

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
INCLUDING A NEW DETACHED GARAGE, STUDIO AND DRIVEWAY**

LOCATED AT

73 PACIFIC ROAD, PALM BEACH

FOR

CAMERON BLANKS



**Prepared
October 2020**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by C+M Studio Pty Ltd on behalf of Cameron Blanks, Sheets No. DA-000, DA-101 – DA-107, DA-201 – DA-206, DA-301 – DA-302, DA-401 – DA-403, DA-501 – DA-503, DA-601 & DA-603, Project No. 2020_112, dated 26 October 2020 to detail the proposed construction of alterations and additions to an existing dwelling at **73 Pacific Road, Palm Beach**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 73 Pacific Road, Palm Beach, being Lot 2, Section 2 within Deposited Plan 13780 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site does not contain any heritage items, nor is it within a conservation area. However, the proposal is in the vicinity of a number of the heritage items including the Bible garden at 6A Mitchell Road (Item No. 2270329), a dwelling at No. 48 Pacific Road (Item No. 2270063) and the Ocean Road Heritage Conservation Area (Area No. C4). This matter will be discussed further within this statement.

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

The site is identified as being within a Scenic Protection Area, and this matter will be discussed further within this statement.

The site is identified on Council's Geotechnical Hazard Map as W Hazard H1. Accordingly, a Geotechnical Investigation has been prepared by White Geotechnical Group, Report No J2963 dated 27 October 2020.

No other hazards have been identified.

3.0 Site Description

The site is located on the northern side of Pacific Road, with a secondary, north-western frontage to Mitchell Road. The site slopes gradually towards the north-western boundary, with a total fall of approximately 12.7m over its length.

The site is irregular in shape, with a front boundary measuring 31.095m to Pacific Road, and eastern and south-western side boundaries measuring 47.29m and 27.075m respectively. The secondary frontage to Mitchell Road measures 28.57m and the total site area is 977.6m².

The site is currently developed with a two and three story brick dwelling with a tile roof, together with an attached double garage. Vehicular access to the site is currently available via an angled concrete driveway from Pacific Road. An additional concrete driveway provides access to the site from Mitchell Road to a hardstand car space.

The details of the current site are contained within the survey report prepared by Stutchbury Jaques Pty Ltd, Reference Number 6786/08, dated 24 June 2020, which accompanies the DA submission.

