

The background of the entire page is an architectural rendering of a modern building. The building features a curved facade with a series of horizontal bands. The upper floors have large glass windows, some of which are illuminated from within, showing interior spaces. The ground floor is a glass-walled structure, revealing an interior with people walking and standing. The building is set against a clear blue sky. The overall style is contemporary and urban.

Statement of Environmental Effects

Development Application
3 Clive Crescent, Bayview

Submitted to Northern Beaches Council
on behalf of Mr. Patrick Fitzgibbon

17 April 2025

gyde.com.au

GYDE

Acknowledgment of Country



Towards Harmony by Aboriginal Artist Adam Laws

Gyde Consulting acknowledges and pays respect to Aboriginal and Torres Strait Islander peoples past, present, Traditional Custodians and Elders of this nation and the cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people. We recognise the deep and ongoing connections to Country – the land, water and sky – and the memories, knowledge and diverse values of past and contemporary Aboriginal and Torres Strait communities.

Gyde is committed to learning from Aboriginal and Torres Strait Islander people in the work we do across the country.

This report was prepared by:

Approver: Tina Christy
Author: Oliver Mathers
Project: Development Application
Report Version: Final
This report was reviewed by: Tina Christy

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Appendices

The following plans and technical reports accompany the development application. Gyde has relied on the information in these reports, prepared by professionals in their field, for the preparation of this statement of environmental effects.

Appendix	Document	Prepared by
A	Survey Plan	ESA Survey
B	Elevations and Floor Plans	RCD Projects
C	Extant Development Consents	Gyde/Northern beaches GIPA
D	BASIX Certificate & Plans	GL ESD Consulting
E	BCA Report	Kgp Building Certifiers & Consultants
F	Owners Consent	Owners
G	Cost of works for staircase	JKH Worx Pty Ltd
H	Onsite Effluent Management Report	Geological and Environmental Services
I	Northern Beaches Waste Management Plan	Applicant
J	Drainage Letter	Taylor Consulting Engineers
K	Stormwater Management Plan	Taylor Consulting Engineers

1. Executive Summary

This Statement of Environmental Effects (SEE) has been prepared for Northern Beaches Council (NBC) to accompany a Development Application (DA) for the following:

- a change of use for an existing pool house to a secondary dwelling, including upgrading existing effluent management system;
- use of first floor terrace to rear of primary dwelling,
- use of internal ground floor living area at the rear of the primary dwelling, and
- a new external stairwell to the rear balcony of the primary dwelling.

A Building Information Certificate (BIC-29842)) for the construction of the first-floor level above the pool house, the first floor terrace and the ground floor living area to the rear of the primary dwelling was submitted to Northern Beaches Council on 11/07/2024 and is currently under assessment. As part of that assessment, Council's Building Control – Approvals Environmental Compliance Officer has suggested a DA be lodged for the use the first floor terrace, internal ground floor living area and secondary dwelling.

The site's address is 3 Clive Crescent, Bayview (the site), and is comprised of a single allotment, referenced as Lot 6, DP31237.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (the EPA Act) and Clause 24 of the *Environmental Planning and Assessment Regulation 2021* (the EPA Reg). The purpose of this SEE is to describe the proposed development and its context, assess the proposal against the applicable planning controls and guidelines, and assess the potential environmental impacts and mitigation measures.

This SEE relates to an existing approved dwelling and pool house believed to have been originally constructed in the mid 1950's. The site and primary dwelling has undergone varying degrees of owner modification in recent decades, with the most recent development approval (ref: 808/94) dating to 1994 for additions and alterations to the site including new extensions on the southeast elevation, a new double garage, and new terraces on the northeast elevation.

The site is zoned 'R5- Large Lot Residential' under the *Pittwater Local Environmental Plan 2014* (PLEP 2014) and all development currently on the site falls within the permitted uses of the zone. The site also falls under the controls of the Pittwater 21 Development Control Plan (PDCP).

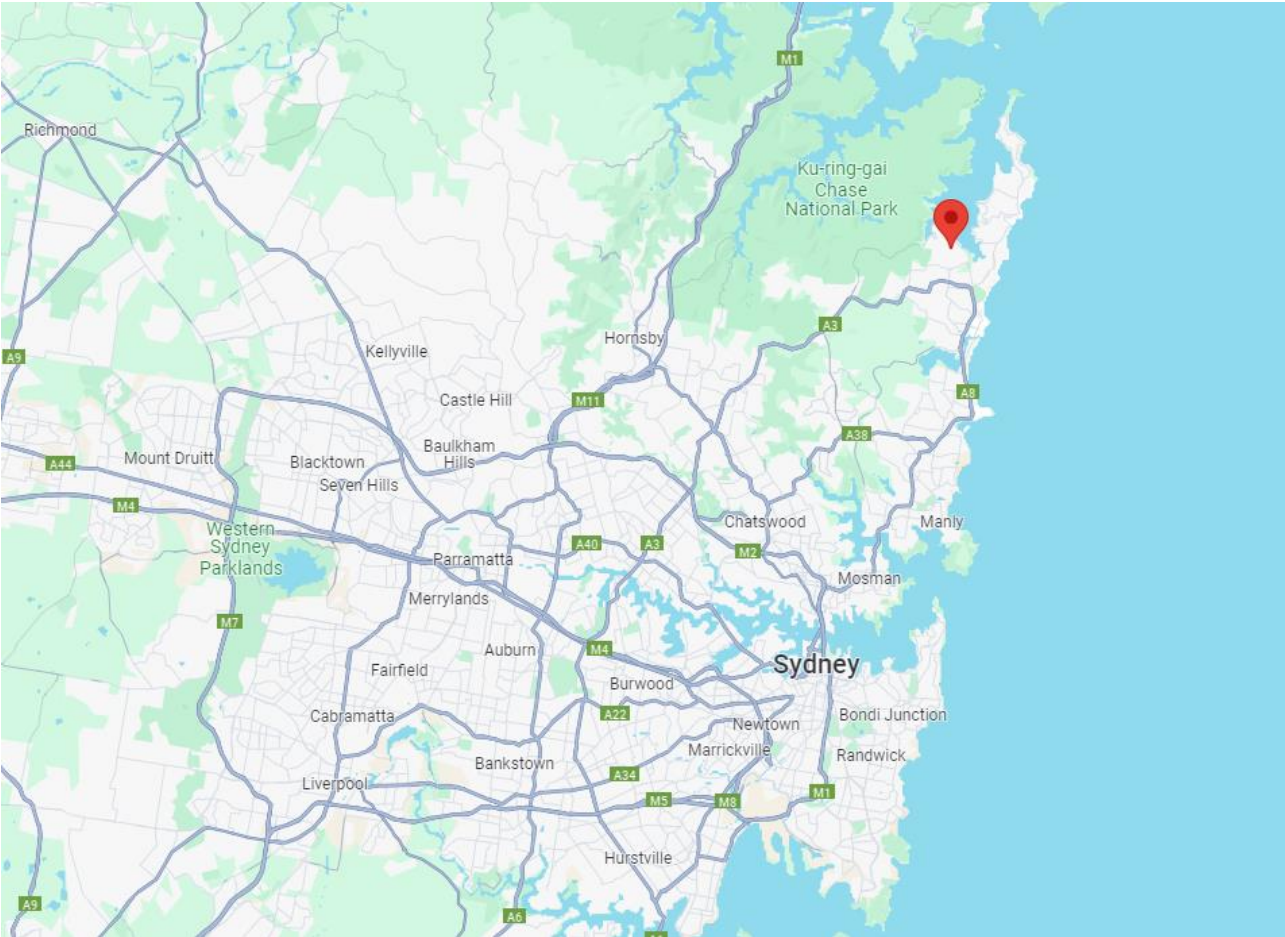
The SEE has undertaken a comprehensive environmental assessment of the proposal, which includes the use of a constructed first floor above an approved pool house to enable the building to be used as a secondary dwelling, the use of the constructed rear terrace and internal living area, together with the addition of an external staircase on the eastern elevation of the primary dwelling.

This SEE concludes that this proposal supports an appropriate and permitted uses and it is compatible with the R5 zone. The additional external stair to the primary dwelling remains consistent with the desired future character of the area, and they present no adverse amenity impacts. It is considered that the proposal delivers on the objectives of the zone given its lack of adverse impacts and its approval is in the public interest.

2. Site Analysis

2.1 Site Location

The site’s address is 3 Clive Cresent, Bayview 2104, and it is located within the Northern Beaches Council Local Government Area (LGA) approximately 25km north of Sydney’s CBD. The locality map shown below in Figure 1 identifies the site in the wider context of the city.



2.2.1 Site Description

The site is zoned 'R5- Large Lot Residential' and is comprised of a large dwelling, arranged over 3 floors together with a swimming pool, pool-house, terraces, balconies, front and rear garden spaces, and driveway with significant parking for multiple vehicles. The site is bound by residential properties to the north, south, east, and west and the boundary treatment features a mixture of closed board timber privacy fencing and dense vegetation. There are several mature trees on site, together with shrubs and grasses within the garden areas.

