

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING
DWELLING**

LOCATED AT

940 BARRENJOEY ROAD, PALM BEACH

FOR

MR LEEDER & MS KEMP



**Prepared
June 2023**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Atelier Haefeli, Project No. 2102, dated March 2023 to detail the construction of alterations and additions to an existing dwelling at **940 Barrenjoey Road, Palm Beach**.

The architectural plans which accompany the application submission comprise:

- A.01 Site and Roof Plans Revision C dated 07.06.23
- A.01.1 Site Calculations Revision B dated 07.06.23
- A.02 Undercroft and Lower Gr'd Floor Plans Revision C dated 07.06.23
- A.03 Ground and First Floor Plans Revision C dated 07.06.23
- A.04 Roof Plan and East Elevation Revision C dated 07.06.23
- A.05 West and South Elevations Revision C dated 07.06.23
- A.06 North Elevation and Section AA Revision C dated 07.06.23
- A.07 East and South Elevations Revision B dated 07.06.23

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.

The proposed works for the subject of Pre-Lodgement Discussions with Council under PLM2021/0240 on 17 September 2021. The issues discussed at the meeting have been considered in the preparation of the

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 (Resilience and Hazards) 2021*
- *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 940 Barrenjoey Road, Palm Beach, being Lot 5 within Deposited Plan 13686 and is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is identified as being within the Coastal Environment Area and Coastal Use Area under the provisions of SEPP Resilience and Hazards, and this matter will be discussed in further detail within this submission.

The site falls within the Class 5 Acid Sulfate Soils Area. This matter will be discussed further within this statement.

The site is identified as W Hazard H1 on Council's Geotechnical Hazard Map. Accordingly, a Geotechnical Investigation has been prepared by JK Geotechnics, dated 20 April 2023. This matter will be discussed further within this statement.

The site is noted on Council's Mapping as Bushfire Prone Land. Accordingly, a Bushfire Assessment Report has been prepared by Building Code & Bushfire Hazard Solutions Pty Limited dated 2 May 2023. This matter will be discussed further within this statement.

No other hazards have been identified.

3.0 Site Description

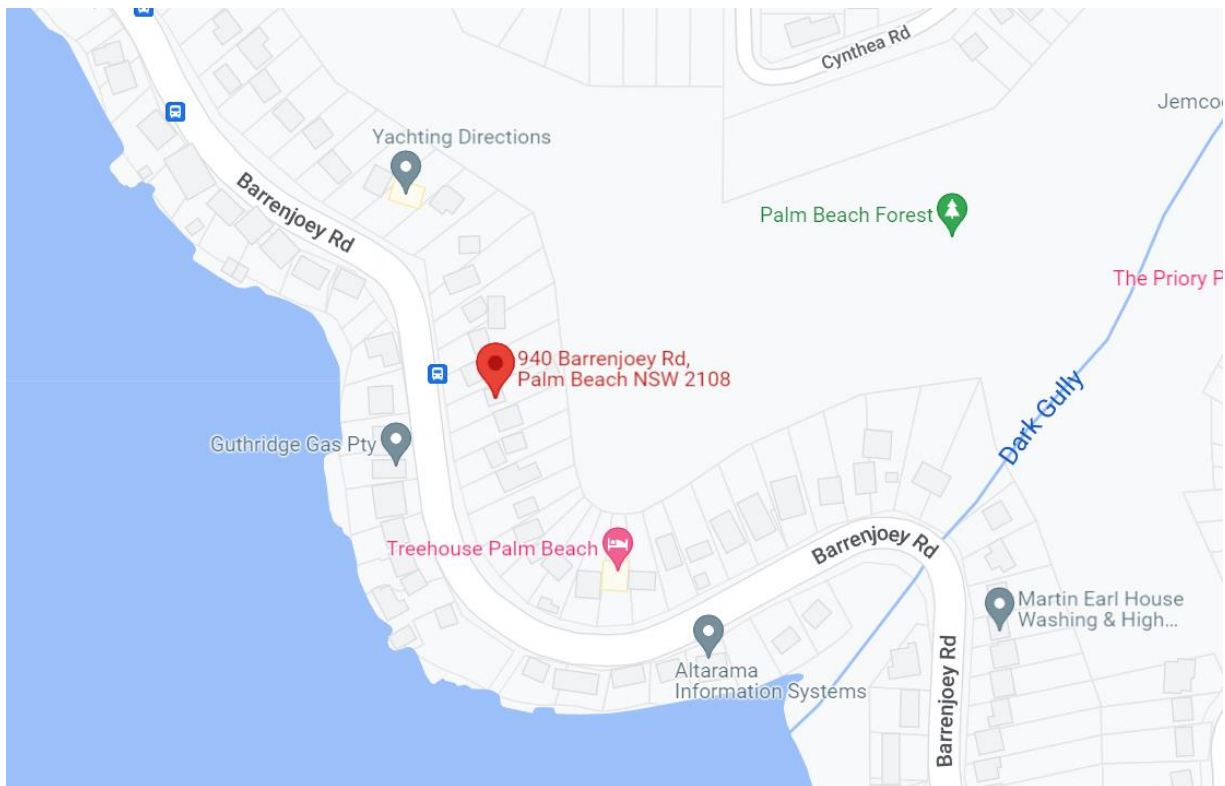
The site is located on the eastern side of Barrenjoey Road and slopes towards the front, eastern boundary, with a total fall of approximately 29m over its length.

