

17 June 2020



# Statement of Environmental Effects 6 Captain Hunter Road, Bayview - Alterations and Additions to a Dwelling



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## **1. Introduction and Overview**

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This Statement of Environmental Effects was prepared by Perica and Associates Urban Planning Pty Ltd on behalf of Yinglou and Haiyin Wang (owners of the site), and supports a development application for alterations and additions to an existing dwelling at No. 6 Captain Hunter Road, Bayview.

This Statement should be read in conjunction with the forms and information submitted with the Development Application, including the plans and Landscape Plan submitted by Metropoint Group Architects (MGA), Stormwater Plans by Envirotech and land survey by Lynton Surveys Pty Ltd. There are also associated reports, related to the environmental aspects or potential impacts of the proposal, which are attached to this Statement and include:

- BASIX Certificate by Aspect Z (Attachment A);
- Geotechnical Report by JK Geotechnics (Attachment B);
- Arborists Report by Hugh the Arborist (Attachment C);
- Bushfire Report by Roger Fenwick (Attachment D);
- Waste Management Plan by MGA (Attachment E);
- Waste Water Report by Envirotech (Attachment F);
- Ecological Report by Ecotech (Attachment G);
- Cost Estimate by MGA (Attachment H); and
- Construction Management Plan by MGA Group (Attachment I); and
- Stormwater Plan by David Quach (Attachment J).

The proposal follows a pre-DA meeting in April 2018 and previously withdrawn DA. Previous advice has been considered for the subject DA, including removal of a level to address height non-compliance and to reduce impacts.

This Statement assesses the impacts of the proposed development in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EPA Act) and associated EPA Act Regulation 2000, including the provisions of Council's primary Local Environmental Plan (LEP) and Development Control Plan (DCP).

This Statement also considers other environmental planning instruments, the site, its' surrounds, the anticipated environmental impacts of the development, mitigating measures to reduce impacts and the circumstances of the case, in accordance with legislative requirements.

## **2. Site and Surrounds**

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The proposal is located on a site known as No. 6 Captain Hunter Road, Bayview, which is on the eastern side of Captain Hunter Road, at the north-eastern termination of that road and around 100m north of Kennedy Place. The site is legally known as Lot 49 in Deposited Plan 609115 and contains 1-3 storey dwelling, which steps down the steep slope of the site and has a flat roof. The site has an area of 0.507Ha (5,070sqm), by survey, with a frontage of approximately 73m to Captain Hunter Road. There is a single road crossing to two garaged

parking areas. The site has sole frontage to Captain Hunter Road, with no rear or side lane frontage.

The land slopes significantly down from the front (west) to the rear (east), with a fall off approximately 30m to the rear boundary and approximately 12 for the footprint of the dwelling. This fall of the land allows the existing dwelling to present as 1 storey to Captain Hunter Road and up to 3 storeys to the east, with levels of the dwelling according with the fall of the land. This reflects the wider landform, with the site being on the upper part of Bayview Peninsula, which slopes down to the waters of the Hawkesbury River, via the McCarrs Creek tributary.

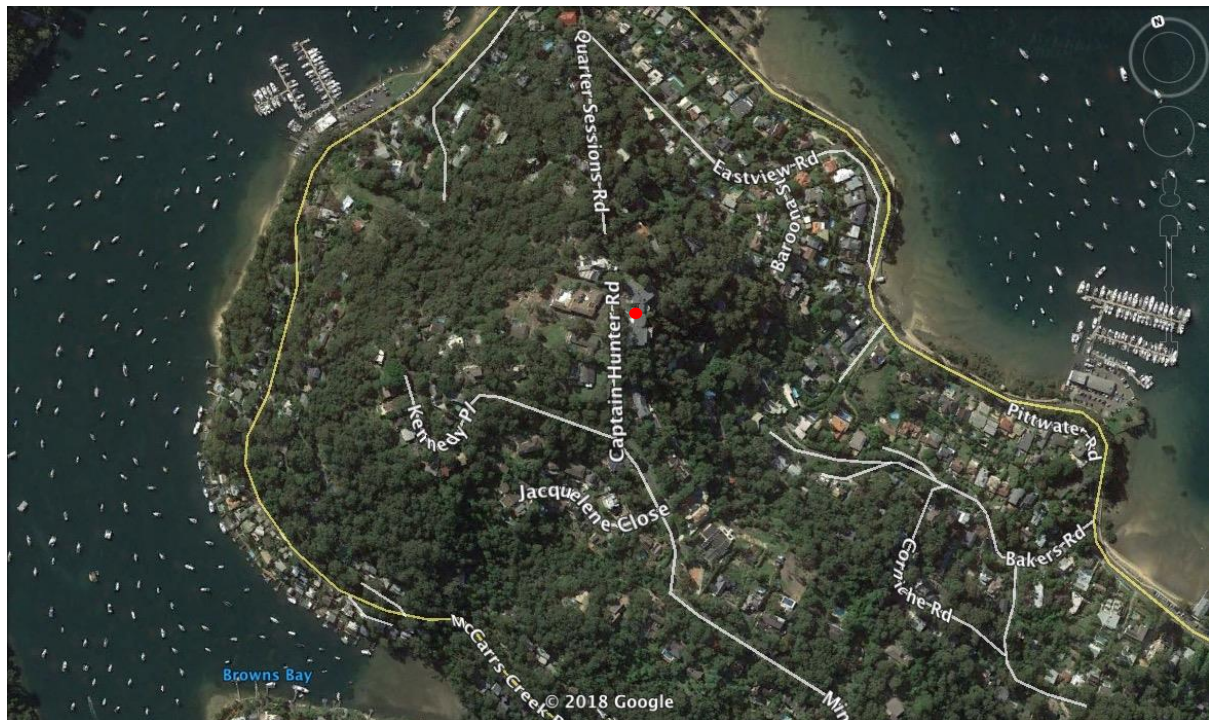
The site contains single dwelling, which formerly contained two separate dwellings on their own title, prior to being amalgamated in 2001. The building(s) on the site is of a modern design, of concrete construction, designed to capitalise on views, yet keep the scale to Captain Hunter Road modest. The dwelling is located at the western end of the site and a large portion of the site is vegetated and in a natural state of landscaping and rock outcrops, in the eastern portion, particularly where the site becomes steeper.

