

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING
DWELLING COMPRISING A NEW DETACHED CARPORT AND DRIVEWAY**

LOCATED AT

1 GRANDVIEW DRIVE, NEWPORT

FOR

MATT JAMES & LOUISA ROCHFORD



**Prepared
May 2020**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Rachel Hudson Architect on behalf of Matt James & Louisa Rochford, Drawings No. 0180801, Sheet No. RH-01-DA, BH-02-DA – BH-18-DA, dated 20 May 2020 to detail the proposed construction of alterations and additions to an existing dwelling, including a new detached carport and driveway at **1 Grandview Drive, Newport**.

The subject site is located at the lower end of Grandview Drive, adjacent to the intersection with Seaview Avenue. Currently, the site presents a circular driveway, with a single garage provided for off street parking, with a circular driveway providing vehicle access to Grandview Drive. The proximity of the driveway access to the intersection of Grandview Drive and Seaview Avenue is considered to be potentially dangerous and the application intends to relocate the primary driveway access point for vehicle access to a location which is further from the intersection.

In order to manage the challenges presented by the site's location and the unusual shape and configuration of the site, a Pre-Lodgement Meeting was held with Northern Beaches Council on 12 December 2019. The issues discussed at the application have been considered in the preparation of this proposal.

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 No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 1 Grandview Drive, Newport, being Lot 1 within Deposited Plan 16029 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is identified within the Class 5 Acid Sulfate Soils Area. This will be discussed in further detail within this report.

The site is not affected by any other hazards.

3.0 Site Description

The site is located on the south-western, higher side of Grandview Drive, adjacent to the intersection with Seaview Avenue. The site is currently developed with a two storey rendered and imitation brick sheet clad dwelling with a metal sheet roof. The dwelling currently incorporates a single garage on the ground floor level, which has vehicle access via a curved driveway with a dual driveway crossings to the street.

The land has a gradual fall from the west to the east, with a cross fall towards the north east. Stormwater from the roof areas it is currently directed to the street gutter in Grandview Drive.

The site is irregular in shape and has an angled frontage to Grandview Drive of 38.925m, with a rear boundary of 45.72m and western and north-western boundaries totalling 24.39m. The total site area is 487.1m².

The details of the land are contained within the survey report prepared by DP Surveying, Reference No 3224 dated 14 May 2019, which accompanies the DA submission.