The site is regular in shape, with an angled street and rear frontage of 15.240m and northern and southern side boundaries measuring 69.672m and 69.155m respectively. The total site area is 1011m².

The site is currently developed with an elevated two storey clad dwelling with a metal roof, together with a detached concrete block garage with access from a common driveway to Barrenjoey Road. A concrete path and timber boardwalk provides pedestrian access from Barrenjoey Road to the existing driveway and garage area. Access to the dwelling is similarly provided by stairs, paths and an inclinator, from the garage level.

Stormwater from the roof areas will be directed to the street gutter in Barrenjoey Road.

The details of the current site are contained within the survey report prepared by Adam Clerke Surveyors Pty Ltd, Reference No. 24889F dated 16 November 2021, which accompanies the DA submission.



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



Fig 2: View of the site including existing garage, looking north-east from the common access driveway



Fig 3: View of the common access driveway to the site from Barrenjoey Road and the neighbouring dwelling at No 942 Barrenjoey Road, looking north-east



**Fig 4: View looking south-east towards the neighbouring dwelling at
No 938 Barrenjoey Road**



**Fig 5: View looking east towards the subject dwelling which is located upslope relative
to the neighbouring dwellings**



Fig 6: View of the existing building undercroft and inclinator station, looking north-east



Fig 7: View of the existing building undercroft, looking south-west



Fig 8: View of the existing building undercroft, looking south



Fig 9: View of the existing building undercroft and inclinator station, looking west



Fig 10: View of the ground floor deck and sitting room, together with first floor living room, looking south-west



Fig 11: View of the ground floor deck and sitting room, together with first floor living room, looking south

4.0 The Surrounding Environment

The general vicinity of the site is characterised by irregular shaped allotments characterised by the bushland setting, with a mix of low-density residential developments within landscaped settings, the design of which reflects the sloping terrain and views towards Pittwater to the west and retains a dominance of natural features and vegetation.

The subject site enjoys common access driveway with its surrounding neighbours.

The adjoining properties to the north and south are developed with one and two storey detached dwellings, not dissimilar in scale to the proposed dwelling. Dwellings on the eastern side of Barrenjoey Road generally present a consistent setback to the street.



Fig 12: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of alterations and additions to an existing dwelling. The existing dwelling is elevated on support poles with a substantial undercroft, which is to be further developed to provide for increased floor area and to improve the function of the existing dwelling.

The dwelling is currently served by a stair access and an inclinator with a detached garage located at the entry to the site from the common access driveway from Barrenjoey Road.

The proposed works do not see any change to the existing overall height with additions and alterations to each of the existing levels of the dwelling.

