

untapped **PLANNING**

Statement of Environmental Effects

“Alterations and Additions to existing Dwelling”

137 Whale Beach Road, Avalon Beach

Lot 136 DP 11933

Prepared for: Arclab

Date: October 2024

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1. Executive Summary

1.1 Introduction

Untapped Planning has been commissioned by the Arclab to prepare a Statement of Environmental Effects for the alterations and additions to an existing dwelling on Lot 136 DP 11933 at 137 Whale Beach Road, Avalon Beach.

1.2 Site Details

The subject site comprises Lot 136 DP 11933 with a street address of 137 Whale Beach Road, Avalon Beach.

The site has a total combined area of 757.5m², with a street frontage of 18.37m to Whale Beach Road.

The site is zoned C4 – Environmental Living under the Pittwater Local Environmental Plan (LEP) 2014.

Development for the purposes of a Dwelling is permissible within the zone, with the consent of Council.

The following plan shows the site location in the context of the local area.

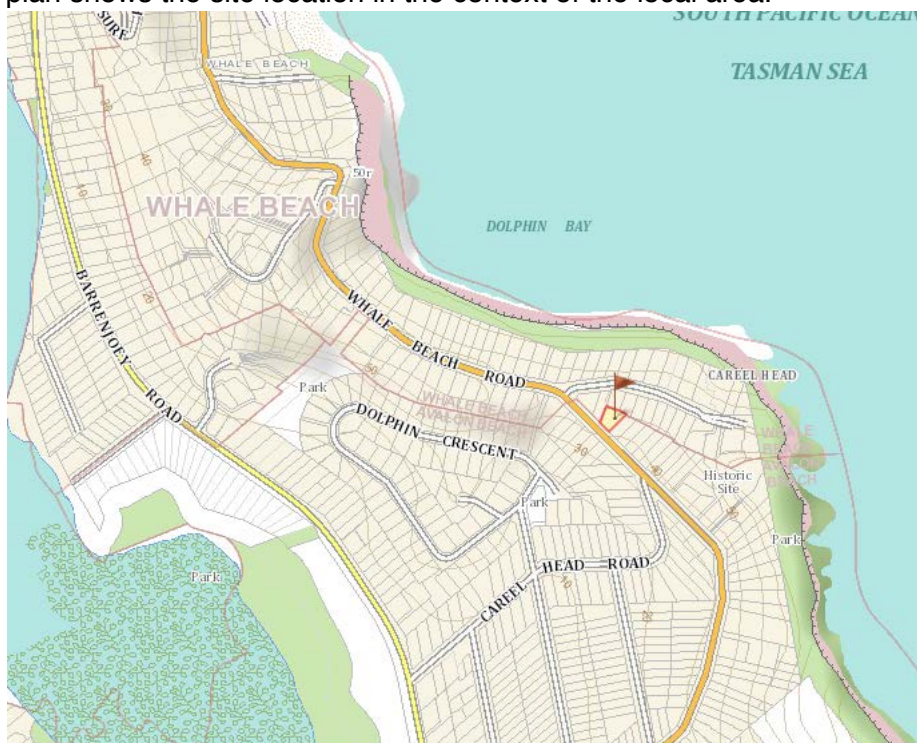


Figure 1: Locality of the subject site.

1.3 Purpose of the Report

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 4.12 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.

2. Proposed Development

2.1 Proposal Objectives

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

2.2 Summary of Development

The proposed development involves the alterations and additions to an existing dwelling

The alterations include;

- New Dining Room in place of existing deck
- New Entry to the dwelling including roof and skylights
- New Deck handrails
- New Colorbond Roof
- New Storage space under dining room

3. Characteristics of the Site and Locality

3.1 The Site

The subject site comprises Lot 136 DP 11933, and is known as 137 Whale Beach Road, Avalon Beach.

The site has a combined total area of 757.5m², with a street frontage of 18.37m to Whale Beach Road.

The site is within the Avalon Beach locality, sited on the northern side of Whale Beach Road.

The site rises towards the rear boundary.

The site contains moderate vegetation contained within the front and rear setbacks. Standing on the site is a one and two storey timber residence with a tile roof.



Figure 2: Whale Beach Road Frontage

3.2 The Locality

The subject site is located on the northern side of Whale Beach Road.