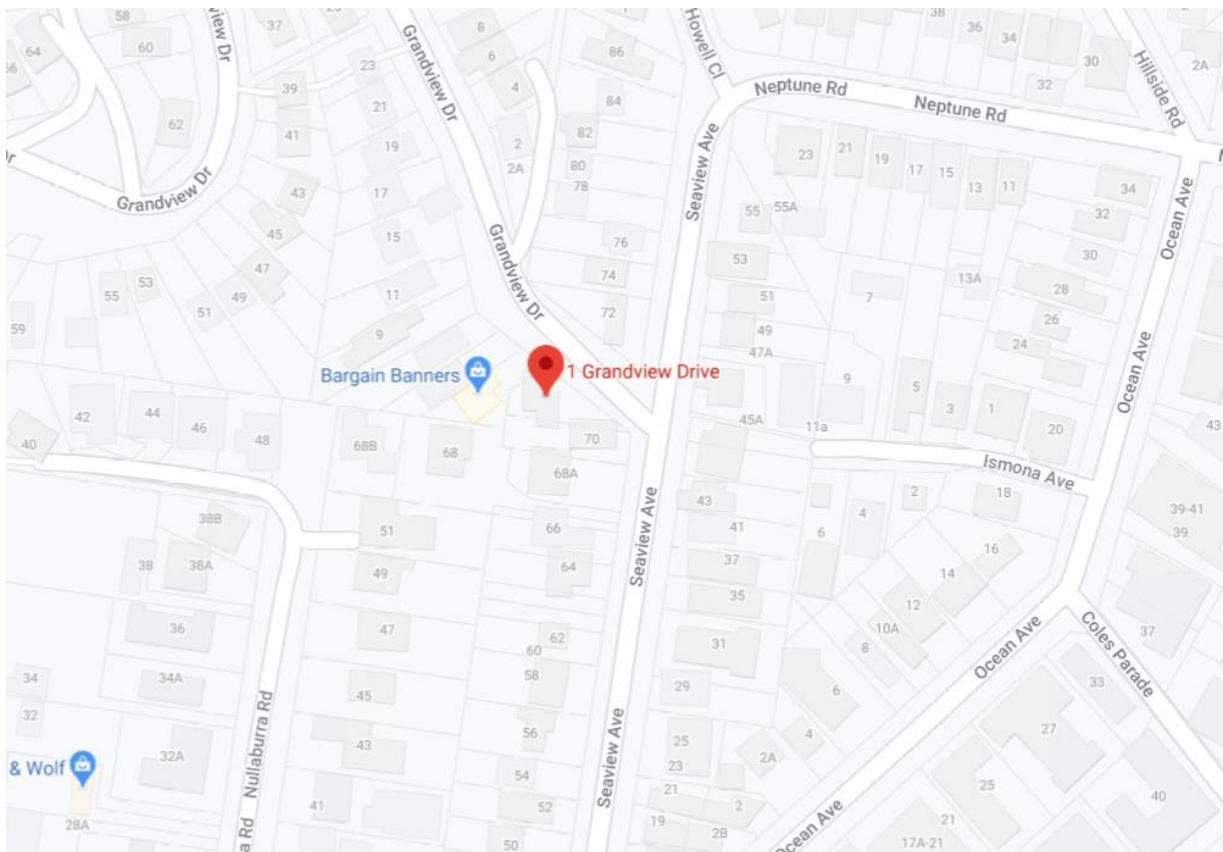


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of subject site looking south-east from Grandview Drive



Fig 3: View of subject site and neighbouring dwelling at No 70 Seaview Avenue, looking south from Grandview Drive



Fig 4: View of subject dwelling and existing western driveway entry to site, looking south from Grandview Drive



Fig 5: View of subject dwelling and neighbouring dwellings to the west, looking south from Grandview Drive



Fig's 6 & 7: Views of subject site and driveway entry points and their proximity to the intersection with Seaview Avenue, together with Council's traffic calming device, looking south-east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by residential dwellings and a range of detached outbuildings, of a variety of architectural styles.

The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a consistent setback to the public domain.

The surrounding properties comprise a range of original style dwellings with an emergence of modern dwellings and additions. The surrounding dwellings comprise a mix of single and two storey dwellings.