The proposed works will comprise:

Undercroft Level

- New undercroft works comprising retaining walls, store and water tank

Lower Ground Floor

- Proposed new lower ground floor level to provide for entry, extension of deck, two bedrooms with decks, bathroom, study, laundry/mud room, internal access to ground level, and covered walkway

Ground Floor

- Proposed alterations and additions to existing ground floor level to provide for new bedroom with dressing and ensuite, infill of existing window and door, and new lift shaft and internal access stairs to upper and lower levels
- Line of existing deck to be cut back from existing tree

First Floor

- Proposed alterations and additions to existing first floor level to provide for new kitchen, deck, infill of existing windows, and new lift shaft and internal access stairs to ground floor level

The proposed new works to the dwelling will generally retain the existing three storey scale, with the external form of which is stepped to follow the sloping topography of the site, which minimises the visual impact of the development.

The external finishes of the new works will comprise planting which achieves a Flame Zone construction requirements. Metal roofing is to be provided to the dwelling.

The proposal is largely within the footprint of the existing dwelling and will not require the removal of any significant trees. The proposal is accompanied by a Arboricultural Impact Assessment prepared by Arborsaw – Alex Austin dated April 2023.

The Assessment considers the impact of the proposed works on the existing trees within the site, and in particular a substantial Sydney Red Gum which currently grows through the existing upper level deck. The tree has been identified for retention as it is considered to be of great importance as it creates significant aesthetic appeal and enhances the character of the dwelling.

The Assessment considers that if the works are carried out in accordance with the architectural plans, no trees are proposed for removal.

The Assessment includes further recommendations to be observed during the construction to ensure that impacts to the existing trees to be retained within the site are minimised. The works will be carried out in accordance with the recommendations of the Consulting Arborist.

Stormwater from the existing roof areas will be directed to Barrenjoey Road via an on-site detention system in accordance with the Stormwater Management Plan and Details prepared by Peninsula Consulting Engineers dated 7 June 2023.

The development indices for the development are summarised as:

Site Area	1110m ²
Required Landscape Area	60% or 666m ²
Proposed Landscape Area	63% or 1101m ² (includes 6% functional open space)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

The subject site is identified as being within the coastal zone and therefore Chapter 2 of SEPP (Resilience and Hazards) 2021 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

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

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

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Resilience and Hazards) 2021, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under SEPP (Coastal Management) 2018 are addressed as follows:

Division 3 Coastal environment area

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*

- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

The proposal provides for the construction of alterations and additions to an existing, elevated dwelling. The proposed works will be carried out in accordance with the recommendations of the consulting Geotechnical and Structural Engineers, which will ensure that appropriate structural integrity for the site will be maintained.

The collected stormwater will be directed to the existing stormwater system, and will comply with Council's requirements.

Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
 - (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment

The proposal will not result in the removal of any existing public access along the foreshore.

The site is well separated from the foreshore and the proposal will not result in any overshadowing to the foreshore area.

The proposed new development will retain the existing dwellings floor levels and the existing maximum ridge level, with modifications and alterations to each of the existing levels. The works will not substantially increase the bulk and scale of the existing dwelling. The works will not result in any loss of views to the foreshore area.

The site does not contain any heritage items, nor is it within a conservation area. The site has been previously cleared, and it is not anticipated that any items of Aboriginal heritage will be encountered.

Division 5 General

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

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

Comment

The proposal provides for the construction of alterations and additions to an existing dwelling. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: No coastal management programs have been identified.

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment: Noted

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

Comment

Noted

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 C4 Environmental Living under the provisions of the PLEP 2014.



Fig 13: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The proposed alterations and additions to the existing dwelling are considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the C4 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 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

PLEP 2014 prescribes a maximum building height for the subject site of 8.5m. council's height of buildings provisions do allow for consideration of an additional height up to 10m where the site slope exceeds 30%. Whilst the site has a significant fall of 42.7% through the building area, portions of the work including and glazed balustrade and a retractable awning will exceed the 10m height control and extend to a height 11.1m above existing ground.

Accordingly, a submission under Clause 4.6 of PLEP 2014 has been prepared and accompanies this submission.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by Acid Sulfate Soils (Class 5). Whilst the proposal will involve some minor excavation to accommodate the new works, it is not anticipated that acid sulfate soils will be encountered.