Due to the sloping topography towards the northern end of the site, the southern element of the building is arranged over 2 floors, with the northern/eastern portion of the building arranged over 3 floors as the building line projects forward with the camber of the slope.

The site is identified with its boundaries and outlined in red in Figure 2 below.



Figure 2 Aerial view with the site outlined in red (source: Near Map 2024)

2.2.2 Existing Improvements

The south side of the site behind the main dwelling features a Pool House. This is identified and described below.

The Pool House

The site features a Pool House immediately to the north-west of the swimming pool. The Pool House on site was approved in 1979, under building approval 3035/79 (see Figure 3 below) and the building has been referenced on all subsequent approved site plans. The footprint of the building follows the approved plans, and this is evident when comparing them with the survey. There is a slight extension of the building line towards the boundary, however this does not protrude any further than the approved building line (outlined in red in Figure 4 below). The 'long columns' referenced on the 1979 approval are still present, and these are detailed in blue on the survey plan.

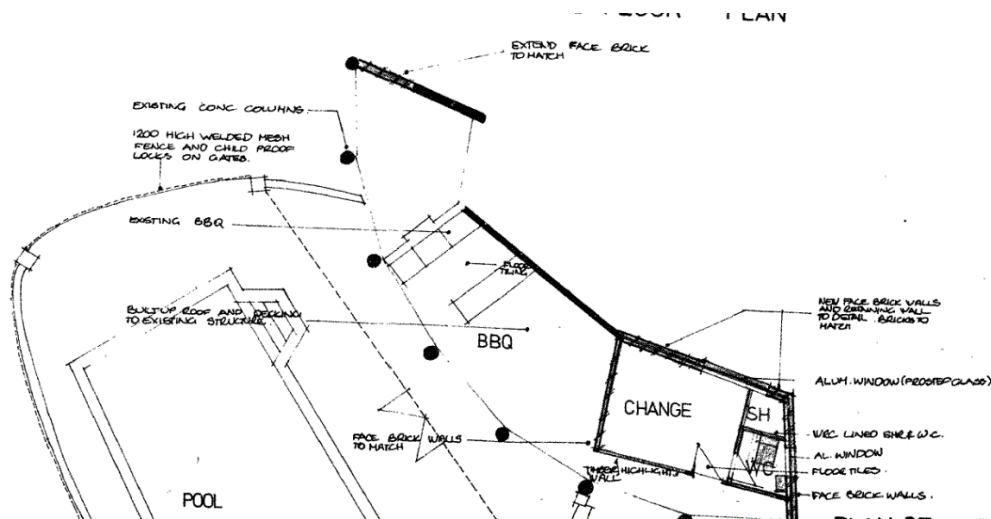


Figure 3 Approved plans of the Pool House under Building Approval 3035/79 (source: GIPA request to NBC)

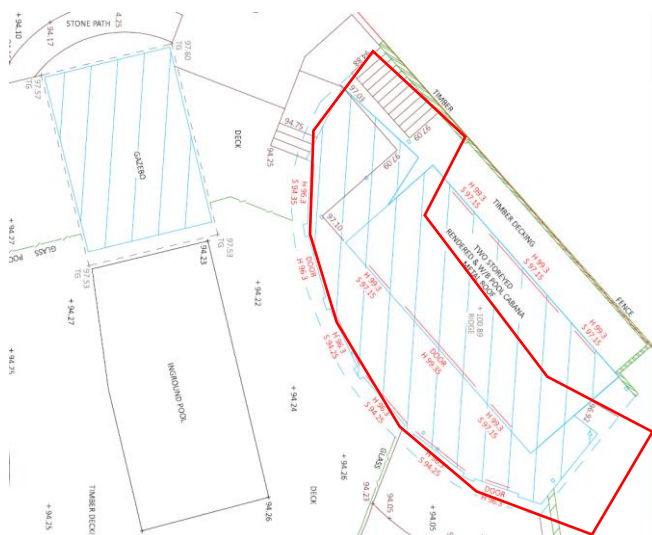


Figure 4 Survey plan detailing the Pool House (outlined in red)

The Pool House also follows the same building aesthetic as the primary dwelling, with a dark slate grey roof. A second level has been built to the pool house and this is the subject of separate Building Information

Certificate currently with Council. Refer to Section 2.4 below. Images of the existing pool house structure can be seen in Figure 5 below.



Figure 5 Images of the existing Pool House structure (source: Gyde)

The Primary Dwelling.

The primary dwelling consists of a 3-level dwelling situated in the eastern part of the site. It is currently the subject of a separate Building Information Certificate for minor alterations and additions, however has had a number of approvals over the years, as discussed in Section 2.4 below. The aerial view in Figure 2 above shows the location of the primary dwelling and pool house structure on the site. Currently the site has an existing aerated wastewater treatment system (AWTS) which comprises a single treatment tank which is known to have a capacity to treat up to 2000 litres of effluent per day. This AWTS is serviced on a quarterly basis.

2.3 The surrounding locality

Clive Crescent is a quiet residential cul-de-sac, featuring a total of 6 large lot properties. The wider area is characterised by a predominantly large lot urban landscape, with large fully detached dwellings ranging from 2-4 storeys.

Clive Crescent can only be accessed via Lentara Road to the west, which siphons off south from Narla Road and Minkhara Road which lead to the main trunk road of Mona Vale Road (A3) which is approximately 1.8km to the south.

The site is immediately surrounded by the following development:

- To the north: 16 & 14 Illya Avenue (R5- Large Lot Residential)
- To the east: 6 Valley Close (C4- Environmental Living)
- To the south: 3A Clive Crescent (R5- Large Lot Residential)
- To the west: 5 Clive Crescent (R5- Large Lot Residential)

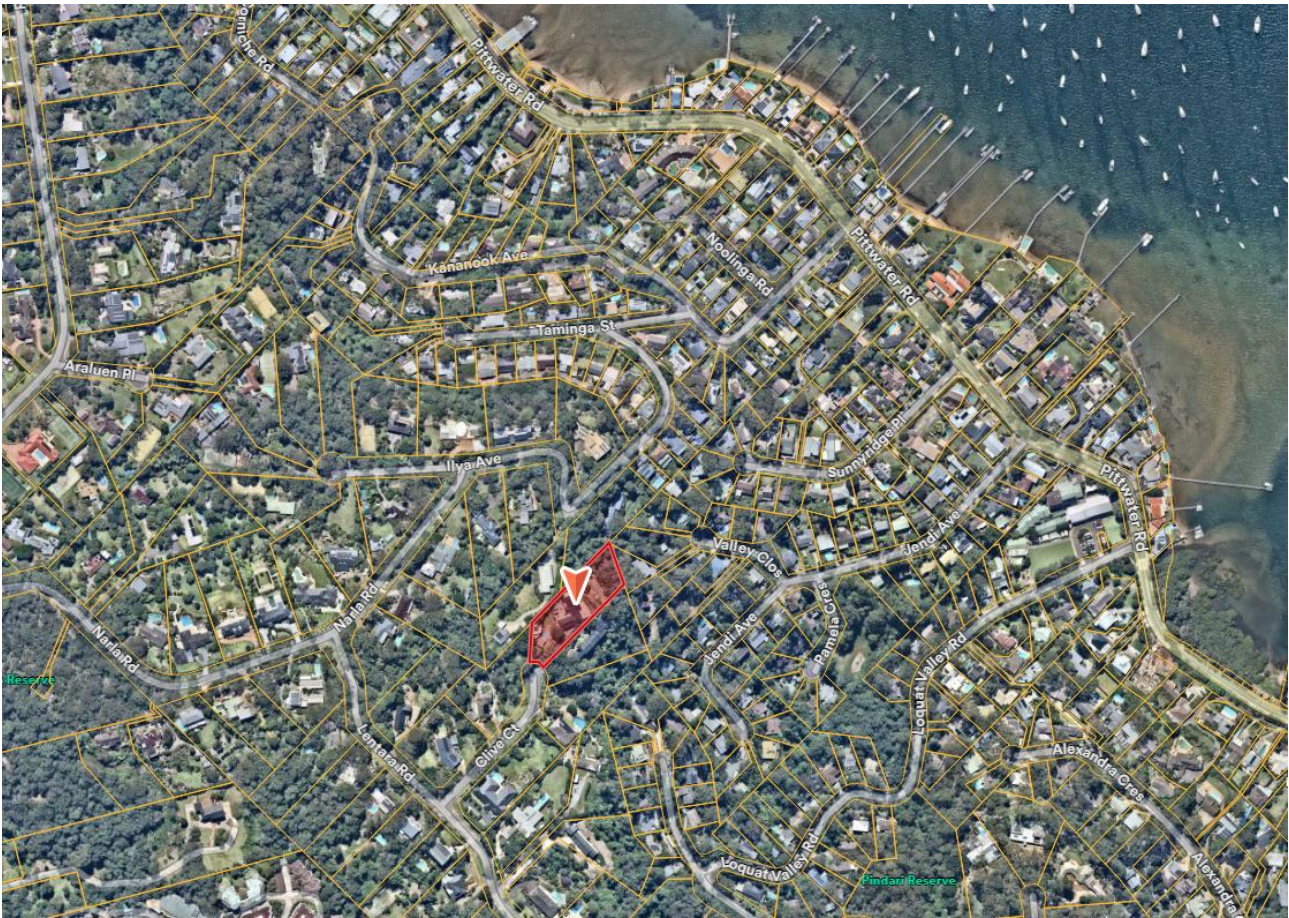


Figure 6 Aerial view of the surrounding locality with the site outlined in red (source: Near Map 2024)

