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# **Statement of Environmental Effects**

**“ALTERATIONS & ADDITIONS TO AN EXISTING  
DWELLING”**

**65 MARINE PARADE, AVALON**

**Lot 110 DP 8394**

Prepared for: Ben & Lyndell Hall  
Ref: 0167 Hall  
Date: 06 August 2024  
Issue No: B

# Table of Contents

<b>1. Executive Summary</b>	<b>3</b>
1.1 Introduction	3
1.2 Site Details	3
1.3 Purpose of the Report	4
<b>2. Proposed Development</b>	<b>4</b>
2.1 Proposal Objectives	4
2.2 Summary of Development & <b><u>Statement of</u></b>	5
<b><u>Modifications</u></b>	5
2.3 Schedule of Plans and Documentation	6
<b>3. Characteristics of the Site and Locality</b>	<b>6</b>
3.1 The Site	6
3.2 The Locality	7
3.3 Contamination and Site Hazard Considerations	7
3.3.1 Contamination	7
3.3.2 Acid Sulfate Soils	7
3.3.3 Land Slip	7
3.3.4 Bushfire	7
3.3.5 European and Aboriginal Archaeological Heritage	7
3.9 Traffic, Access and Road Network	7
3.10 Coastal Zone	7
3.11 Services and Utilities	8
<b>4. Planning Controls</b>	
4.1 State Planning Controls	8,9
4.2 Local Planning Controls	10 - 30
<b>5. Development Issues</b>	<b>30</b>
<b>6. Conclusion</b>	<b>30</b>

# 1. Executive Summary

## 1.1 Introduction

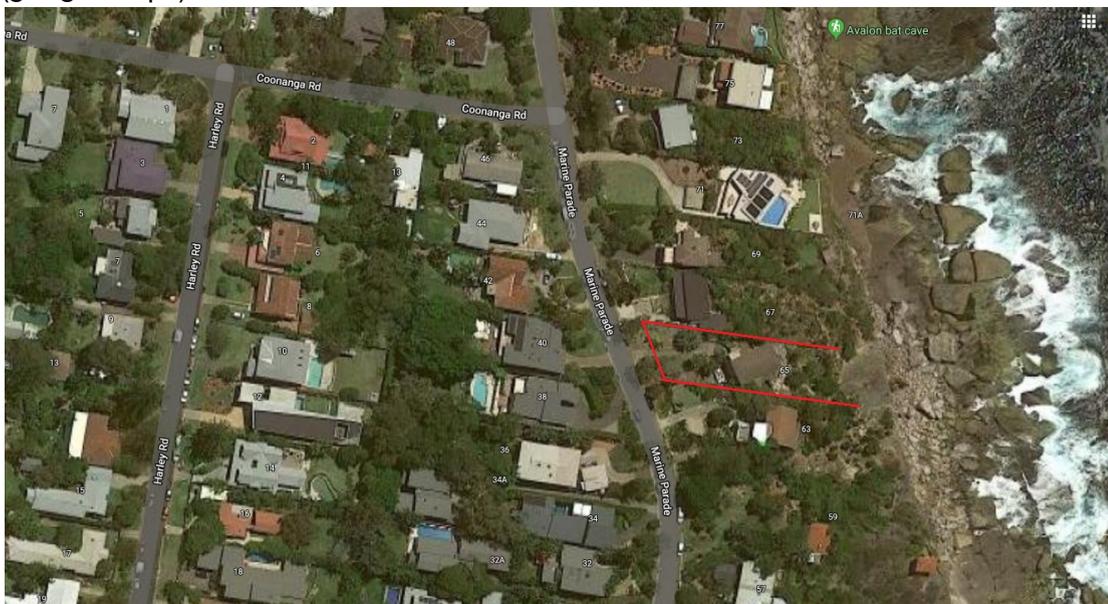
Arclab Pty. Ltd. has been commissioned by Ben and Lyndell Hall to prepare a Development Application (DA) and accompanying Statement of Environmental Effects for proposed Alterations and Additions to an existing dwelling on Lot 110 DP 8394 at 65 Marine Parade, Avalon. The following information is to be read in conjunction with plans prepared by Arclab Pty. Ltd. Ref: 0167 HALL dated 21.01.2020 Sheet No. DA01 - DA16.

## 1.2 Site Details

The subject site comprises **Lot 110 DP 8394** with a street address of 65 Marine Parade, Avalon. The site has a total combined area of approximately 1701m<sup>2</sup>, with a street frontage of 21.135m to Marine Parade. Access to the site is via an existing driveway directly addressing Marine Parade.

