

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR A PROPOSED NEW DWELLING
& DOUBLE CARPORT**

LOCATED AT

43 HERBERT AVENUE, NEWPORT

FOR

ALAN & ELIZABETH HARKINS

**Prepared
December 2018**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Ezy Homes Australia Pty Ltd, on behalf of Alan & Elizabeth Harkins, Reference No. 163Herbert, Sheets 1-10 , 23, 28 & 29, variously dated to detail the construction of a new dwelling and a double carport on land at **43 Herbert Avenue, Newport**.

The site was the subject of a recent Development Application – DA N0111/17 for a “*New single dwelling with detached garage*”.

Northern Beaches Council issued consent via Notice of Determination dated 8 June 2017. The construction of the approved dwelling has not commenced.

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 43 Herbert Avenue, Newport, being Lot 163 within Deposited Plan 13457. The property is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The land is noted as being within the Class 5 Acid Sulfate Soils Area.

The site is identified on Council’s Geotechnical Hazard Map as being within area ‘W Hazard H1’. This issues will be discussed further within this submission.

No other hazards have been identified.

3.0 Site Description

The property is located on the southern, higher side of Herbert Avenue and other than a couple of sheds and an access stairway is vacant.

The site is generally rectangular in shape, with an angled boundary to Herbert Avenue of 13.755m and a depth of between 60.485m & 61.52m. The rear, southern boundary measures 13.715m and the total site area is 836.7m².

The site has a fall towards the front, northern boundary, with collected stormwater from the proposed dwelling to be directed to the street gutter in Herbert Avenue.

The site shares a common access driveway over the road reserve with the adjoining dwelling at No 45 Herbert Avenue.

A small portion of the current driveway within the private land is shared between the properties, with reciprocal rights of way between the properties to facilitate access to the current garage within No 45 and the future parking area within the subject site.

The details of the site are included on the survey plan prepared by Base Surveying, Reference No 15-76, dated 2 September 2015, which accompanies the DA submission.

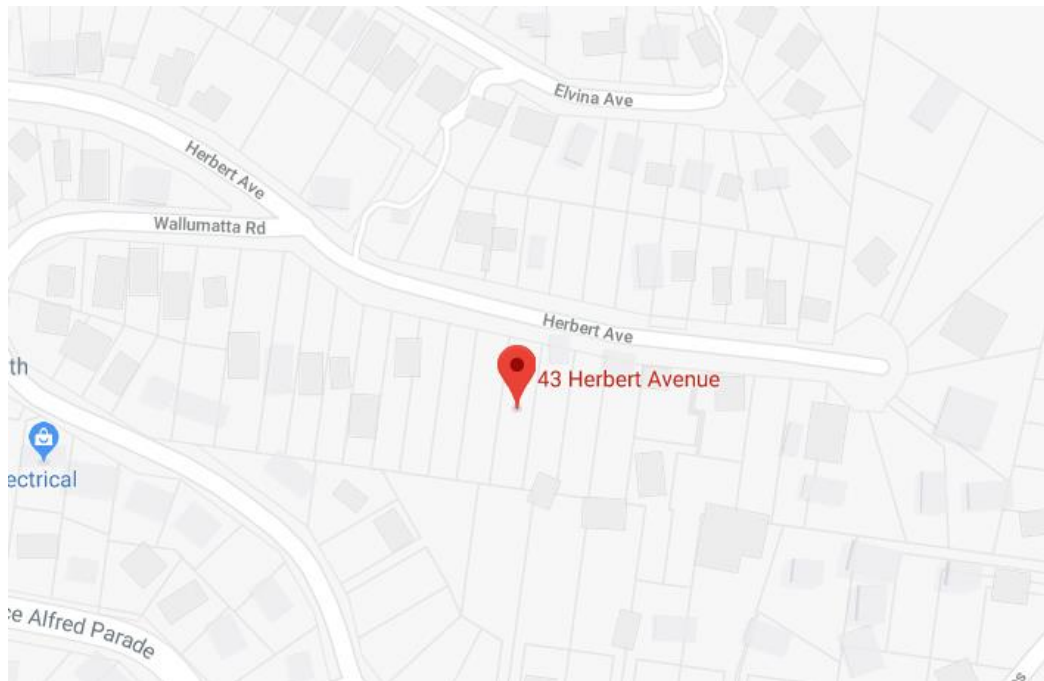


Fig 1: Location of subject site
(Source: Google Maps)