2.4 Relevant Planning and Building Application History

Table 2 Planning History

Reference	Type	Description	Date	Decision
A1433/73	Building Application	Swimming Pool	19.11.1973	Approved
3035/79	Building Application	Additions to dwelling	28.08.79	Approved
DA1983/99 (83/134)	Planning Application	Alterations to existng dwelling house involving the closure of a terrace	21.04.1983	Approved
1126/84	Building Approval	Pool and alterations	26.04.1984	Approved
2114/87	Building Approval	Additions to dwelling	07.09.1987	Approved
808/94	Building Approval	Alterations and additions to dwelling	12.09.1994	Approved

3. Description of Development

3.1 Overview

This application seeks approval for a change of use from the existing two-storey pool house to a secondary dwelling. As advised by Council's Building Control – Approvals Environmental Compliance Officer, this DA also seeks consent for the use of the constructed first floor rear terrace and the extension of ground floor living areas at the rear of the primary dwelling.

The application also seeks approval for a modest external staircase to be attached to the north/east elevation of the main dwelling, connecting the ground and first floor balconies. These elements have been separated out below for clarity. This application does not propose any works to the secondary dwelling nor any other works to the primary dwelling, despite the external stairs.

3.2 Pool House Structure

Although the principle of a structure and the footprint are the same as approved under 3035/79 (see [section 2.2.2](#)), a question remains surrounding the number of storeys within that approval.

Through a GIPA request to Northern Beaches Council, it appears that no elevations exist for the approved Pool House. Therefore, it remains unclear if the Pool House was approved as a single storey or two storey building. Regardless, it is clear that consent for a two-storey Pool House was not explicitly sought by previous owners. Consequently, a Building Information Certificate (BIC) has been submitted to Council for the second floor of the pool house which is currently under assessment.

This proposed building follows the same footprint as plans approved under building approval 3035/79 and measures approximately 7.2 metres in total height. The building elevation and floor plans are attached at Appendix B, with extracts shown below in Figures 7-9.



Figure 7 Elevations of the proposed secondary dwelling (Source: RCD Projects)

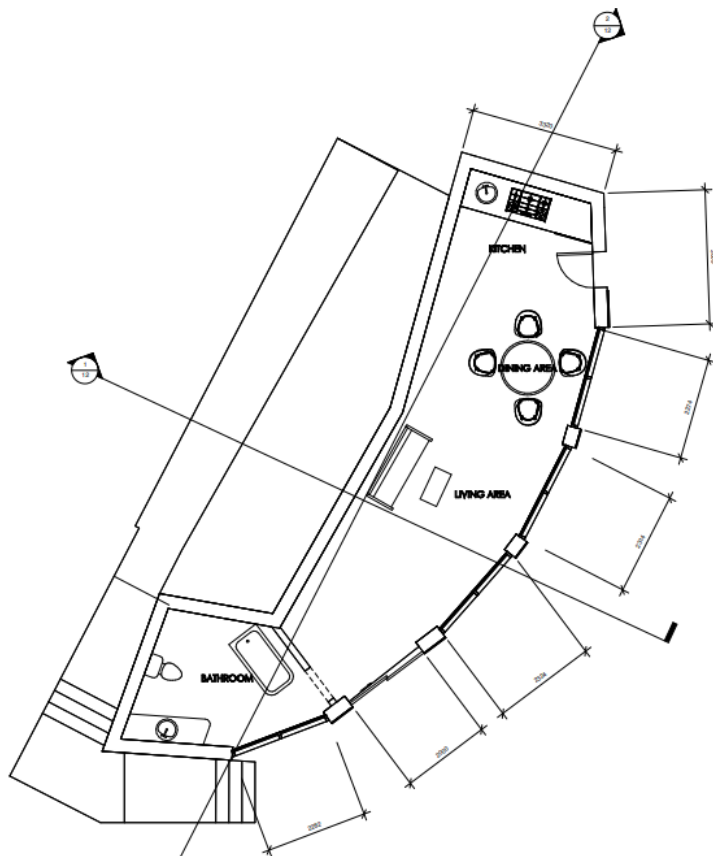


Figure 8 Ground floor plan of the secondary dwelling (Source: RCD Projects)

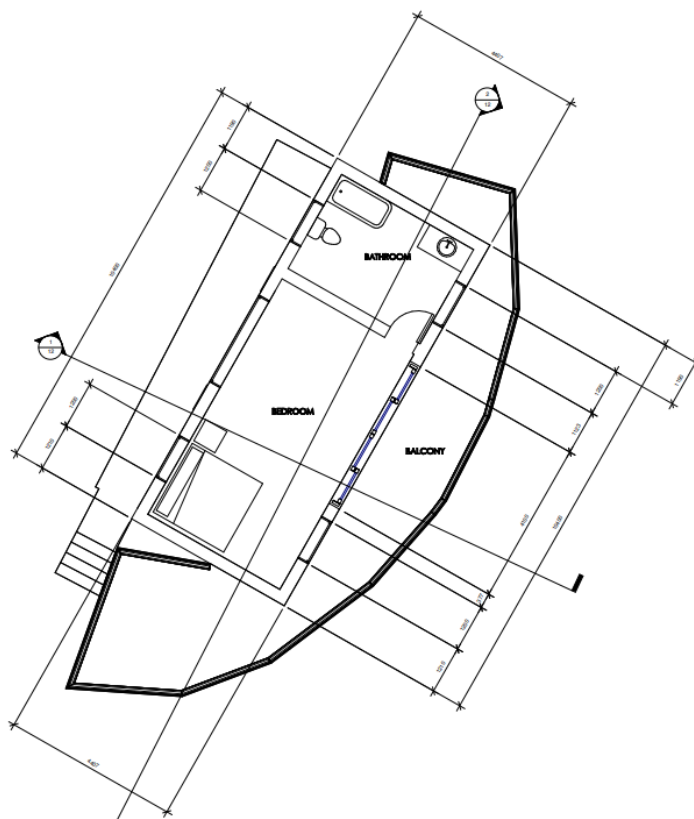


Figure 9 First floor plan of the secondary dwelling (Source: RCD Projects)

3.2.1 Conversion of Pool House to Secondary Dwelling

The proposal is to use the existing Pool House as a secondary dwelling. The proposal will include a bedroom and bathroom on the upper level, with a living area, kitchen and bathroom on the ground floor. This use is permissible with consent in the R5 zone of the PLEP and consistent with the objectives of the PDCP. See [section 4.6](#) and [section 4.7](#) for further analysis on the PLEP and PDCP respectively.

As part of this application, it is proposed to continue the use of the existing aerated wastewater treatment system as it is considered structurally sound and lacks odours emanating from it. The existing arrangement for land application of treated effluent is proposed to be decommissioned, and the provision of a new and larger area for surface spray irrigation is proposed. (Refer to Appendix H for details).

3.3 Use of first floor terrace attached to rear of primary dwelling

The plans approved under Building Approval 808/94 of September 1994 detail a 'stepped' balcony and terrace area, presented across two storeys. The ground floor terrace is approved as projecting of the rear building line by approximately 7.00 metres at the longest point, and 3.11 metres at the shortest. On the first floor, there is a smaller balcony projection approved, this measures approximately 3.00 metres. The approved floor plans are shown in the Figures below.