The proposed works are to be carried out within the **E4 - Environmental Living Zone** under the Pittwater Local Environmental Plan (LEP) 2014. Development for the purposes of a Dwelling House and ancillary structures are permissible within the zone, with the consent of Council.

The following plan shows the site location in the context of the local area. (google maps)



## **1.3 Purpose of the Report**

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 78A(9) of the Environmental Planning and Assessment Act and accompanying Regulation.

Its purpose is to:

- describe the proposed development;
- identify and summarise the relevant controls which guide assessment of the proposal;
- provide information on the site and its context; and
- review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to the Council's guidelines in preparing this Statement of Environmental Effects as well as the full range of other relevant legislation and development guidelines namely:

The Environmental Planning and Assessment Act, 1979 as amended, The Environmental Planning and Assessment Regulation 2000, State Environmental Planning Policy (Coastal Management) 2018, Pittwater Local Environmental Plan 2014, Pittwater 21 Development Control Plan

## **2. Proposed Development**

### **2.1 Proposal Objectives**

The objective of this proposed development is to seek approval for alterations and additions to an existing dwelling on the subject allotment.

### **2.2 Summary of Development**

The proposed development involves the alteration and additions to an existing dwelling and includes:

- Partial demolition of existing ground, first and second floor levels
- Change of use at ground floor level of existing single garage to Secondary Dwelling
- New double garage
- New main entry, alterations and additions at the eastern and western ends of the first floor including south west facing private balcony to the master suite
- Alterations and additions at the south eastern portion of the second floor including new outdoor recreational areas with pool, planter retaining walls and internal family room

- New terrace off the western corner of the second floor

## Statement of Modifications

The modifications sought and as shown on architectural drawings Ref: AR. DA.M 01-05 accompanying this application are as follows:

1. The approved Secondary Dwelling has been removed including all cooking preparation areas. This room is now shown as a rumpus and storage space.

## 2.3 Schedule of Plans and Documentation

The following Plans and Documentation have been relied upon in preparing this Statement of Environmental Effects.

Development Plans Prepared by arclab Ref: 0167 HALL dated 21.01.2020.

- DA - 01 Site Analysis Plan
- DA - 02 Upper Floor and Roof Demolition / Excavation Plan / Waste Management
- DA - 03 Lower Floor Demolition Plan / Sediment and Erosion Control
- DA - 04 Existing Elevations showing proposed demolition
- DA - 05 Existing Elevations showing proposed demolition
- DA - 06 Site Plan (proposed) / Stormwater Concept Plan
- DA - 07 Second Floor Plan (proposed)
- DA - 08 First Floor Plan (proposed)
- DA - 09 Ground Floor Plan (proposed)
- DA - 10 South Elevation (proposed) / Schedule of Finishes
- DA - 11 North Elevation (proposed)
- DA - 12 East & West Elevations
- DA - 13 Sections
- DA - 14 Shadows (existing)
- DA - 15 Shadows (proposed)
- DA - 16 Notification

### **3. Characteristics of the Site and Locality**

#### **3.1 The Site**

The property climbs from the street at an approximate gradient of 20 degrees and terminates at the eastern bluff overlooking the South Pacific Ocean. The depth of the site is approximately 90m and 21m wide.

The existing 2&3 storey brick and tile dwelling sits within the lower half of the property and is to the west of the Foreshore Building Line. The front building line is constructed parallel to the front boundary and as such the building has a south westerly aspect. Two balconies are positioned on the northern side of the building which are orientated north and towards the neighboring property at 67 Marine Parade.

The lower slopes are mostly covered by lawn with a concrete driveway ascending up the centre of the site to a parking bay and single garage. Scattered palms and small trees hide the dwelling from the street.

To the east of the dwelling a rocky pathway leads towards the bluff with scattered palms and native shrubs.



#### **3.2 The Locality**

North Avalon is characterised by large individual blocks of land with large single dwellings of one and two storeys. Within the immediate vicinity of the subject site and especially on the high side of Marine Parade the dwellings are oriented towards the west and north west in order to take in views across the district and towards the Pittwater estuary.

### 3.3 Contamination and Site Hazard Considerations

#### 3.3.1 Contamination

The site is not known to have any past contamination issues.

#### 3.3.2 Acid Sulfate

The site is identified within the **Class 5 Acid Sulfate Soils Area** and is affected by the Foreshore Building Line.

The development is not below the water table nor will it result in the disturbance of Acid Sulfate Class 5 soils as such no further assessment is considered necessary.