The immediate locality is characterised by a mix of new and older single dwellings. The area is moderately vegetated.

The following figure shows the location of the subject site within its immediate local context.

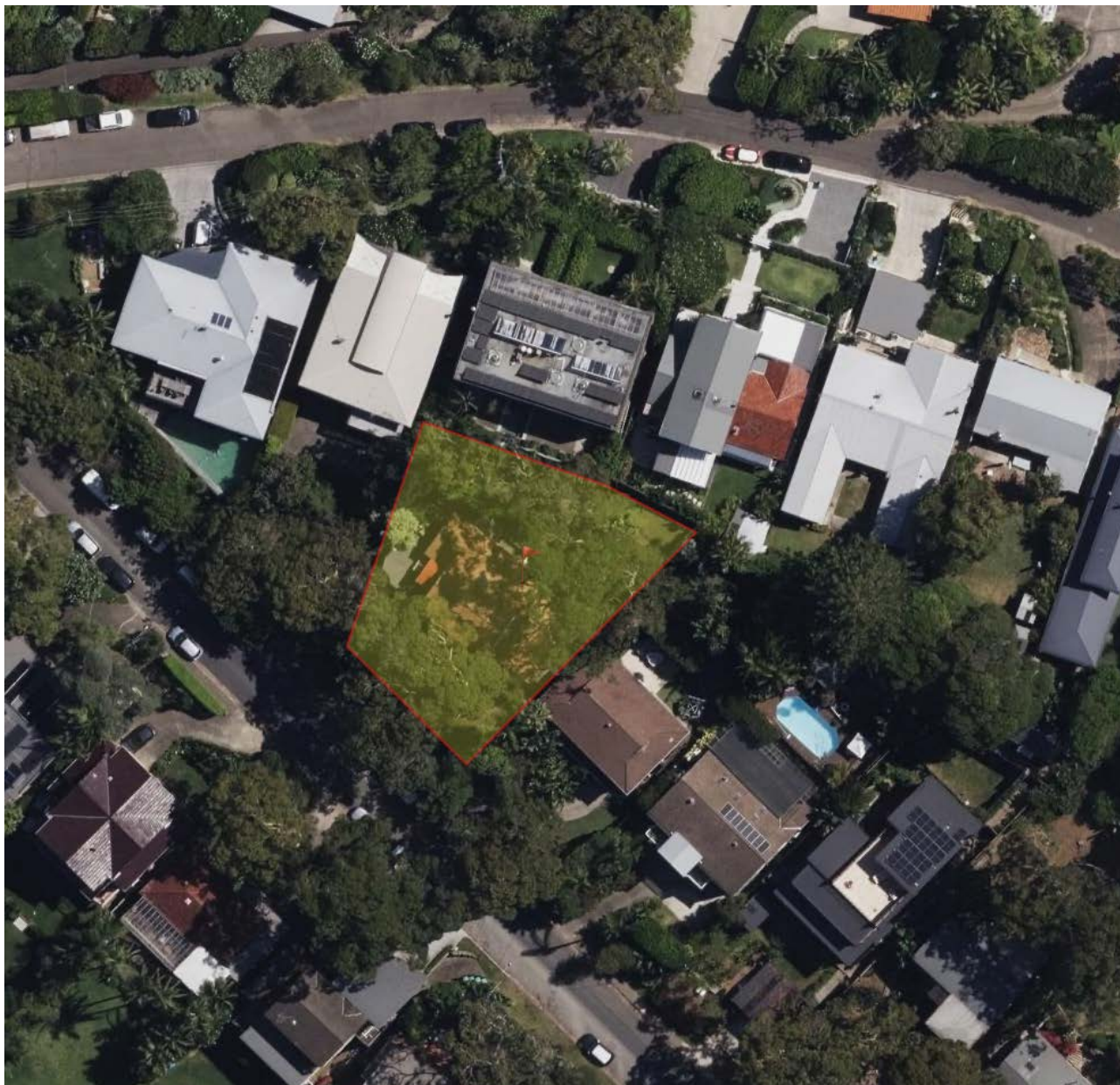


Figure 3: Aerial View of Subject Site.