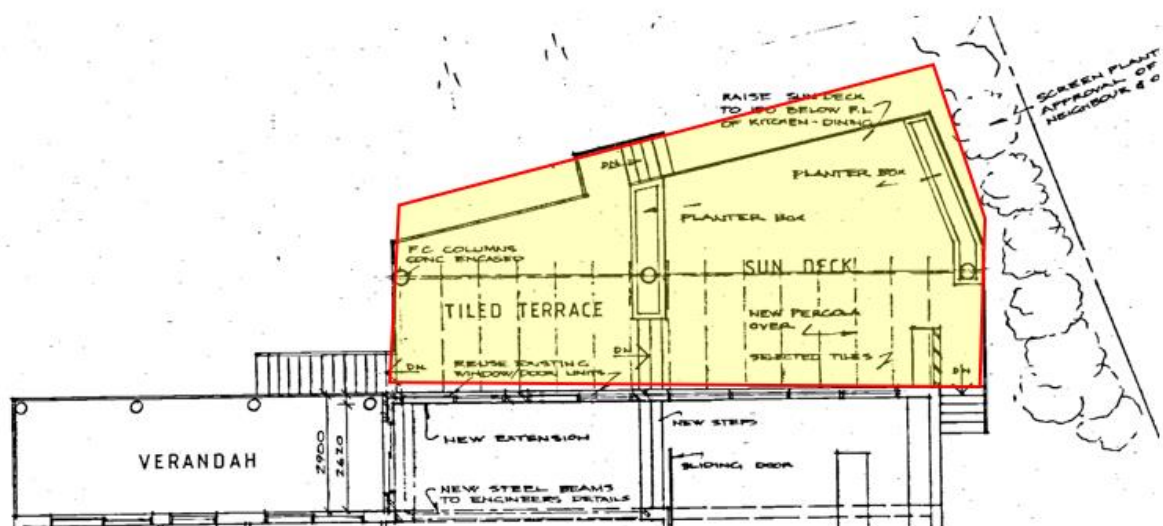


Figure 10: Approved ground floor terrace and balcony (highlighted in yellow) (Source: GIPA from NBC)

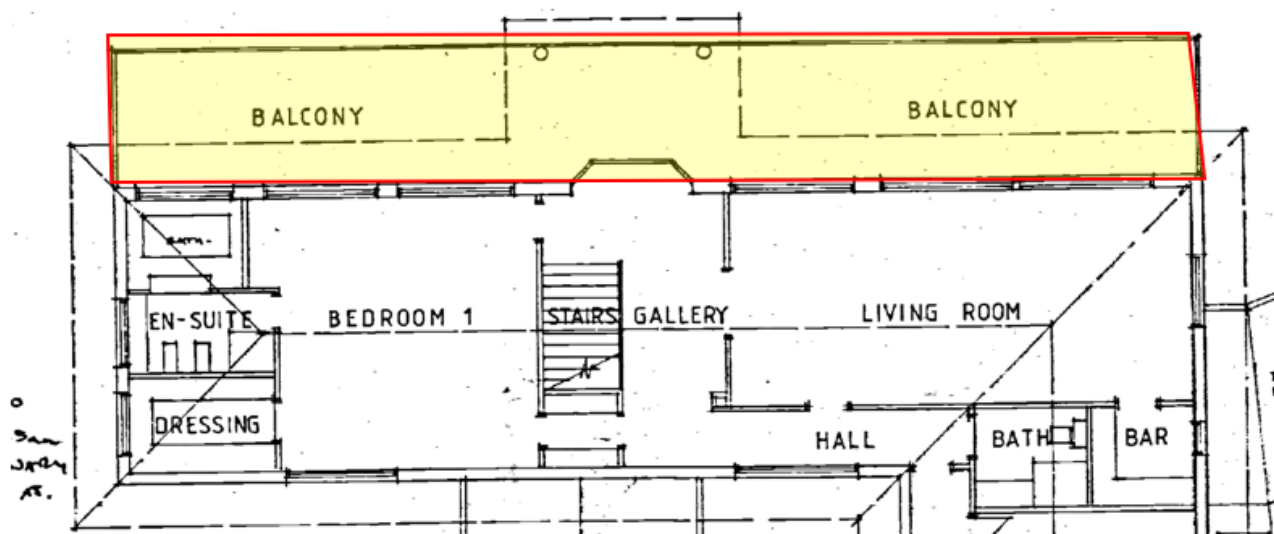


Figure 11: Approved first floor terrace and balcony (highlighted in yellow) (Source: GIPA from NBC)

The development featured on the site follows the footprint of the balcony and terrace under Building Approval 808/94 of September 1994 shown in Figures 10 and 11 above, albeit with a modest difference.

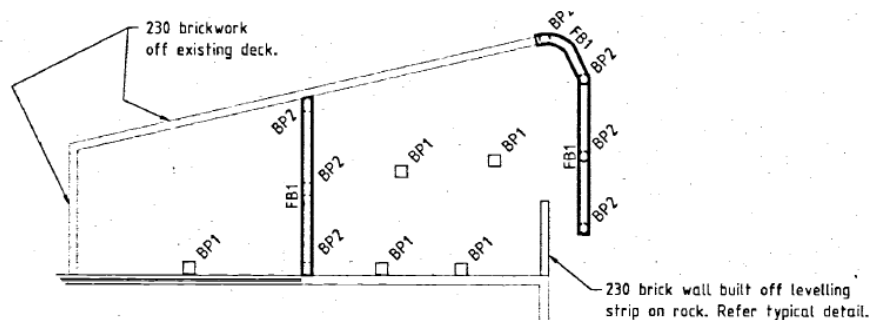
Rather than feature a 'stepped' balcony and terrace across two floors, the projection on the first floor is flush with the floor below, utilising the slab and structural supports throughout. This appears as a uniform rear quadrilateral prism and represents an approximate 80m² extension to the approved first floor balcony area. The first floor terrace area utilises the roof of the covered terrace area on the ground floor below.



Figure 12: Images of the first floor terrace (Source: Gyde)

3.4 Use of ground floor living areas at the rear of primary dwelling

The BIC relates to the conversion of the ground floor terrace into additional indoor living space. To facilitate this change, the wall on the northeastern side of the dwelling was extended forward by approximately 4.00 metres of the approved building line to be flush with the approved slab level below. This approved slab and footing is shown Figure 13 below. This is the area referred to as "sun deck" in Figure 10 above.



FOOTING PLAN

Footing beam _____ FB1 _____ 400dp. x 300 wide concrete beam, refer detail.
 Brick piers _____ BP1 _____ 350 x 350 brick piers built off rock to u/s of slab.
 BP2 _____ 350 x 350 brick piers built off rock to u/s of footing beam.

Figure 13: Approved footing plans (Reference H1246-S1 for Building Approval 808/94 (Source: GIPA request from NBC))

Full-height floor to ceiling glazed patio doors measuring 2.06 metres in height have also been installed to enclose the space. To be clear, the first-floor footings and slab have not been altered from the approved plans (reference H1246-S1 as shown in Figure 13 above), the space has simply been enclosed through the addition of walls and installation of glazed doors on top of the approved footings.

The changes proposed represent an approximate increase of 20m² to the internal living space of the main dwelling. This is a modest increase relative to the main dwelling, which covers more than 450m². Figure 14 below shows an image of the extended and converted indoor living space from an internal perspective.



Figure 14: Internal view looking north-east from the extended and converted living areas (source: Gyde)

Adjoining this, the terrace area was also extended forward of the rear building line in approved plans of DA1983/39. This extension was by a modest amount, measuring approximately 4.00m in total. The extensions creating the covered terrace follow the existing approved slab and footings and stay within this envelope. (Refer to Figure 15 below). This construction work was undertaken as the terrace was previously allowing water ingress and causing damage to the structural integrity of the building. This terrace does not add to the floor space of the dwelling and sits within the approved original footing plans.



Figure 15: The covered terrace area highlighted in yellow, which is built above the approved footings (source: Gyde)

3.5 Erection of external staircase on eastern elevation of primary dwelling

The development also proposes a modest sized spiral staircase attached to the eastern elevation of the primary dwelling, which will function as an external link between the first and second floor balcony areas. This staircase is 2.7m in height, from the Ground FFL of 600 and top out at First FFL of 3300. (Refer to Architectural Elevations). As can be seen in the floor plan below, the staircase for the most part is tucked in behind a blade wall and obscured from view.

The proposed staircase will be constructed of powder coated aluminium painted in a white colour. The material choice and colour palette will enable the staircase to assimilate positively into the context of the primary dwelling, providing a modern, yet functional aesthetic. Floor plans and elevations are provided at Appendix B and extracted in the Figures below.