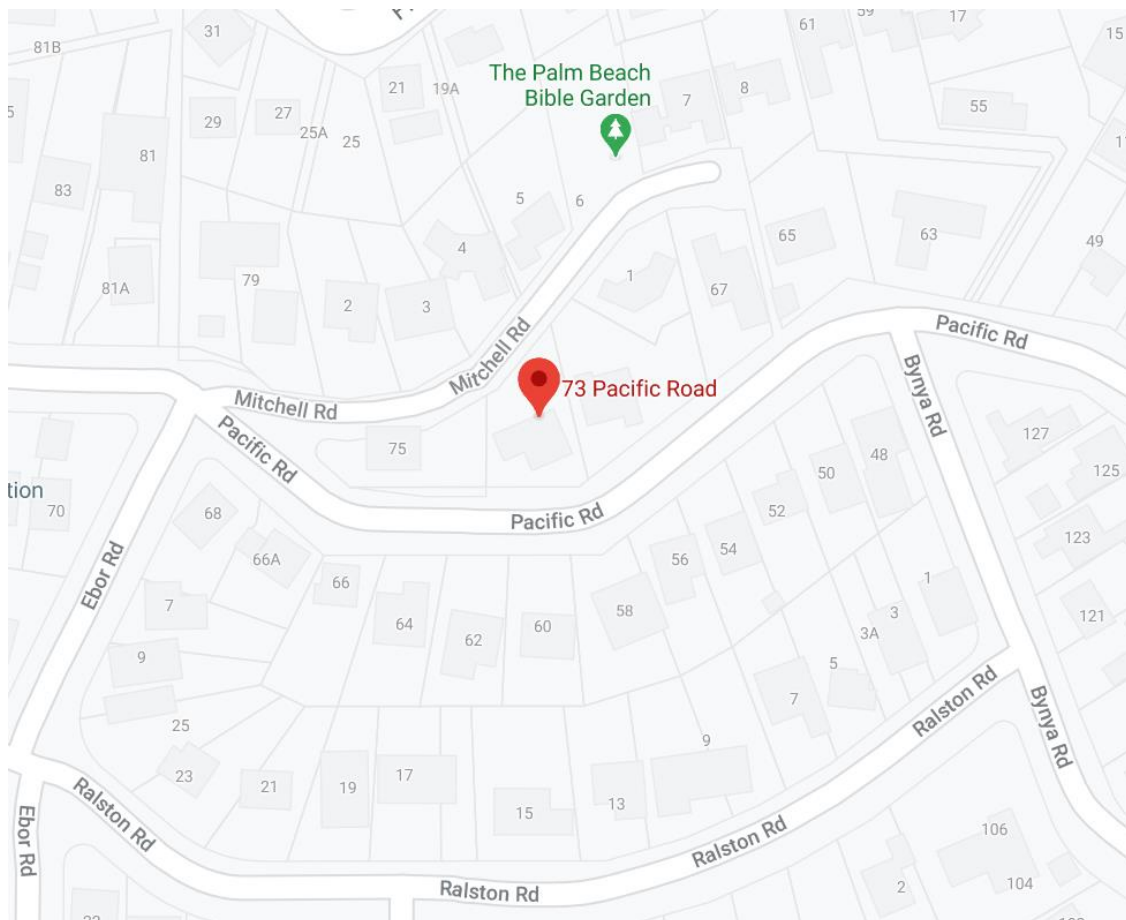


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of existing dwelling, looking north from Pacific Road



Fig 3: View of the northern elevation of the subject dwelling, looking south from Mitchell Road



Fig 4: View of the existing entry driveway to the open car parking area for the subject site, looking south-east from Mitchell Road (location of proposed detached garage with rumpus room and pool deck above)



Fig 5: View of the existing swimming pool and location of proposed works, looking east towards the adjacent neighbouring property at No 69 Pacific Road



Fig 6: View of the northern elevation of the existing dwelling, looking south-east from the entry driveway from Mitchell Road



Fig 7: View of the northern elevation of the adjacent dwelling at No 69 Pacific Road, looking south Mitchell Road



**Fig 8: View of the of the neighbouring development to the west the site,
looking south-west from Mitchell Road**

4.0 The Surrounding Environment

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

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

The subject site and adjacent sites enjoy a dual street frontage to both Pacific Road and Mitchell Road, with expansive views to the north and north-east over the properties on the lower side of Mitchell Road.



Fig 9: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of alterations and additions to an existing dwelling.

The new works will comprise:

Garage Floor: New detached garage (to Mitchell Road frontage) with internal vertical passenger lift, driveway and external stairs

Studio Level: New rumpus with bathroom and lift shaft

Lower Ground: Alterations and additions to existing lower ground floor level, including reconfiguration of layout with additional bedroom, laundry, lift shaft and extension of existing pool deck

Ground Floor: Alterations and additions to existing ground floor level to provide for new lift shaft

Level 1: Alterations and additions to existing level 1 to provide for new lift shaft

The proposed alterations and additions to the existing dwelling largely maintain the existing two and three storey scale of the dwelling.

The proposed garage and studio will not be visible from the Pacific Road frontage.

Access to the new excavated garage level with rumpus room and pool deck over will be from Mitchell Road. The extent of the excavation to lower the proposed garage level will ensure that development presents a modest two storey scale above the general yard levels in this northern yard facing Mitchell Road.

The new detached garage and studio structure comprises a mix of vertical and stone cladding, in earthy tones which will be integrated into the landscaped character of the locality.