#### 3.3.3 Land Slip

The site is noted on the Pittwater Geotechnical Hazards Map as **“Geotechnical Hazard H1”**. In addition, the site is identified as “R Bluff/Cliff Instability”, “Bluff Management Hazard” and “Landslip/Rock Fall – Coastal Bluff Management Area”. Accordingly, a Geotechnical Investigation has been prepared by Ascent Geotechnical Consulting, Ref: AG 19229 dated 16 December 2019 addressing the coastal processes.

#### 3.3.4 Bushfire

The site is identified within the Pittwater **Bushfire Prone Land Map 2013**. As such a Bushfire Assessment Report has been prepared by Building Code & Bushfire Hazard Solutions Pty Limited Ref: 200165, dated 16.12.2019.

#### 3.3.5 European and Aboriginal Archaeological Heritage

The site is not known to contain any items of European heritage significance nor is it located within a heritage conservation zone.

The site is not known to contain any items of Aboriginal archaeological significance.

### 3.4 Traffic, Access and Road Network

The site is located with frontage and vehicular access off Marine Parade.

No change to the vehicular crossing nor the footpath is proposed under this application. Parking structures and aprons provide for at least 3 parking bays.

It is not anticipated that road closures will be required during construction given the availability of space off the street. As such no adverse impacts to traffic levels during construction are envisioned.

### 3.5 Services and Utilities

The site is currently serviced with both reticulated water and sewer, gas and single phase power.

## **4. Planning Controls**

### **4.1 State Planning Controls**

#### **Environmental Planning and Assessment Act 1979**

Section 91

The development is not considered to constitute integrated development under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979.

#### **State Environmental Planning Policies**

Coastal Management SEPP

The subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated aim of the Policy under Part 1(3) is to:

*The aim of this Policy is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objectives of the Coastal Management Act 2016, including the management objectives for each coastal management area, by: (a) managing development in the coastal zone and protecting the environmental assets of the coast, and (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016

The objects set out in Part 1 Section 3 of the Coastal Management Act 2016 are:

*(a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and (h) to promote integrated and coordinated coastal planning, management and reporting, and (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and (j) to ensure coordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement,*

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*maintenance and restoration of the environment of the coastal zone, and (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under this Statement of Environmental Effects suggests that the proposed development is consistent with the objectives of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

Development in coastal zone generally—development not to increase risk of coastal hazards

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

The proposal provides for the construction of alterations and additions to an existing dwelling. All proposed works are situated on the western portion of the block and are effectively protected from the erosive coastal processes by the rock platform, scree slope and coastal bluff.

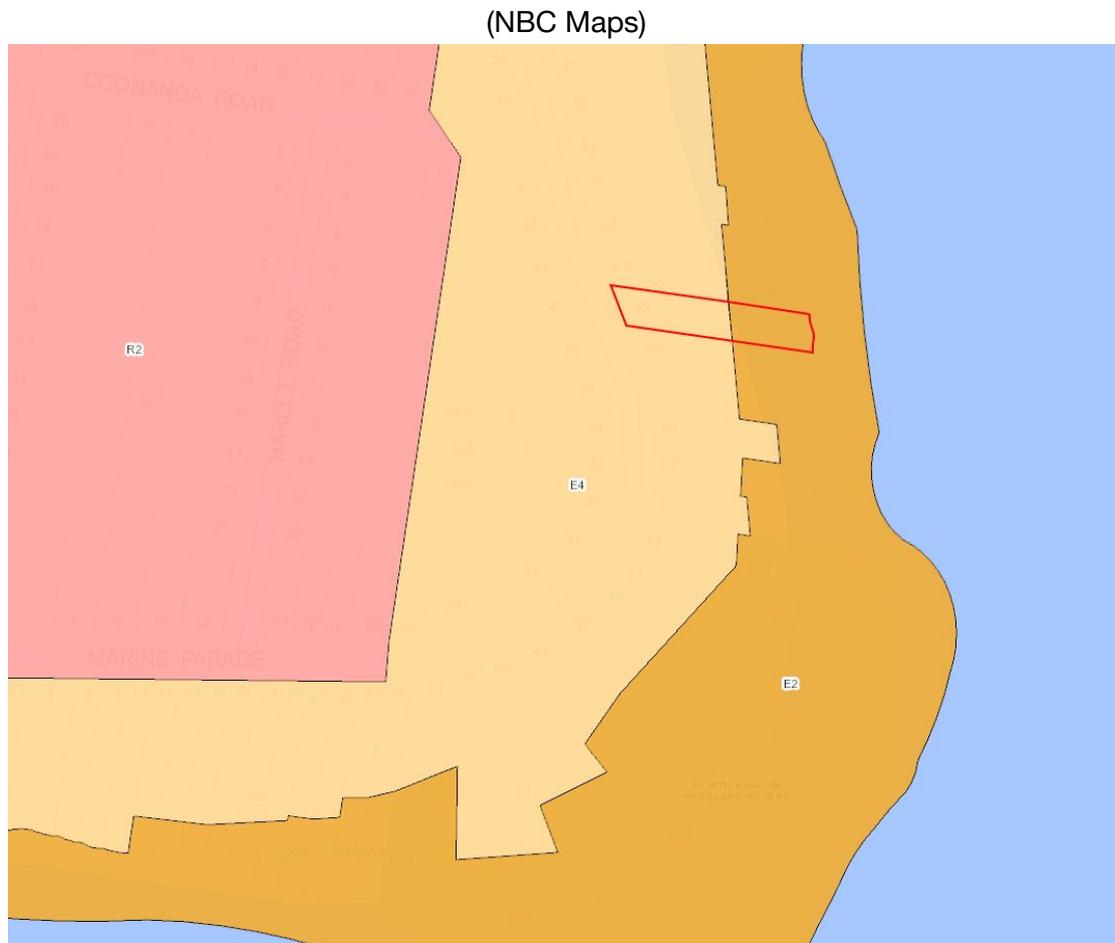
“Based on the geology and geomorphology of the cliff, the erosive regression rate and potential coastal inundation erosive coastal processes are not considered to pose a significant risk to the subject site when applied to a design life of 100 years.