Fig 2: View of subject site, looking south from access driveway

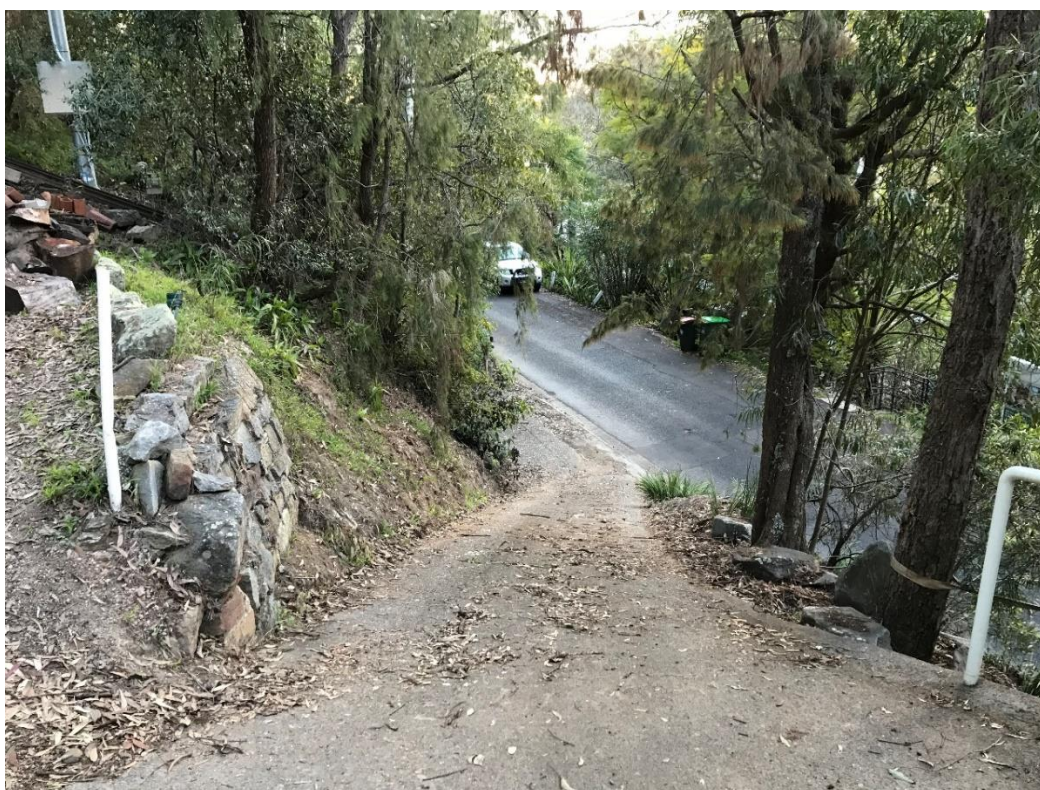


Fig 3: View looking north-west down existing driveway to Herbert Avenue



Fig 4: View looking west towards neighbouring dwelling at No 41 Herbert Avenue & significant tree adjacent to common boundary



Fig 5: View looking south-east towards neighbouring dwelling at No 43 Herbert Avenue



Fig 6: View of common access driveway and existing garage for No 45 Herbert Avenue, looking east



Fig 7: View looking north from the upper portion of the subject site



Fig 8: View looking north-west towards upper portions of western neighbours



Fig 9: View looking north-east towards upper portion of No 45 Herbert Avenue

4.0 The Surrounding Environment

The general vicinity of the site is characterised by low density residential development of typically one to three storey dwellings of a variety of styles and scales of development.

The neighbouring properties comprise single dwellings, of a similar size and scale to the subject dwelling. The dwellings are set in landscaped gardens.