Clause 7.2 – Earthworks

The works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers and will therefore satisfy the provisions of this clause.

Clause 7.6 – Biodiversity Protection

The site is identified as being within Council's Biodiversity Protection Area. The objectives of this clause are outlined as follows:

The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:

- 1. protecting native fauna and flora, and*
- 2. protecting the ecological processes necessary for their continued existence, and*
- 3. encouraging the conservation and recovery of native fauna and flora and their habitats.*

The proposal will not require the removal of any significant trees to accommodate the new works.

The proposed works are otherwise largely contained within the existing building footprint, and will maintain a generous area of soft landscaping. The existing significant tree which is located within the footprint and extends through the existing decks will be retained.

The proposal is in keeping with the desired objectives of this clause.

Clause 7.7 – Geotechnical Hazards

The site is identified as W Hazard H1 on Council's Geotechnical Hazard Map. Accordingly, a Geotechnical Investigation has been prepared by JK Geotechnics, Reference No 21601Zrpt4 Revision A dated 20 April 2023, which concludes the following:

We consider that our risk analysis has shown that the site and existing and proposed development can achieve the 'Acceptable Risk Management' criteria in the Pittwater Risk Management Policy provided that the recommendations given in Section 7 below are adopted. These recommendations form an integral part of the Landslide Risk Management Process.

The proposal will be carried out in accordance with the recommendations of this report and will therefore be in keeping with the provisions of this clause.

Clause 7.10 – Essential Services

The proposal will see the existing essential services to the site being maintained.

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 and Section D12 Palm Beach Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.4.1 Section A Introduction

A4.12 Palm Beach Locality

Desired Character

The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the lowlands 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 whilst ensuring that future development respects the horizontal massing of the existing built form. 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.

The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

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.

Palm Beach will remain an important link to the offshore communities.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of alterations and additions to an existing dwelling.

The works are located within the footprint of the existing building and whilst additions alterations are to be carried out each level of the existing dwelling which is elevated on pole style construction at the upper end of the site, the development will continue to maintain its elevated appearance and will not result in significant or unreasonable bulk and scale when viewed from the neighbouring properties or the surrounding public areas.

The design of the existing building is a response to the substantial flow through the building area, with a building elevated above ground level to minimise disturbance to the site. The proposal will utilise existing undercroft space for additional floor area together with minor additions to the existing upper levels of the dwelling.

As a result of the location of the dwelling at the upper end of the site, view opportunities for the surrounding properties are largely retained and the proposal will not present any significant visual impact from the public areas in the vicinity.

The development will be compatible with the low-density scale of the area and with the low pitched roof form and recessive colours and finishes will not be visually prominent within the Palm Beach locality.

As discussed, the proposal will not see the removal of any trees.

The works will be finished in a range of textures and finishes which will complement the existing surrounding development and the use of earthy tones will harmonise with the landscaped setting of the locality.

6.4.2 Section B General Controls

The General Controls applicable to the proposed additions and alterations and the associated structures are summarised as:

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

The site is identified as W Hazard H1 on Council's Geotechnical Hazard Map. Accordingly, a Geotechnical Investigation has been prepared by JK Geotechnics, Reference No 21601Zrpt4 Revision A dated 20 April 2023, which concludes the following:

We consider that our risk analysis has shown that the site and existing and proposed development can achieve the 'Acceptable Risk Management' criteria in the Pittwater Risk Management Policy provided that the recommendations given in Section 7 below are adopted. These recommendations form an integral part of the Landslide Risk Management Process.

The proposal will be carried out in accordance with the recommendations of this report and will therefore be in keeping with the provisions of this clause.

B3.2 Bushfire Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

The site is noted on Council's Mapping as Bushfire Prone Land. Accordingly, a Bushfire Assessment Report has been prepared by Building Code & Bushfire Hazard Solutions Pty Limited, Reference No 211451 dated 2 May 2023.