## 4.2 Local Planning Controls

The development site is currently controlled by the provisions of the Pittwater Local Environmental Plan 2014.

### **Pittwater Local Environmental Plan 2014**

Under the Pittwater Local Environmental Plan 2014, the site is zoned E4 - Environmental Living. An excerpt of the Pittwater Local Environmental Plan 2014 zoning map is shown below.



Site Zoning under Pittwater Local Environmental Plan 2014

## **Pittwater Development Control Plan 21**

The following relevant controls have been considered in the preparation of this Statement of Environmental Effects

### **B3 - Hazard Controls**

<b>Controls</b>	<b>Response</b>
<p><b>B3.1 Landslip Hazard</b></p> <p>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</p> <p>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</p> <p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	<p>The development site is identified in the Geotechnical Hazard Map as being within the H1 Geotechnical Hazard Zone.</p> <p>A Geotechnical report has been prepared by Ascent Geotechnical Consulting, Ref: AG 19229 dated 16 December 2019</p>
<p><b>B3.2 Bushfire Hazard</b></p> <p>All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.</p> <p>Development land to which this control applies must comply with the requirements of:</p> <ul style="list-style-type: none"> <li>- Planning for Bushfire Protection (2006)</li> <li>- AS 3959 - Construction of a Building in a Bushfire Prone Area</li> </ul>	<p>The development site is identified as being within a bushfire affected area.</p> <p>A Bushfire Assessment Report has been prepared by Building Code &amp; Bushfire Hazard Solutions Pty Limited Ref: 200165, dated 16.12.2019.</p>

**B3.5 Acid Sulfate Soils**

Works involving the disturbance of soil or the change of groundwater levels, as described in the following table, shall not be carried out on land of the class specified for those works, unless it has been determined whether acid sulphate soils are present and whether the proposed works are likely to disturb these soils.

If it is determined that acid sulphate soils are present or are likely to be present on the land, consideration must be given to:

- the likelihood of the proposed development resulting in the discharge of acid water; and
- any comments from the Department of Planning.

Consent for development to be carried out by Councils or drainage utilities is required despite:

- clause 35, and items 2 and 11 of Schedule 1, to the Environmental Planning and Assessment Model Provisions 1980, as adopted by Pittwater LEP 1993; and
- clause 10 of SEPP No 4 Development Without Consent and Miscellaneous Complying Development.

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

## **B5 Water Management**

<b>Controls</b>	<b>Response</b>
<p><b>B5.2 Wastewater Disposal</b></p> <p>All premises must be connected to the Sydney Water centralised sewerage waste disposal system where available.</p>	<p>The subject site is connected to the Sydney Water reticulated sewer and water system and connections will be made to the proposed secondary dwelling.</p>
<p><b>B5.3 Greywater Reuse</b></p> <p>Blackwater reuse and on-site disposal is not permitted on seweraged lands.</p> <p>Council will only consider approval of on-site treatment, disposal and/or reuse of greywater subject to demonstration of scheme feasibility and compliance with all relevant State and Federal regulatory requirements and the referenced guidelines.</p> <p>The greywater treatment and reuse system shall have a current NSW Health Accreditation (where accreditation is necessary).</p> <p>All premises must maintain a connection to the Sydney Water centralised sewerage waste disposal system.</p>	<p>As the site is fully serviced there will be no requirement to dispose of Blackwater or Grey Water across the property.</p>

**B5.7 Stormwater Management - On-Site Stormwater Detention**

An On-Site Detention (OSD) facility is to be installed where the development results in additional hard (impervious) surface area of greater than 50m<sup>2</sup> (on a cumulative basis since February 1996) and on land designated through mapping as requiring OSD facility.