Fig 10: Aerial view of subject site and surrounds
(Source: NBC Mapping)

5.0 Proposed Development

As detailed within the accompanying plans prepared by Ezy Homes Pty Ltd, the proposal seeks consent for the construction of a new split level dwelling which has been designed to follow the sloping terrain of the site.

The design of the dwelling provides for structural steel framing, with colourbond sheet wall and roof cladding, supported from concrete pad footings.

A detached double carport is provided at the driveway entry level.

In particular, the works comprise:

Carport Level

- Proposed new double carport with an angled driveway access from the existing garage.
- Access stairs to the upper levels

First Floor Level (Secondary Dwelling)

- Proposed new bedroom with ensuite and studio
- Small attached external deck

Second Floor Level

- Four bedrooms (main with walk in robe and ensuite) , rumpus room and bathroom with separate WC
- Small deck off main bedroom
- Internal access stairs to upper levels

Third Floor Level

- Open plan kitchen, living, dining area
- Laundry
- Internal access stairs Alterations and additions to existing first floor level to provide for new Bed 1 with ensuite, dressing, robe and balcony, Bed 2 with balcony and robe

Fourth Floor Level

- Loft living/storage space and home office.
- Internal access stairs
- Planter box

The external finishes will comprise colourbond steel sheet cladding and a colourbond steel roofing (Colour – Dune).

The proposal results in the following indices:

Site Area:	836.7m ²
Required Landscaped Area:	60% or 333.66m ²
Proposed Landscaped Area:	75.3% or 636.16m ² (Exclusive of permissible variations - See DCP discussion)

6.0 Zoning and Development Controls

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

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

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

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

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

6.3 Pittwater Local Environmental Plan 2014

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

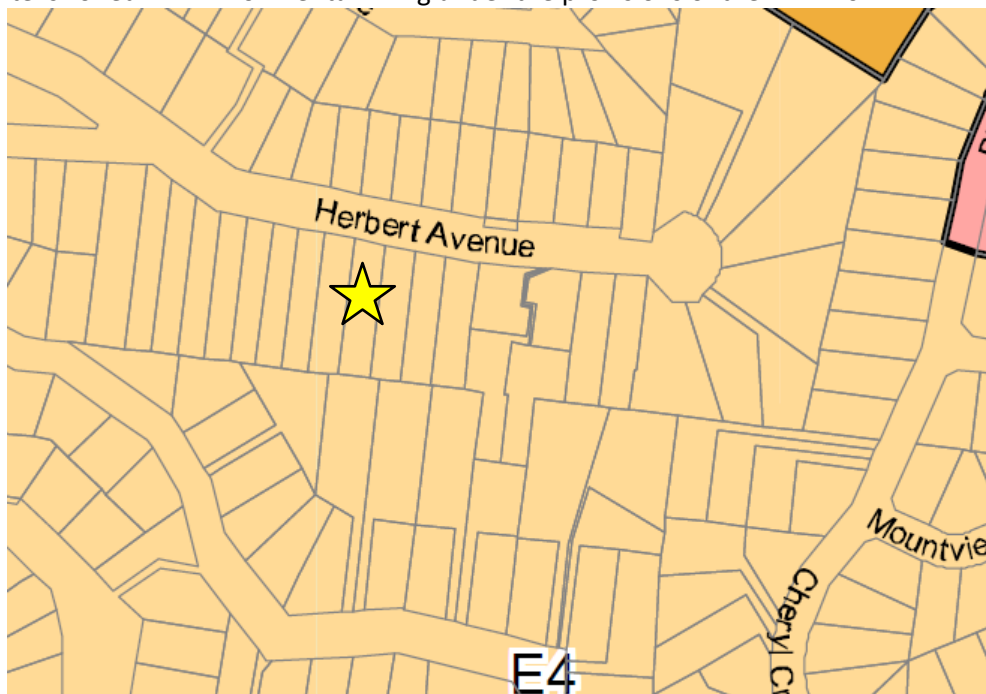


Fig 11: Extract of Pittwater Local Environmental Plan 2014

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

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors*

It is considered that the proposed new dwelling and carport 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 two-three storey scale of the 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 an unreasonable impact on any long distance views.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Newport is 8.5m. The proposal provides for a maximum building height of up to 8.5m above existing ground level, which complies with this control.

