact on the existing protected tree canopy and will retain an appropriate area of soft landscaping. Please see the arborist report.

TREES

6.0 Pittwater Local Environmental Plan 2014

The site is zoned R5 Large Lot Residential under the provisions of the PLEP 2014. The following controls relate to this development:

Clause 7.1 of the Pittwater Local Environment Plan of 2014 relates to acid sulfate soils. The site has been identified on Council's zoning maps as being in a Class 5 zone. The works will not require any significant excavation or disturbance of acid sulfate soils. 6 x Dynamic Cone Penetrometer tests were conducted on the building site area (DCP1 to DCP6) to maximum depth of 1.55m. They were carried out by using a 9 kg Dynamic Cone Penetrometer specialized steel cone device. The testing followed the procedure as per AS 1289-1997, method 6.3.2. The area is considered acceptable for the development. Please see geotechnical report attached to this application.

Clause 7.2 of the Pittwater Local Environment Plan of 2014 relates to earthworks. The proposal will not require any significant excavation of the site to accommodate the new works.

Clause 7.6 relates to Biodiversity protection. The proposal will not require any significant disturbance to the existing vegetation or any protected natural vegetation and features

Clause 7.7 – Geotechnical Hazards

The Geotechnical Risk Analysis and Management report prepared by Soilsrock Geotechnical Site Investigation Report, project No: SRE/954BV/22, dated 2/5/2022 has been provided to address the provisions of this Clause.

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development. The report concludes that the proposed developments are suitable

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

6.0 ZONING AND DEVELOPMENT CONTROL

The development of and use of the land for residential purposes within the R5 Large Lot Residential Zone is consistent with the zone objectives, which are noted as:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

It is considered that the proposed secondary dwelling 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, which is characterised by large lots with dwellings and ancillary structures in a landscaped setting.
- The proposed tiered single storey scale of the development respects the scale and form of other new developments in the vicinity and therefore complements the locality.
- The proposal provides for a detached secondary dwelling, which will not have any substantial impact to the neighbouring properties. Properties on the private road below, 14 Taminga and 1,3 and 5 Ilya Avenue are all facing towards Pittwater and have garages and front doors facing towards the private road. Most of these residences have plated coverage in front that shields the view of the development.
- See photo on page 6

To see the proposed development, from the private road, they must look up the steep slope. (See fig 4 & 5, photos) Only 1 and 3 Ilya Avenue will be able to see the development. There is no overshadowing as the site already has very considerable tree coverage as seen by fig 4 & 5.

- The proposal does not have any impact on long distance views, as it is heavily screened by trees and in fact cannot be seen from a public place, unless they are on the water in Pittwater.

See photo page 11.

- The works will not compromise the residential character of the locality.

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

The proposal will meet water, thermal and energy standards required by BASIX. [Please see the BASIX report.](#)

6.2 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Part B (General Controls), Part C (Design Criteria) and Part D2 Bayview Heights Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

Bayview Heights Locality

The Bayview Heights locality will remain a low-density rural residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with

another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations.

It is considered that the proposal is consistent with the desired character of the locality. The proposal has been designed to reflect the predominant setbacks provided to the side boundaries in the immediate area. The building materials and colours will harmonise with the natural environment and will not detract from the existing locality.

Part B General Controls

The General Controls applicable to the proposed secondary 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 controls seek to ensure that all development complies with Council's Interim Geotechnical Risk Management Policy for Pittwater. A report has been provided for Council's consideration, prepared by Soilsrock Geotechnical Site Investigation Report, project No: SRE/954BV/22, dated 2/5/2022 dated February 2014, which concludes that the site is stable subject to the recommendations contained within the report.

The works will be constructed in accordance with the recommendations contained within the Geotechnical Report.

B4.18 Heathland/Woodland Vegetation

The controls seek to achieve the outcomes:

Conservation of intact heathland. (En)

Regeneration and/or restoration of fragmented and / or degraded heathland. (En)

Reinstatement of heathland to link remnants. (En)

Long-term viability of locally native flora and fauna and their habitats in the Pittwater LGA through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)

Long-term sustainability of hanging swamps and other wetlands (En).

The proposal will not require the removal of any protected vegetation. Suitable area is retained within the yard for further screen planting and additional trees planting as required.