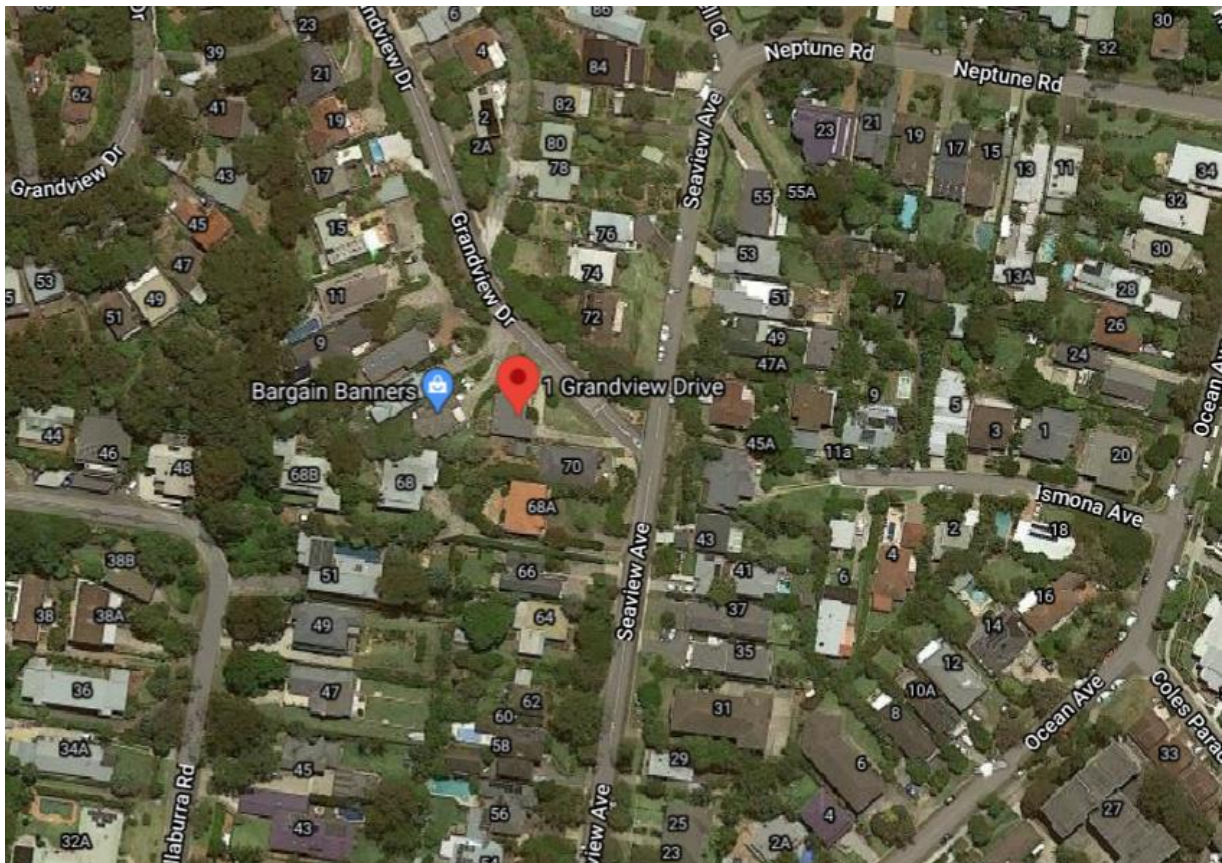


Fig 8: Aerial Photograph
(Source: Google maps)

5.0 Proposed Development

As detailed within the accompanying plans prepared by Rachel Hudson Architect, the proposal seeks consent for additions and alterations to the existing dwelling, including the construction of a new double carport, turning area to allow for vehicles to leave the site in a forward direction and a new formal entry.

The proposed new works comprise:

Ground Floor Level & External Works

- The construction of a new double carport adjacent to the Grandview Drive property boundary, together with a new driveway crossing which is more perpendicular to the street gutter in Grandview Drive.
- New driveway and turning area within the property to allow vehicles to leave the site in a forward direction
- New formal entry and entry portico
- Internal alterations to the existing ground floor level to provide for three bedrooms, (main bathroom to provide for ensuite and robe) laundry and bathroom.
- New 1.8m boundary fencing to the street frontage to Grandview Drive. Given the site's prominent frontage to Grandview Drive, which is a main thoroughfare to Bilgola Plateau, the front fence will allow for improved acoustic protection for the owners and also for security for the owner's yard and the quiet enjoyment of the yard areas by the owner's family.

First Floor Level

- Internal alterations to provide for new open plan living dining and kitchen area, bathroom & rumpus room.
- Existing northern stair way to be removed
- New rear deck to the rear, western elevation and extensions to the existing decking to the northern and eastern elevations with new timber handrail.

External stairs are to be provided for access from the rear yard to the southern elevation of the new rear deck.

The existing roof of the current dwelling is to be unchanged. The existing windows in the southern elevation of the dwelling will be modified, with new highlight windows provided to retain privacy to the southern neighbouring property. New clear glazed sliding doors are provided to the northern and eastern elevations.

The proposed carport includes a door for the security of the owners vehicles and possessions. As the car parking structure is separated from the dwelling, it is considered reasonable that a level of security be provided, and which would also screen items within the carport from the public view.

The external finishes of the dwelling and carport dwelling will comprise complimentary materials, which have been detailed within the architectural submission.

The proposal will not see the removal of any protected vegetation and will maintain a suitable area of soft landscaping.

The development indices for the site are:

Site Area	487.1m ²
Required Landscaped Area	60% or 292.26m ²
Existing Landscaped Area	45.13% or 219.85m ²
Proposed Landscaped Area	48% or 233.85m ² (See DCP discussion)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

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

6.3 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned E4 Environmental Living under the provisions of the PLEP 2014.

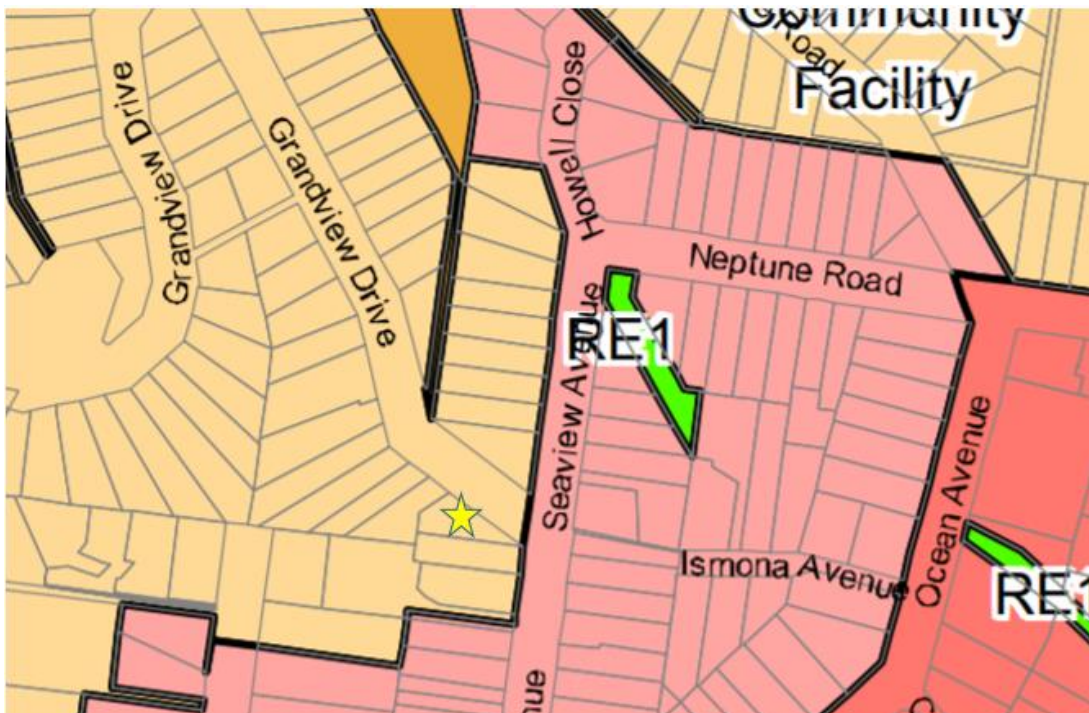


Fig 9: Extract of Pittwater Local Environmental Plan 2014

The proposed construction of alterations and additions to the existing dwelling and including a new detached carport, driveway turning area and landscaping is considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the E4 Environmental Living Zone is consistent with the zone objectives, which are noted as:

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

It is considered that the proposed new works 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.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. The proposal provides for construction of a new carport with improved vehicular access to provide for safer entry and egress to the site, with the ability to turn vehicles within the property and leave in a forward direction, which will not have any significant or adverse impact on the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any adverse impact on long distance views.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Newport is 8.5m. The proposed works to the existing dwelling will not see any change to the overall height of the dwelling. The proposed new carport is less than 6 m above ground, with the changes to the dwelling including new glazed elements and handrails being less than 7 m in overall height. The proposed alterations to the existing dwelling therefore readily comply with Council's height control.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within the Class 5 Acid Sulfate Soils Area. The proposal will not require any substantial site disturbance and no further investigation is deemed necessary in this instance.

Clause 7.2 – Earthworks

The proposal will not require any substantial excavation of the site to accommodate the proposed new works. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer and will therefore satisfy the provisions of this clause.

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

6.4 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D10 Newport Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

6.4.1 D.10 Newport Locality

Desired Character

The Newport locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Newport's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront character and its outdoor lifestyle, contributing to a unique sense of place.

Contemporary design solutions within the commercial centre will respond to Newport's climate and setting, including providing shade and shelter to streets and entries, generous private outdoor spaces, openings that capture ocean breezes, and shade elements.

It is considered that the proposal is consistent with the desired character of the locality by providing for additions and alterations to the existing dwelling, including a new double carport, new driveway entry point to Grandview Drive which includes a turning bay to allow vehicles to enter and exit the site in a forward direction together with landscaping works, which are consistent with the scale and style of development within the vicinity.

The proposal seeks to provide for improved and safer off street vehicle parking and driveway access, which by allowing vehicles to enter and exit the site in a forward direction is a safer option for both the site's occupants and the local community.

The proposed new carport will present as a modestly elevated, open style structure to Grandview Drive as a result of the sloping topography of the site.

The proposal does not require the removal of any significant trees or vegetation, and will maintain a suitable area of soft landscaping on the site. The new works see the removal of unnecessary paving and the removal of the superfluous driveway area, with a resulting increase in the total soft landscaped area of the site.

6.4.2 Section B General Controls

The General Controls applicable to the construction of additions and alterations and to provide for the new carport and driveway access together with landscaping are summarised as:

B5.8 Stormwater Management – Water Quality – Low Density Residential

The controls seek to achieve the outcomes:

No increase in pollutants discharged with stormwater into the environment. (En)
Development is compatible with Water Sensitive Urban Design principles. (En)

The proposed new carport roof and entry portico are to be connected to the existing stormwater system which will direct roofwater to the kerb in Grandview Drive.

B5.10 Stormwater Discharge into Public Drainage System

The controls seek to achieve the outcomes:

All new development is to have no adverse environmental impact at the discharge location. (En, S)

The proposed new carport roof is to be connected to the existing stormwater system for the site, which directs stormwater to the street gutter in Grandview Drive, with no significant change to the conditions within the road reserve.

B6.1 Access Driveways and Works on the Public Road Reserve – Low Density Residential

This control seeks 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 proposal includes the removal of one of the existing driveway crossings to Grandview Drive. The primary driveway entry to the site will be relocated towards the west, allowing for greater sight distance to the intersection with Seaview Avenue. The proposed crossing will be more perpendicular to the street and combined with the turning bay and driveway within the site, vehicles are able to enter and exit the site in a forward direction.

The proposed driveway and improved parking and manoeuvring within the site will result in safe and convenient access, together with improved pedestrian and vehicle safety for the local community. The construction of the proposed driveway arrangements will not necessitate the removal of any significant planting within the site or within the adjacent public road reserve.

A new crossing and driveway will be provided in accordance with Council's requirements to provide access to the proposed new carport.

B6.3 Off-Street Vehicle Parking Requirements – Low Density Residential

This control seeks to achieve the outcome:

- An adequate number of parking and service spaces that meets the demands generated by the development.*
- Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety. Safe and convenient parking. (S)*

The proposal provides for the construction of a double carport and thereby meets the requirements for two car spaces on site. The site currently has provision for only a single garage, without any safe and viable alternative to turn vehicles within the site and leave the site safely.