OSD facilities are to be designed and installed to temporarily detain stormwater on a site to limit the discharge leaving the property to ensure that the development does not increase stormwater discharge downstream of the land over and above that of the existing stormwater discharge conditions up to the 1% AEP storm event.

All additional roof surface area of the development is to be drained initially to the rainwater tank which is to be fitted with an overflow pipework system connected to the OSD facility.

All additional ground surface hard stand (impervious) areas are to be drained via a stormwater tank/pit to the OSD facility.

Surface stormwater runoff from properties upstream of the land is to be independently managed to that of the additional ground surface stormwater collection and OSD system and is required to bypass the OSD system.

Rainwater tanks and OSD facilities may also be combined in an integrated system and may be either above or below ground. Should an oversized rainwater tank be used, then 25% of the excess storage volume can be credited towards the OSD tank capacity.

The development will not result in an impervious area greater than 50m<sup>2</sup> being created.

The increased impervious area is approximately 30m<sup>2</sup>

All captured stormwater from the additional roof will be directed to the existing stormwater network. 120m<sup>2</sup> of roof catchment area shall be directed to a rainwater tank.

**B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings**

The control is applicable when the development results in an additional hard (impervious) area of more than 50 square metres.

Development shall incorporate the installation of the following stormwater quality improvement measures:

- Pre-screening of organic matter (eg leaf litter) prior to the collection of rainwater in the rainwater tank
- A water quality filtration basket or equivalent primary treatment Stormwater Quality Improvement Device (SQID) to collect leaf litter and coarse sediments is to be installed prior to the discharge of stormwater from the land.

All Stormwater Quality Improvement Devices (SQIDs) must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

Applicants are also encouraged to apply advanced water quality techniques through primary and secondary treatment techniques to reach and/or exceed the following objectives:

- Primary treatment (eg. physical screening, rapid sedimentation techniques) of stormwater to collect and retain gross pollutants (i.e. litter and organic matter) and coarse sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.
- Secondary treatment (eg. fine particle sedimentation and filtration techniques) of stormwater to collect and retain medium to fine sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.

The development will not result in an increased impervious area greater than 50m<sup>2</sup> being created.

## **B6 Access and Parking**

<b>Controls</b>	<b>Response</b>
<p>B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy</p>	<p>No modification is proposed to the existing site access and no works are proposed within the public road reserve.</p> <p>Existing site access from Marine Parade is to be utilised.</p>
<p>B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy</p>	<p>Complies with relevant standards and policy</p>
<p>B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy</p> <p>On-Site Car Parking Requirements The minimum number of vehicle parking spaces to be provided for off-street parking is as follows:</p> <p>Small dwelling (1 bedroom) - 1 space Large dwelling (2 bedrooms or more) 2 spaces</p> <p>For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling.</p>	<p>The existing dwelling contains off-street parking in compliance with this requirement.</p> <p>3 Parking spaces are available within the property boundary.</p>

## **B8 Site Works Management**

<b>Control</b>	<b>Response</b>
<p><b>B8.1 Construction and Demolition - Excavation and Landfill</b></p> <p>Excavated and landfill areas must be constructed to have no adverse impact on any structures, bushland or significant trees to be retained on the site.</p> <p>Excavation and landfill must be constructed to have no adverse impact on any adjoining public or private lands due to settlement or structural instability.</p> <p>Excavation and landfill areas must be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties so as to cause a nuisance.</p> <p>Excavation and landfill on any site that includes the following:</p> <ul style="list-style-type: none"> <li>- Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation, and/or;</li> <li>- Any excavation greater than 1.5 metres deep below the existing surface, and/or;</li> <li>- Any excavation that has the potential to destabilise a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property, and/or;</li> <li>- Any landfill greater than 1.0 metres in height, and/or;</li> <li>- Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils,</li> </ul> <p>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council.</p>	<p>All proposed excavations including those for the pool, landscape terraced walls to the rear of the dwelling and the proposed double garage slab will not adversely impact any existing structures to the main dwelling. It may be necessary to demolish an existing landscape wall to allow for the construction of the pool.</p> <p>All new structures such as new retaining walls will have sub-surface drainage including suitable free draining backfill. The new drainage measures will be taken to the on-site existing stormwater network and ultimately Councils stormwater network.</p> <p>As a result the surface and sub-surface drainage on site will be vastly improved following the building works.</p>