B5.7 On-Site Stormwater Detention

On-site Stormwater Detention (OSD) is required where the development results in a built upon area of more than 50m². In line with the following from PLM Notes – PLM2022 0110 see below. As currently stands 13 Ilya is a stormwater management exempt property

As suggested by council in the PLM notes 2022 0110, due to the difficult of terrain, stormwater will be connected to the kerb via gravity through a drainage easement through the downstream property, 14 Taminga street, which is also owned by the applicants.

B6.1 Access driveways and works on the public road reserve – Low Density Residential

The controls seek to achieve the outcomes:

- *Safe and convenient access. (S)*
- *Adverse visual impact of driveways is reduced. (En) Pedestrian safety. (S)*
- *An effective road drainage system. (En, S)*
- *Maximise the retention of trees and native vegetation in the road reserve. (En, S)*

The existing driveway access and carport arrangements will be unchanged. There is plenty of safe and convenient parking on site.

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 works will not require any significant excavation of the site or disturbance to the exterior ground levels. The structure will be elevated and supported on a steel frame.

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)

Appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties. The site will be landscaped to prevent ongoing erosion.

Part C Design Criteria

The Design Criteria applicable to the proposed development and are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcome:

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

The proposal retains generous areas of soft landscaping on site which will retain the landscaped character of the locality. Please see Clause 5.9 above with additional notes.

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 principal 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 proposed secondary dwelling does not impact on the existing safety or security of the site. The access to the main entry of the secondary dwelling is easily visible from inside the principal dwelling.

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 subject and adjoining properties currently enjoy district views to the northwest, north and north-east.

Views over the dwelling and to the rear of the structure will allow for appropriate view corridors to be retained for the properties surrounding the site.

C1.4 Solar Access

The controls seek to achieve the outcomes:

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

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

Given the north and north-easterly aspect enjoyed by the subject and neighbouring properties, together with the modest overall height of the proposal and substantial separation from any neighbouring dwellings, the new works will not remove solar access to the primary living spaces of any neighbouring properties.

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

The proposed deck area is not oriented to directly overlook the neighbours and suitable screening has been provided. The new living spaces for the secondary dwelling are located well in excess of 9m to the neighbouring dwellings so the proposed development complies within this control.

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 private open space areas (S)*

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, there will not be any significant Impact on the surrounding locality in terms 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 the 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 for sufficient areas of private open space for the secondary dwelling, in the form of a combination of the internal areas being used in conjunction with the deck area and the combined use of other areas within the site.

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

- *The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)*
- *All members of the community enjoy equitable access to buildings to which the general public have access. (S) Housing for Seniors or People with a Disability are accessible, adaptable and safe. (S)*
- *Equitable access in the public domain. (S)*

Single dwellings are not required to provide access in accordance with AS4299-1995.

C1.11 Secondary Dwellings and Rural Worker's Dwelling

The controls seek to achieve the outcomes:

- *Limitation of the visual bulk and scale of development. (En, S)*
- *Provision of design flexibility for second storey development.*
- *Restriction of the footprint of development site. (En)*
- *Retention of natural vegetation and facilitation planting of additional landscaping. (En) Provision of rental accommodation. (S)*

The proposal is compliant with Council's DCP control, in so far as:

The development of the secondary dwelling will result in not more than two (2) dwellings being erected on an allotment of land.

- The site will retain suitable areas of perimeter planting.
- The site will retain much of the natural vegetation by stepping up the slope as well as allowing for additional landscaping and planting

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

- *Waste and recycling facilities are accessible and convenient and integrate with the development. (En)*
- *Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment. (En, S)*

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials. There is sufficient area within the site for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C1.23 Eaves

The controls seek to achieve the outcomes:

- *Housing that reflects the coastal heritage and character of Pittwater. (S) Optimise roof forms. (S)*
- *Appropriate solar access and shading is achieved. (En)*

The required controls to achieve the outcomes are to ensure that dwellings incorporate eaves on all elevations with a minimum width of 450mm, excluding fascia/barge boards and gutters.

The design of the new works provides for eave overhangs to provide for visual relief and shading to the windows and walls.

6.2.4 Part D Design Criteria

The D2 Bayview Heights Locality Statement contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

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

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The 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 **D2 Bayview Heights Locality** is provided below:

D2.1 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 keeping 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 the Pittwater's natural context.*
- *To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component. To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)*

The required controls to achieve the outcomes are to ensure that the 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 a modest, detached single storey secondary dwelling that is stepped up the hill. The low roof pitch and the proposed use of recessive colours and finishes will assist in minimising the visual impact of the development. Additional landscaping will also reduce visual impact of the development.