3.3 Land Uses

The subject site currently contains a two storey residence. On site parking is within a ground floor double garage.

The site is moderately vegetated and vegetation will be retained through the development.

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3.4 Topography

The site rises from the street frontage raising to the sites rear. The development will not necessitate any new excavations outside of the existing footprint.

The fall along the site is generally uniform and consistent.

3.5 Contamination and Geotechnical Considerations

3.5.1 Contamination

The site is not known to have any past contaminating uses.

3.5.2 Acid Sulfate Soils

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.

3.5.3 Land Slip

The development site is identified in the Geotechnical Hazard Map as being partially within the H1 Geotechnical Hazard Zone.

A Geotechnical Assessment has been undertaken by Ascentgeo. (Ref: AG 24485, Dated: 8 November 2024).

The report concludes;; The proposed development is considered to be suitable for the site. The existing conditions and proposed development are considered to constitute an 'ACCEPTABLE' risk to life and a 'LOW' risk to property provided that the recommendations outlined in Table 6 are adhered to during design and construction.

It is considered that the development is suitable on the site so long as the recommendations contained within Table 6 of the Geotechnical Assessment are adhered to.

3.6 Vegetation

The site is moderately vegetated within the front and rear building setbacks. Vegetation consists of a mix of large mature native vegetation and gardens.

The proposed dwelling additions will not require the removal of any vegetation.

An Arboricultural Impact Assessment has been undertaken by ezigrow (14 February 2025) to assess the impact of the development on vegetation.

The report notes;

Thirteen category A and AA trees (3, 4, 5, 8, 10, 12, 13, 14, 16, 19, 21, 22 and 24) could potentially be adversely affected through disturbance to their TPZs as follows:

- *Trees 3, 4, 8, 12, 16, 19, 21, 22 and 24: These are important trees with a high potential to contribute to the amenity of the area so any adverse impacts on them should be minimised. The proposed works are outside of the TPZ's of these trees and they are positioned in such a way that they are very unlikely to be impacted by the construction works. I have reviewed the situation carefully and my experience is that these trees could be successfully retained without any adverse effects.*
- *Trees 5, 10, 13 and 14: These are also important trees which screen the dwelling from the street at the neighbouring properties. They also contribute to the local amenity and ecology so any adverse impacts on them should be minimised. The proposed works encroach into the TPZ of Tree 13 by 11% and Trees 5, 10 and 14 by less than 10%. Any encroachments over 10% are considered to be a major encroachment, however in this case, due to the existing structures and the fact the tree sensitive construction methods are largely being used, it is likely that in practice, this level of encroachment is much less. The construction of the new stairs proposed within the SRZ of Tree 5 is also unlikely to cause any negative impact as there is a significant change in level above the trunk of the tree, there is existing paving, and the stairs are proposed to be constructed using a small number of piers. The general construction activities, however, may cause harm if not carried out with care. I have reviewed the situation carefully and my experience is that these trees could be successfully retained without any adverse effects if appropriate protective measures are properly specified and controlled through a detailed arboricultural method statement.*

It is considered that so long as the recommendations to mitigate impact in Section 3.3 of the report are adhered to, that the development is suitable in its current form.

3.7 Bushfire

The development site is not noted as being bushfire prone.

No further Bushfire Assessment is required.

3.8 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 area.

The site is not known to contain any items of Aboriginal archaeological significance. Though again, given that the proposal is for the purpose of a boundary adjustment it is considered that any possible Aboriginal relics located on the site will not be affected.

3.9 Traffic, Access and Road Network

The site is located with a frontage and vehicular access off Whale Beach Road.

No change to the existing vehicular and pedestrian access is proposed and the site density will remain unchanged.

Given the minor scale of the development and the fact that no modification to the existing site access is required, it is not anticipated that there will be any adverse impacts to traffic levels in the locality as a result of the proposal.

3.10 Coastal Zone

The development site is mapped as being within the Coastal Use Zone. The provisions of State Environmental Planning Policy (Resilience and Hazards) is discussed elsewhere in this report.

3.11 Services and Utilities

The site is currently serviced with both reticulated water and sewer.

3.12 Flooding

The site is not mapped as being flood prone.