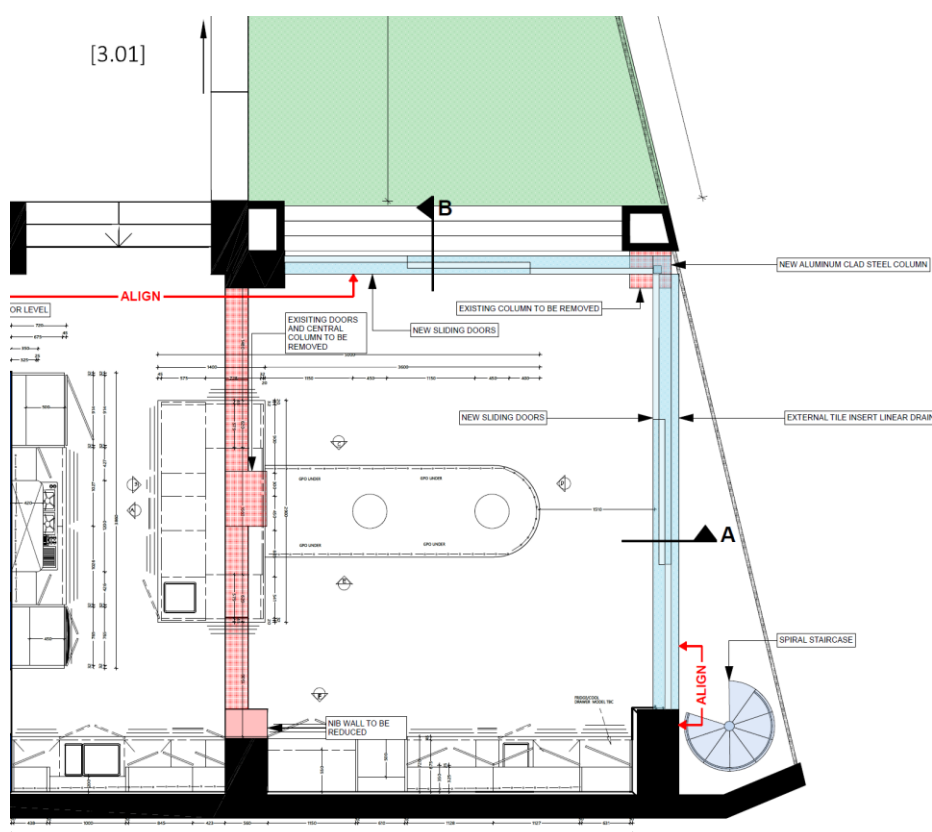


Figure 16 Floor plan detailing the proposed staircase in blue (Source: RCD Projects)



MAIN BUILDING NORTH ELEVATION



MAIN BUILDING EAST ELEVATION



Figure 17 Elevations and concept image of the proposed staircase. Elevations has staircase highlighted in yellow.
(Source: RCD Projects)

4. Statutory Planning Considerations

4.1 Overview

The relevant statutory framework considered in the preparation of this report comprises:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2021*;
- *Biodiversity Conservation Act 2016*;
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*;
- *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- *State Environmental Planning Policy (Sustainable Buildings) 2022*;
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
- *Northern Beaches Council Local Environmental Plan 2014*

Where relevant, these are addressed below.

4.2 *Environmental Planning and Assessment Act 1979*

4.2.1 Section 4.15 of EP&A Act 1979

Section 4.15(1) of the EPA Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the EPA Act are addressed in the table below.

Table 3 Section 4.15 of EP&A Act 1979

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Chapter 4 of this SEE.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Not relevant to this application.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 4.7 of this SEE.
Section 4.15(1)(a)(iiia) Any planning agreement	Not applicable to this site.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4.3 .
Section 4.15(1)(b) - (e)	Refer to Chapter 4 of this SEE for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority following public exhibition of the development application.

4.2.2 Section 4.46 – Integrated Development

This section of the EPA Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development. The development is not considered to be integrated development.

4.3 Environmental Planning and Assessment Regulation 2021

4.3.1 Clause 61 – Additional matters that consent authority must consider

Clause 61(1) prescribes that the consent authority in determining a DA must consider Australian Standard AS 2601 – 2001. Any demolition works will be undertaken in accordance with AS 2601-1991. The Demolition of Structures published by Standards Australia.

4.3.2 Clause 69 – Compliance with Building Code of Australia

Any building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA) pursuant to Clause 69 of the EP&A Reg and development approval for prospective works are conditioned as part any development consent.

4.4 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) lists and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Applicants must consider whether their proposal will exceed the following Biodiversity Offset Scheme Development Thresholds:

1. Exceeding the clearing threshold on an area of native vegetation
1. Carrying out development on land included in the Biodiversity Values Land Map –
2. Having a 'significant effect' on threatened species or ecological communities

Part of the site is included on the Biodiversity Values Land Map (see Figure 18 below) however the existing building works have been carried out on the existing dwelling and pool house, with no additional building envelope encroaching onto the surrounding land.

The proposal is not expected to have a significant effect on any threatened species of ecological communities. Therefore, the proposal will not exceed the Biodiversity Offset Scheme Development Thresholds.

The works for the external stair, and the proposed new effluent irrigation line which form part of this development application do not result in the clearing of any vegetation. As stated on p7 of the Effluent Management Report: *"the LAA (Land Application Area) is predominantly devoid of vegetation and typically comprises a thin mulch layer with some bare ground, shrubs, ferns and small trees."* Consequently, the proposal does not impact any vegetation. The proposal is not expected to have an effect on any threatened species of ecological communities. Therefore, the proposal will not exceed the Biodiversity Offset Scheme Development Thresholds.

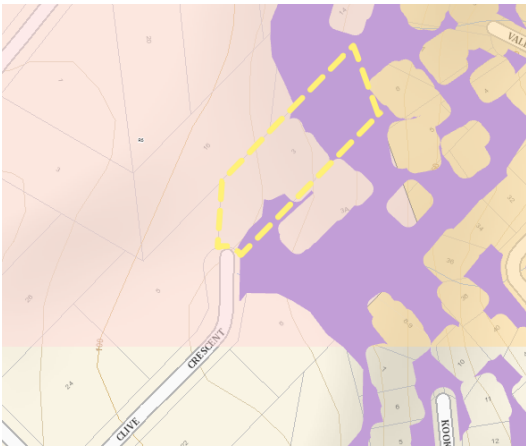


Figure 18 Biodiversity Values Map with site outlined in yellow (Source: NSW Biodiversity Values Map and Threshold Tool)

4.5 State Environmental Planning Policies

4.5.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

The provisions of this chapter establish a State-wide planning approach for the remediation of contaminated land. Pursuant to s4.6 the consent authority must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The land has no known history of contamination. Planning and Building records date back to 1979 with no reference to contamination. Therefore, with the evidence available it is considered that there is no contamination present on site and as such the proposed site is suitable for the intended use.

4.5.2 State Environmental Planning Policy (Sustainable Buildings) 2022

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data.

The SEPP requires the submission of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". The proposed change of use from the pool house to a secondary dwelling triggers this, as such a BASIX Certificate accompanies this application. The external stair does not trigger the need for a BASIX certificate.

4.5.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

The subject works fall outside of the permissible standards pursuant to the State Environmental Planning Policy (Transport and Infrastructure) 2021. The works do not constitute exempt development and do not trigger any referrals under this legislation.

4.5.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

The aims of Chapter 2 of the Biodiversity and Conservation SEPP are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Pursuant to Section 2.6 of the Biodiversity and Conservation SEPP, a person must not clear vegetation in a non-rural area of the State to which Part 3 of the SEPP applies without the authority conferred by a permit granted by Council under that part. The works have been located so that they do not adversely impact significant vegetation on site. Additionally, a person must not clear native vegetation in a non-rural area that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4. The biodiversity offset scheme thresholds are not triggered or relevant to the formalisation of the development works.

4.6 Pittwater Local Environmental Plan 2014

4.6.1 Zoning and Permissibility

As shown in the Figure 19 below, the site is zoned R5 Large Lot Residential under the provisions of the Pittwater Local Environmental Plan 2014 (the **PLEP 2014**). The proposal is characterised as a dwelling house and residential accommodation in the PLEP 2014 dictionary. Dwellings and secondary dwellings are permissible with consent in the R5 zone.

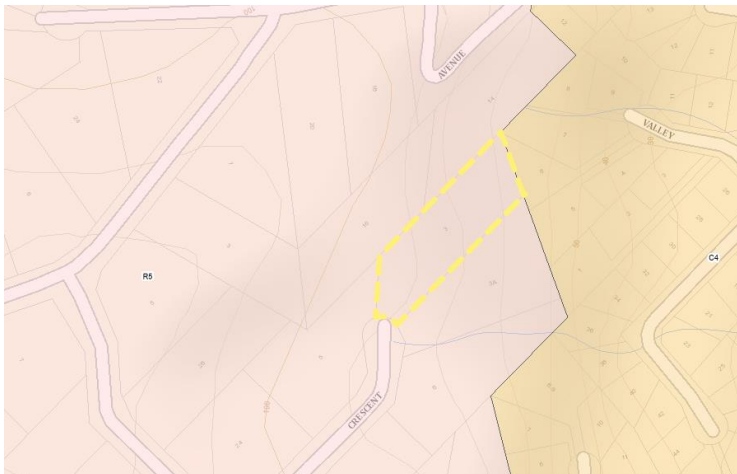


Figure 19 Site Zoning Map (Source: NSW Spatial Viewer)

The objectives of the R5 Large Lot Residential zone are outlined below.

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


5. To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

The proposal is consistent with the objects of the zone as it offers a high standard of residential amenity whilst minimising impacts on the surrounding environment and the adjacent zones. The site benefits from being a large lot, measuring 4134m², which provides a significant buffer to adjacent sites. The site features a large residential dwelling that has been in situ for more than 50 years. The conversion of the pool house to a secondary dwelling will not unreasonably increase the demand on public services. The residential use of the site is ultimately compatible with the surrounding residential land uses in the immediate vicinity.

4.6.2 Relevant Clauses

An assessment of the proposal against the relevant provisions of the **PLEP 2014** is set out in the following table. The proposal is for a change of use to the existing pool house structure, with the only works being the construction of an external spiral stair case on the primary dwelling leading from one balcony to another.

Table 4 Assessment against relevant provisions of The Pittwater Local Environmental Plan 2014

Clause	Provision	Assessment
4.3 Height of buildings	<p>Establishes a maximum building height of 8.5m for the site.</p>  <p>Height of Buildings Map from the PLEP 2014 with the site in red (Source: NSW legislation)</p>	<p>The height of the main building has not been altered or extended.</p> <p>The Pool House will measure 6.6m in height from the ground floor level to the ridge.</p> <p>This has been calculated using the survey data, which details a RL100.89 to the ridge, and RL 94.22 to the ground floor. The elevations show the ground floor is 0.6m above ground level. As such the height is 7.2m from ground level.</p> <p>This proposed height is well below the 8.5m Height of Building limit stipulated in the PLEP. The building height is therefore consistent with the PLEP.</p>
4.4	Floor space ratio (FSR).	No FSR has been established for the site under the PLEP.

4.7 Pittwater 21 Development Control Plan (as amended)

It is specified in section 3.42 of the EPA Act, that the purpose of a development control plan (DCP) is to provide guidance on:

- giving effect to the aims of the PLEP 2014
- facilitating development that is permissible under the PLEP, and


- achieving the objectives of the R5 Zone applying to the site.

The provisions of a DCP made for that purpose are not statutory requirements. An assessment of the proposal against the relevant provisions of the Pittwater 21 DCP is set out in the following table.


The site is located in the 'Bayview Heights Locality' and as such the requirements of A4.2 apply to the site. In any instances where the proposal departs from a numerical requirement this is assessed in the context of the objectives or aims of the numerical requirement (where available) and the principal purpose of the Pittwater 21 DCP as noted above.

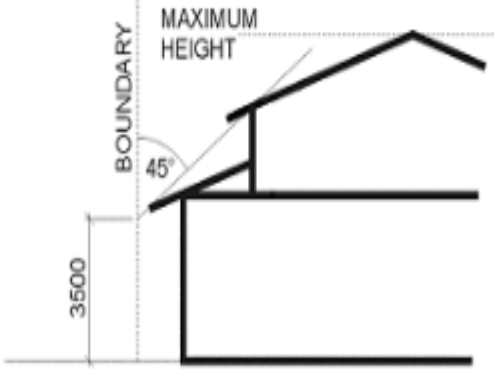
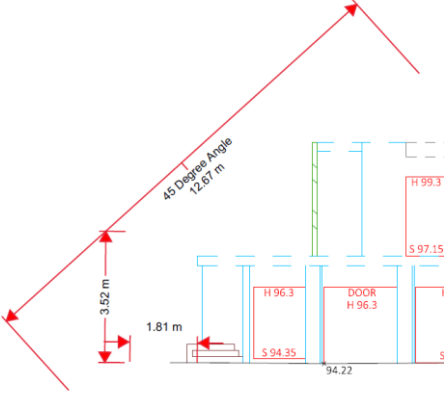
Table 5 Assessment against relevant provisions of Pittwater Development Control Plan 2004

Clause	Provision	Assessment
A4.2 Bayview Heights Desired Character	<p>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.</p> <p>Future development will maintain a building height limit below the tree canopy and minimise bulk and scale.</p> <p>A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land.</p>	<p>The site proposes a modest secondary dwelling.</p> <p>There is minimal environmental impact as the Pool House was an approved structure and has been since at least 1979 under Building Approval 3035/79. Despite this, a BIC is currently under assessment within the Council; relating to the ambiguity of the first floor level.</p> <p>Due to the location on the site, the site topography and extensive vegetation, the existing structure is mostly obscured from the neighbouring dwellings and has no detrimental impact. Dense landscaping exists around it, and it sits considerably lower than the southern and western adjoining lands.</p> <p>The proposed external stair to the primary dwelling sit within the existing building envelope and will only be viewed marginally from the residential property to the rear. The staircase is obscured from view by an existing blade wall of the dwelling, dense landscaping and the steep angle of the existing topography between the subject site and the property to the rear.</p> <p>The additional living space and terraces to the primary dwelling sit within the approved building envelope and face north-east over extensive vegetation. They do not change the height of the dwelling.</p>
C1.5 Visual Privacy	<p>Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by</p>	<p>The site has a large overall area, and all private open space is adequately screened due to the significant separation distances between the host</p>

Clause	Provision	Assessment
	<p>building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</p> <p>Elevated decks and pools, verandas and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</p> <p>Direct views from an upper-level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower-level dwelling directly below.</p>	<p>dwelling (3 Clive Crescent) and adjacent properties.</p> <p>All decks, pools and balconies are located at the front and rear of the building.</p> <p>There are no direct views into lower-level dwellings. A slight glimpse of the neighbouring property can be seen through dense mature vegetation however this does not cause any impacts. This is shown in the pictures below taken by Gyde in May 2024.</p>  <p>(Source: Gyde)</p>
C1.11 Secondary Dwellings and Rural Worker's Dwellings	<p>The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.</p> <p>A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.</p> <p>Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.</p>	<p>The Pool House structure proposed as a secondary dwelling does not result in the provision of more than 2 dwellings on the land.</p> <p>The secondary dwelling proposed has a single bedroom and as such complies with the stipulated bedroom requirement.</p> <p>The secondary dwelling does feature 2 bathrooms, with one on each floor. However, due to the absence of an internal staircase linking the two floors, these bathroom elements have been</p>

Clause	Provision	Assessment
		<p>provided for functionality of the two levels with the upper-level bathroom acting as an “ensuite” to the bedroom. It is impractical to require the future occupants to traverse an external stair from the bedroom to the ground floor bathroom. The ground floor bathroom is also used in conjunction with the pool and as such should remain.</p> <p>The secondary dwelling is two storeys in height, however as per the DCP, design flexibility for second storey development has been provided. As per the survey, the building measures 7.2m in total height, compared to the primary dwelling of 11.68m, this is subservient in comparison. The total height is also below the PLEP 2014 Height of Building limit of 8.5m.</p> <p>The building is screened from surrounding properties by the dense landscaping, site topography and the primary dwelling itself. Despite being two storeys in nature, it has no detrimental impacts on adjoining premises. Shadow diagrams have been provided which demonstrates the two storeys does not impact on adjoining premises. The balconies are oriented inwards to the subject site towards the pool and as such there is negligible privacy impacts on adjoining residents.</p>
D2.2 Scenic protection - General	Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	<p>The development site is screened from public view due to the dense vegetation. Although the water can be seen from the dwelling, these are far reaching glimpses and when viewed from any wider public vantage point the dwelling assimilates into the landscape, primarily due to the colour palette and significant distances.</p> <p>The secondary dwelling cannot be seen from the waterway, road or public reserve as it is screened behind the primary dwelling and dense landscaping.</p>

Clause	Provision	Assessment
D2.3 Building colours and materials	<p>Controls External colours and materials shall be dark and earthy tones as shown below:</p> 	All materials included as part of the development follow the dark and earthy tones shown in the material colour palette.
D2.6 Side and rear building line	<p>The minimum side and rear building line for built structures including pools and parking structures other than driveways, fences and retaining walls, shall be in accordance with the following:</p> <p>6.5m (side)</p> <p>20m (rear)</p>	<p>The rear setback is more than 40.00 metres, and the side setbacks of the extensions follow the approved building envelope, so they do not encroach further towards the boundary than is already approved under relevant consents.</p> <p>When having regard to the proposed secondary dwelling, although the building is closer (1.8m) than the 6.5m stipulated in the DCP, the building does not encroach any closer than the distance approved under previous consents (3035/79). The construction of the second level is not part of this application and is being assessed under the BIC presently with Council.</p> <p>Despite this, the building is screened with dense landscaping and due to the topography sits lower than the adjoining dwellings. A blank wall faces the adjoining property to the north with most windows/openings looking directly into the centre of the subject site. Windows from the upper level bedroom and bathroom do face to the west, however these sit much lower than the adjoining premises and do not pose any privacy impacts due to the oblique angle and dense screening.</p> <p>Therefore, there are no adverse impacts that arise from the use of this structure as a secondary dwelling.</p>
D2.7 Building envelope	Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).	The extensions and alterations to the main dwelling in the form of a modest external staircase and additional living spaces do not alter the building envelope in a way that contradicts D2.7.