D2.3 Building Colours, Materials and Construction

The controls seek to achieve the outcomes:

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

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP. It is considered that the development is appropriate as the proposal will utilise finishes and colours which are compatible with the DCP, existing building finish and the surrounding properties.

D2.5 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)*
- *The amenity of residential development adjoining a main road is maintained. (S)*
Vegetation is retained and enhanced to visually reduce the built form. (En)
- *Vehicle manoeuvring in a forward direction is facilitated. (S)*
- *To preserve and enhance the rural and bushland character of the locality. (En, S) To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
- *To encourage attractive street frontages and improve pedestrian amenity. To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment*

The proposed secondary dwelling is located at the rear of the site and will exceed the required front setback of 20m.

D2.6 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)*
- *A landscaped buffer between commercial and residential zones is achieved (En,S) To preserve and enhance the rural and bushland character of the locality. (En, S)*
To ensure a landscaped buffer between commercial and residential zones is established.
- The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 6.5m to the side, and a rear boundary of 20m.

The proposed secondary dwelling will be constructed 6.5m or above, to any side boundary.

The rear boundary distances have been increased to 14m on the north west Corner and 12m on the north east corner. We request a variance to this control, please see page of this proposal for a description. Given the large size of the site and the fact that no neighbouring dwellings are located near to the proposed structure, the minimum setback of between 12 to 14m the rear boundary is considered to be reasonable in this instance.

Examples where there has been variance to this setback are:

- In 16 Ilya Avenue's application for a secondary dwelling, submitted in March 2015,

- 12 Narla Road, Bayview submission for a secondary dwelling,

The proposal will not reduce the privacy or overshadow neighbouring properties.

Given the privacy of the site and that the predominant character of the local area provides for varied setbacks, combined with the modest scale of the works we feel the variance should be considered as reasonable and will achieve the outcomes of Clause D11.7.

D2.7 Building Envelope

The controls seek to achieve the outcomes:

- *To achieve the desired future character of the Locality.*
- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- *The bulk and scale of the built form is minimised. (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 proposed secondary dwelling will comply with the building height plane controls, the building design uses the natural terrain, which reduces bulk and scale, preserves views, ensures privacy and achieves the desired future character of the locality.

D2.9 Landscaped Area – Non Urban

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 scale and density that is in scale with the height of the natural environment.*
- *To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment. To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site. (En, S)*
- *To preserve and enhance vegetation to visually reduce the built form. (En)*
- *To minimise the impact of development on Pittwater's biodiversity by minimising the removal of indigenous vegetation and naturally occurring soils, conserving existing significant indigenous and native trees, and encouraging planting of indigenous and native plants and trees on private property. (En)*
- *To conserve significant natural features of the site and contribute to effective management of biodiversity. (En)*

- *To provide for infiltration of water to the water table, minimise stormwater runoff and assist with stormwater management to reduce and prevent soil erosion and the siltation of natural drainage channels. (En)*
- *To preserve and enhance the rural and bushland character of the area. (En, S)
Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)*

The required controls to achieve the outcomes are to limit residential development to a minimum landscaped area of 80% of the site area.

In this instance, the site will retain a soft landscaped area of approximately 76 -78%, bearing in mind that it was already approximately 78% before the regulations were changed in 2014.

The site will retain substantial landscaped areas and will continue to function as a pleasant living space and maintain a significant contribution to the landscaped area within the locality.

7.0 MATTERS FOR CONSIDERATION UNDER SECTION 79C 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 the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

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

7.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

There are no draft instruments applying to the land.

7.3 Any development control plan

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

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

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

7.4 Any matter prescribed by the regulations that apply to the land to which the development relates.

No matters of relevance are raised regarding the proposed development.

7.5 Likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for a detached secondary dwelling, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP 2014 and the Bayview Heights Locality Statement.

7.6 The suitability of the site for the development

The subject land is currently zoned R5 Large Lot Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.7 Submissions made in accordance with this Act or the regulations

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

7.8 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 principal objective of this development is to provide for the construction of a detached secondary dwelling, which respects and compliments the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complimenting the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will help provide more affordable housing and 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.

Gail & Jon Pemberton

Gail, Jon & Rex Pemberton