



180 MCCARRS CREEK ROAD CHURCH POINT

**STATEMENT OF ENVIRONMENTAL EFFECTS
FOR ALTERATIONS AND ADDITIONS TO A DWELLING, INCLINATOR
AND A NEW BOATSHED**



Report prepared for
Action Plans
October 2021

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1. Introduction

- 1.1** This is a statement of environmental effects for alterations and additions to an existing dwelling and a new boathouse at 180 McCarrs Creek Road Church Point.
- 1.2** The report describes how the application addresses and satisfies the objectives and standards of relevant State Environmental Planning Policies, the Pittwater Local Environmental Plan 2014, the Pittwater 21 Development Control Plan 2014 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3** This statement of environmental effects has been prepared with reference to the following:
- Site visit
 - Site survey prepared by C.M.S Surveyors Pty Limited
 - DA Plans prepared by Action Plans
 - BASIX Certificate prepared by Action Plans
 - Waste Management Plan prepared by Action Plans
 - Bushfire Report prepared by *Bushfire Planning Services*
 - Geotechnical Report prepared by ascent Geotechnical Consulting
 - Arborist Report prepared by Salients
 - Estuarine Risk Management Report prepared by Smart Arbor Professional Consulting
- 1.4** The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and the natural environment and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

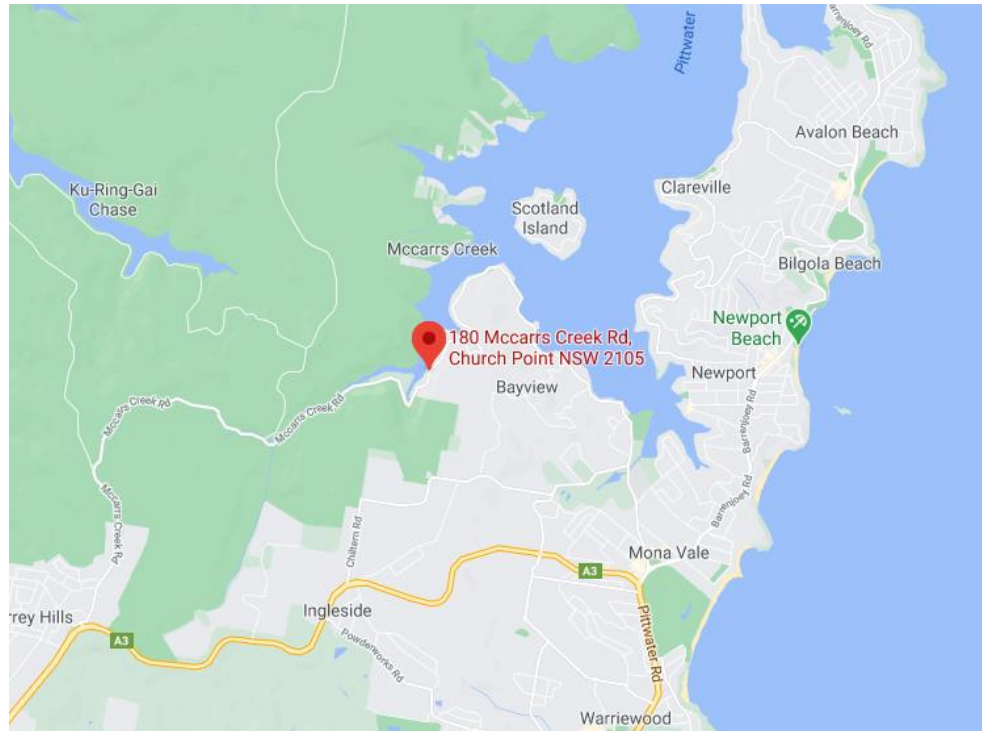


Figure 2. The site within the locality

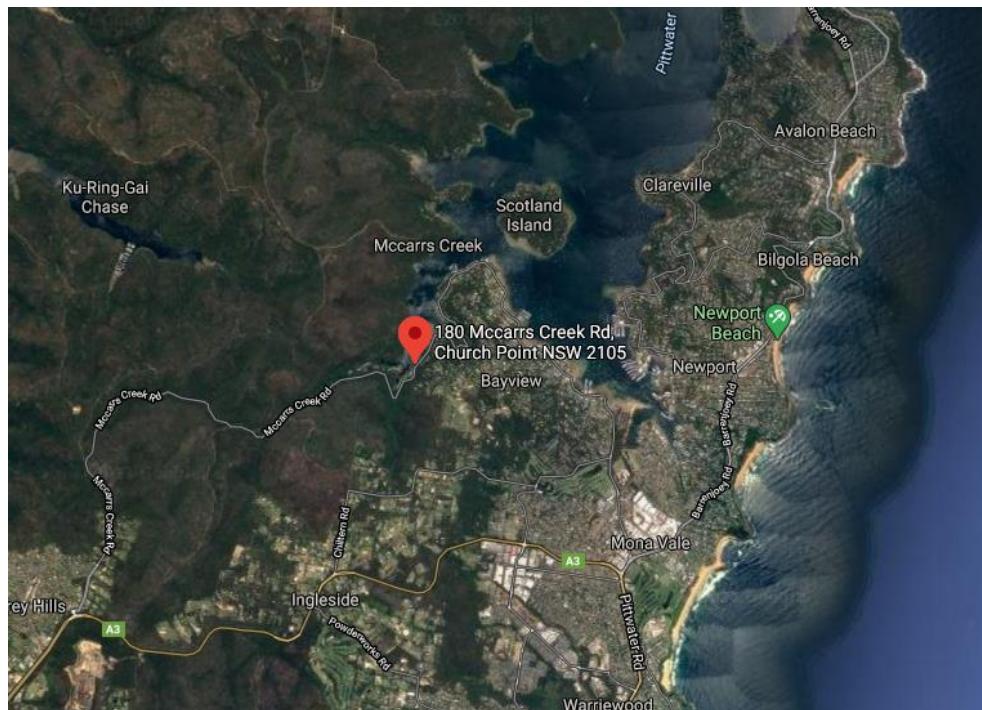


Figure 3. Aerial Image of the site within the locality

3. Site Photos



Figure 4: The existing driveway and carport, looking north from McCarrs Creek Road.



Figure 5: The seawall, jetty, disused neighbouring inclinator and rear of the site, looking east.



Figure 6: The adjoining site to the north.



Figure 7: The adjoining site to the south.



Figure 8: Views to the west.



Figure 9: The existing lower ground floor and location of proposed rumpus room and staircase.

4. Proposed Development