<p><b>B8.2 Construction and Demolition - Erosion and Sediment Management</b></p> <p>Erosion and sedimentation prevention measures must be installed on all sites to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.</p> <p>Erosion and sedimentation prevention measures must be installed in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) on the downstream side of any works undertaken on the boundary of the site or on public lands adjoining the site to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.</p> <p>Appropriate devices are to be in place at all times to prevent the migration of sediment off the site.</p>	<p>Erosion and Sediment measures will be implemented during the construction. An Erosion and Sediment Plan is included in the development drawing set on sheet DA - 03.</p> <p>It is not anticipated that this component of the development will result in any adverse impacts on surrounding properties.</p>
<p><b>B8.3 Construction and Demolition - Waste Minimisation</b></p> <p>Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.</p>	<p>A waste management plan accompanies the submission and recommendations are shown on sheet DA - 02</p>
<p><b>B8.4 Construction and Demolition - Site Fencing and Security</b></p> <p>All sites are to be protected by site fencing for the duration of the works.</p> <p>Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the Roads Act.</p>	<p>The site will be appropriately secured during construction. Works will be undertaken to the rear of the existing dwelling minimising impacts on the public domain.</p>

**B8.6 Construction and Demolition - Traffic Management Plan**

All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.

All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance.

All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.

No works are proposed to be undertaken within the public road reserve.

Sufficient off street manoeuvring space exists to ensure that no public nuisance is caused during the construction period.

## C1 Design Criteria for Residential Development

Control	Response
<b>Section C1.1 – Landscaping</b>	
<p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by the extent of existing native vegetation and presence of an Endangered Ecological Community.</p> <p>Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</p>	<p>No Trees are to be removed.</p> <p>It is considered that this proposal has not adversely impacted on the existing canopy cover in the locality.</p>
<p>In all development a range of low lying shrubs, medium high shrubs and canopy trees shall be retained or provided to soften the built form.</p>	<p>The development will retain low lying and medium shrubs and proposes additional plantings.</p>
<p>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long term.</p> <p>Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</p>	<p>The site contains several small canopy trees within the front setback, these are proposed for retention.</p>
<p>Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m<sup>3</sup> within this area to ensure growth is not restricted.</p>	<p>N/A</p>
<p>The following soil depths are required in order to be counted as landscaping:</p> <ul style="list-style-type: none"> <li>● 300mm for lawn</li> <li>● 600mm for shrubs</li> <li>● 1metre for trees</li> </ul>	<p>The site provides for the required soil depths.</p>
<p>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</p> <ul style="list-style-type: none"> <li>● A planter or landscaped area with minimum dimensions of 4m<sup>2</sup> for shop top housing developments,</li> <li>● 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and</li> <li>● 50% for all other forms of residential development.</li> </ul>	<p>Existing vegetation in the front building setback has been retained.</p>

Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.	No screening is required or proposed.
In bushfire prone areas, species shall be appropriate to the bushfire hazard.	NOTED
Landscaping shall not unreasonably obstruct driver and pedestrian visibility.	No landscaping will obstruct driver or pedestrian visibility.
Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.	The bulk of vegetation on site has been retained with the exception of the previously referenced tree in the front setback.
Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.	No new canopy trees are proposed to be introduced to supplement the existing vegetation and canopy trees.
Noxious and undesirable plants must be removed from the site	No noxious plants have been identified on site.
<b>Section C1.2 – Safety and Security</b>	
<p>1. Surveillance</p> <p>Building design should allow visitors who approach the front door to be seen without the need to open the door.</p> <p>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</p> <p>Development design and design of the public domain (including landscaping) is to minimize opportunities for concealment and avoid blind corners.</p> <p>Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282:1997: Control of the obtrusive effects of outdoor lighting.</p> <p>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbors.</p> <p>Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</p>	The design has addressed the issue of surveillance. There are several vantage points from which to monitor the exterior of the building. Appropriate sustainable lighting is proposed for the approach to the dwelling from the front boundary to the main entrance.
<p>2. Access Control</p> <p>Shared entries must be able to be locked and incorporate an intercom system or the like to allow</p>	N/A

<p>visitors to gain entry.</p> <p>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</p> <p>Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</p> <p>The street number of the property is to be clearly identifiable.</p> <p>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</p>	<p>The main entrance is immediately identifiable as you approach the dwelling.</p>
<p>3. Territorial reinforcement</p> <p>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</p> <p>Blank walls along all public places (streets, open space etc) shall be minimised.</p>	<p>Walkways with in the site clearly delineate the entries to the dwelling and direct people to the correct entrance.</p> <p>No blank walls facing public places are proposed.</p>
<b>C1.3 – View Sharing</b>	
<p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p>	<p>The proposed alterations and additions do not impact upon available views from 67 Marine Parade.</p> <p>The location of the proposed alterations and additions have been positioned on the north west corner of the existing structure so as not to obstruct or impact views from 63 Marine Pde.</p>
<p>The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</p>	<p>As no considerable obstruction of views is envisaged assessment against the Land and Environment Courts planning principles for view sharing is not required.</p>
<p>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</p>	<p>N/A</p>
<p>Views are not to be obtained at the expense of native vegetation.</p>	<p>N/A</p>

<b>C1.4 Solar Access</b>	
The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	<p>The proposed modifications do not negatively impact on the main private open space areas at 65 Marine Parade.</p> <p>No negative solar impacts to No. 67 Marine Parade.</p> <p>No negative solar impacts to No. 63 Marine Parade are identified. Winter morning sun will be available from 9am to 12 noon.</p>
Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).	<p>The windows to the principle living areas at 65 Marine Parade receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st</p> <p>No negative solar impacts to No. 67 Marine Parade.</p> <p>No negative solar impacts to No. 63 Marine Parade are identified. Winter morning sun will be available from 9am to 12 noon.</p>
The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	The planning principles resulting from Parsonage v Ku-ring-gai Council [2004] NSWLEC 347 have been taken into account and it is considered that the development is not contrary to any of these planning principles.
<b>C1.5 – Visual Privacy</b>	
Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).	The proposed alterations and additions include new or modified windows and glazed feature items facing north and towards 67 Marine Parade. Some of these windows however have been designed as highlight or splashback openings which do not allow direct overlooking and as such increase privacy compared to the existing windows. The main entry feature glazing which allows light into circulation spaces is screened by existing shrubs and trees from No. 67 Marine thus does not effect privacy.
Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.	Privacy screening will be provided in the form of landscaping and positioned in the planter boxes provided in each of the terraces.
Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling	The design intent is to reposition the terraces or balconies so that they are focused to the west and south west rather than to the north as they are

directly below.	currently. The natural screening provided in the planter boxes will provide adequate privacy for all parties concerned.
<b>C1.6 – Acoustic Privacy</b>	
Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.	The development is compliant with this control.
Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).	The development will be compliant with the Building Code of Australia.
Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.	All pool plant and associated equipment shall be positioned so as to minimise noise levels and will have appropriate acoustic treatments to not exceed the 5dBA control.
Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.	The development does not proposed any elements that would breach the Protection of the Environment Operations Act 1997

<b>C1.7 – Private Open Space</b>	
<p>a) Dwelling Houses:</p> <ul style="list-style-type: none"> <li>• Minimum 80m<sup>2</sup> of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</li> <li>• Within the private open space area, a minimum principal area of 16m<sup>2</sup> with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</li> <li>• Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</li> <li>• Private open space areas are to have good solar orientation (i.e. orientated to the northeast or northwest where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</li> <li>• Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</li> <li>• Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.</li> <li>• A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.</li> <li>• Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.</li> <li>• An accessible and usable area for composting facilities within the ground level private open space is required.</li> </ul>	<p>The development contains the required private open space in the form of both an open decked area and landscaped open space to the rear and to the front of the dwelling.</p>

### C1.11 – Secondary Dwellings

<p>The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.</p>	<p>No more than 2 dwellings are proposed.</p>
<p>A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.</p>	<p>The proposed secondary dwelling consists of 1 bedroom and 1 bathroom.</p>
<p>A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.</p>	<p>N/A</p>
<p>Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.</p>	<p>N/A</p>
<p>Where the secondary dwelling or rural worker's dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum building height is to be in accordance with the height controls contained within <i>Pittwater Local Environmental Plan 2014</i>.</p>	<p>The Secondary Dwelling is to be located within the existing single garage. No increase to the overall building height is proposed.</p>
<p>A secondary dwelling above a detached garage is not supported.</p>	<p>N/A</p>

### C1.17 – Swimming Pool Safety

<p>Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the <a href="#">Swimming Pools Act 1992</a> and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.</p>	<p>These guidelines are to be strictly followed throughout the life of the development. All warning notices will be installed and charts to be installed prior to using the pool.</p>
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**Section D1 – Avalon Beach Locality**

Control	Comment
<b>D1.1 – Character as viewed from a public place</b>	
Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	<p>The design incorporates a number of changes to the western facade. The intent is to soften the bulk of the building and transform its appearance from a dual occupancy unit development to a more residential graduating architecture. We believe this to be beneficial not only to the owners and occupants but the neighbouring properties also.</p> <p>The dwelling is considered to be consistent with this clause.</p>
Walls without articulation shall not have a length greater than 8 metres to any street frontage.	No walls greater than 8m in length face the street frontage
<p>Any building facade to a public place must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> <li>● entry feature or portico;</li> <li>● awnings or other features over windows;</li> <li>● verandahs, balconies or window box treatment to any first floor element;</li> <li>● recessing or projecting architectural elements;</li> <li>● open, deep verandahs; or</li> <li>● verandahs, pergolas or similar features above garage doors.</li> </ul>	The proposed design incorporates all of the features as desired by Council.
The bulk and scale of buildings must be minimised.	As discussed above, whilst the building is transforming into a slightly larger form the architectural projections seek to add volumes and planes that act to reduce bulk and scale. Given the position of the dwelling within the property it is not anticipated that any negative effects in terms of bulk and scale will be experienced,
Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.	Whilst the garage is forward of the front building line the volumes above it and behind it serve to absorb its bulk and as such reduce its dominance from the approach. Landscape planter boxes above its structure act to soften the overall bulk of the projecting volumes and attempt to connect to the front garden.

Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	See above The development is incorporating existing landscaping on site which is a mix of ornamental and indigenous trees and shrubs.
Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.	Television antennas will be hidden from view.
General service facilities must be located underground.	General Service facilities will be in accordance with existing service provisions.
Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.	No plumbing is proposed for the public facades of the structure.  Where possible all electrical cabling will be hidden.
<b>D1.4 –Scenic Protection</b>	
Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	It is not considered that when viewed from any waterway, road or public reserve that the development will have any adverse visual impacts.
<b>D1.5 – Building Colours and materials</b>	
External colours and materials shall be dark and earthy tones as shown below  Finishes are to be of a low reflectivity.	External colours are considered to be suitable for the locality. Natural earthy tones that will blend and harmonise with the surrounding environment have been selected.
<b>D1.8 – Front Building Line</b>	
All other land zoned R2 Low Density Residential, R3 medium Density Residential or E4 Environmental Living – 6.5m or established building line, whichever is greater.	The front building setback is compliant and consistent with the adjacent dwellings.
<b>D1.9 – Side and Rear Building Line</b>	
2.5 to at least one side; 1.0 for other side 6.5m to the rear.	Side setbacks are consistent with the current structures on the property. 1m setbacks are achieved for both sides of the development. The proposed design has removed the 0 setback on the southern boundary, deleting the concrete patio areas and providing a landscape buffer between 63 and 65 Marine Pde. Similarly, the concrete patio on the northern side of the outdoor areas has been demolished and a landscape buffer of 1m provided.

	<p>The 2.5m setback control is difficult to achieve as the existing building has not been built parallel to the side boundary and in order to provide a double garage with adequate space for vehicular access the garage structure requires a variation to this control.</p> <p>The garage structure is setback 1115m from the southern boundary. The following design characteristics might be considered to support the variation request:</p> <ul style="list-style-type: none"> <li>• No loss of views or negative impact in terms of privacy, solar access or amenity will result.</li> <li>• Where the structure is within the 2.5m setback encroachment it has been designed to be single storey with a flat roof</li> <li>• Bulk and scale has been minimised</li> <li>• Proposed structures are positioned behind vegetation screening and therefore design is in keeping with the future character of the locality.</li> </ul>
<b>D1.11 – Building Envelope</b>	
<p>Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).</p>	<p>Proposed structures are entirely within the building envelope.</p>
<b>D1.13 – Landscaped Area General</b>	
<p>The total landscaped area on land zoned E4 - Environmental Living shall be 60% of the site area.</p>	<p>70% of the property will be made up of pervious landscape area post the proposed development</p>
<p>The use of porous materials and finishes is encouraged where appropriate.</p>	<p>N/A</p>
<p>Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped Area.</p>	<p>As above</p>

## **5. Development Issues**

### **5.1 Permissibility, Zone Objectives and Land Use**

The development site is currently controlled by the provisions of the Pittwater Local Environmental Plan 2014.

#### **Pittwater LEP 2014**

Under the Pittwater LEP 2014 the site is zoned E4 - Environmental Living. Under this zoning, development for the purposes of a dwelling house is permissible with consent.

The proposal has demonstrated its compliance with the LEP 2014

## **6. Conclusion**

This proposal is for alterations and additions to an existing dwelling on a block of land within Zone E4 - Environmental Living.

The proposal is considered to be consistent with the provisions of the Pittwater Local Environmental Plan 2014 and Development Control Plan 21.

Furthermore, the proposal is considered to have no adverse impacts upon the environment, the general locality or surrounding properties.

Northern Beaches Council's support to the proposal is therefore requested.