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

State Environmental Planning Policy (Resilience and Hazards) 2021

The subject site is identified as being mapped within land that applies to SEPP (Resilience and Hazards) 2021. Part 2.2 of the SEPP sets out matters for consideration.

| Chapter 2 – Coastal Management | |
|--|--|
| Division 1 – Coastal wetlands and littoral rainforests area | |
| 2.7 Development on certain land within coastal wetlands and littoral rainforests area | |
| <p>(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> only with development consent—</p> <p>(a) the clearing of native vegetation within the meaning of Part 5A of the <i>Local Land Services Act 2013</i>,</p> <p>(b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the <i>Fisheries Management Act 1994</i>,</p> <p>(c) the carrying out of any of the following—</p> <p>(i) earthworks (including the depositing of material on land),</p> <p>(ii) constructing a levee,</p> <p>(iii) draining the land,</p> <p>(iv) environmental protection works,</p> | <p>The site is not mapped as being within coastal wetlands or littoral rain forests.</p> |

| | |
|--|---|
| <p>(d) any other development.</p> <p>Note— Clause 2.14 provides that, for the avoidance of doubt, nothing in this Part—</p> <p>(a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or</p> <p>(b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.</p> | |
| <p>(2) Development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.</p> | N/A |
| <p>(3) Despite subsection (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> may be carried out by or on behalf of a public authority without development consent if the development is identified in—</p> <p>(a) the relevant certified coastal management program, or</p> <p>(b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the <u><i>Local Government Act 1993</i></u>, or</p> <p>(c) a plan of management under Division 3.6 of the <u><i>Crown Land Management Act 2016</i></u>.</p> | N/A |
| <p>(4) A consent authority must not grant consent for development referred to in subsection (1) unless the consent authority is satisfied that sufficient measures have been, or will be,</p> | Noted - The site is not mapped as being within coastal wetlands or littoral rain forests. |

| | |
|--|--|
| taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest. | |
| (5) Nothing in this section requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the <i>Biosecurity Act 2015</i> . | N/A |
| (6) This section does not apply to the carrying out of development on land reserved under the <i>National Parks and Wildlife Act 1974</i> if the proposed development is consistent with a plan of management prepared under that Act for the land concerned. | N/A |
| 2.8 Development on land in proximity to coastal wetlands or littoral rainforest Note— The <i>Coastal Wetlands and Littoral Rainforests Area Map</i> identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both. | |
| (1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> unless the consent authority is satisfied that the proposed development will not significantly impact on— (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest. | The site is not mapped as being within a buffer to coastal wetlands. |
| (2) This section does not apply to land that is identified as “coastal wetlands” or “littoral | The site is not mapped as being within a buffer to coastal wetlands. |

| | |
|--|--|
| rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> . | The site is not mapped as being within close proximity to littoral rainforest. |
| Division 2 – Coastal Vulnerability Area | |
| Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the <i>Coastal Vulnerability Area Map</i> unless the consent authority is satisfied that— | The site is not within the Coastal Vulnerability Area. |
| <ul style="list-style-type: none"> a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and b) the proposed development— <ul style="list-style-type: none"> (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards. | N/A |
| Division 3 – Coastal Environment Area | |
| <p>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <ul style="list-style-type: none"> a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, | The site is not within the Coastal Environment Area. |

| | |
|--|--|
| <ul style="list-style-type: none"> b) coastal environmental values and natural coastal processes, c) the water quality of the marine estate (within the meaning of the <u>Marine Estate Management Act 2014</u>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1, d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, f) Aboriginal cultural heritage, practices and places, g) the use of the surf zone. | |
| <p>(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or c) if that impact cannot be minimised—the development will be managed to mitigate that impact. | <p>It is not considered that the development will result in any adverse impacts.</p> |
| Division 4 – Coastal Use Area | |
| <p>1) Development consent must not be granted to development on land that is within the</p> | <p>The site is within the Coastal Use Area.</p> <p>The proposal will have no impact in terms of;</p> |

| | |
|--|--|
| <p>coastal use area unless the consent authority—</p> <p>a) has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <ul style="list-style-type: none"> (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores, (iii) the visual amenity and scenic qualities of the coast, including coastal headlands, (iv) Aboriginal cultural heritage, practices and places, (v) cultural and built environment heritage, and <p>b) is satisfied that—</p> <ul style="list-style-type: none"> (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and <p>c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p> | <ul style="list-style-type: none"> • safe access to the public foreshore. • Overshadowing • Visual amenity and scenic qualities. • Aboriginal cultural heritage • Cultural environment. |
|--|--|

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 C4 – Environmental Living. An excerpt of the Pittwater Local Environmental Plan 2014 zoning map is shown in Figure 4.