The proposal includes the opportunity for two vehicles to park within the double carport, with a turning bay to allow vehicles to enter and exit site in a forward direction.

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 proposed works will not require any significant site disturbance or excavation of the site. The works will be carried out under the supervision of the consulting Structural Engineer to ensure that the stability of the site is suitably maintained.

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)

The proposed works will see only modest disturbance to the site conditions, with suitable erosion and sediment control measures to be provided and maintained for the duration of the construction works.

6.4.3 Section C Development Type Controls

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

C1.1 Landscaping

The controls seek to achieve the outcome:

A built form softened and complemented by landscaping. (En)

Landscaping reflects the scale and form of development. (En)

Retention of canopy trees by encouraging the use of pier and beam footings. (En)

Development results in retention of existing native vegetation. (En)

Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)

Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)

Landscaping enhances habitat and amenity value. (En, S)

Landscaping results in reduced risk of landslip. (En, Ec)

Landscaping results in low watering requirement. (En)

The required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing significant trees and to provide for locally occurring species within any proposed replanting of the site.

The proposal will not require the removal of any significant vegetation. The proposal will retain a suitable area of soft landscaping on site, with the removal of unnecessary paving and the redundant driveway area to allow for an increase in the overall soft landscaped component of the site. Enhancement of the site with replacement planting can be carried out as required by Council.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

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

The proposed works will not impact on the existing safety or security of the site. Casual surveillance of the street area will continue to be available from the existing dwelling and from the new entry portico.

New boundary fencing is to be provided to the Grandview Drive frontage to enhance the security of the yard areas for the owners and for the quiet enjoyment of the yard spaces by the owner's children. The front fencing will also provide for some acoustic protection, given the site's frontage to Grandview Drive, which is a main thoroughfare to Bilgola Plateau.

The proposed carport also includes the provision of door to provide for security for the owner's vehicles and possessions,. The door will also screen items within the carport from the public view and is not considered to have any significant impact on the visual bulk and scale of the carport.

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 views to the east towards Newport Beach. The neighbouring properties to the west are located well uphill of the subject property, and as the works will not alter the existing roof level or increase the overall height of the dwelling, the proposal is therefore not considered to result in any unreasonable view loss for neighbouring properties.

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.

The proposed single storey height of the carport as it adjoins the southern boundary will ensure that suitable solar access is maintained over the carport and importantly over the proposed open turning bay towards the rear yard of the adjoining dwelling at number 70 Seaview Avenue, mainly during the midday hours.

The modest height and extent of the proposed changes to the dwelling and the detached structures results in the adjoining properties largely retaining the existing levels of solar access. The proposal will not deny the opportunity for the adjoining properties to enjoy solar access of in excess of three hours, in accordance with Council's requirements

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 proposal includes alterations to the existing dwelling which do not introduce any increased sense of overlooking from the dwelling to the neighbouring properties. The rear deck adjacent to the western boundary of the site is below the neighbouring property and will continue to be screened from view from the neighbouring properties by the existing planting to the perimeter of the rear yard.

The changes to the building elevations will alter some existing windows to highlight style windows which reduces the extent of overlooking.

In total, the proposal will ensure that the adjoining properties retain suitable levels of privacy and amenity, in accordance with the existing arrangements.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

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

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

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

The site adjoins Grandview Drive, which is a high traffic thoroughfare providing access to Bilgola Plateau. The works intend to provide for a 1.8 m fence to the street boundary, which given the exposed nature of the site, is considered to be reasonable as it will enhance security to the driveway and entry area, whilst providing some acoustic benefit to the ground floor level.

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 development includes a new timber deck to the western elevation, which will enhance the privacy and amenity for the subject dwelling. The configuration of the site results in the site having limited private space which is not exposed to traffic noise from Grandview Drive or is not readily over viewed from the public spaces.