The proposal will be carried out in accordance with the submitted report, and will therefore comply with Planning for Bush Fire Protection 2019 and Australian Standard 3959 'Construction of buildings in bushfire-prone areas' 2018.

B3.6 Contaminated Land and Potentially Contaminated Land

The controls seek to achieve the outcomes:

Protection of public health. (S)

Protection of the natural environment. (En)

Successful remediation of contaminated land. (En, S)

Given the residential history of the site, it is not expected that any contamination is present within the site.

B4.2 Flora and Fauna Habitat Enhancement Category 1 and Wildlife Corridor

The controls seek to achieve the outcomes:

The long-term viability of locally native flora and fauna and their habitats and the retention and enhancement of wildlife corridors in the Pittwater LGA. (En)

The proposal is largely contained within the existing footprint and will not require the removal of any significant trees.

To ensure the protection of the existing Angophora which is currently growing through the deck attached to the dwelling and the other the substantial vegetation within the site, the proposal is accompanied by an Arboricultural Impact Report prepared by Arborsaw, dated April 2023.

The Assessment confirms there will not be any loss of existing trees within the site as a result of the proposed new works.

A Landscape Plan has been prepared by Wallman Partners Pty Ltd, Project No 22:5:1 Drawing No ES_01, Issue C.

The existing vegetation can be further supplemented by new locally occurring species as directed by Council.

B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The controls seek to achieve the outcomes:

Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats. (En)

The proposal is accompanied by an Arboricultural Impact Report prepared by Arborsaw dated April 2023.

The report concludes that the proposed works, which are within the footprint of the existing dwelling and its disturbed curtilage, will not result in the loss of any further substantial trees.

The existing vegetation can be further supplemented by new locally occurring species as directed by Council.

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 will not see any change to the existing access and car parking arrangements.

B6.2 Internal Driveways – Low Density Residential

This control seeks to achieve the outcomes:

Safe and convenient access. (S)

Reduce visual impact of driveways. (S)

Pedestrian safety. (S)

An effective road drainage system. (En, S)

Maximise the retention of trees and native vegetation.

Reduce contaminate run-off from driveways.

The proposal will not see any change to the existing driveway.

B6.3 Off-Street Vehicle Parking Requirements

This control seeks to achieve the outcome:

Safe and convenient parking. (S)

The proposal will not see any change to the existing car parking arrangements. Two car spaces will be retained within the existing garage.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

Excavation, landfill and construction not to have an adverse impact. (En)

Excavation and landfill operations not to cause damage on the development or adjoining property. (S)

The proposal will see some minor excavation to accommodate the proposed works.

The proposal will be designed and supervised by an appropriately qualified Structural Engineer, and the works will be carried out in accordance with the recommendations of the consulting Geotechnical Engineer.

Appropriate soil and sedimentation measures will be implemented during the construction phase.

B8.2 Construction and 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)

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways.

Appropriate erosion and sediment barriers will be installed prior to the commencement of any works on site.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

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

Any demolition material will be removed and recycled off site where possible or taken to an approved waste disposal facility.

6.4.3 Section C Development Type Controls for Residential Development

The Development Controls for the proposed alterations and additions to the existing dwelling are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcomes:

- 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.

A Landscape Plan has been prepared by Wallman Partners Pty Ltd, Project No 22:5:1 Drawing No ES_01, Issue C.

As previously discussed, the proposal seeks will not require the removal of any significant vegetation. The site will otherwise retain the existing landscaping and significant trees within the front and rear yards. The majority of the property will be retained for open space and recreation.

The development maintains generous boundary setbacks to ensure that the yard areas of the site are capable of accommodating future plantings.

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 dwelling's entry and elevated west facing decks will continue to allow for casual surveillance of persons entering the site from Barrenjoey Road.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views from public places and living areas. (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 required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties. The site and the adjacent dwellings enjoy a view to the west towards Pittwater.

The proposed alterations and additions to the existing dwelling maintain the existing region floor levels of the current dwelling which is located at the upper end of the site. Views for the immediate adjacent neighbours are largely unchanged.

The proposal is considered to provide a reasonable sharing of views from public and private places.

The proposal provides for alterations and additions to an existing dwelling which are largely contained within the existing building footprint and maintains the current overall height.

Accordingly, equitable access to the available views and outlook for the neighbouring dwellings and from public areas is largely maintained.

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.

As the works will largely maintain the existing floor levels and ridge levels of the current dwelling with the new works to the southern elevation primarily at the subfloor level and by way of an open deck at the upper floor level, shadow impacts to neighbouring properties are not substantially changed.

The existing dwelling is located at the upper end of the site and shadows cast from the dwelling do not adversely affect the primary living spaces of the adjacent neighbours.

The shadow diagrams prepared to support the development indicate that the subject and neighbouring dwellings will continue to enjoy excellent solar access to their north-facing living areas and private open space areas during the day.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings shall achieve and maintain 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 suitable protected to limit the effects of direct overlooking.

The considered location of window openings to side elevations assists with minimising overlooking to neighbouring properties.

The proposed first floor deck extension is well set back from the side boundaries and will not result in any adverse privacy impacts to neighbouring properties. Window openings to side elevations are limited, which minimises overlooking to neighbouring properties.

The proposal is therefore not expected to result in any significant overlooking to neighbouring properties.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

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

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

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

Given the residential nature of the works, it is suggested that there will not be any significant change to the existing site conditions.

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 proposed works will continue to maintain the primary outdoor space at the deck levels of the existing dwelling, which as a result of the significant slope of the site, opportunities for level outdoor space at the ground level are limited. The deck areas appropriately provide for outdoor recreation space with which enjoy good Northern sun and solar access to the living rooms.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

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

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

Adequate area will be provided for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C1.23 Eaves

The controls seek to achieve the outcomes:

Housing that reflects the coastal heritage and character of Pittwater. (S)

Optimise roof forms. (S)

Appropriate solar access and shading is achieved. (En)

The proposed new roof form incorporates eaves for weather and solar protection, and complies with the provisions of this clause.

6.4.4 Section D Locality Specific Development Controls

The **D12 Palm Beach Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

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

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The stormwater runoff from the development will be directed to the existing stormwater system. There will not be any adverse siltation or water pollution impacts on the general drainage system of the area or to local waterways.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D12 Palm Beach Locality** is provided below:

D12.1 Character as Viewed from A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

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

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

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

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

Buildings do not dominate the streetscape and are at 'human scale'.

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

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

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

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

The proposal will provide for the construction of alterations and additions to the existing elevated dwelling which is located at the upper end of the site.

Views will be retained for the adjoining dwellings which are located down slope of the dwelling location and continue to enjoy view to the west over Pittwater.

The proposed works are considered to be consistent in terms of bulk and scale to the existing surrounding development, which generally comprises one, two and three storey dwellings. The setbacks provided reflect the setbacks of the adjoining properties.

The proposed front elevation incorporates modulated elements to provide visual interest and distribute bulk when viewed from Barrenjoey Road. In addition, the existing landscaping will ensure that the proposed works will be interspersed with the natural landscape setting.

D12.3 Building colours and materials

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape. (S)

To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

The proposal will comply with these controls and will ensure that the built form is not dominant and complements the streetscape.

It is considered that the development is appropriate as it is intended to utilise recessive tones and finishes to match the existing dwelling and the surrounding development. The proposed external finishes are detailed within the submitted elevations prepared by Atelier Haefeli.

D12.5 Front Building Line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

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

The amenity of residential development adjoining a main road is maintained. (S)

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

Vehicle manoeuvring in a forward direction is facilitated. (S)

To preserve and enhance the rural and bushland character of the locality. (En, S)

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

To encourage attractive street frontages and improve pedestrian amenity.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

The control to achieve this outcome is to provide a setback of 10m to Barrenjoey Road, or the established building line to the street frontage, whichever is the greater.

The existing dwelling is set to the rear of the site and therefore readily complies with the front setback control.

D12.6 Side and rear building line

The controls seek to achieve the outcomes:

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

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

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

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

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

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

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

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

To ensure a landscaped buffer between commercial and residential zones is achieved.