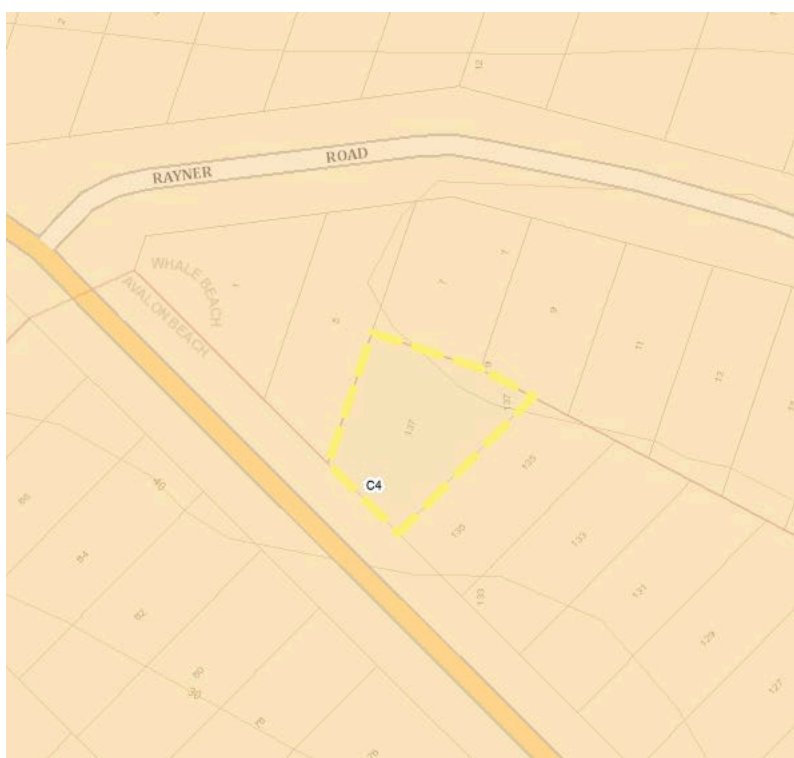


Figure 4: Site Zoning under Pittwater Local Environmental Plan 2014

The provisions for the C4 zone state;

1 Objectives of zone

- *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.*

Comment: The alterations are considered to be consistent with the objectives of the C4 – Environmental Living Zone.

The alterations of an existing dwelling will not result in an intensification of the site use. The proposal is consistent with development in the general locality.

The scale of the development and its siting, is integrated with the landform which enables the existing character and landscape to be maintained. No new clearing or excavation is required.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures

4 Prohibited

Industries; Local distribution premises; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Comment: Under subclause 3, Dwellings and ancillary development such as pools are permissible with Consent.

Part 4 - Principal Development Standards

Clause 4.3 Height of Buildings.

The subject site is mapped as having a maximum building height of 8.5m. The proposed result in the development having a maximum height of 6.6m.

Clause 4.4 Floor Space Ratio

While the Floor Space Ratio Maps do not identify a Floor Space Ratio for the subject site, the development is consistent with the objectives of this clause. The objectives of clause 4.4 state;

- (1) *The objectives of this clause are as follows:*
- (a) *to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
 - (b) *to minimise adverse environmental effects on the use and enjoyment of adjoining properties and the public domain,*
 - (c) *to minimise any overshadowing and loss of privacy to neighboring properties and to reduce the visual impact of any development,*
 - (d) *to maximise solar access and amenity for public places,*
 - (e) *to minimise the adverse impact of development on the natural environment, heritage conservation areas and heritage items,*
 - (f) *to manage the visual impact of development when viewed from public places, including waterways,*
 - (g) *to allow for the reasonable sharing of views.*

The minor scale and footprint of the development will ensure that the character of the locality is not compromised. The siting of the proposal also ensures that minimal vegetation was removed.