- 4.1** The proposed development is for alterations and additions to the existing dwelling, an inclinator and a new boat shed on the subject site. All works are above the mean high water line and within the private lot.
- 4.2** The alterations and additions have been designed to ensure that the functionality of the dwelling is improved, while minimising impacts on the natural environment. The proposed development maintains a scale consistent with the locality and has been designed to minimise impacts on surrounding properties.
- 4.3** The proposed alterations and additions will be made up as follows:

Lower Level

- Convert the existing covered entertaining area into a rumpus room,
- New internal staircase to access the lower ground floor,
- A new external staircase to access the lower ground floor and landing.
- A new outdoor shower.

Lower Ground Floor

- Retain the existing WC, laundry, bathroom, hallway, bedroom 2 & 3 and balcony,
- New internal staircase to access the lower level,
- New external staircase to access the lower level,
- New inclinator platform.

Ground Floor

- Retain the existing kitchen, dining, loungeroom, balcony and deck,
- New inclinator platform.

First floor

- Retain the existing master bedroom, ensuite, study and deck.

Site

- Removal of 2 trees
- Construction of inclinator (with privacy screen) on the northern boundary,

- Demolish the existing and construct a new section of staircase from the high water mark to the existing staircase, on the northern boundary,
- A new timber rail to a section of retaining wall on the northern boundary,
- A new boat house
- New retaining walls.

5. Statutory Framework

5.1 Rural Fires Act 1997

The *Rural Fires Act 1997* aims to protect the community from injury or death, property from damage and to protect infrastructure and environmental, economic, cultural, agricultural and community assets from damage, arising from fires.

Clause 100B of the RF Act requires applicants to obtain a bush fire safety authority (BFSA) for subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose. If a proposal requires a BFSA it is considered integrated development under Clause 4.46 of the EPA Act.