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

The proposed works to the dwelling will stand a minimum of 840mm (existing southern setback) 1.84m from the northern which reflect the existing setbacks of the dwelling.

The window openings within the side elevations do not adjoin high use habitable room windows, and are not considered to result in any privacy impacts for neighbouring properties.

The southern side elevation follows the siting of the existing dwelling.

The site maintains suitable side boundaries which are capable of accommodating future plantings.

The proposed development maintains the existing rear setback, with McKay Reserve to the rear ensuring that there is no adverse impact on any immediate dwelling.

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

D12.8 Building Envelope

The controls seek to achieve the outcomes:

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

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

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

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

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

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

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°.

As noted in the submitted elevations, the existing dwelling and the proposed new works do not comply with the building envelope control, which is as a direct result of the significant slope of the site.

The new works maintain the existing side setbacks and will not see any increase in the overall height of the dwelling.

In this instance, the non-compliance with the building envelope does not result in any direct or adverse effects to the adjoining neighbours in terms of solar access, loss of privacy and amenity or result in an unreasonable increase in the bulk and scale of the building.

Given the constraints presented by the slope of the site, the non-compliance with the building envelope control is considered to be justified and the development will continue to observe the objectives of Council's control.

D12.10 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 to achieve the outcomes are to ensure that residential development maintains a minimum of 60% of the site as landscaped area. In this instance, the site area is 1011m² and the required minimum landscaped area for the site is 606m². The site will retain a landscaped area of up to 637m² or 63% without any consideration of any permissible variations for functional outdoor area and therefore the proposal will comply with Council's minimum landscaped area control.

D12.11 Fences

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- To ensure fences compliment and conserve the visual character of the street and neighbourhood*
- To define the boundaries and edges between public and private land and between areas of different function.*
- To contribute positively to the public domain.*
- An open streetscape that allows casual surveillance of the street. (S)*
- Fences, where provided, are suitably screened from view from a public place. (S)*
- Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)*
- To ensure heritage significance is protected and enhanced. (S)*
- To ensure an open view to and from the waterway is maintained. (S)*
- An area of private open space is provided for properties that front the Pittwater Waterway. (S)*

Front fences are to have a maximum height of 1m above existing ground level.

No new fencing is provided.

D12.13 Construction, retaining walls, terracing and undercroft areas

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To protect and minimise disturbance to natural landforms.*
- To encourage building design to respond sensitively to natural topography.*

The proposal satisfactorily responds to the topography of the site. The proposed works will be carried out in accordance with the directions of the Structural Engineer.

D12.14 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

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

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

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

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

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

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

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

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

The required controls to achieve the outcomes are to ensure that the development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

As discussed, the proposed works are not considered to be bulky or overbearing when viewed from the adjoining public areas or neighbouring properties.

The siting of the subject property in relation to neighbouring dwellings ensure that public and private views will be maintained over and through the site.

The compatible bulk and scale of the dwelling will ensure that it is not a dominant feature within the locality and will not adversely affect the natural environment.

The recessive tones and external finishes that have been selected to further minimise the bulk and scale of the built form. The proposed external finishes have been detailed in the elevations prepared by Atelier Haefeli and which accompanies the DA submission.

The proposal does not seek to remove any significant trees, and the existing vegetation will be retained and protected. A generous area of soft landscaping is maintained.

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 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 2014.

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 side setback & building envelope controls are a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects these controls.

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

7.4 Any 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 construction of alterations and additions to an existing dwelling, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 & the Pittwater 21 DCP and the Palm Beach Locality Statement.

7.7 The suitability of the site for the development

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

The design manages the challenges presented by the slope of the subject site and otherwise there is no significant constraint to the construction of the proposed development.

7.8 Submissions made in accordance with this Act or the regulations

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

7.9 The public interest

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

8.0 Conclusion

The principal objective of this development is to provide for the construction of alterations and additions to an existing elevated dwelling.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area. The retention of the significant tree canopy within the site has been a priority in the resolution of the design for the new works.

The new works will not adversely impact on the public domain maintaining a sense of openness to Barrenjoey Road, in turn retaining existing views from the public domain.

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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