The development as viewed from the street does not detract from the existing streetscape and character.

Given the single storey addition is located to the rear of the dwelling, it is considered that it will not overshadow adjoining properties, nor will it adversely impact upon existing view corridors.

Part 7 - Additional Local Provisions

Clause 7.1 Acid Sulfate Soils

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.

Clause 7.7 Geotechnical Hazards

The development site is identified on the Geotechnical Hazard Map as being within the H1 Geotechnical Hazard Zones.

Refer to section 3.5.3 of this report.

Clause 7.10 Essential Services

The subject site is serviced by reticulated water and sewer.

Pittwater Development Control Plan 21

The following relevant controls have been considered in the preparation of the subject application.

The development is considered to be generally compliant with the DCP controls with the exception of D1.9 – Side and Rear Building Setbacks. Relevant discussion with relation to this variation request is within the table.

B3 - Hazard Controls

| Controls | Response |
|--|--|
| <p>B3.1 Landslip Hazard</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 on the Geotechnical Hazard Map as being within either the H1 or H2 Geotechnical Hazard Zones.</p> <p>Geotechnical Risk is addressed in Section 3.5.3 of this Report.</p> |
| <p>B3.2 Bushfire Hazard</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">- Planning for Bushfire Protection (2006)- AS 3959 - Construction of a Building in a Bushfire Prone Area | <p>The development site is not noted as being bushfire prone.</p> <p>No further Bushfire Assessment is required.</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.

B3.11 Flood Prone Land

The purpose of this Part is to guide development in accordance with the objectives and processes set out in the NSW Government's Flood Prone Land Policy as outlined in the NSW Government, Floodplain Development Manual, 2005.

Development to which this Part applies must comply with the performance criteria set out in clause 1.1.

Form A and A1 (Attachment A of Northern Beaches Council's Guidelines for preparing a Flood Management Report) is to be completed and submitted to Council

Development that satisfies the prescriptive controls in clause 1.2 is deemed to have satisfied clause 1.1

1.1 Performance Criteria

- a) **SITE LAYOUT AND BUILT FORM:** The site layout and ultimate built form of the proposed development should be compatible with the flood risk. Site analysis and layout should incorporate flood risk as a critical element in site planning.
- b) **PUBLIC INTEREST:** The proposed development should not result in increased risk—to human life or damage to property or infrastructure—beyond acceptable limits.
- c) **PRIVATE AND PUBLIC COSTS:** The economic and social costs, which may arise from damage to property from flooding, should not be exacerbated by proposed development.
- d) **FLOOD EFFECTS CAUSED BY DEVELOPMENT ACTIVITY:** Development should not detrimentally increase the potential flood effects on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.
- e) **DRAINAGE INFRASTRUCTURE AND CREEK WORKS:** Any proposed works on drainage infrastructure or natural creeks,

The site is not identified as being a Flood Prone parcel of land.

whether or not carried out as flood modification measures, shall:

- a. Not cause adverse flooding impacts;
- b. Not result in a loss of flood storage;
- c. Increase protection of existing and proposed development; and
- d. Not have a detrimental impact on the environment.

f) **BUILDING COMPONENTS:** Building

components and materials likely to be affected by flood waters should be designed, built and installed so as not to be damaged by those floodwaters.

g) **STRUCTURAL SOUNDNESS:** The proposed development shall be designed and constructed so that it remains structurally sound for its intended life taking into account all the likely flood events during that lifetime.

h) **STORAGE OF GOODS:** Goods that are likely to amplify the damages arising from flood events—including but not limited to pollutants and toxic chemicals—shall be stored so as not to find their way into floodwaters

i) **FLOOD EMERGENCY**

RESPONSE: Proposed developments should only be permitted where effective warning time and reliable access is available for evacuation from an area potentially affected by floods to an area free of risk from flooding. Such an area may be within the same building where a shelter-in-place option is appropriate and achievable. The emergency response should be consistent with the Flood Emergency Response Planning for Development in Pittwater Policy where it applies to the land. The proposed development should have procedures in place (such as warning systems, signage or evacuation drills) so that people are aware of the need to evacuate and relocate goods and motor vehicles during a flood and are capable of identifying an appropriate evacuation route.

j) **FLOOR LEVELS:** All floor levels within a proposed development shall be set at the required prescriptive level with additional consideration for the following:

- a. The passage of flood waters;

- b. The purpose for which that floor area is to used;
- c. The relationship with the surrounding roadways;
- d. The relationship with the existing building if the proposal is an extension; and
- e. Surrounding built form and streetscape.

k) **FENCING:** Fencing shall be designed and constructed so that it does not impede and/or direct the flow of floodwaters, add debris to floodwaters or increase flood affectation on surrounding land.

1.2 Prescriptive Controls

- a) Determine the Flood Risk Precinct i.e. High Flood Risk Precinct, Medium Flood Risk Precinct and Low Flood Risk Precinct within which the site is situated;
- b) The various land use or development types have been grouped into seven (7) Land Use Categories (refer table 1). Determine the Land Use Category relevant to the proposal.
- c) Check if the proposal will satisfy the prescriptive controls for the relevant land use category in the applicable Flood Risk Precinct (FRP).
- d) If the proposal does not satisfy any one of the applicable prescriptive controls, or where those controls require the preparation of a Flood Management Report, then such a report shall be prepared. The Flood Management Report shall be prepared by a suitably qualified professional and shall outline the identified flood risks relevant to the proposal, indicate the extent of compliance with prescriptive controls and provide a thorough assessment of the appropriateness of the development by reference to each of the performance criteria.

B5 Water Management

| Controls | Response |
|--|--|
| <p>B5.2 Wastewater Disposal</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>B5.3 Greywater Reuse</p> <p>Blackwater reuse and on-site disposal is not permitted on sewered 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 grey water.</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 50m² (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 50m² being created.

No augmentation of the existing stormwater system is required.

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 impervious area greater than 50m² being created.

B6 Access and Parking

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

B8 Site Works Management

| Control | Response |
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| <p>B8.1 Construction and Demolition - Excavation and Landfill</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"> - 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; - Any excavation greater than 1.5 metres deep below the existing surface, and/or; - 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; - Any landfill greater than 1.0 metres in height, and/or; - 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, <p>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council.</p> | <p>Excavation is only proposed for the construction of footings.</p> |

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| <p>B8.2 Construction and Demolition - Erosion and Sediment Management</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 fencing will be implemented during the construction of the swimming pool.</p> <p>It is not anticipated that this component of the development will result in any adverse impacts on surrounding properties.</p> |
| <p>B8.3 Construction and Demolition - Waste Minimisation</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>Noted.</p> |
| <p>B8.4 Construction and Demolition - Site Fencing and Security</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 |
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| Section C1.1 – Landscaping | |
| <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 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>All existing vegetation and canopy trees will be retained. It is considered that augmentation of the existing landscaping will not be required.</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 longterm.</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 canopy trees within the front and rear building setback, these are proposed for retention.</p> <p>It is not considered that any supplemental plantings will be required by the development due to its minimal impact on the existing vegetated state and appearance.</p> |
| <p>Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ 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"> • 300mm for lawn • 600mm for shrubs • 1metre for trees | <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"> • A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments, • 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and • 50% for all other forms of residential development. | <p>Existing vegetation in the front building setback has been retained.</p> |

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| 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. | The site is not constrained by bushfire. |
| 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. | All vegetation on site has been retained. |
| 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. |
| Section C1.2 – Safety and Security | |
| <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 42821997: 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> | <p>As the alterations and additions are to the rear of the dwelling, no change to the existing passive security of the street frontage is envisaged.</p> <p>No significant changes are proposed to the street façade.</p> |

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| <p>2. Access Control</p> <p>Shared entries must be able to be locked and incorporate an intercom system or the like to allow 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>A minor change is proposed to the location of the entry steps. Functionally the entrance to the dwelling will remain unchanged by the steps moving 1.1m.</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. The façade and site entry will remain unchanged.</p> |
| <p>C1.3 – View Sharing</p> | |
| <p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p> | <p>The nature of the site ensures that no view corridors or views will be obscured.</p> |
| <p>The proposal must demonstrate that view sharing is achieved though the application of the Land and Environment Court's planning principles for view sharing.</p> | <p>As no obstruction of views is envisage, and 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> |

| C1.4 Solar Access | |
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| 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>Due to the low height of the proposed roof structure, the orientation of the site and positioning of adjoining dwellings and principle private open space, it is considered that the proposal will not adversely impact in terms of solar access.</p> <p>Shadow diagrams are included to demonstrate the proposal will have a negligible impact on solar access.</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). | The development will not impact upon windows of adjoining residences. |
| 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 <i>Parsonage v Ku-ring-gai Council</i> [2004] NSWLEC 347 have been taken into account and it is considered that the development is not contrary to any of these planning principles. |
| C1.5 – Visual Privacy | |
| 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). | No private open space or living area has direct views into adjoining properties. |
| 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. | The development does not contain any elevated decks, pools, verandahs or balconies. |
| 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 directly below. | The small scale of the development, its nature as a single storey structure and absence of windows on the southern façade ensure that there is no impacts in terms of visual privacy. |

| C1.6 – Acoustic Privacy | |
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| 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 and noise impacts to and from the proposed secondary dwelling as envisaged to be negligible. |
| 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. | The only potential noise generating element of the development is the plant associated with the swimming pool. This plant will comply with all required noise requirements. |
| 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 |
| C1.7 – Private Open Space | |
| <p>a) Dwelling Houses:</p> <ul style="list-style-type: none"> Minimum 80m² 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. Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%). 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. 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). Private open space should be located to the | <p>The development contains the required private open space in the form landscaped open space to the rear of the dwelling. This open space is existing and will be un-modified</p> <p>The block is compliant with the requirements for a principle area of 16m² on a grade no steeper than 5%.</p> <p>This open space area serves as an extension of the internal space and is considered adequate for the proposal. The modifications to the dwelling will further integrate the open space to the living areas of the dwelling.</p> <p>The private open space area is receives the required levels of sunlight and the proposal will not reduce the existing levels of sunlight.</p> |

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| <p>rear of the dwelling to maximise privacy for occupants.</p> <ul style="list-style-type: none"> • 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. • 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. • 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. • An accessible and usable area for composting facilities within the ground level private open space is required. | |
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Section D1 – Avalon Beach Locality

| Control | Comment |
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| D1.1 – Character as viewed from a public place | |
| 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 development will remain unchanged as viewed from the street.</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"> • entry feature or portico; • awnings or other features over windows; • verandahs, balconies or window box treatment to any first floor element; • recessing or projecting architectural elements; • open, deep verandahs; or • verandahs, pergolas or similar features above garage doors. | The proposed alterations do not involve modifying the existing building façade. |
| The bulk and scale of buildings must be minimised. | The proposed alterations to the dwelling are minor in scale and for the most part will be unable to be viewed from the street. |
| 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. | No modification is proposed to the existing parking areas. These are located to the front of the existing dwelling and due to landscaping do not dominate the sites frontage. |
| 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. | 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. |

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| 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. |
| D1.4 –Scenic Protection | |
| 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. |
| D1.5 – Building Colours and materials | |
| 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. Colours are dark and consistent with this clause. |
| D1.8 – Front Building Line | |
| 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 façade of the development and resulting front setback will remain unchanged by the proposed alterations and additions. |
| D1.9 – Side and Rear Building Line | |
| 2.5 to at least one side; 1.0 for other side 6.5m to the rear. | The development maintains the existing side/ setbacks of 1.0m to the east and 1.0m (west) to the dwellings walls as it currently exists. While this constitutes a minor variation, the alterations and additions are simply a continuation of the existing building alignment. The setbacks proposed will not have an adverse impact on adjacent properties that have similar setbacks. |
| D1.11 – Building Envelope | |
| 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). | The submitted plans demonstrate that the proposal dining room addition is compliant with the building envelope requirements. |
| D1.13 – Landscaped Area General | |
| The total landscaped area on land zoned R2 Low Density Residential or R3 Medium Density Residential shall be 50% of the site area. | The existing landscaped area on the allotment is proposed to be extensively retained. The site pre-development has. Oandscaped area of 462m ² (60.9%) and post development this sill nbe reduced to 459m ² (60.5%). |

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| | The development is compliant. |
| The use of porous materials and finishes is encouraged where appropriate. | N/A |
| Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped