

STATEMENT OF ENVIRONMENTAL EFFECTS TO ACCOMPANY A
DEVELOPMENT APPLICATION FOR
ALTERATIONS AND ADDITIONS OF AN EXISTING RESIDENCE

106 BYNYA ROAD, PALM BEACH

Prepared for

Cadman Residence

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1.0 INTRODUCTION

1.1 Overview

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) that seeks consent for alterations and additions of a residential dwelling at 106 Bynya Road, Palm Beach.

The intention of the development is to improve the functionality of the ground floor of the dwelling and to improve the swimming pool area and its connection to the dwelling.

The proposal has been formulated with regard to relevant development controls, the amenity of the immediate neighbours, and to the environmental qualities of the site and its surroundings in a sympathetic manner.

1.2 Supporting Documentation

The following documents are submitted in support of the application:

- Survey Plan, prepared by GeoStrata
- DA drawings, prepared by Hampton Architecture
- BASIX Certificate, prepared by Hampton Architecture
- Landscape Plan, prepared by Hampton Architecture

2.0 THE SITE

2.1 Location

On a corner block, on the western side of Bynya Road and the southern side of Ralston Road, the subject site includes a two storey rendered masonry and tile dwelling of the Spanish Mission architectural style with a lower ground floor.

Located behind a high hedge on both Ralston Road and Bynya Road, the property has a swimming pool at the front of the dwelling.

2.2 Real Property Description

The site comprises Lot 1 of Deposited Plan 1016938. A survey plan has been provided as part of this DA package.

2.3 Area and Frontages

With a northern presentation to Ralston Road, and an eastern presentation to Bynya Road, the site is a rectangular shape allotment with a north/south orientation.

The northern boundary (facing Ralston Road) measures 39.605m, the southern rear boundary measures 49.62m, the western side boundary measures 51.155m and the eastern side boundary (facing Bynya Road) measures 26.955m.

The site has a total area of 2374sqm.

2.4 Topography / Vehicular Access

The subject site has a topographical fall from the rear to the front of the site (from the south to the north).

Vehicular and pedestrian access to the site is provided from Bynya Road, Palm Beach.

2.5 Heritage

The site is not an identified heritage item. The site is not located within a heritage conservation Area.

The site is not in the direct vicinity of any identified heritage items.

2.6 Trees

The subject site is well vegetated with groundcover, low, medium and established trees.

2.7 Surrounding Locality

To the north

Ralston Road is located to the north of the site. A high hedge acts as a boundary fence and provides the subject site with privacy from the road.

To the east

Bynya Road is located to the east of the site. A high hedge acts as a boundary fence and provides the subject site with privacy from the road. Vehicular and pedestrian access to the property is from Bynya Road, Palm Beach.

To the west

To the west of the site is 3 Ralston Road, Palm Beach, a two storey rendered masonry and tile dwelling.

To the south

To the south of the site is 102 Bynya Road, Palm Beach.

3.0 THE PROPOSAL

3.1 Description

The DA, to which this SEE relates, seeks consent for alterations and additions to the existing residential dwelling at 106 Bynya Road, Palm Beach. The intention of the development is to improve the functionality of the ground floor of the dwelling and to improve the swimming pool area and its connection to the dwelling.

Alterations and additions include:

Front and rear garden

- Construct new stairs between garden and swimming pool area
- Reconfigure existing stairs between garden and swimming pool area
- Construct new cabana to swimming pool area
- Install new spa to swimming pool area

Ground floor of dwelling

- Construct two new pergola structures (to front and rear of dwelling)
- Reconfigure and extend existing kitchen
- Reconfigure existing bathroom and laundry
- Create new wine room to existing terrace

First floor of dwelling and roof

- Extend existing balcony over kitchen
- Reconfigure existing bathroom
- Install solar panel on side roof forms

In preparing this application, particular attention has been given to avoid any potential impacts on privacy and amenity for neighbouring developments.

The proposed works are illustrated on the DA plans provided in this package.

4.0 DEVELOPMENT CONTROLS

4.1 Pittwater Local Environmental Plan 2014 (LEP)

Pittwater LEP 2014 is the primary planning instrument relating to the site and the relevant provisions are addressed below.

4.1.1 Clause 2.3 – Zone Objectives and Land Use Table

Objectives – Zone E4 Environmental Living

- *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.*

Response

The site is zoned E4 Environmental Living and dwelling houses are permissible in this zone with consent.

The proposed changes are minor in nature and are in keeping with existing alterations and additions undertaken to residential properties in the locality. The proposed works will not have an adverse impact on the valuable landscape in the area and will only impact existing hard or soft landscaped areas within the property.

4.1.2 Clause 4.3 – Height of Buildings

Objectives

- *To ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- *To ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- *To minimise any overshadowing of neighbouring properties,*
- *To allow for the reasonable sharing of views,*
- *To encourage buildings that are designed to respond sensitively to the natural topography,*
- *To minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items*

Response

The height of the dwelling is not being changed by the proposed works. Due to the natural topography of the site, the new pergolas and pool cabana will not exceed the height controls.

4.1.3 Clause 4.4 – Floor Space Ratio

Objectives

- *To ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
- *To minimise adverse environmental effects on the use and enjoyment of adjoining properties and the public domain,*
- *To minimise any overshadowing and loss of privacy to neighbouring properties and to reduce the visual impact of any development,*
- *To maximise solar access and amenity for public places,*
- *To minimise the adverse impact of development on the natural environment, heritage conservation areas and heritage items,*
- *To manage the visual impact of development when viewed from public places, including waterways,*

- *To allow for the reasonable sharing of views.*

The Pittwater LEP 2014 defines the floor space ratio as “the floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area”.

The Pittwater LEP 2014 further defines that for existing buildings, “the gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings”.

Response

The site area is 2374sqm, affording an allowable FSR of 0.5:1 for 700 square metres and 0.4:1 for the remaining area.

The total allowable floor area for the property is 1019.60 sqm or 0.43:1

The existing FSR of the house is 524.51sqm, which corresponds to a FSR of 0.22:1. The proposed FSR of the development is 556.17sqm, which corresponds to a FSR of 0.23:1.

The proposed development is compliant with the control. Building Area Calculations are provided in the DA package.

4.1.4 Clause 5.10 – Heritage Conservation

Objectives

- *To conserve the environmental heritage of Pittwater,*
- *To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- *To conserve archaeological sites,*
- *To conserve Aboriginal objects and Aboriginal places of heritage significance.*

Response

The site is not an identified heritage item. The site is not located within a heritage conservation Area.

The site is not in the direct vicinity of any identified heritage items.

4.1.5 Clause 7.6 – Biodiversity

Objectives

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

Response

The proposed works will not impact the existing biodiversity of the locality as it will only make minor changes to the existing hard or soft landscaped areas within the property.

4.2 Pittwater 21 Development Control Plan (DCP)

The relevant provisions of the Pittwater 21 DCP are addressed below.

4.2.1 Section B – General Controls

Part B5.15 – Stormwater

Objectives

- *Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;*
- *Minimise the risk to public health and safety;*
- *Reduce the risk to life and property from any flooding and groundwater damage;*
- *Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.*
- *Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle*
- *Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources*
- *Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.*

Response

The existing stormwater management systems for the property will remain unaltered by the proposed works. New drainage points will connect to the existing stormwater system and water collected from the roof will connect to existing downpipes.

Part B8.3 – Construction and demolition – Waste minimization

Outcomes

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

Response

Existing waste and recycling facilities will be maintained by this proposal. Waste management provisions are provided on the Site Plan in this package.

Part B8.4 – Construction and demolition – Site fencing and security

Outcomes

- *Ensuring public safety. (S)*
- *Protection of public domain. (S, Ec)*

Response

For the duration of the construction period, the site will be appropriately secured with fencing and hoarding to ensure the safety of the site, its workers and the general public.

4.2.2 Section C – Development Type Controls

Section C1 – Design Criteria for Residential Development

Part C1.1 – Landscaping

- *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)*

Response

The subject site is already well vegetated with groundcover, low, medium and established vegetation. The proposed works will retain much of the existing vegetation and will not involve the removal of any established or mature trees. A small percentage of groundcover and low plantings will be affected but this will not impact the landscaped nature of the site. Landscape calculations are provided in this package.

Part C1.2 – Safety and security

Outcomes

- *On-going safety and security of the Pittwater community. (S)*
- *Opportunities for vandalism are minimised. (S, Ec)*
- *Inform applicant's 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)*

Response

As the proposed works are located a distance from the sole access-point to the property and the front door to the dwelling, the existing safety and crime prevention principles of the property will be maintained.

Part C1.3 – View sharing

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)*

Response

Due to the natural topography of the site and the retention of proposed works to the ground floor, the proposed works will be lower than neighbouring properties and existing view sharing across the property will not be altered. The proposed works to the first floor are contained to the front of the dwelling which is not in a view corridor from neighbouring properties and, therefore, there will be no impact on view sharing.

Part C1.4 – Solar access

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)*

Response

Due to the natural topography of the site and the retention of proposed works to the ground floor, the proposed works will not impact the existing solar access of neighboring properties. Similarly, the proposed works to the first floor are contained to the front of the dwelling and, therefore, will not impact existing levels of solar access.

Part C1.5 – Visual privacy**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)*

Response

Due to the natural topography of the site and the retention of proposed works to the ground floor, the proposed works will be lower than neighbouring properties and existing levels of visual privacy will not be altered. The proposed works to the first floor are contained to the front of the dwelling which is not in a view corridor from neighbouring properties and, therefore, there will be no impact on visual privacy. The location of the swimming pool at the north east corner, coupled with the existing high hedge boundary plantings, ensures visual privacy for the subject site.

Part C1.6 – Acoustic privacy**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)*

Response

The proposed works maintain the existing external spaces of the property. Therefore, existing acoustic privacy to neighboring properties will be maintained by this proposal.

Part C1.7 – Private open space**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)*

Response

Existing private open space areas will be maintained by this proposal. This includes a minimum of 80msq of private open space at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is provided in the front yard.

Within the private open space area, a minimum principal area of 16msq is provided with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).

Part C1.12 – Waste and recycling facilities**Outcomes**

- *To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development.*
- *To encourage environmentally protective waste management practices on construction and demolition sites which include:*

- *sorting of waste into appropriate receptors (source separation, reuse and recycling) and ensure appropriate storage and collection of waste and to promote quality design of waste facilities;*
- *adoption of design standards that complement waste collection and management services offered by Council and private service providers;*
- *building designs and demolition and construction management techniques which maximises avoidance, reuse and recycling of building materials and which will minimise disposal of waste to landfill; and*
- *appropriately designed waste and recycling receptors are located so as to avoid impact upon surrounding and adjoining neighbours and enclosed in a screened off area.*
- *To encourage the ongoing minimisation and management of waste handling in the future use of premises.*
- *To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*
- *To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*
- *To minimise any adverse environmental impacts associated with the storage and collection of waste.*
- *To discourage illegal dumping.*

Response

Existing waste and recycling facilities will be maintained by this proposal. Waste management provisions are provided on the Site Plan in this package.

Part C1.13 – Pollution control

Outcomes

- Development that does not adversely impact on public health, the environment or other lands. (S, E)

Response

The proposed development will not adversely impact the public health, the environment or other lands. The proposed works are minor in nature and will not change the existing site conditions and will not generate additional pollution.

Part C1.17 – Swimming pool safety

Outcomes

- *The promotion of personal safety. (S)*
- *Compliance with Swimming Pools Act 1992 and Regulations (En, S)*

Response

The existing swimming pool and associated infrastructure will remain unchanged in the proposed development. The existing glass pool fence will be replaced (in part) to accommodate the proposed changes to the swimming pool area.

4.2.3 Section D – Locality Specific Development Controls **Section D12 – Palm Beach Locality**

Part D12.1 – Character as viewed from a public place

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'. 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)*

Response

The existing architectural style and bulk and scale of the dwelling will not be changed by the proposed development. The existing high hedge boundary plantings will conceal the majority of the proposed works from public view.

Part D12.2 – Scenic protection – General Outcomes

- *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)*

Response

Due to the existing high hedge boundary plantings, the subject site is not easily viewed from the public domain. However, due to the minor nature of the proposed works, the proposed development will not impact on the natural environment when viewed from any waterway, road or public reserve.

Part D12.3 – Building colours and materials 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)*

Response

The proposed works will maintain the existing colour palette of the dwelling, which is painted in earthy tones as stipulated by the DCP.

Part D12.5 – Front building line

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.*

Response

The existing front building line of the dwelling will not be altered by this proposal.

Part D12.6 – Side and rear building line

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 established.*

Response

The existing rear building line of the dwelling will not be altered by this proposal.

Part D12.8 – Building envelope

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)*

Response

The proposed works will not involve change to the existing building envelope (being building height and setbacks) of the dwelling.

As the proposed extension of the building form (kitchen and wine room) and pergola structures are minor in nature and is located on the ground floor, this change will not be visible from the public domain and will not impact the existing bulk and scale of the dwelling.

Part D12.9 – Landscaped area – General

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)*

Response

Although the subject site has an existing landscape percentage of 1130sqm (47.6%), which is below the control, the site is well vegetated with groundcover, low, medium and established vegetation. The proposed works will retain much of the existing vegetation and will not involve the removal of any established or mature trees. A small percentage of groundcover and low plantings will be affected but this will not impact the landscaped nature of the site. Landscape calculations are provided in this package.

Part D12.11 – Fences – General

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)*

Response

The proposed works will not involve change to the existing fences of the property.

Part D12.12 – Fences – Flora and fauna conservation areas

Outcomes

- *To achieve the desired future character of the Locality. (S)*
- *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 and unhindered travel for native animals. (En)*
- *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.
- To enhance 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)
- To ensure native vegetation is retained (En).
- To ensure any fencing provides for the safe and unhindered travel of native animals. (En)
- An area of private open space is provided for properties that front the Pittwater Waterway. (S)

Response

The proposed works will not involve change to the existing fences of the property.

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 Introduction and Statutory Planning Considerations

In determining this DA, council is required to consider those relevant matters listed in Section 4.15 of the *Environmental Planning and Assessment Act*, 1979. Each of the relevant matters are addressed below.

Section 4.15(1) requires the consent authority to take into consideration:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) 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
 - (iii) any development control plan, and
 - (iiia) 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, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Matters (a)(i), (a)(ii) and (a)(iii) are addressed in Section 4 of this SEE.

The proposal is consistent with the relevant objectives in the Pittwater LEP and DCP.

In relation to (a)(iiia), no planning agreement is proposed.

In relation to (a)(iv), Clause 92 of the EP&A Regulation 2000 prescribes the following additional matters to be considered in the determination of a DA:

(1) For the purposes of section 4.15 (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:

- (a) *in the case of a development application for the carrying out of development:*
 - (i) *in a local government area referred to in the Table to this clause, and*
 - (ii) *on land to which the Government Coastal Policy applies, the provisions of that Policy,*
- (b) *in the case of a development application for the demolition of a building, the provisions of AS 2601,*
- (c) *in the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule,*
- (d) *in the case of the following development, the Dark Sky Planning Guideline:*
 - (i) *any development on land within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire,*
 - (ii) *development of a class or description included in Schedule 4A to the Act, State significant development or designated development on land less than 200 kilometres from the Siding Spring Observatory.*

(2) *In this clause:*

AS 2601 means the document entitled Australian Standard AS 2601—1991: The Demolition of Structures, published by Standards Australia, and as in force at 1 July 1993.