The inclusion of the new timber deck will increase the area of level and usable private open space for the occupants and is considered to be a suitable response to the challenges of the site's configuration and shape.

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 older people and people with a disability are accessible, adaptable and safe. (S)

Equitable access in the public domain. (S)

The required controls to achieve the outcomes are to ensure that reasonable and convenient access is maintained to the site and the development for the occupants and visitors.

The works will retain appropriate pedestrian access to the site and will provide for improved access to the dwelling.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

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

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials.

The curtilage to the dwelling and carport will have adequate area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

6.4.4 Section D Design Criteria

The **D10 Newport 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 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 development will not place any significant demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D10 Newport Locality** is provided below:

D10.1 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 form and natural environment. (En, S, Ec)

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

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

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

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

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

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

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

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

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of a new double carport and alterations and additions to existing dwelling which are consistent with the scale and style of development in the vicinity.

The proposal retains the existing dwelling's two story scale to Grandview Drive and the carport presents as a modestly elevated open style structure, adjacent to the street frontage.

Given the open nature of the proposed carport and site slope, the proposal will not result in any unreasonable loss of views for neighbouring properties.

The proposal does not require the removal of any significant trees or vegetation, and as a result of the removal of unnecessary paving and the redundant driveway, there will be an increase (14.01m²) in the extent of the soft landscaping on the site.

D10.3 Scenic Protection – General

The controls seek to achieve the outcomes:

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

The proposed construction of a carport and alterations and additions to existing dwelling will not have any significant impact on the scenic quality of the local area. The proposed changes are modest in their size and scale and with the landscape improvements, and together with privacy screening structures, development is compatible with the surrounding character.

The proposal will not necessitate the removal of any significant vegetation, and the suitable area is available for future plantings throughout the site.

D10.4 Building Colours, Materials and Construction

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
The development enhances the visual quality and identity of the streetscape. (S)
To provide attractive building facades which establish identity and contribute to the streetscape.
To ensure building colours and materials compliments the visual character of 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 use of materials with low embodied energy is encouraged. (En)
New buildings are robust and durable with low maintenance requirements. (S)
In the Newport Commercial Centre, roofs of lighter colours are permitted to improve the thermal performance of the roof system. (En, Ec, S)*

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 it is intended to utilise recessive tones and finishes to match the existing surroundings as per Council's DCP control.

D10.7 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 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 control to achieve this outcome is to provide a setback of 6.5m, or the established building line to the street frontage.

The site has a particularly challenging configuration given the long boundary to Grandview Drive and the shallow depth throughout the site. The existing dwelling is located towards the western end of the site, with the result that compliance with the 6.5 m setback together with the introduction of functional car parking is difficult in this instance.

The proposed carport has been located in a position that allows for safe access to the site, the opportunity to turn vehicles and then leave in a forward direction. The proposed carport is positioned to be adjacent to the northern boundary, which will result in a reduced setback to Grandview Drive. Given the steep nature of the surrounding topography, reduced setbacks for parking structures are not unusual in the immediate locality.

As a response to the challenges of the site, the proposed location the carport is considered to be reasonable in this instance and surrounding landscaping has been provided to the perimeter of the structure to assist in screening it's built form. The proposed changes to the dwelling are also modest in their extent and whilst will intrude within the 6.5m setback, will result in improved amenity for the neighbour without the introduction of significant bulk or scale.

The subject site is located well below uphill properties, and the proposed development will not result in any unreasonable loss of views for uphill properties.

The proposal is therefore considered to be in keeping with the desired outcomes of this clause and is worthy of support on merit.