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

The development indices for the development are summarised as:

Site Area	977.6m²
Required Landscape Area	60% or 586.56m ²
Total Existing Landscaped Area	47.9% or 468.5m ²
Proposed Landscape Area	48.6% or 475.4m ² (includes 6% functional open space)

6.0 Zoning and Development Controls

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

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

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

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

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

6.3 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

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

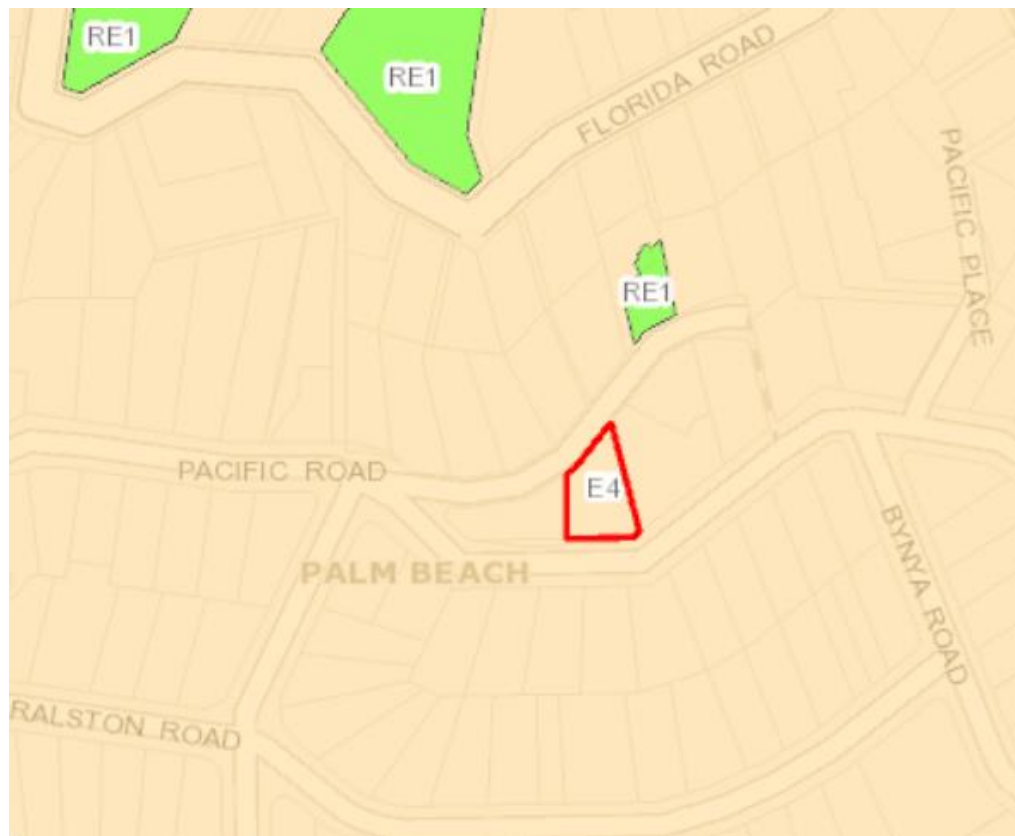


Fig 10: Extract of Pittwater Local Environmental Plan 2014 zoning map

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

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

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

It is considered that the proposed additions and alterations to the existing dwelling and to provide for detached ancillary structures will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any adverse impact on long distance views.

Clause 4.3 – Height of Buildings

PLEP 2014 prescribes a maximum building height for the subject site of 8.5m. Due to the sloping topography of the building footprint (approximately 37%), the development is subject to the provisions of Clause 4.3(2D), which reads as follows:

- (2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if:*
- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
 - (b) the objectives of this clause are achieved, and*
 - (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
 - (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

The proposed new works to the dwelling provide for a height of up to 9m, and the proposed garage and studio structure is up to 7.67m, and the proposal therefore complies with this control.

Clause 5.10 – Heritage conservation

The site does not contain any heritage items, nor is it within a conservation area. However, the proposal is in the vicinity of a number of the heritage items including the Bible garden at 6A Mitchell Road (Item No. 2270329), a dwelling at No. 48 Pacific Road (Item No. 2270063) and the Ocean Road Heritage Conservation Area (Area No. C4).