Section 4.14 of the EPA Act requires that a council does not approve any development on bush fire prone land unless the development application complies with *Planning for Bush Fire Protection 2019*. All developments on land that is designated as bush fire prone has a legal obligation to consider bush fire and meet the requirements of *Planning for Bush Fire Protection 2019*.

Comment: The subject site is mapped as bushfire prone land (vegetation buffer). The proposal is not for subdivision or a special fire protection purpose and therefore is not integrated development and does not require a BFSA from RFS. The site is however bush fire prone land, and therefore the proposal must comply with *Planning for Bush Fire Protection 2019*.

A Bushfire Assessment Report, prepared by *Bushfire Planning Services* is provided with this application, which concludes the property has a BAL 40 on the exposed eastern, northern and southern aspects and BAL 29 on the western aspect. Appropriate construction standards will be adhered to for compliance with relevant Australian Standards and Planning for Bushfire Protection Bushfire Attack Level BAL 40 and BAL 29.

5.2 Water Management Act (2000)

As the subject site is located on McCarrs Creek and works are proposed within 40 metres of the mean high water mark, the Water Management Act is triggered.

The proposed works meet the definition of a *controlled activity* and is classed as integrated development. Council will refer the application accordingly.

controlled activity means:

- (a) the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or
- (b) the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or
- (c) the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
- (d) the carrying out of any other activity that affects the quantity or flow of water in a water source.

5.3 State Environmental Planning Policies

State Environmental Planning Policy (Coastal Management) 2018

The site is mapped as 'Coastal Environment Area' and 'Coastal Use Area' by State Environmental Planning Policy (Coastal Management) 2018, accordingly the consent authority must consider clauses 13, 14 and 15 of the SEPP.



Figure 10: Extract – SEPP (Coastal Management) 2018

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,

The proposed development is located on a disturbed portion of the site. 2 trees are proposed for removal, however the vast majority of vegetation on the site will be retained. An arborist report is provided, which supports the development in its current form. The development will not have a significant impact upon the biophysical, hydrological or and ecological environments.

(b) coastal environmental values and natural coastal processes,

There will be no significant impact on environmental values or 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,

The proposal will not result in a decrease to water quality leaving the site.

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

There will be no impact on habitats, headlands or rock platforms. The vast majority of vegetation on the site will be retained, with 2 trees proposed for removal. An arborist report is provided, which supports the development in its current form.

(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,

The proposed development will not result in any change to the existing public access to and along the foreshore.

(f) Aboriginal cultural heritage, practices and places,

The location of the proposed addition is highly disturbed and unlikely to impact Aboriginal cultural heritage, practices and places. An AHIMS search was undertaken on 12/04/2021, with a 50 metre buffer applied. The search identified there are no recorded Aboriginal sites or places recorded in or near the subject site.

(g) the use of the surf zone.

There will be no impact on the surf zone.

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,

The proposed development will not result in any change to the existing public access to and along the foreshore.

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

The proposed development will not result in an unreasonable increase to shadowing or wind funnelling. There will be no loss of views from public places to foreshores.

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

The consistent nature of the proposal with surrounding development, ensures scenic quality of the coast is maintained, with the minor scale, materials and colours consistent with the locality.

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

The proposed development is minor and located on a disturbed portion of the site. The site is not a heritage item, is not located in close proximity to a heritage item and is not located within a heritage conservation area. There are no Aboriginal cultural heritage items or places located in proximity to the site.

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

As described above the proposed development is minor and located in the disturbed area of the site. It is concluded that there will be no adverse impacts as referred to in (a).

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The appearance of the proposed alterations and additions is consistent with the surrounding coastal and built environment. The bulk and scale is appropriate and compatible with the locality.

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.

The proposed development will not increase the risk of coastal hazards on the subject site.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation.

The development proposes to remove 2 trees to make way for the proposed boat house and to replace the existing inclinator. The development remains consistent with the provisions of the SEPP as the vast majority of existing vegetation on the site will be retained. An arborist report is provided, which supports the development in its current form.

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

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

State Environmental Planning Policy No. 55 – Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

5.2 Pittwater Local Environmental Plan 2014

The relevant clauses of the Pittwater Local Environmental Plan 2014 are addressed below.

Zoning

The site is zoned E4 Environmental living pursuant to the provisions of the Pittwater Local Environmental Plan 2014. The proposed development is a permissible use in the E4 zone which permits dwelling houses with development consent.

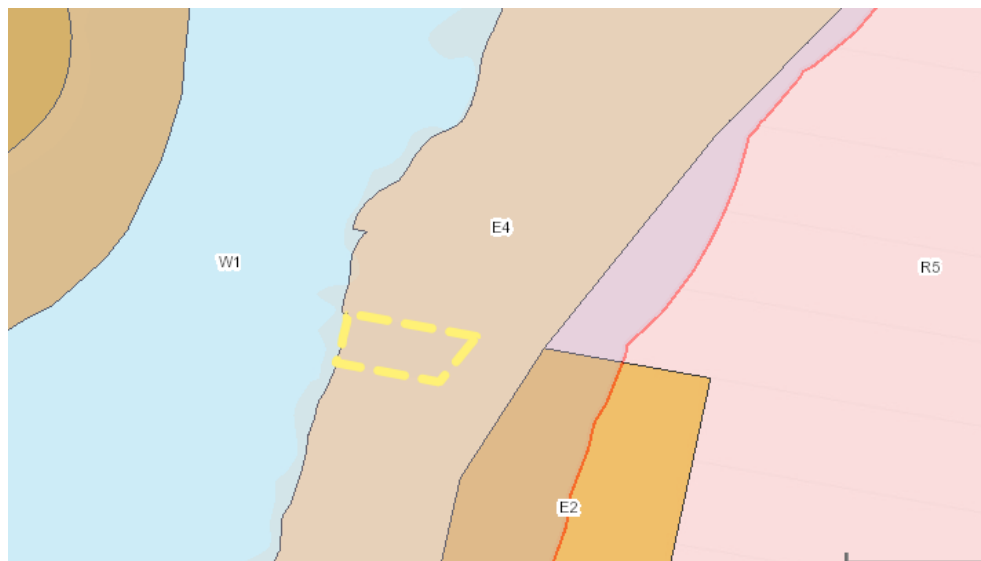


Figure 11: Extract from Pittwater LEP 2014 Zoning Map

Demolition

Minor demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the construction of the proposed alterations and additions.

Minimum Lot Size

The site is mapped with a minimum lot size of 700m². The subject site comprises of a compliant area of 771 m² and no subdivision is proposed.

Height of Buildings

The subject site is mapped with a maximum building height of 8.5 metres, however a maximum 10 metres is permitted as the site has a slope greater than 30%.

No change is proposed to the existing maximum dwelling height of 8.689 metres. The boat house proposes a compliant maximum height of 4.5 metres.

Floor Space Ratio

The floor space ratio development standard has not been adopted for the subject site.

Heritage Conservation

The site is not a heritage item, is not located in close proximity to a heritage item and is not located within a heritage conservation area.

Acid Sulfate Soils

The site is nominated as Class 5 Acid Sulfate soils. The proposed works are minor and are not likely to lower the watertable more than 1 metre below the natural ground surface.

Earthworks

Earthworks are proposed to prepare the site for construction of the boat house, including stone and 1.5 metres Taylex tank retaining walls.

Standard erosion and sediment control measures will be implemented to ensure best practice procedures are followed.

Biodiversity

The site is identified on the biodiversity maps. Accordingly, the following must be considered with regard to the site:

(a) *whether the development is likely to have:*

(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

The proposed development will have a minimal and appropriate impact on the existing environment, as it will be located predominantly within the footprint of the existing dwelling and on the disturbed portion of the site. 2 trees are proposed for removal, however the vast majority of vegetation on the site will be retained. An arborist report is provided, which supports the development in its current form.

(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

As described above, the removal of 2 trees will have a minor and appropriate impact, as the vast majority of existing habitat on the site will be retained.

(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

Biodiversity will be unaffected by the proposed development as it is predominantly limited to the areas of the site that are already disturbed. There will be no impact on the surrounding habitat provided by the Ku-Ring-Gai Chase National Park.