Government Coastal Policy means the publication entitled NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast, as published by the Government (and including any maps accompanying that publication and any amendments to those maps that are publicly notified), a copy of which may be inspected during ordinary office hours:

- (a) *at any of the offices of the Department, or*
- (b) *at the offices of any of the councils of the local government areas listed in the Table to this clause.*

5.1.1 Impacts of the Development

Section 4.15(1)(b) requires the consent authority to consider: *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.*

The relevant matters are addressed below.

5.1.1.1 Impacts on the Natural Environment

The proposed development will see a minor decrease in the landscaping of the property. However, the landscape character of the property will not be substantially changed by the proposed development and the landscape is largely concealed from the public domain by the existing high hedge boundary plantings. The natural environment will not be adversely impacted by the proposal.

5.1.1.2 Impacts on the Built Environment

Bulk and scale – As the proposed extension of the building form (kitchen and wine room) and pergolas are minor in nature and have been contained to the ground floor, this change will not be visible from the public domain and will not impact the existing bulk and scale of the dwelling.

Height – The DA proposal will maintain the existing height of the dwelling. Due to the natural topography of the site, the new pergolas and pool cabana will not exceed the height controls.

FSR – The DA proposal is compliant with the FSR control.

Landscaping – The proposed development will see a minor decrease in the landscaping of the property. However, the landscape character of the property will

not be adversely impacted by the proposed development and the landscape of the property is largely concealed from the public domain by the existing high hedge boundary plantings.

Excavation – The proposed development does not include excavation works.

Privacy – Landscaping and fences separate the site from the neighbouring properties to the south and west. The proposed extensions will not impact upon the privacy of the neighbours.

5.1.2 Social and Economic Impacts

The DA proposal will not result in any adverse social or economic effects in the locality. The proposal will result in positive impacts in that the quality of housing, landscape and property will be improved without unreasonable adverse impacts.

The DA proposal will have a positive economic impact in that it will result in additional employment during the construction of the alterations and additions.

5.1.3 Construction Impacts

Construction impacts from the DA proposal will be managed to minimise temporary impacts on immediate neighbours.

5.1.4 Suitability of the Site

Section 4.15(1)(c) requires the consent authority to consider the suitability of the site for the development.

Impacts on adjoining properties will be minimal.

5.1.5 Submissions

Section 4.15(1)(d) requires the consent authority to consider any submissions made in accordance with this Act or the regulations.

5.1.6 Public Interest

Section 4.15(1)(e) requires the consent authority to consider the public interest.

The public interest is best served by the orderly and economic use of land for purposes which are permissible, reasonable and appropriate in a way which has regard to the individual qualities of the site and the amenity of neighbouring properties. Considered in this light, the DA proposal is in the public interest.

6.0 CONCLUSION

The applicant seeks consent for alterations and additions of a residential dwelling at 106 Bynya Road, Palm Beach. The proposed development intends to improve the functionality of the ground floor of the dwelling and to improve the swimming pool area and its connection to the dwelling.

The proposal has been formulated with regard to the nature, size and scale of the property, the existing development controls, the reasonable amenity expectations of both the applicant and neighbours and to the environmental qualities of the site and its surroundings. The proposed works are minor in nature and are contained, in the most part, to the ground floor of the dwelling and to the landscape which is concealed from public view by the existing hedge boundary plantings. As such, the proposed works will have little to no impact on the locality.

Pursuant to Section 4.15 of the *Environmental Planning and Assessment Act*, 1979 as amended, it is considered that there are no matters which would prevent Northern Beaches

Council from granting consent to this proposal as it is an appropriate development that is consistent with the character of the locality.