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Pittwater,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

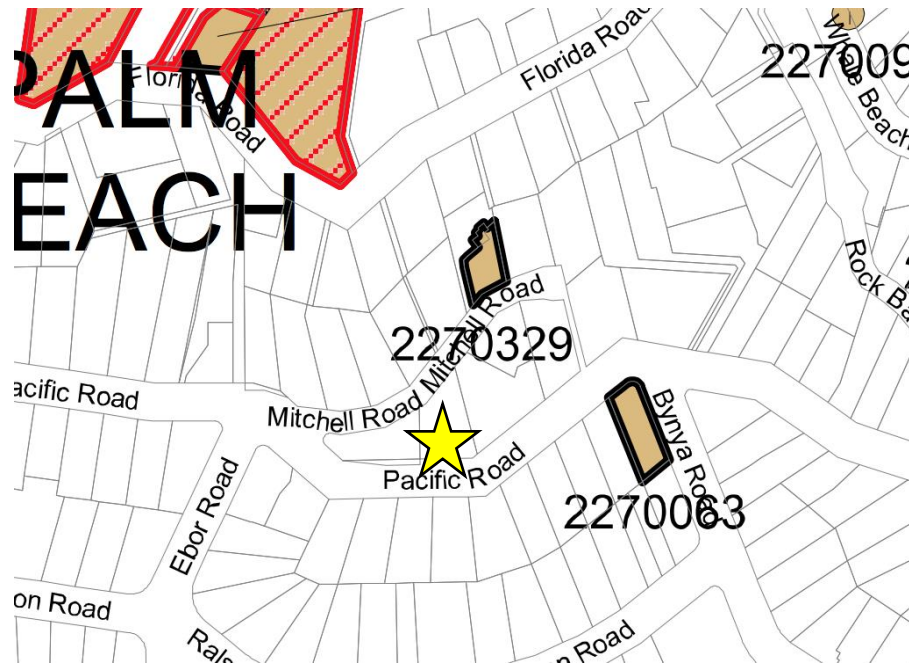


Fig 11: Extract of Pittwater Local Environmental Plan 2014 Heritage Map

The proposed alterations and additions are modest in bulk and scale, and reflect the character of existing surrounding development in the locality.

The proposal will not require the removal of any significant vegetation, and maintains a generous area of soft landscaping. The proposal is not considered to detract from the significance of the nearby heritage items, and is in keeping with the provisions of this clause.

Clause 7.1 – Acid Sulfate Soils

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

Clause 7.2 – Earthworks

The proposal will require excavation of the site to accommodate the proposed garage. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer and will therefore satisfy the provisions of this clause.

Class 7.7 – Geotechnical Hazards

The site is identified on Council's Geotechnical Hazard Map as W Hazard H1. Accordingly, a Geotechnical Investigation has been prepared by White Geotechnical Group, Report Reference J2963 dated 27 October 2020.

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

Clause 7.10 – Essential Services

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

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

6.4 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP and Section D12 Palm Beach Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.4.1 Section A Introduction

A4.12 Palm Beach Locality

Desired Character

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

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

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

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

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

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

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

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

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of alterations and additions to an existing dwelling including a new detached garage with ancillary residential floor space above, together with a pool deck which is associated with existing swimming pool.

The proposal will provide a modest height and scale relative to the topography of the land, and the proposed garage and studio will present a modest two storey structure to Mitchell Road. This will maintain view opportunities for the neighbouring properties, and will not have any significant visual impact from the public areas in the vicinity.

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

The proposal will not require the removal of any significant vegetation to accommodate the proposed works. A suitable area of soft landscaping is retained, and the existing vegetation will assist with softening the built form of the development.

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

6.4.2 Section B General Controls

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

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

- Protection of people. (S)*
- Protection of the natural environment. (En)*
- Protection of private and public infrastructure and assets. (S)*

The site is identified on Council's Geotechnical Hazard Map as W Hazard H1. Accordingly, a Geotechnical Investigation has been prepared by White Geotechnical Group, Report Reference J2963 dated 27 October 2020.

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

B3.6 Contaminated Land and Potentially Contaminated Land

The controls seek to achieve the outcomes:

- Protection of public health. (S)*
- Protection of the natural environment. (En)*
- Successful remediation of contaminated land. (En, S)*

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

B4.5 Flora and Fauna Habitat Enhancement Category 3 Land

The controls seek to achieve the outcomes:

- The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)*

The proposal will not require the removal of any significant vegetation. The existing trees on site will be retained and protected.