The site is not identified as a heritage item and is not located in a Heritage Conservation Area.

The nature of the surrounding area is characterised by single swellings, generally on large blocks. Due to the peninsula form, views from dwellings vary and can occur in a variety of directions. There are a relatively limited number of dwellings in the vicinity of the site, with a generally limited interface, due to the size of sites and the topography (although view impacts are important). The closest dwellings to the site are across Captain Hunter Road, to the west (see plans and site analysis).

The following figures and photographs illustrate the site and surrounds:





**Figure 1- 2** - Site survey and wider aerial Source: Google Maps and MGA (see survey for accuracy)







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**Photo 1** – Site presentation to Capt. Hunter Rd, near southern end of dwelling



**Photo 2** – View over site from Captain Hunter Rd





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**Photo 3** – Northern end of dwelling from Captain Hunter Rd



**Photo 4** – Dwelling from lower portion of Captain Hunter Rd, looking southeast





**Photo 5** – No 3 Captain Hunter Rd, south-west of the site and on higher land



**Photo 6** – No 3 Captain Hunter Rd, viewed from outside the site looking south





**Photo 7** – No 5-7 Captain Hunter Rd, to the west of the site (east elevation)



**Photo 8** – No 5-7 Captain Hunter Rd (foreground) and No. 3 behind





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**Photo 9** – No 9 Capt. Hunter Rd, N-W of the site and generally oriented north



**Photo 10** – Existing driveway to southern garage, and dwelling entry





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**Photo 11** – Northern portion of dwelling



**Photo 12** – Rear elevation looking north





**Photo 13** – Rear elevation looking south



**Photo 14** – Rear steep undeveloped portion of the site





**Photo 15** – Northern portion of site from below



**Photo 16** – Central portion of site from below





**Photo 17** – Northern portion of site from below



**Photo 18** – Southern portion of site from below





**Photo 19** – Southern steep rear portion of site

### 3 Background

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A search of Council's records (as available on Council's website/DA tracker) over the past 18 years reveals:

- A Building Certificate issued in December 2000;
- A Development Application (DA) for alterations and additions approved in March 2003 (N1175/01);
- Two Tree/bushland work approvals in June 2013 and September 2014.

A previous DA (DA 2018/1741) was lodged for the site. Council raised a number of concerns, particularly about the proposed height and view impacts. That DA was withdrawn in February 2019.

A new DA is being lodged (the subject of this SEE), reducing a level, complying with the height limit and specifically and earnestly addressing previous concerns held by Council.

It may be noted there is an easement/covenant on the title, diagonally traversing the dwelling (see survey).

The surveyor has advised:

*The restriction was created upon the registration of DP231405 and relates to fencing along the boundaries created in this plan. DP609115, the current plan for the subject land, reconfigured these boundaries but the restriction was not removed from the title. The restriction would now appear to be unenforceable in part, particularly along the redundant boundaries now passing through the existing dwelling.*

It may be appropriate to place a condition on the consent requiring the removal of the restriction on the title.

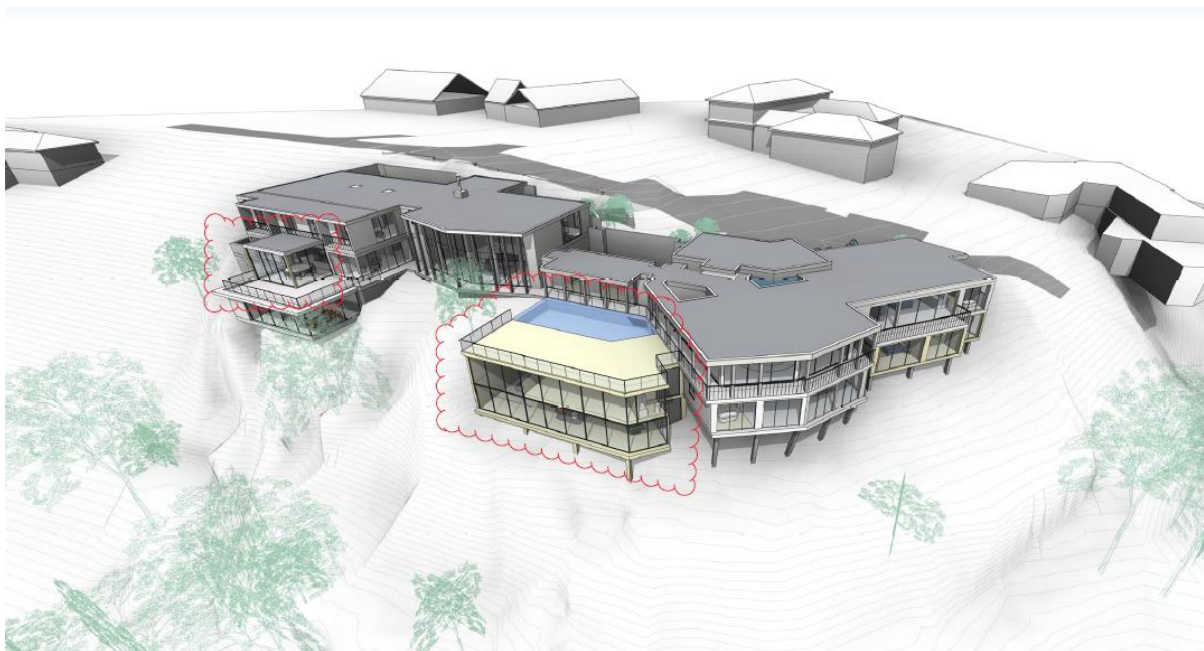
## 4 Proposal

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The proposal involves alterations and additions to the existing dwelling.