Clause	Provision	Assessment
		<p>The secondary dwelling structure complies the requirement:</p> 
<p>D2.12 Construction Retaining walls, terracing and undercroft areas</p>	<p>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</p> <p>Retaining walls and terracing shall be kept to a minimum.</p> <p>On steeper slopes, preference is given to the use of stable rock ledges and escarpments to reduce the visual bulk of buildings. Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</p> <p>In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.</p> <p>Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.</p> <p>Timber Log Retaining Walls Not Permitted</p>	<p>There are no undercroft areas or timber walls proposed.</p> <p>The proposed external staircase is of lightweight construction.</p> <p>The change of use from the pool house to a secondary dwelling and the additional living areas in the primary dwelling involve no construction.</p>

5. Assessment of Likely Impacts

5.1 Overview

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the Act.

5.2 Context and Setting

The context and setting of the development site is described in Section 2.3 of this Statement. Further consideration of the compatibility of the proposal and its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on “compatibility with context” in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

The use of the additional living areas and the addition of an external staircase to the balcony and terrace areas, together with the change of use from the Pool House structure to a secondary dwelling, will not result in any additional physical impacts on surrounding development. There will be no detrimental impact in terms of view loss, setbacks, privacy, or overshadowing. There are no impacts in relation to bushfire, access, traffic, built form, neighbourhood character, views, or reflectivity.

Is the proposal’s appearance in harmony with the buildings around it and the character of the area?

The existing built form is an appropriate response to surrounding development in the locality. It is of similar bulk and scale of adjoining and adjacent developments in the vicinity. The proposal maintains the existing development’s appearance within the large lot urban landscape and does not detract from the character of the area. The building works blend into the existing building and due to the topography and vegetation on the site, are hidden for the most part from public and private domains.

5.3 Natural Environment

5.3.1 Flora and fauna

The proposed building work is limited to the stairwell structure within the approved footings; and the provision of surface spray irrigation line to the east of the existing primary dwelling, within an area that is predominantly devoid of vegetation and typically comprises a thin mulch layer with some bare ground, shrubs, ferns and small trees. The proposal maintains a min 3-7m from the nearest southern boundary, 6m from the eastern boundary and 15.5m from the northern boundary. The building works therefore have no adverse impacts on significant flora and fauna.

5.3.2 Tree removal

No trees are impacted or removed as a result of the development as proposed.

5.3.3 Soils

The site is mapped as having *Class 5 Acid Sulfate Soils*. The building works are covered by an existing building and hard stand area. Rainwater in these areas is captured through the drainage infrastructure on site and discharged through stormwater infrastructure. Consequently, minimal infiltration and impact to site soils is expected to occur given the minimal exposed soils and relevant drainage infrastructure in the developed areas. This proposal has no additional impacts on the soils from that approved.

5.3.4 Flooding

The site is not identified as being in an area vulnerable to flooding, as defined on the NBC Flood Hazard Map (see Figure 20 below). The building works do not increase the overall hard surface area and water catchment. Consequently, there are no identified flood risks.

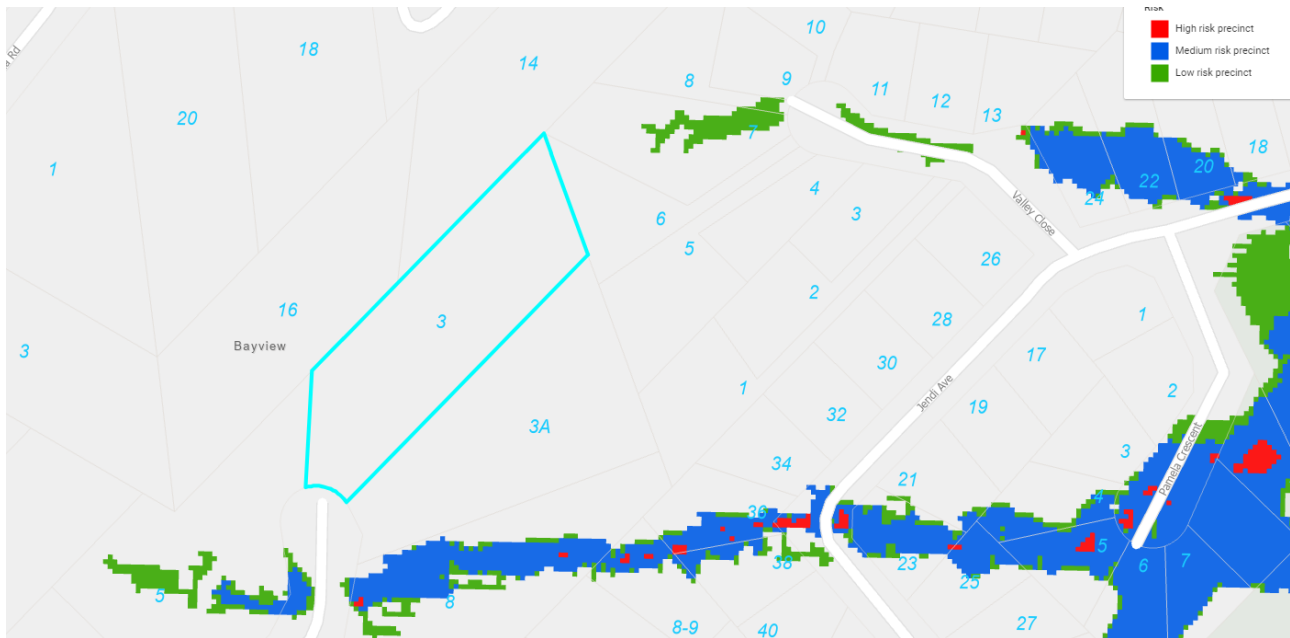


Figure 20 Flood Hazard Map (Source: Northern Beaches Council)

5.4 Built Environment

5.4.1 Privacy and Overshadowing

The development as proposed does not cause the overshadowing of neighbouring properties. The external stair proposed is contained within the approved slab footprint and balcony of the dwelling and does not include any additional projections that would impact any neighbours. Below, an impact assessment has been undertaken in relation to the relevant neighbouring properties.

3A Clive Crescent

3A Clive Crescent is closest neighbour to the balcony and terrace areas, located approximately 8 metres eastwards at the closest point. The proposals do not raise any privacy concerns or cause overshadowing impacts. A minor glimpse of the adjoining roof is visible, with the remainder of the dwelling entirely screened by the densely vegetated boundary and topographic changes. The images below show the relationship between the balcony and terraces (which would be accessed via the proposed external staircase) and the neighbouring property at 3A Clive Crescent. Note the significant fall in topography and dense landscaping that exists between the two sites.



Figure 21 Relationship between the terrace and 3A Clive Crescent (source: Gyde)

16 Illya Avenue

Statement of Environmental Effects



Figure 24 View from the existing proposed secondary dwelling structure to the blank elevation 25m away at 16 Illya Avenue (source: Gyde)

6 Valley Close

6 Valley Close is located approximately 55 metres north of the balcony and terrace areas, at the closest point. The proposal does not raise any privacy concerns or cause overshadowing impacts by virtue of the separation distance, topography of the site and the vegetation. A minor glimpse of the dwelling is visible through a gap in the vegetation; however, this is miniscule and does not present any concerns. The images below show the relationship between the proposed staircase location and additional living areas with the neighbouring property at 6 Valley Close.



Figure 25 Relationship between the upper balcony area where the staircase is proposed and 6 Valley Close (source: Gyde)



Figure 26 View from the upper balcony looking northwards towards 6 Valley Close (source: Gyde)

The structure for the proposed secondary dwelling cannot be seen from the adjoining property at 6 Valley Close, due to the topography and the primary dwelling on the subject site screens it from view.

Overshadowing

The orientation of the site and the steep topography results in the shadow from the secondary dwelling primarily falling on the subject site. Refer to screenshot of shadow diagrams below. The external stairs and additional living areas sit within the existing building envelope of the primary dwelling and result in no additional shadow.