The existing vegetation and the proposed additional plantings can be further supplemented by new locally occurring species as directed by Council.

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

The controls seek to achieve the outcomes:

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

Roofwater from the new roof areas will be connected to the existing stormwater system, which directs collected roof orders to the street gutter in Mitchell Road.

As the stormwater is direct runoff from the roof, there will not be any significant issue in terms of water quality.

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

This control seeks to achieve the outcomes:

Safe and convenient access. (S)
Adverse visual impact of driveways is reduced. (En)
Pedestrian safety. (S)
An effective road drainage system. (En, S)
Maximise the retention of trees and native vegetation in the road reserve. (En, S)

The proposal will retain the existing crossing to Mitchell Road, with a new driveway to provide access to the proposed garage.

A separate pedestrian accessway is provided, thus improving pedestrian safety. The proposal will not require the removal of any significant vegetation to accommodate the driveway, and sufficient landscape planting will be retained in the road reserve.

B6.2 Internal Driveways – Low Density Residential

This control seeks to achieve the outcomes:

Safe and convenient access. (S)
Reduce visual impact of driveways. (S)
Pedestrian safety. (S)
An effective road drainage system. (En, S)
Maximise the retention of trees and native vegetation.
Reduce contaminate run-off from driveways.

The proposal will see the replacement of the existing driveway to the Mitchell Road frontage, leading to an excavated, detached double garage at the street level to Mitchell Road, and it is expected that the works will satisfy the abovementioned outcomes with respect to access, visual impact and pedestrian safety.

B6.3 Off-Street Vehicle Parking Requirements

This control seeks to achieve the outcome:

Safe and convenient parking. (S)

The proposal provides a new detached double garage, which provides for two additional off-street car spaces which are in addition to the existing double garage, which is accessed from Pacific Road. The provision of additional off-street parking with appropriate access from the public road will meet Council's requirement for large dwellings.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

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

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

The proposal will see some excavation to accommodate the proposed works, particularly in relation to the construction of the detached garage from Mitchell Road.

The proposal will be designed and supervised by an appropriately qualified Structural Engineer, with the endorsement of the Consultant Geotechnical Engineer.

The extent of the excavation is not considered to be excessive and would be largely disguised from view once the garage, with rumpus room and pool deck above is constructed.

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

B8.2 Construction and Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)

Reduction of waste throughout all phases of development. (En)

Public safety is ensured. (S)

Protection of the public domain. (S, En)

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

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

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

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

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

6.4.3 Section C Development Type Controls for Residential Development

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

C1.1 Landscaping

The controls seek to achieve the outcomes:

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

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

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

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

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

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

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

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

Landscaping results in low watering requirement. (En)

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

As previously discussed, the proposal will not require the removal of any significant vegetation. The majority of the property will be retained for open space and recreation.

The development has been provided with generous boundary setbacks to ensure that the yard areas of the site are capable of accommodating future plantings.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

On-going safety and security of the Pittwater community. (S)

Opportunities for vandalism are minimised. (S, Ec)

Inform applicants of Council's requirements for crime and safety management for new development. (S)

Improve community awareness in relation to Crime Prevention through Environmental

Design (CPTED), its principle strategies and legislative requirements (S)
Identify crime and safety priority areas in Pittwater LGA (S, Ec)
Improve community safety and reduce the fear of crime in the Pittwater LGA (S)
Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)

The dwelling's existing formal entry from Pacific Road will continue to allow for casual surveillance of persons entering the site from Pacific Road. The proposed works will also enhance the opportunity for casual surveillance of the Mitchell Road frontage, which can increase security for the surrounding residents.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views from public places and living areas. (S)
Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)
Canopy trees take priority over views (En, S)

The required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties. The site and the adjacent dwellings enjoy district views to the north.

The uphill properties are substantially elevated above the subject dwelling, and suitable views will be retained over the development for surrounding properties.

The primary view for each adjacent neighbour is considered to be directly north, over their respective rear boundaries to Mitchell Road and in this regard, the proposed detached building with rumpus room and pool deck over the excavated garage level will not end result in any significant adverse impact on views and outlook for the neighbouring properties.