Clause 7.1 – Acid sulfate soils

The site has been identified as being within the Class 5 Acid Sulfate Soils area. It is not anticipated that the works will result in the works lowering the local water table by more than 1m, and no further investigation is deemed necessary in this instance.

Clause 7.2 – Earthworks

The proposal will not require significant excavation of the site to accommodate the proposed works.

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J0673B, dated 26 June 2018. Subject to compliance with the recommendations of the consulting Structural and Geotechnical Engineers, the proposal is considered to satisfy the provisions of this clause.

Clause 7.6 – Biodiversity Protection

The site has been identified on Council's Biodiversity Map. The proposal seeks to remove seven trees to facilitate the proposed development. The proposal is therefore accompanied by an Arboricultural Assessment Report prepared by Margot Blues Consulting Arborist dated 12 June 2018, which addresses the potential impacts resulting from the development.

The report is also supported by Landscape Plan prepared by Scenescapes, which provides for the managed replanting of the site.

Clause 7.7 – Geotechnical Hazards

The site is identified as being within the 'W Hazard H1' area on Council's Geotechnical Hazard Map. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J0673B, dated 26 June 2018, which concludes that the architectural plans prepared for the previous report, being J0673A dated 3 May 2018 are supported.

Report No J0673A concluded:

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.

Subject to compliance with the recommendations contained within the Geotechnical Investigation, the proposal is considered to satisfy the provisions of this clause.

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

6.4 Pittwater 21 Development Control Plan

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

6.4.1 Shaping Development – Desired Character

The desired outcomes for the Newport Locality, in which this site falls, are as follows:

D.10 Newport Locality

Desired Character

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

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

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

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

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

Vehicular, pedestrian and cycle access within and through the locality will be

maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Newport's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront character and its outdoor lifestyle, contributing to a unique sense of place. Contemporary design solutions within the commercial centre will respond to Newport's climate and setting, including providing shade and shelter to streets and entries, generous private outdoor spaces, openings that capture ocean breezes, and shade elements.

It is considered that the proposal is consistent with the desired character of the locality by providing for a new dwelling and double carport which do not dominate the streetscape and are consistent with the scale and style of development in the vicinity.

Given the challenges presented by the sloping topography of the site, the proposal has been designed to reflect the existing setbacks provided to all boundaries in the immediate area.

The site will for functional off street parking and level recreation spaces.

The building materials and colours will harmonise with the natural environment and will not detract from the existing locality.

6.4.2 Section B General Controls

The General Controls applicable to the proposed new dwelling and carport are summarised as:

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

The site is identified as being within the 'W Hazard H1' area on Council's Geotechnical Hazard Map. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J0673A dated 3 May 2018 and further supplementary report J0673B dated 26 June 2018, which conclude the following:

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.

Subject to compliance with the recommendations contained within the Geotechnical Investigation, the proposal is considered to satisfy the provisions of this clause.

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

The controls seek to achieve the outcomes:

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

The proposal seeks to remove thirteen trees to facilitate the proposed development. The proposal is therefore accompanied by an Arboricultural Impact Assessment prepared by Margot Blues Consulting Arborist, dated 12 June 2018, which identifies the trees to be removed as a result of the works.

The Landscape Plans prepared by Serenscapes notes the manages replanting of the site, which together with ground covers and shrubs, will provide for an additional 20 trees which will have a mature height of 7m or greater.

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

The controls seek to achieve the outcomes:

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

The collected stormwater will be directed to the street gutter in Delecta Avenue.

As the stormwater is direct run off from the roof and paved areas, there will not be any significant issue in terms of water quality.

B5.10 Stormwater Discharge into Public Drainage System

The controls seek to achieve the outcomes:

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

The stormwater from the roof areas will be connected to the existing system which directs overflow to the street gutter.