The proposed works associated with the proposal are depicted in the plans, elevations and details lodged with the DA by Metropoint Group Architects (MGA), the Landscape Plan by MGA and the Concept Stormwater Management Plan by Envirotech.

The following elevation illustrates the new works in yellow relative to the existing building and surrounding buildings:



**Figure 3 – Montage Extract (MGA)**





The proposed new works are summarised below:

Lower Level 2

- Entertainment and media room
- Bar and Cellar
- Stairs to above

Lower Level 1:

- Two new bedrooms with ensuites;
- Staircase to above;
- Gym;
- Pool service area
- Northern central courtyard;
- Retain home office and existing bedroom;

Ground Floor:

- Central northern courtyard;
- Dining room (on existing terrace to the south);
- Demolish existing pool, new timber decking and new pool to the east;
- Minor internal demolition and some internal rearrangement;
- Northern garden area;

Level 1:

- No new works

Roof:

- No new works

The building is not listed as a heritage item in Council's PLEP 2014 and is not in a Heritage Conservation Area.

No new driveway crossings are proposed.

No trees are proposed to be removed.

Details regarding standards and guidelines are outlined in response to the relevant LEP and DCP provisions in the following sections.

## **5. Section 4.15(C) Considerations – Planning Controls**

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The following sections respond to applicable environmental planning instruments (EPIs), draft EPIs, and Development Control Plan(s) as applicable and relevant to the proposal, in accordance with Section 79C(1)(a) of the EPA Act 1979.

## 5.1 State Environmental Planning Policies (SEPPs)

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### **SEPP (Building Sustainability Index: BASIX) 2004**

A certificate in accordance with the provisions of *SEPP (Building Sustainability Index: BASIX) 2004* is attached.

### **SEPP 55 (Remediation of Land)**

The provisions of SEPP 55 (Remediation of Land) have been considered. The site remains as a single dwelling and no substantial excavation is proposed.

The use and proposal is suited to the site in the context of the SEPP.

### **SEPP (Vegetation in Non-Rural Areas) 2017**

No trees are proposed to be removed. Landscaping works are depicted in the Landscape Plan. An arborists report is attached addressing impacts on existing trees and vegetation, finding “All trees can be retained in a viable condition”.

## 5.2 Pittwater Local Environmental Plan 2014 (PLEP 2014)

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PLEP 2014 came into force on 27 June 2014 and is the primary local planning instrument applying to the proposal.

The following responds to the relevant parts of PLEP 2014:

### **Aims of the Plan**

The relevant aims of the Plan in Clause 1.2 of the LEP are:

- (2) *The particular aims of this Plan are as follows:*
  - (a) *to promote development in Pittwater that is economically, environmentally and socially sustainable,*
  - (b) *to ensure development is consistent with the desired character of Pittwater's localities,*
  - (c) *to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,*
  - (d) *to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,*
  - (e) *to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,*
  - (f) *to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,*





- (g) *to protect and enhance Pittwater's natural environment and recreation areas,*
- (h) *to conserve Pittwater's European and Aboriginal heritage,*
- (i) *to minimise risks to the community in areas subject to environmental hazards including climate change,*
- (j) *to protect and promote the health and well-being of current and future residents of Pittwater*

The proposal is consistent with these general aims, noting:

- The proposal sustainably retains and adds to existing built resources, without increasing reliance on cars, while having minimal impact on the natural characteristics of the site;
- The proposal is consistent with the desired character of the area (addressed in response to the DCP provisions);
- The proposal does not compromise any centres and supports surrounding centres by a modest increase in accommodation;
- Employment uses and needs are not affected by the proposal;
- The housing provides for the needs of the residents now and into the future;
- The natural environment is not adversely affected by the proposal, due to appropriate site planning;
- The area's heritage and archaeological attributes are not compromised or negatively affected;
- The geotechnical and bushfire aspects of the proposal are addressed by expert reports, and the site is well elevated above sea level, such that future sea level rises would not be problematic for this site;
- The proposal will support the well-being of the residents at the site, without any significant adverse impacts on others.

## **Zoning**

The site is zoned Large Lot Residential R5 in PLEP 2014. Dwellings are specifically permitted with development consent

The objectives of this zone are:

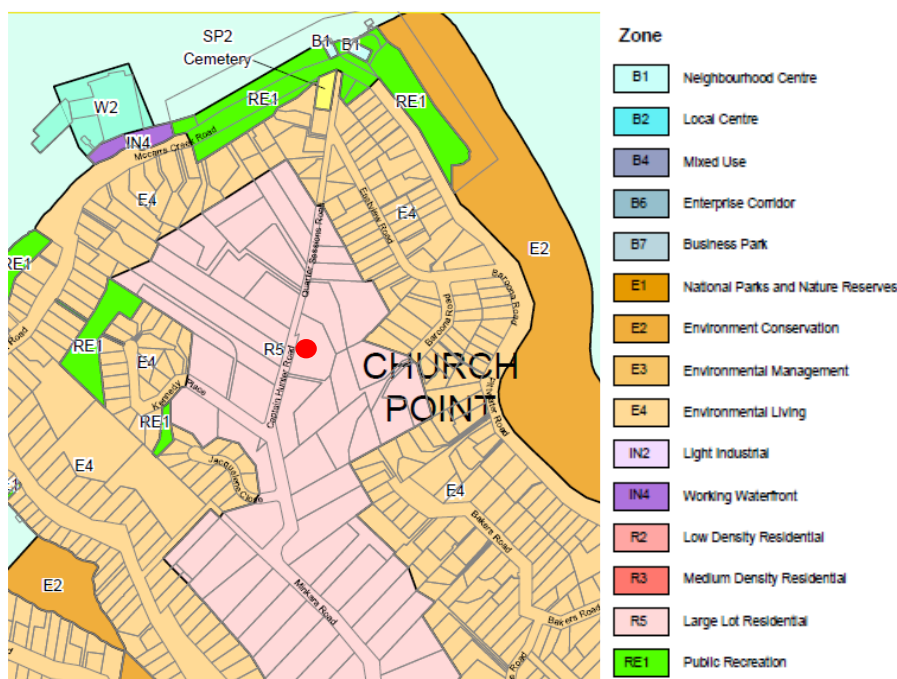
- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