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

C1.4 Solar Access

The controls seek to achieve the outcomes:

Residential development is sited and designed to maximise solar access during mid-winter. (En)
A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)
Reduce usage and/dependence for artificial lighting. (En)

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

The shadow diagrams (Drawing No. DA-501 – DA-503) prepared to support the development indicate that the subject and neighbouring dwellings will continue to enjoy excellent solar access to their north-facing living areas and private open space areas during the day.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (S)

A sense of territory and safety is provided for residents. (S)

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitable protected to limit the effects of direct overlooking.

The proposed rumpus over the garage comprises minimal window openings. The proposed pool deck incorporates plantings, and maintains a suitable setback to the eastern side boundary.

The extension to the north-western elevation of the dwelling does not comprise any window openings.

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

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

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

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

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

Given the residential nature of the works, it is suggested that there will not be any significant change to the existing site conditions. The proposed lift will be selected and maintained to ensure that no acoustic impacts for neighbouring properties will occur.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)

Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)

Private open space receives sufficient solar access and privacy (En, S).

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation.

The proposed works will largely maintain a substantial area of private open space within the yard areas of the site. The function and quality private open space is improved through the introduction of the new decking.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

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

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

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

C1.23 Eaves

The controls seek to achieve the outcomes:

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

Optimise roof forms. (S)

Appropriate solar access and shading is achieved. (En)

The existing eaves to the dwelling will be maintained.

6.4.4 Section D Locality Specific Development Controls

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

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

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

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

D12.1 Character as Viewed from A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

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

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

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

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

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

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

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

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

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

The proposal will provide for the construction of alterations and additions to the existing dwelling including a new garage and studio. The proposal presents a contemporary form, which

complements the style and scale of other new development in the area.

Views will be retained for the uphill dwellings which are substantially elevated above the level of the subject site.

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

The proposed development is well articulated to provide visual interest and reduce bulk when viewed from Mitchell Road. In addition, the existing and proposed landscaping will ensure that the proposed works will be interspersed with the natural landscape setting.

D12.3 Building colours and materials

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

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

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

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

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

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

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

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

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

It is considered that the development is appropriate as it is intended to utilise recessive tones and finishes to complement the existing dwelling and the surrounding development. The proposed external finishes and materials are detailed within the external finishes schedule prepared by C+M Studio Pty Ltd (Drawing No. DA-403).

D12.5 Front Building Line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

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

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

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

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

To preserve and enhance the rural and bushland character of the locality. (En, S)
To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.
To encourage attractive street frontages and improve pedestrian amenity.
To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

The control to achieve this outcome is to provide a setback of 6.5m setback for land zoned E4 Environmental Living, or the established building line to the street frontage, whichever is the greater.

The existing front boundary of the dwelling to Pacific Road remains unchanged.

The property enjoys a secondary street frontage to Mitchell Road, which in accordance with Council controls could, on merit enjoy a reduced setback to within 3.5 m of the secondary street frontage. The works intend to provide for a setback to the garage level of 3.360 m which over the total frontage of the site facing Mitchell Road is considered to be acceptable and is well screened from any casual observation of the site from Mitchell Road.

In this instance the proposed massing of the building, with the upper levels to be stepped back to 4.360m is considered to be reasonable and Council support of the proposed setback to Mitchell Road is requested in this instance.

D12.6 Side and rear building line

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)
The bulk and scale of the built form is minimised. (En, S)
Equitable preservation of views and vistas to and/or from public/private places. (S)
To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.
To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)
Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)
Flexibility in the siting of buildings and access. (En, S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
To ensure a landscaped buffer between commercial and residential zones is achieved.

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

The proposed garage and studio is set back 1.0m from the eastern side boundary, and is well separated from the western side boundary.

The proposed new works to the dwelling to provide for the lower floor addition will stand 1.95m from the western side boundary, and therefore present a minor variation to the side setback control. The portion of the development that does not meet the side setback control does not

comprise any window openings, and will not result in any adverse impacts for neighbouring properties in terms of solar access, privacy, views or general amenity.

The proposed garage and studio are set back a minimum of 3.4m from the rear boundary to Mitchell Road.

Due to the sloping topography within the locality, it is not uncommon for parking structures to present a reduced setback to Mitchell Road.