(iv) any adverse impact on the habitat elements providing connectivity on the land, and

No adverse impact on habitat connectivity will result from the minor development proposed.

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

With no adverse impact resulting from the proposal, there is no requirement for any mitigation measures. The development is appropriate as proposed.

Council must also consider and be satisfied of the following:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

The design of the minor proposal is appropriate for the already disturbed site. It will not be to the detriment of the environmental qualities of the location.

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

There are no detrimental impacts as a result of the proposed development.

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

There are no detrimental impacts.

Geotechnical Hazard

The site is located within the geotechnical hazard zone H1. Accordingly, clause 7.7 of Councils LEP must be considered with regard to the site:

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless:

- (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*
- (b) the consent authority is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or*
 - (ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or*
 - (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

A geotechnical report demonstrating compliance with this clause accompanies the application.

Foreshore Building Line

The site is mapped as foreshore building line mapped by Council's LEP. Accordingly, clause 7.8 of Council's LEP must be considered with regard to the site:

(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:

(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,

The works proposed to the dwelling are located on the portion of land behind the foreshore building line on the subject site, thus is compliant with this clause.

(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

Compliant. The works proposed within the mapped area include a boat shed, retaining walls and access stairs which are permitted by the LEP.

In addition, an inclinor is proposed which will extend down to the waterfront area. Inclinors are not a purpose specifically listed in this clause, however the new inclinor is considered appropriate, as it serves the same function as access stairs, which are permitted by this clause and neighbours a derelict inclinor on the neighbouring site.

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that:

(a) the development will contribute to achieving the objectives for the zone in which the land is located, and

The objectives of Zone E4 are:

- *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.*

The proposed development is consistent with the objectives of the zone, as it is proposed predominantly on the disturbed area of the site and is an appropriate low density scale. The proposal will have no significant impact upon ecological, scientific or aesthetic values.

- (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*

The appearance of the proposed alterations and additions, from both the waterway and the foreshore area, is of a scale consistent with the existing dwelling. The foreshore area in this location is characterised by a number of boat houses and other structures along the waterway and the proposed development is of a similar scale to surrounding development.

- (c) the development will not cause environmental harm such as:*
- (i) pollution or siltation of the waterway, or*
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
 - (iii) an adverse effect on drainage patterns, or*
 - (iv) the removal or disturbance of remnant riparian vegetation, and*

As described above the proposed development is appropriate for the locality and is predominantly located in the disturbed area of the site. It is concluded that there will be no adverse impacts as referred to in (c).

- (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*

There will be no impact.

- (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*

The proposed development will not alter existing public access along the foreshore or to the waterway.

- (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*

There will be no impact.

(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and

The appearance of the proposed alterations and additions from both the waterway and foreshore area is of a scale consistent with the existing dwelling. The proposed boat shed is consistent with similar structures along the waterway in this location.

(h) sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.

There will be no impact.

(4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:

- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,*
- (b) public access to link with existing or proposed open space,*
- (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,*
- (d) public access to be located above mean high water mark,*
- (e) the reinforcing of the foreshore character and respect for existing environmental conditions.*

The proposed development will not alter existing public access along the foreshore or to the waterway. The proposal is consistent with the character of the foreshore and respectful of environmental conditions.

Essential services

All essential services are existing on the site.

5.3 Pittwater 21 Development Control Plan

The relevant sections of the DCP are addressed below.

Section A Shaping Development in Pittwater

Objectives

The proposed development is entirely consistent with the ecologically sustainable, environmental, social and economic objectives as specified in the DCP. The proposed development is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

A4 Localities

Church Point and Bayview Localities

The site is located within the Church Point and Bayview Localities.

The desired character statement is:

The Church Point and Bayview locality will remain 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 lowlands in the locality on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. 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. The locality is characterised by steeply sloping blocks so the provision of facilities such as inclinator, driveways and carparking need to be sensitively designed. The shared use of vehicular/pedestrian access, and the use of rooftops as parking areas can be solutions that minimise the physical and visual impact on the escarpment or foreshore.

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. Views from the buildings shall be maintained below the tree canopy level capturing spectacular views up the Pittwater waterway. 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 locality is visually prominent particularly from Scotland Island, Bilgola Plateau, and the

Pittwater waterway. Therefore, a balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

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

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.

Pedestrian/cycle access around the foreshore and to areas of open space will be upgraded and maintained.

Church Point will remain an important link to the offshore communities.

The proposed development has been designed taking into consideration the desired character of the location. The appropriate scale of the proposal is well designed to ensure retention of the character sought by Council, whilst being mindful of the landform and landscape.

Section B General Controls

Heritage Conservation

The site is not located in a heritage conservation area or immediately adjacent any heritage items.

Aboriginal heritage Significance

The site is not known or anticipated to be home to any aboriginal relics. Should any objects be discovered during construction, appropriate measures will be taken according to NSW Office of Environment and Heritage.

Hazard Controls

Landslip Hazard

The subject site is located in a H1 geotechnical hazard zone. A geotechnical report demonstrating compliance with the Geotechnical Risk Management Policy for Pittwater accompanies the application.

Bushfire Hazard

The subject site is mapped as bushfire prone land (vegetation buffer). A Bushfire Assessment Report, prepared by *Bushfire Planning Services* is provided with this application, which concludes the property has a BAL 40 on the exposed eastern, northern and southern aspects and BAL 29 on the western aspect.

Appropriate construction standards will be adhered to for compliance with relevant Australian Standards and Planning for Bushfire Protection Bushfire Attack Level BAL 40 and BAL 29.

Coastline (Beach) Hazard

The site is not mapped as Coastline (Beach) Hazard

Contaminated and potentially contaminated lands

The site is not known to be contaminated and to our best knowledge has only ever been developed for low density residential uses.

Estuarine Hazard

The development proposes the construction of retaining walls and a boat house on the McCarrs Creek frontage. The works proposed are consistent with the DCP as they will not adversely affect estuarine processes and will be constructed of flood compatible materials.

An Estuarine Risk Management Report is provided in support of the floor levels of the boatshed, subject to appropriate construction. Additional details regarding this can be provided with the Construction Certificate.

Flood prone land

The site is not located within a flood prone zone.

Controls relating to the natural environment

The proposed development will have a minimal and appropriate impact on the natural environment, as it will be located predominantly within the footprint of the existing dwelling and on the disturbed portion of the site. 2 trees are proposed for removal, however the vast majority of vegetation on the site will be retained. An arborist report is provided, which supports the development in its current form.

Water management

The site is connected to the reticulated sewer system.

The architectural plans demonstrate that the proposed development will not increase the impervious area of the site by more than 50m² and therefore does not trigger the requirements for OSD.

Stormwater from the site will be managed in accordance with Councils controls, with water directed to existing drainage infrastructure on the site.

Development on waterfront land

As described above, the subject site is located on McCarrs Creek and works are proposed within 40 metres of the mean high water mark. As such, the Water Management Act is triggered.

The proposed works meet the definition of a *controlled activity* and is classed as integrated development. A controlled activity approval application, under section 92 of the Water Management Act 2000 is included in this DA package.

Access and parking

The development proposes to retain the existing driveway crossover from McCarrs Creek Road and the existing carport.

Site works and management

All site works will be undertaken as required by Council controls and compliant with any relevant conditions of consent. Appropriate devices will be used during the construction process to ensure no issues arise with regard to erosion and sedimentation.

Section C Development Type Controls

Design Criteria or Residential Development

Landscaping

A landscaped area of 60% is required by the DCP in the E4 zone, which equates to 462.6m² for the site area of 771m². The development proposes a compliant landscaped area of 61.9% or 477.97m².

Safety and Security

An ability to view the street frontage is retained allowing for casual surveillance which is to the benefit of the safety and security.

View Sharing

The subject site and surrounding properties enjoy water and district views to the north, south and west.

A site visit has been undertaken and it is concluded that the proposed development will not result in any view loss impacts due to the sloping nature of the site and the minimal nature of the works proposed.

Solar Access

The DCP requires 3 hours of solar access is maintained for the windows of principal living areas, solar collectors and private open space of the site and adjoining properties on 21 June.

The following observations are made of the shadow diagrams included with this application:

9am – The development will result in an increase in shadowing to the lower rear yard of the subject site and a small section of McCarrs Creek, resulting from the new boat house.

12pm – The development will result in a minor increase in shadowing to the lower rear yard and side yard of the subject site.

3pm – The development will result in a minor increase in shadowing to the lower rear yard and side yard of the subject site.

It is concluded that the subject site and adjoining properties maintain compliant solar access.

Visual Privacy

Privacy will be retained for neighbours with compliant setbacks to new work and no direct overlooking into any key living areas.

There is some existing overlooking between the rear yards of dwellings due to the lack of side boundary fencing, which is filtered by the retained natural vegetation.

Privacy measures have been incorporated into the design of the new rumpus room, including orienting new glazing to the rear of the lot.

Acoustic Privacy

The development is appropriate and will not result in noise levels inappropriate to a residential area. The site is not located in close proximity to a noise generating activity.

Private Open Space

The minimum private open space requirement of 80sqm is easily accommodated in the rear yard, as required by the DCP.

Waste and Recycling Facilities

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible. This is detailed further in the accompanying Waste Management Plan.

The existing dwelling has appropriate waste storage areas which will be retained with the alterations and additions proposed.

Incline Passenger Lifts and Stairways

The DCP requires that new inclinator be located as close as possible to the existing ground level, minimise noise, blend with the natural environment, have a setback of 2 metres from the side boundary, be located on private land and incorporate privacy screening when located within 4.5 metres of a habitable window on an adjoining property.

The development proposes a new inclinator on the northern boundary with minimum setbacks to the platform of 376mm at the waterfront, 158mm (lower ground floor level), 107mm (ground floor level) and 640mm (first floor deck). The proposed setbacks are the result of utilising the existing first floor deck landing and continuing the inclinator downslope to the waterfront.

A variation to the minimum side setback is considered appropriate, in this case, as the development proposes to sit adjacent a derelict neighbouring inclinator and is not in immediate view of neighbours. In addition, the proposal remains consistent with the objective of the clause, despite the variation as discussed below.

Outcomes

Incline passenger lifts and stairways that cause minimal visual and acoustic disturbance to the environment and neighbours.

Comment

The proposed inclinator will be painted to blend with the natural environment and comply with the maximum 60Db(A) (when measured one metre from any adjoining premises) as required by the DCP.

Furthermore, the neighbouring site has an inclinator and it is considered no new visual or acoustic disturbance is being introduced to the site.

The location will not be easily viewed from the neighbouring dwelling which does not have any key windows in this location and is well setback. See photograph below , which also shows the existing disused inclinator on the neighbours site.



Figure 12: Location of proposed inclinator viewed from waterfront

Part D – Church Point and Bayview Locality

The site is located in the Church Point and Bayview locality and will be appropriate within the desired character, built form and natural environment criteria as specified in the DCP. The alterations and additions proposed will be appropriate within the natural, water front setting.

Character

The proposed development is an appropriate architectural design for the locality. The materials and colours complement the streetscape and present a pleasing façade when viewed from the public domain. The resulting dwelling is a modern design enhancing the site and streetscape, while sitting comfortably in the coastal locality.

Scenic Protection

The site is visible from McCarrs Creek and McCarrs Creek Road. The proposed works are consistent with the built form in the locality and remain secondary to the bushland landscape of the site.

Building colours, materials and construction

The proposed materials include masonry and weatherboard cladding in colours to match the existing, metal roofing to the boat shed and stone for the retaining walls. A full schedule of materials and colours are provided with the DA plan set.

Front Building Line

The DCP requires a front setback of 10 metres or the established building line (whichever is greater) to McCarrs Creek Road.

No change is proposed to the existing front building line setback of 5.275 metres.

Side and Rear setbacks

Side setbacks of 2.5 metres on 1 side and 1 metre for the other side (or maintenance of existing setbacks) are required by the DCP.

The development proposes compliant side setbacks of 1.72 metres (north – no change) and 5.894 metres (south).

The rear setback control does not apply as the site is mapped with a foreshore building line setback. The proposed alterations and additions to the dwelling are located behind the mapped foreshore building line.

Building envelope

A building envelope of 45° measured at a height of 3.5 metres applies to the site.

The existing dwelling breaches the side boundary envelope control, however new works are located within the permitted envelope. A variation is permitted by the DCP as the site has a slope greater than 30%.

Landscaped Area – Environmentally Sensitive Land

A landscaped area of 60% is required by the DCP in the E4 zone, which equates to 462.6m² for the site area of 771m². The development proposes a compliant landscaped area of 61.9% or 477.97m².

Construction, retaining walls, terracing and undercroft areas

In accordance with the DCP, proposed retaining walls visible from McCarrs Creek will be constructed of sandstone blocks.

Part D - Waterways Locality – Boatsheds

The DCP specifies the following controls for boatsheds:

Control	Proposed	Compliance
Located above the mean high water mark, on freehold land where practical.	Located wholly above the mean high water mark, within the property boundary.	Yes
Single storey	Single storey	Yes
Maximum height 4.5 metres	4.5 metres	Yes
Maximum 4m width by 6m length	4m width by 5.892m length	Yes
Maintain public foreshore access	Yes	Yes
Used for boat storage only. No kitchen, habitable rooms, shower or toilet facilities permitted.	Yes	Yes
Low maintenance, non-reflective construction materials	Weatherboard walls with metal roofing	Yes
Floor level to be at or above the estuarine planning level of 2.53 AHD	1.17 AHD	Estuarine Report supportive subject to construction measures.
Ability to be entirely enclosed	Yes	Yes
Electrical below flood / tidal inundation level to be water tight	Yes	Yes

6. Numerical Control Table

The following table provides a summary of the development proposal, in accordance with the relevant numerical planning controls contained in the Pittwater LEP 2014 and the Pittwater 21 DCP 2014.

	Standard	Proposed	Compliance
Pittwater LEP 2014			
Lot Size	700m ²	771 m ²	Yes
Building Height	Mapped as 8.5m / 10m permitted	8.689m	No change to existing
Floor Space Ratio	Not identified	-	-
Pittwater 21 DCP 2014			
Parking	2 spaces	1 space	No change to existing.
Landscaped Area	60% (462.6m ² for the site area of 771m ²)	61.9% or 477.97m ²	Yes
Solar Access	3 hours sunlight to windows of principal living areas, solar collectors and POS of both subject site and adjoining properties between 9am and 3pm on June 21.	Compliant.	Yes
Private Open Space	80m ²	83.14m ²	Yes
Front Boundary Setback	6.5 metres or established building line	No change to existing 5.275 metre setback.	Yes
Side Boundary Setbacks	2.5 metres one side and 1 metre on other side	N. 1.72 metres S. 5.894 metres	Yes
Rear Boundary Setbacks	6.5 metres	Foreshore building line	Yes
Building Envelope	3.5 metres / 45 degrees.	-	No change to existing.

7. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with adjoining development. The proposal achieves the aims of the Pittwater LEP and DCP.

The development is permissible in the zone.

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

Context and Setting

What is the relationship to the region and local context in terms of:

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed alterations and additions have been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

No conflict or issues will arise as a result of the proposed development.

Public domain

There will be no impact.

Utilities

There will be no impact on the site, which is already serviced.

Flora and fauna

There will be no significant impact, with the majority of works proposed on the already disturbed portion of the lot.

Waste

There will be no impact.

Natural hazards

The natural hazard of bushfire hazard, acid sulfate soils and estuarine hazard can be effectively mitigated.

Economic impact in the locality

There will be no impact, other than the possibility of a small amount of employment during construction.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is highly appropriate to the site with regard to all of the above factors. The proposed development fits well within the context of the surrounds and is an appropriate scale.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

Construction

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures, compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

7.3 The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the proposed alterations and additions.

7.4 Any submissions received in accordance with this Act or the regulations.

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

7.5 The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

8. Conclusions

- 8.1** The proposed development for the alterations and additions to an existing dwelling, incinerator and a new boat shed at 180 McCarrs Creek Road Church Point, is appropriate considering all State and Council controls.
- 8.2** When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 8.3** Considering all the issues, the development is considered worthy of Council's consent.