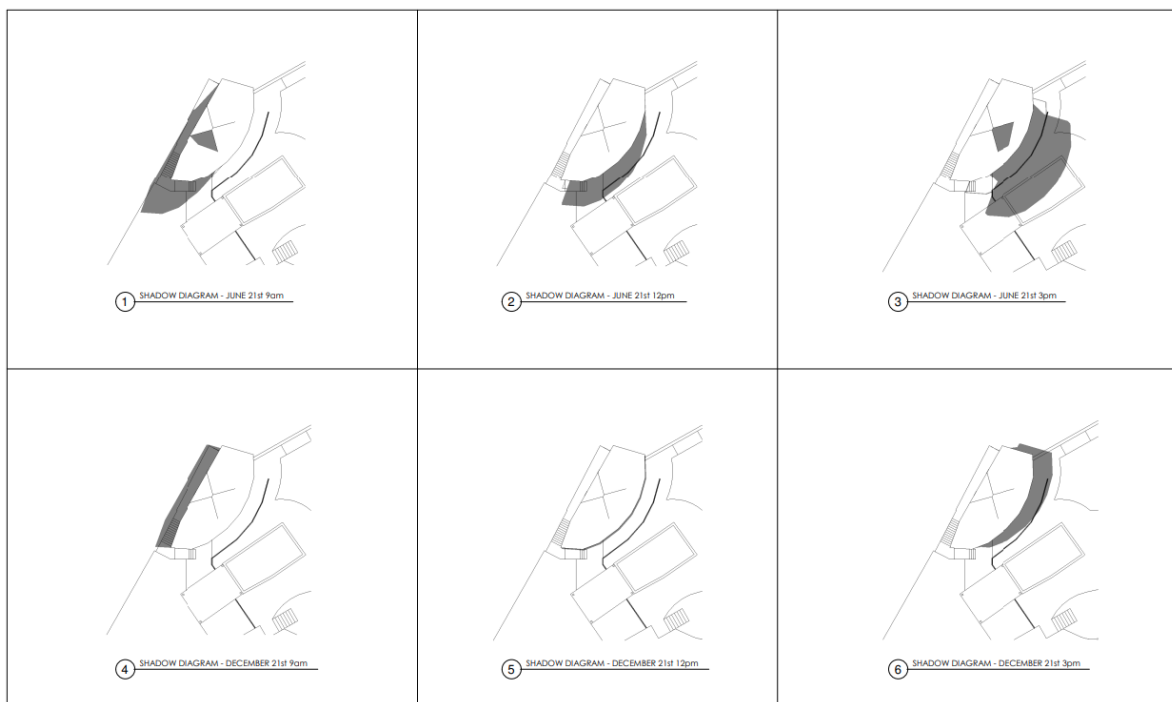


Figure 27: Screenshot of the shadow diagrams cast from the proposed secondary dwelling with June in the top row and December in the bottom row. (Source: RCD Projects)

5.4.2 View Loss

The building works cause no issue of view loss to neighbouring properties. The height of the secondary dwelling is below the PLEP 8.5m requirement at 7.2m and is situated lower due to the topography of the sites. As with the privacy and overshadowing impacts analysis above, the separation distances and vegetation surrounding the site provide natural screening and do not raise any concerns.

5.4.3 Visual impacts

The development site is screened from public view due to the dense vegetation that exist both within and adjacent to the boundary. Although the water can be seen from the dwelling, these are far reaching glimpses and when viewed from any wider public vantage point the dwelling assimilates into the landscape, primarily due to the colour palette and significant distances. Figure 28 below shows the extent of vegetation that screens the dwelling on the northern/eastern boundary and obscures any visual impacts on the landscape.



Figure 28 View from the second floor balcony looking north with dense vegetation shown which screens the dwelling from wider vantage points (Source: Northern Beaches Council)

5.4.4 Traffic and Parking

The proposal does not alter the existing traffic and parking arrangements, nor does it increase the required parking capacity of the site. The approved large parking area can comfortably accommodate multiple vehicles as shown in the Figure 29 below.

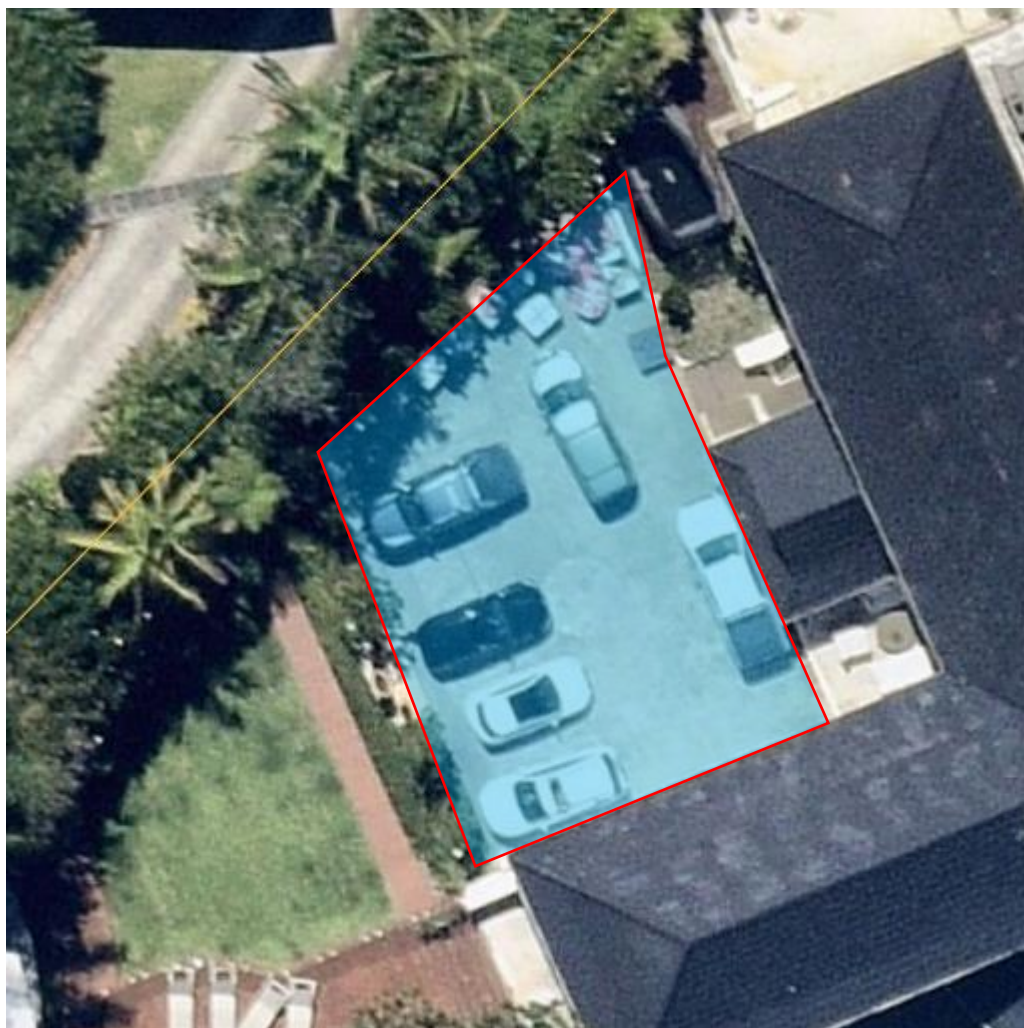


Figure 29 Aerial image of the approved driveway and parking area identified in blue (Source: NearMap)

5.4.5 Impacts on the public domain

The development proposed cannot be seen from the public realm due to its location within the site. Therefore, there are no adverse impacts on the public domain.

5.4.6 Noise and vibration

The residential use and separation distances from the adjacent neighbouring properties means there are no adverse noise or vibration impacts arising from the proposed development. Operational works do not present any issues, given that the development proposed has already been constructed.

5.5 Site Suitability

5.5.1 Geotechnical

There are no identified geotechnical constraints which would make the site unsuitable for the proposed development.

5.5.2 Services and Utilities

The site has featured a dwelling for more than 50 years and has adequate water, sewerage, power and other utility services. The secondary dwelling structure already connects to the existing water and sewer on the

site, as approved as part of the original pool house. This proposal includes the upgrade of the existing effluent management system to cover the proposed additional bedroom in the secondary dwelling.

5.5.3 Conclusion

The suitability of the land to accommodate a building of this type and scale was established by the analysis completed by Council through the preparation of PLEP. The subject site is not affected by any policy that restricts development because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulphate soils or any other risk.

5.6 Social and Economic Impacts

5.6.1 5.4.1. Crime and Safety

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. This includes the following principles:

Surveillance: This principle provides that crime targets can be reduced by effective surveillance, both natural and technical.

Access Control: This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime.

Territorial Reinforcement: This principle provides that well-used places reduce opportunities for crime and increase risk to criminals.

Space Management: This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour.

The proposal has been designed in accordance with the above principles.

5.7 Public interest

According to Brown C in *Ex Gratia Pty Limited v Dungog Shire Council [2005] NSWLEC 148*, a development proposal is in the public interest when the public advantages of the proposal outweigh the public disadvantages.

Pursuant to case law of *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is "Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development". There are no unreasonable impacts that will result from the proposed development

6. Conclusion

This Statement of Environmental Effects (SEE) has undertaken a comprehensive environmental assessment of the proposed development comprising a change of use from the existing Pool House to a secondary dwelling and formalising the uses of the additional living spaces to the rear of the primary dwelling together with the addition of an external staircase on the primary dwelling. The SEE addresses the relevant legislative requirements and has undertaken an environmental assessment of the proposal and has concluded that the additional elements are consistent and compatible with the desired future character of the site and the surrounding locality and has no detrimental impacts on the immediate vicinity.

In summary, the proposal is considered to:

- Be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979;
- Permissible with development consent in the R5 Large Lot Residential zone, consistent with the zone objectives and of appropriate content of the site and surrounding area; and
- Does not trigger any additional vehicle demands on site or affect any existing vehicle or carparking arrangements.

The proposed development will have no impact on adjoining residents, public domain, nor character of the area and are considered acceptable in the circumstances of the site.

Given the findings of this assessment, we consider that the proposal is worthy of approval.