The proposal is consistent with these zone objectives, noting:

- The proposal retains a natural setting, particularly as viewed from surrounding public areas, while having minimal and acceptable environmental impacts. Sensitive considerations such as geotechnical issues, tree retention and bushfire considerations are appropriately considered and respected by the proposal (subject to recommended measures able to be addressed by conditions);
- The modest extensions largely retain the existing dwelling footprint and do not hinder development of surrounding sites and areas;
- The use will remain as a dwelling and will not adversely affect public services or facilities (Waste water absorption beds and upgraded septic tanks are proposed);
- The proposal will not lead to land use conflicts;
- The use is permissible in the zone and does not provide for “other uses”, retaining an existing compatible use on the site.

The proposal is entirely consistent with the zone objectives applying to the site.

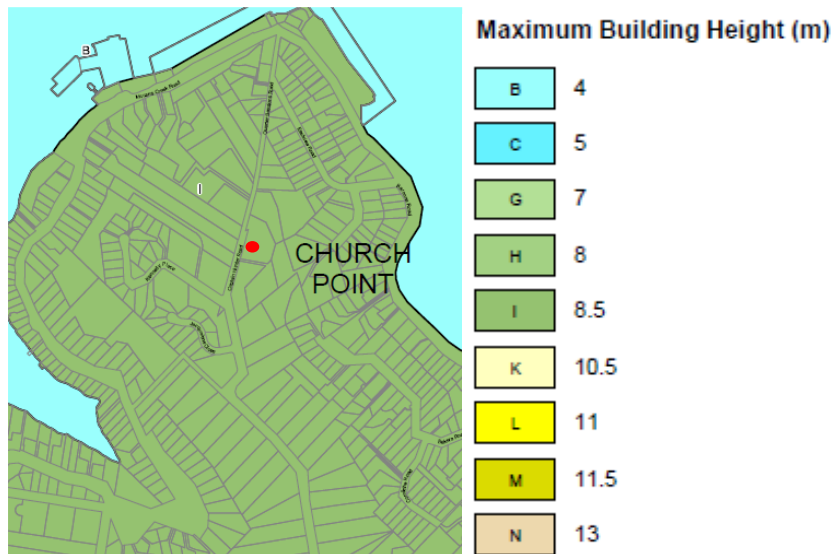


**Figure 4 – PLEP 2014 Zoning Map Extract**



### Height Limit (Clause 4.3)

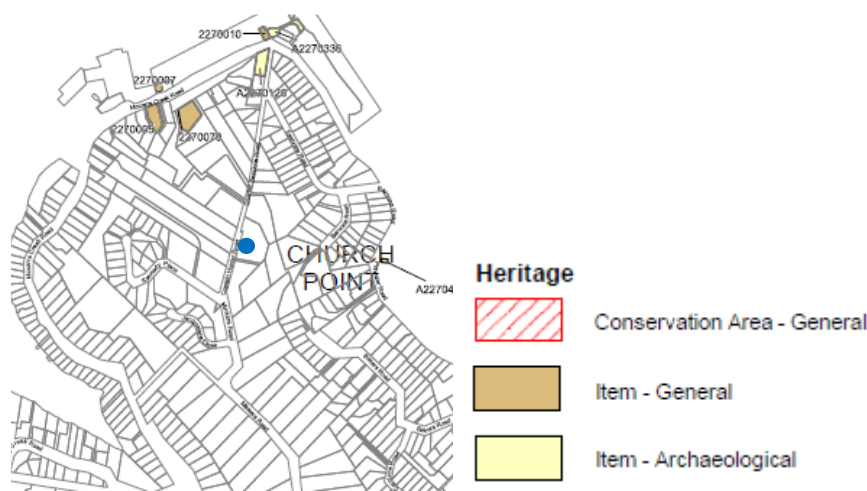
The site has a mapped height limit of 8.5m. Clause 4.3((2D) allows for a height of up to 10m if the slope of the site related to "the building footprint" is "in excess of 16.7 degrees (that is, 30%)". The proposed new works comply with the height limit, and the new works are significantly below a previously submitted and withdrawn recent DA.



**Figure 5** – Height Map extract PLEP 2014

### Heritage Conservation (Clause 5.10)

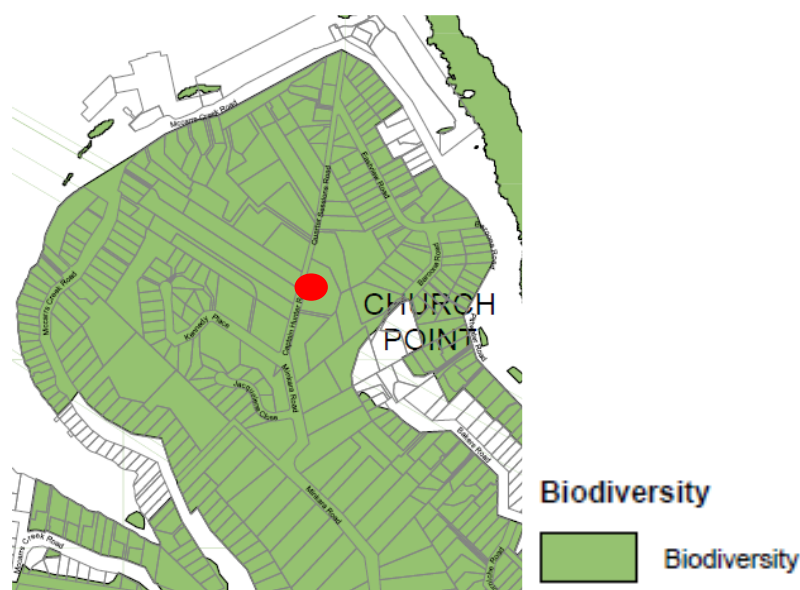
The site is not listed as a heritage item within PLEP 2014 nor within an identified Heritage Conservation Area. The site also does not contain a known item of archaeological significance. The site is also not proximate to other sites of heritage significance.