As such, there will not be any substantial change to the existing stormwater discharge arrangements.

B5.11 Stormwater Discharge into Waterways and Coastal Areas

The controls seek to achieve the outcomes:

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

The stormwater from the roof areas will be connected to the existing system which directs water to the street gutter.

As such, there will not be any substantial change to the existing stormwater discharge arrangements.

B6.1 Access driveways and works on the public road reserve

The controls seek 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.

The proposal will seek to provide a new layback and driveway to provide access to the new attached double garage. The driveway access is currently shared with the adjoining neighbour at No 45 Herbert Avenue. The proposed access design will comply with Council's controls and the relevant Australian Standards.

B6.2 Internal Driveways

The controls seek 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 proposed driveway will provide appropriate access to the new double garage.

B6.3 Off-street vehicle requirements

The controls seek to achieve the outcomes:

An adequate number of parking and service spaces that meets the demands generated by the development.

*Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.
Safe and convenient parking.*

The controls require a minimum of 2 parking spaces for the dwelling.

The proposal will see the construction of a new double garage which provide 2 car parking spaces on site in accordance with this clause.

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 require excavation of the site to accommodate the proposed works. Accordingly, a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J0673B, dated 26 June 2018.

Subject to compliance with the recommendations of the consulting Structural and Geotechnical Engineers, the proposal is considered to satisfy the provisions of this clause.

Appropriate soil barriers will be provided to address any sedimentation issues.

B8.2 Construction & Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

*Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)
Reduction of waste throughout all phases of development. (En)
Public safety is ensured. (S)
Protection of the public domain. (S, En)*

Appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties.

6.4.3 Section C Design Criteria for Residential Development

The Design Criteria applicable to the proposed development are summarised over as:

C1.1 Landscaping

The controls seek to achieve the outcome:

- A built form softened and complemented by landscaping. (En)*
- Landscaping reflects the scale and form of development. (En)*
- Retention of canopy trees by encouraging the use of pier and beam footings. (En)*
- Development results in retention of existing native vegetation. (En)*
- Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*
- Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*
- Landscaping enhances habitat and amenity value. (En, S)*
- Landscaping results in reduced risk of landslip. (En, Ec)*
- Landscaping results in low watering requirement. (En)*

The proposal seeks to remove thirteen trees to facilitate the proposed development. The proposal is therefore accompanied by an Arboricultural Impact Assessment prepared by Margot Blues Consulting Arborist, dated 12 June 2018, which identifies the trees to be removed as a result of the works.

The Landscape Plans prepared by Serenscapes notes the manages replanting of the site, which together with ground covers and shrubs, will provide for an additional 20 trees which will have a mature height of 7m or greater.

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)*

The proposed works will not impact on the existing safety or security of the site. Casual surveillance of the street area will be maintained.

C1.3 View Sharing

The controls seek to achieve the outcomes:

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

The subject and adjoining properties currently enjoy local views and towards Pittwater.

Given the compliant overall height of the new works, no significant or unreasonable impacts to the outlook of the neighbouring properties are expected.

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 proposal is accompanied by shadow diagrams which demonstrate that as the sites and its neighbours enjoy a northerly aspect, the proposal will not result in the unreasonable loss of solar access to any internal living areas or principal private open space areas.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

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

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

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

The proposed first and second floor decks are modest in size and do not introduce unreasonable overlooking of the neighbouring properties.

The proposed window openings within the side elevations have been minimised to preserve the privacy and amenity for the neighbours.

No significant loss of privacy or amenity for the neighbours is anticipated as properties in this area experience a reasonable extent of common overlooking of yard areas.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

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

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

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

Given the residential nature of the works, there will not be any significant impact on the surrounding locality in terms of acoustic privacy.

The proposed pool equipment is separated from neighbouring properties, and is to be contained within a noise attenuating enclosure.

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 majority of the open space areas are provided as decks of the living areas, as is commonly provided given the slope, or available within the rear yard, which will be private and receive good solar access.

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

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

Equitable access in the public domain. (S)

Single dwellings are not required to provide access in accordance with AS4299-1995.