D10.8 Side and rear building line

The controls seek to achieve the outcomes:

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

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

Equitable preservation of views and vistas to and/or from public/private places. (S)

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

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

Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)

Flexibility in the siting of buildings and access. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

To ensure a landscaped buffer between commercial and residential zones is established. (En, S)

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

The proposed changes to the dwelling retain the existing setbacks to the southern boundary. The proposed open carport is to be positioned to an angled setback to the southern boundary of the approximately 1m, which together with the modest height and varied setbacks to the boundary is not considered to be unreasonable in this instance. The dwelling retains the existing setbacks to stand in excess of 2.5m from the north-western and western boundaries and exceeds the 1m setback to the southern boundary, and therefore readily complies with this control.

As the site has an irregular configuration with no defined rear boundary, the control is not considered to be applicable in this instance.

D10.13 Building Envelope

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)

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

A reasonable level of amenity and solar access is provided and maintained. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

Conservation of natural vegetation and biodiversity. (En)

Stormwater runoff is reduced, preventing soil erosion and 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 maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

The proposed carport will present a single storey height at the southern boundary, which will comply with Council's building envelope control.

The proposed alterations to the dwelling do not materially change the existing wall and roof configuration as it relates to the southern boundary, so there will be no alteration to the building's impact to the neighbour to the south, relating to the building envelope control or overall building height control.

In this instance, the proposed massing of the building is considered to be appropriate and will not unreasonably impact upon views for any surrounding properties or result in excessive overshadowing.

The proposal is considered to be in keeping with the desired outcomes of this clause, and is worthy of support on merit.

D10.13 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)

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

A reasonable level of amenity and solar access is provided and maintained. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

Conservation of natural vegetation and biodiversity. (En)

Stormwater runoff is reduced, preventing soil erosion and 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 require a minimum landscaped area of 60%. The current development within the site maintains a soft landscaped area of 45.13%, inclusive of Council 6% allowance for functional open space.

As a result of the removal of superfluous paving and the redundant driveway, there will be an increase in landscaping of 14m² to approximately 48%. The proposed works will significantly improve the site's off street parking and vehicle access and the provision of the carport will be in the public interest as it will allow for parking for two vehicles, with safe and functional access to and from the site.

As discussed, the development includes a new timber deck to the western yard, which will enhance the privacy and amenity for the subject dwelling. The configuration of the site results in the site having limited private space which is not exposed to traffic noise from Grandview Drive or is not readily over viewed from the public spaces.

The inclusion of the new timber deck will increase the area of level and usable private open space for the occupants and is considered to be a suitable response to the challenges of the site's configuration and shape. The proposed location for the new timber deck within the western yard is the most appropriate position for the level outdoor private recreation space, which will enjoy some acoustic

protection from noise from boundary Drive, and which is private from the public area and from the surrounding properties.

The variation to the DCP control in relation to the total soft landscaped area resulting from the new carport and driveway, together with the rear deck changes to the dwelling are considered to be reasonable in this instance.

The proposal will not require the removal of any significant vegetation. Suitable soft landscaping is available for the enjoyment of the site's occupants and to soften the built form of the development, and the proposed soft landscaped area is considered worthy of support on merit.

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

7.1 The provisions of any environmental planning instrument

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

There are no draft instruments applying to the land.

7.3 Any development control plan

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

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

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular, we consider that the variation to the street setback for the proposed carport and the changes to the dwelling, together with the non-compliance with the landscaped area controls are a reasonable alternative solution to compliance given the proposal seeks to provide for improved off-street parking which provides for a safer alternative for the building occupants and improved safety for the public.

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.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

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

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

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

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

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

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

It is considered that the proposal, which seeks consent for the proposed construction of alterations and additions to an existing dwelling comprising a new detached carport and, which 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 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 and the Newport Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development and is permissible under the provisions of the LEP.

7.8 Any submissions made in accordance with this Act or the regulations

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

7.9 The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and the works will provide for off street parking to ease the on street parking burden in the area, are considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to provide for the proposed construction of alterations and additions to an existing dwelling, including a new detached carport with driveway and turning area which allows for vehicles to enter and leave the site in a forward direction.

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

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

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