**Figure 6** – Heritage Map Extract – PLEP 2014

A bushfire hazard assessment report has been undertaken and is attached, by Roger Fenwick. As the site remains as a dwelling, the proposal is not Integrated Development under the terms of the EPA Act 1979 and referral to the RFS is not necessary. The report identifies potential hazards, proximity, slope and vegetation type in the surrounding area against current Guidelines and finds the proposal should be supported.

## Biodiversity (Clause 7.6)



**Figure 7 – Biodiversity Map Extract – PLEP 2014**

The site, along with a wide surrounding area, is identified as having terrestrial biodiversity significance or potential, as shown above.

The proposal does not remove any trees and is supported by an Arborist's report, an Ecological Assessment and a Landscaped Plan. There are minimal impacts on the landform and any potential habitat.

The objectives of Clause 7.6 of PLEP 2014 state:

- (1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.

The proposal is consistent with these objectives, noting:



- No trees are proposed to be removed and existing trees are able to be retained (see the attached arborists report);
- The proposal sits lightly on the land through appropriate site planning;
- The proposal is supported by an Ecological Assessment by Envirotech which finds no impacts are anticipated (mitigation measures during construction are able to be addressed through conditions of consent); and
- The drainage and natural processes of the site will not be adversely affected.

Clause 7.6(3) requires the following matters to be considered for such land:

*(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*
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and*

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

The impacts on flora are addressed by the arborists report, and minimised by the retention of existing trees. The flora and fauna assessment finds there will be no anticipated impacts due to retention of trees, no affect on rocky outcrops and mitigation measures through construction. This is verified by an Ecological Assessment by Envirotech.

The localised and minor nature of earthworks, in an existing disturbed area of the site are such that no adverse impacts on fauna are anticipated. Large areas of the site to the east and surrounding the dwelling (on a site over 5000sqm in area) will be retained.

The proposal will not fragment any land or wildlife corridors or habitat that exist.

Having regard to the nature of the works, the findings of the Ecological Assessment site and minor change to the dwelling footprint in a disturbed area of the site, a Species Impact Statement is not considered warranted.

Clause 7.6(4) requires the following matters to be considered for such land:

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

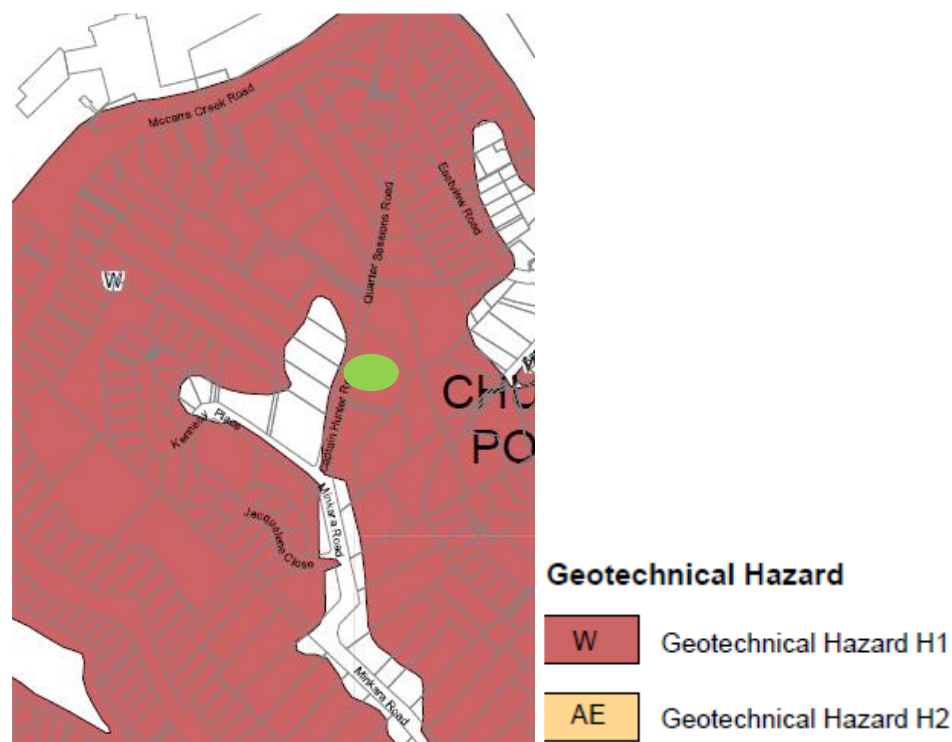
*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact*

In these regards, the proposal has been designed, sited and able to be managed to avoid any significant adverse environmental impact.

### **Geotechnical Hazards (Clause 7.7)**

The site is located within a geotechnical hazard area (H1) within PLEP 2014, as shown in the map extract below.

The geotechnical impacts and aspects of the site and proposal are addressed the attached Geotechnical Report (by JK Geotechnics), which finds the geotechnical and landslip risk is able to be managed and mitigated through recommended measures regarding detailed design, construction and ongoing management, with a number of recommendations able to be incorporated as conditions of consent.