C 1.12 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 land adjoining development or natural environment. (En, S)

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

6.4.4 Section D Locality Specific Development Controls

The **D10 Newport Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

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

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in significant additional run-off to adjoining properties or public spaces.
- 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 **D10 Newport Locality** is provided below:

D10.1 Character As Viewed From A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

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

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

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

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

Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)
To preserve and enhance district and local views which reinforce and protect 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 achieve a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows, modulation of wall and roof planes, spatial separation, landscaping etc.

The application seeks consent for the construction of a new dwelling, which steps to follow the rising topography of the site and is compatible with the predominant character of the locality.

The works do not involve any significant excavation of the site.

The proposed works is considered to achieve the outcomes which 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 elevations provided with the DA submission confirm that the proposed roof line of the new works will be complimentary in terms of bulk and scale to the existing surrounding development, which generally comprises dwellings between two and three storeys.

The setbacks provided generally reflect the setbacks of the nearby properties.

D10.2 Scenic Protection - General

The controls seek to achieve the outcomes:

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

The new works are compatible in their scale, form and general height with the surrounding development and will not introduce a prominent built form in the immediate area.

The proposed works are stepped to follow the sloping topography of the site, thereby minimising the visual impact of the development.

The proposal will not see the removal of any significant vegetation, with additional plantings to be provided to soften the built form of the development and assist with screening the pool from the street.

D10.3 Building Colours and Materials

The controls seek to achieve the outcomes:

To 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.

It is considered that the development is appropriate as the proposal will utilise finishes and colours which will complement the existing dwelling on site, together with surrounding development.

D10.6 Front Building Line

The controls seek to achieve the outcomes:

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

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

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

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

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

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

To encourage attractive street frontages and improve pedestrian amenity.

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

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

The proposed new works to the dwelling will stand a minimum of approximately 10.054m from the front boundary and therefore comply with this control.

The proposed garage will present a nil setback to the street boundary, and therefore will not comply with this control. However, given the sloping topography of the site, there is no alternative location for on-site carparking.

The proposed carport is modest in bulk and scale and is well screened from the street, with the extent of the excavation of the site to be minimised.

Accordingly, the proposal is considered to achieve the desired outcomes of this clause and is worthy of support on merit.

D10.7 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 preserve and enhance the rural and bushland character of the locality. (En, S)

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

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

The proposed works to the dwelling will stand a minimum of 1.08m from the eastern and western boundaries respectively, and therefore presents a minor variation to this control.

The setbacks reflect the common setbacks of the adjoining dwellings and as the proposal will not see any unreasonable loss of views, solar access, privacy or amenity for neighbouring properties, the variation to the side setback control on this challenging site is considered to be reasonable.

The articulated form of the design and the varying side setbacks are considered to be adequate in this instance and will achieve the outcomes of Clause D1.9.

D10.9 Building Envelope

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.
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 residential 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°.

Given the substantial fall through the building footprint, the proposal will not comply with the building envelope control. The variation occurs as a result of the sloping topography of the site.

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

The proposed low scale roof form assists in reducing the apparent bulk of the building, with the design providing for good articulation in the wall and roof lines.

The setbacks are consistent with the form of the neighbouring dwellings.

D10.11 Landscaped Area – Environmentally Sensitive Area

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 limit residential development in order to maintain a minimum landscaped area of 60% of the site area or 333.66m².

The site will maintain an area of 636.16m² or 75.3% as landscaped area, exclusive of any permitted variations, which complies with Council's control.

The Landscape Plan prepared by Serenescapes will provide for the managed re-planting of the site.

D10.14 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 works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers and is therefore considered to satisfy the provisions of this clause.

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.

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 74BA 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 front setback controls is a reasonable alternative solution to compliance given the site constraints.

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

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

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing 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 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

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 a proposed new dwelling and carport, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP and the Newport Locality Statement.

7.7 The suitability of the site for the development

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

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 impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principle objective of this development is to provide for a new dwelling and carport, which will respect and complement the site's location.

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

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

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)