The proposed studio level presents an addition setback to Mitchell Road, which assists with minimising the visual impact on the streetscape. The proposed rooftop garden will soften and screen the built form of the proposed structure.

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

D12.8 Building Envelope

The controls seek to achieve the outcomes:

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

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

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

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

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

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

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

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

Due to the sloping topography of the site, the proposed new works to the dwelling will present a minor variation to the building envelope control at the northern extremity of the western elevation.

The proposal, whilst exhibiting a minor building envelope breach, will not unreasonably impact on any views enjoyed by any adjoining properties. The bulk and scale of the built form is commensurate with the character of the area with similar development provided in the Palm Beach Locality.

Compliance with the building envelope is constrained by the siting of the existing dwelling, together with the sloping topography of the site.

The proposed works will not exceed the existing ridge height of the dwelling, and the bulk and scale of the existing dwelling will not be substantially altered.

The proposal will maintain a reasonable level of privacy, amenity and solar access is provided to neighbouring properties.

Overall, the proposed scale of the dwelling is not unreasonable and will remain consistent with similar structures in the area. The proposal is seen to satisfy the objectives of the control, and therefore, the building envelope non-compliance should be supported on merit.

D12.10 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

- Achieve the desired future character of the Locality. (S)*
- The bulk and scale of the built form is minimised. (En, S)*
- A reasonable level of amenity and solar access is provided and maintained. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*
- Conservation of natural vegetation and biodiversity. (En)*
- Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*
- To preserve and enhance the rural and bushland character of the area. (En, S)*
- Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)*

The required controls to achieve the outcomes are to ensure that residential development maintains a minimum of 60% of the site as landscaped area. In this instance, the site area is 977.6m² and the required minimum landscaped area for the site is 586.6m².

Currently, the site provides for a landscaped area of 47.9% or 468.5m².

The new works will see the rationalisation of some existing paving within the site, with the site to retain a landscaped area of up to 475.4m² or 48.6% with the inclusion of the 6% allowance for functional open space.

Whilst the proposal does not comply with the landscaped area control, the proposal will result in an increase in the available soft landscaped area of 6.9m².

The proposal addresses the objectives of this clause in the following manner:

- The bulk and scale of the proposed dwelling is modest, and in keeping with the extent of existing surrounding development.
- The proposal will maintain suitable views, solar access and privacy for neighbouring properties.
- As the pervious areas within the site remain largely unchanged, the proposal will minimise the impact of runoff within the locality.
- The proposal will not see the removal of any significant vegetation, and new plantings are to be provided over the garage and studio structure. The proposal will therefore maintain consistency with the bushland character of the locality.

Notwithstanding the minor variation to the landscaped area control, the proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.

D12.11 Fences

The controls seek to achieve the outcomes:

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

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

No new front fencing is provided.

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

The controls seek to achieve the outcomes:

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

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

D12.14 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En,S).*
- Maintenance and enhancement of the tree canopy. (En,S)*
- Colours and materials recede into a well vegetated natural environment. (En,S)*
- To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component. (En, S)*

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

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

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

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

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

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

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

The recessive tones and external finishes that have been selected to further minimise the bulk and scale of the built form. The proposed external finishes have been detailed in the external finishes schedule prepared by C+M Studio Pty Ltd which accompanies the DA submission.

The proposal will not see the removal of any significant vegetation. A generous area of soft landscaping is maintained.

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

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

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

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

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

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

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

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

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

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

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

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular, we consider that the variation to the side and rear setback control, building envelope control and landscaped area control is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects these controls.

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

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

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

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

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

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

It is considered that the proposal, which seeks consent for the proposed construction of alterations and additions to an existing dwelling including new garage, studio and driveway, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

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

7.7 The suitability of the site for the development

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

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

7.8 Submissions made in accordance with this Act or the regulations

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

7.9 The public interest

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

8.0 Conclusion

The principal objective of this development is to provide for the for the proposed construction of alterations and additions to an existing dwelling including a new detached garage with garage, with rumpus room and pool deck over, together with internal vertical passenger lift to provide access throughout the site. The new driveway is provided to the new garage from Mitchell Road.

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

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

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