**Figure 8** – Geotechnical Hazard Map Extract – PLEP 2014



## Other Matters

The following table summarises other aspects of PLEP 2014 in regard to the proposal:

Provision	Clause/ requirement	Comply	Comment
FSR	Clause 4.4	Yes/NA	No FSR standard applies to the land.
Reserved Land	Clause 5.1	NA	The site is not reserved for any public purpose.
Acid Sulphate Soils	Class 5	NA	The site has the lowest Class 5 ASS ranking, although is within 500m of higher classed land. However, the works have no potential to lower the water table of any adjoining land due to the nature of the site and the works proposed.
Earthworks	Clause 7.2	Yes	Earthworks have been minimised due to the location of the works. There is some localised impact around the proposed pool.  The 11 matters for reconsideration in Clause 7.2(3) do not give rise to any concerns with the proposal, with works able to be managed through conditions of consent.
Flood Planning	Clause 7.3	Yes/NA	The site is not known to be flood-prone and in any event the proposal does not alter the habitable levels nor propose any significant earthworks.
Coastal Risk/Foreshore Building Line	Clause 7.5, 7.8	Yes/NA	The site is not identified as being affected by coastal hazards or a Foreshore Building Line.

**Table 1** – LEP summary table (non-core issues)

### 5.3 Pittwater 21 Development Control Plan 2014 (PDCP 2014)

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Pittwater DCP 2014 came into force on 10 September 2007 and has been amended 23 times since, now being the comprehensive DCP to augment PLEP 2014. In particular, the following parts of the DCP are relevant to the proposal:

- Section A – Shaping Development in Pittwater
- Section B – General Controls
- Section C – Development Type Controls
- Section D – Locality Specific Development Controls
- Appendices:
  - 1 – Notification Procedures
  - 6 – Geotechnical Risk Management Policy of Pittwater
  - 9 – Landscape and Vegetation Management
  - 11 – Stormwater Management Technical Data

The following section responds to these provisions:

#### **Section A – Shaping Development in Pittwater**

The site is located in the “Bayview Heights” Locality as identified in Section A 4.2 of the DCP.

The DCP contains the following Desired Future Character for that area:

*The Bayview Heights locality will remain a low-density rural residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Dual occupancy (attached) may be located throughout the locality on rural residential land. 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. Currently, few of these services exist, and development for anything other than a dwelling house will need to ensure that these services can be provided to the site. Care will need to be taken with future developments to ensure that outbuildings and ancillary recreational structures do not dominate the natural landscape and bushland setting.*

*Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Such development will need to consider its impact upon the slope of the land both from a hazard point of view (landslip & bushfires) and visually, especially when viewed from outside the locality such as the Pittwater waterway and Mona Vale valley.*





*Existing and new native vegetation, including canopy trees, will be integrated with the development. Development shall maintain generous spatial separation of the built form and low site coverage on large lots. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandas and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.*

*A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors. Fencing where provided, shall enable the native fauna to pass through yet contain livestock animals where needed.*

*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 need to be provided 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*

Response:

The proposal is consistent with the desired future character of the area noting:

- The area will remain low density and the proposal retains the use of the site as a dwelling;
- The overall number of storeys remains unchanged;
- The proposal is integrated with the landform and landscape, with the dwelling stepping down the site, minimising site disturbance and not involving the removal of any trees, with improvements to landscaping incorporated into the Landscape Plan. Large portions of the site are retained in their natural state and the site coverage, as a percentage of site area, is under 35%;
- The proposal will not adversely affect existing infrastructure or capacity, retaining the use as a single dwelling and involving adaptive additions rather than wholesale demolition and redevelopment;
- The On-Site Sewerage treatment is addressed by the attached On-Site Wastewater Management Report;
- No outbuildings are proposed;

- The building height is below the street tree canopy and is lower than the existing dwelling;
- Geotechnical issues and bushfire threat has been considered and addressed in the attached specialist expert reports;
- Façade and massing modulation has been utilised to reduce the visual scale of the proposal, particularly by use of wings and differing angles and recesses;
- The proposal is safe from hazards and designed to complement the site and its setting, with a reasonable balance of development and site constraints being achieved;
- Local and native vegetation is retained. The proposal is supported by an expert arborist's report and ecological assessment;
- New works are limited in footprint. Large natural areas are retained to promote wildlife habitat and corridors;
- No new fencing is proposed;
- The proposal does not affect any heritage items or known archaeological relics;
- Vehicular access and pedestrian access is retained and retention of the use as a dwelling does not impact on the accessibility of capacity of the wider area.

The proposal is consistent with the desired future character of the area.

## **Section B – General Controls**

The following provisions of Section B of the DCP are considered relevant to the proposal.

### B2 – Density Controls

It is noted that this section is not relevant as no subdivision is proposed. However, the site could (and did) accommodate two lots. Two separate dwellings on the resulting large lots would likely have a greater impact in bulk and scale than that proposed.

### B3 – Hazard Controls

There are two potential hazards for the site: geotechnical and bushfire.

Both these elements have been considered and addressed in the attached expert reports.

In terms of geotechnical and bushfire issues, these has been addressed previously within this report and within the attached expert reports.



#### B4.7 – Controls Relating to the Natural Environment – Pittwater Spotted Gum Forest

The site is within the Pittwater Spotted Gum Forest area. No gum trees are proposed to be removed. Indeed, no trees are proposed to be removed at all.

An Arborist's report has addressed the potential impact of the proposal on existing and retained trees and finds existing trees are able to be retained and protected through construction (subject to conditions to be imposed on the consent).

Fauna impacts have been addressed in the attached Ecological Assessment, which also finds there will be no anticipated adverse impacts.

#### B5 – Water Management

Both a BASIX Certificate and a Stormwater Concept Plan, requested to be designed to meet Council's specifications, are either attached or provided with the plans.

Any technical or engineering issues of detail would be able to be resolved between Council's engineers and the applicant's experts.

The site is not waterfront land.

#### B6 – Access and Parking

The proposal does not alter the proposed access or quantum of parking.

There is a very minor change to the garaging area for improved internal manoeuvring, within the site.

#### B8 – Site Works Management

No landfill is proposed.

No substantive excavation is proposed, other than localised excavation for footings and support to meet engineering specifications, particularly around the proposed central pool.

A Geotechnical Report is provided.

Erosion and sediment control measures are able to ensure offsite impacts are avoided, and able to be addressed and regulated by conditions of consent. An erosion and sediment control plan has been provided in the architectural set (with Waste Management).

A Waste Management Plan is provided and is attached.

No works in the public domain or outside the site boundaries are proposed.



A Construction Management Plan is provided and could be conditioned as part of any DA consent.

### **Section C – Development Type Controls (C1 – Design Criteria for Residential Development)**

The following table responds to the provisions and controls in this Section of the DCP.

<b>Clause/Provision/Requirement</b>	<b>Compliance/Comment</b>
C1.1 Landscaping	Complies. Trees have been retained and able to be protected (see arborists report). There are pockets of improved landscaped areas and courtyards.
C1.2 Safety and Security	Complies. No change to the streetscape is proposed.
C1.3 View Sharing	Reasonable view sharing is achieved by compliance with the height limit and locating new eastern additions a level below the existing dwelling. See comments below.
C1.4 Solar Access	Complies. The proposal will cause no adverse overshadowing to adjoining land and improves solar access for the dwelling through orientation and design.
C1.5 Visual Privacy	Complies. The proposal will not result in adverse privacy impacts due to the large separation distances to adjoining land and design measures at the northern elevation.
C1.6 Acoustic Privacy	Complies. The site is not subject to adverse acoustic impacts. New balconies are not oriented to any proximate adjoining dwellings and are related to use as a single dwelling. The rear setback is over 20m and is densely vegetated.
C1.7 Private Open Space	Complies. Significantly more than 80sqm of private open space is provided and is predominantly in the rear yard, as the DCP encourages. Due to the slope of the land, level balconies are provided to provide linked passive open space with the adjoining rooms,





Clause/Provision/ Requirement	Compliance/Comment
	<p>while improved useable private open space is also created around the relocated pool.</p> <p>The private open space has good solar access.</p> <p>Space exists for clothes drying and composting activities, noting the very large area of the site and limited interfaces with adjoining land.</p>
C1.8 Dual Occupancy Specific Controls	Not applicable.
C1.9 Adaptable Housing and Accessibility	Not applicable.
C1.10 Building Facades	Complies. The façade is designed to conceal service ducts and is also articulated for visual interest.
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Not applicable.
C1.12 Waste and Recycling Facilities	Waste and recycling is provided on site for the dwelling use, which is not altering.
C1.13 Pollution Control	Complies. No adverse pollution will arise from the proposal. The Wastewater report addresses on-site waste water issues.
C1.14 Separately Accessible Structures	Not applicable.
C1.15 Storage Facilities	Complies. Ample storage is provided in the dwelling.
C1.16 Development ancillary to residential accommodation - Tennis Courts	Not applicable.
C1.17 Swimming Pool Safety	Able to comply. The pool fencing and compliance with the Swimming Pools Act can be detailed at the Construction Certificate stage.
C1.18 Car/Vehicle/Boat Wash Bays	Not applicable.
C1.19 Incline Passenger Lifts and Stairways	Not applicable.

Clause/Provision/ Requirement	Compliance/Comment
C1.20 Undergrounding of Utility Services	Not applicable. The proposal is for alterations and additions to an existing dwelling.
C1.21 Seniors Housing	Not applicable.
C1.23 Eaves	Eaves have been incorporated where needed to meet BASIX requirements.
C1.24 Public Road Reserve - Landscaping and Infrastructure	Not applicable.
C1.25 Plant, Equipment Boxes and Lift Over-Run	Complies. Plant and equipment is integrated into the design.

**Table 2** – Pittwater DCP 2014 Compliance table – Part C – Residential Development

### View Impacts and View Sharing

There will no view impacts to the public domain/street from the proposal.

The proposal significantly reduces height and scale compared to a previous proposal which was withdrawn.

The proposal complies with the height limit and key controls relating to building density and siting.

The proposal is not anticipated to result in adverse view impacts to neighbours, due to being one level below the existing dwelling and retaining the building height at the highest portion of the site, to the street. New works are considered to be within the “view shadow” of the existing building as viewed from neighbours.

Any view impacts are expected to be very minor or negligible in the context of existing and retained views.

If a contrary claim is made by any neighbour, further analysis can be provided, if access to neighbouring properties is permitted.





## Section D – Locality Specific Development Controls (D2 – Bayview Heights Locality)

The following table provides a response to the relevant matters within Part D of PDCP 2014.

Clause/Provision/ Requirement	Compliance/Comment
D2.1 Character as viewed from a public place	<p>Complies.</p> <p>The proposal retains the streetscape presentation to Bayview Street.</p> <p>The design is neat and integrates landscaping, services and plant.</p> <p>The desired future character of the area is achieved (see earlier Section).</p>
D2.2 Scenic protection - General	<p>Complies. The visual impact from any public area, including the street and the river, will be minor and acceptable.</p> <p>The bushland setting is retained for a significant portion of the site, which assists in the bushland setting of the wider area and peninsula, not just the site.</p>
D2.3 Building colours and materials	<p>Generally complies. A combination of masonry elements (painted finish), glass and timber is provided.</p>
D2.5 Front building line	<p>Complies. No change to the street front is proposed.</p>
D2.6 Side and rear building line	<p>Complies. As shown on the plans, the proposal meets the minimum 6.5m side and 20m rear setback controls for all new work.</p> <p>The pool is also within this setback, despite allowance for being closer to adjoining boundaries.</p>
D2.7 Building envelope	<p>Complies.</p>
D2.8 Landscaped Area - Environmentally Sensitive Land	<p>Complies.</p> <p>This Section states:</p> <p><i>Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area</i></p>

Clause/Provision/ Requirement	Compliance/Comment
	More than 60% of the site area is provided as landscaped area, and the landscaped area is increasing (Source MGA).
D2.9 Landscaped Area - Non Urban	Complies. This section requires 80% of the site (excluding the dwelling) to be landscaped. The proposal complies (source MGA), with minimal areas of paving in the front setback, the large rear portion of the site retained in its natural state, and new landscaped areas.
D2.10 Fences - General	Complies/Not applicable. No change to fencing is proposed other than a new gate.
D2.11 Fences - Flora and Fauna Conservation Areas	Complies/Not applicable. No change to fencing is proposed other than a new gate.
D2.12 Construction, Retaining walls, terracing and undercroft areas	Complies.
D2.13 Scenic Protection Category One Areas	Complies. Trees and bushland are protected. Materials and colours have been addressed previously

**Table 3 - Pittwater DCP 2014 Compliance table – Part D2 – Bayview Locality**

## 5.4 Draft Environmental Planning Instruments

There are no known exhibited draft planning instruments of relevance to the proposal.

## 5.5 Any Planning Agreement

There is no planning agreement applicable to the proposal.

## 6 Likely Impacts of the Development

Section 4.15(1)(b) of the EPA Act 1979 requires an assessment of the impact of development on environmental impacts (natural and built), and social and economic impacts.

The main potential natural environmental impacts relate to potential impacts on trees, bushland, land stability, ecological impacts, impacts from septic tanks and stormwater impacts on the environment.



These impacts can be considered minor, acceptable and well-resolved. There is no proposed removal of trees, existing trees are able to be protected and new landscaping is proposed. This is supported by an expert arborist's report and a Landscape Plan.

The ecological impacts have been minimised by generally locating extensions over the existing dwelling footprint. An expert Ecological Impact Assessment finds the impacts to be minor and acceptable.

The land stability considerations are addressed by the attached Geotechnical Report (by JK Geotechnics), which finds the geotechnical and landslip risk is able to be managed and mitigated through recommended measures regarding detailed design, construction and ongoing management, with a number of recommendations able to be incorporated as conditions of consent.

Wastewater is able to be managed to meet health requirements, and this is addressed by an expert report outlining the appropriate approach.

The stormwater system has been designed to meet Council requirements and will appropriately contain and manage stormwater runoff, in terms of quantity and quality.

In terms of built environmental impacts, the main potential impacts relate to visual impacts from the waterway, view impacts and construction-related impacts. There will be negligible impacts in terms of privacy and overshadowing to surrounding land.

In terms of streetscape impacts, no new works to the street are proposed. The site is not a heritage item and is not located in a Conservation Area. In terms of visual impacts from the water/river, this is very minor due to the distance to water and being set within a landscaped hillside, below the tree line of surrounding land and the peninsula.

In terms of view impacts, these have been addressed by a new proposal which is located below and behind the existing dwelling, stepping down the site to minimise any potential impact, and compliance with the height limit.

Temporary construction-related impacts are not anticipated to adversely affect businesses nor unduly affect residents, with some localised impacts of relatively short duration, which are able to be addressed by standard conditions of consent.

In terms of economic impacts, the proposal will cause no negative economic impacts, with some positive impacts resulting from increased labour for construction and accommodation to support nearby businesses.

Social impacts from the proposal are expected to be neutral or positive, allowing for an extension to better meet the needs of residents, with limited and acceptable external impacts.

## **7 Suitability of the site for the Development (S 4.15(1)(c))**

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The site is suitable for the development. The zoning permits the proposal and the proposal generally complies with standards and objectives of the relevant environmental planning instruments and Council's Development Control Plan.

## **8 Public Interest (S 4.15(1)(e))**

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The public interest would be well served by granting consent to the development application.

## **9 Conclusion**

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The proposal involves alterations and additions to an existing dwelling and No. 6 Captain Hunter Road, Bayview.

Having considered the proposal in its legislative and physical context, it is concluded the proposal should be approved for the following main reasons:

- a) The proposal is significant different to a previous proposal for which Council had concerns, and earnest and serious changes have been made to address previous issues;
- b) The proposal complies with the relevant aims of Pittwater Local Environmental Plan 2014;
- c) The proposal complies with the objectives of the Large Lot Residential R5 zone within Pittwater Local Environmental Plan 2014;
- d) The proposal complies with development standards within Pittwater Local Environmental Plan 2014;
- e) The proposal is consistent with the principles of Ecological Sustainable Development, and objects of the EPA Act 1979;
- f) The proposal is well considered in terms of siting and design, avoiding and minimising impacts on the natural environment by retaining trees and bushland and appropriately considering the relationship with surrounding land;
- g) The proposal will not have any negative heritage or archaeological impacts;
- h) The proposal is consistent with the desired character of the Bayview Heights Locality, as outlined in Pittwater 21 Development Control Plan 2014;
- i) The proposal is consistent with the relevant outcomes sought in Pittwater 21 Development Control Plan 2104;
- j) The landscaped area on the site is increasing
- k) The proposed use is suited to the site and area and retains an existing dwelling use;
- l) The proposal will achieve reasonable view sharing;





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- m) The proposal will result in positive economic and social outcomes;
- n) The proposal will not result in any significant environmental impacts nor any significantly adverse impacts on the amenity of surrounding land to warrant refusal of the application; and
- o) Granting consent would be in the public interest.

Jason Perica  
Director

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**Attachments**

BASIX Certificate	A
Geotechnical Report	B
Arborists Report	C
Bushfire Report	D
Waste Management Plan	E
Waste Water Report	F
Ecological Assessment	G
Cost Estimate	H
Construction Management Plan	I
Stormwater Management Plan	J



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## **ATTACHMENT A – BASIX CERTIFICATE**



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## **ATTACHMENT B – GEOTECHNICAL REPORT**





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## **ATTACHMENT C – ARBORISTS REPORT**



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## **ATTACHMENT D – BUSHFIRE REPORT**



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## **ATTACHMENT E – WASTE MANAGEMENT PLAN**





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## **ATTACHMENT F – WASTE WATER REPORT**



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## **ATTACHMENT G– ECOLOGICAL REPORT**



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## **ATTACHMENT H – COST REPORT**



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## **ATTACHMENT I– CONSTRUCTION MANAGEMENT PLAN**





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## **ATTACHMENT J – STORMWATER MANAGEMENT PLAN**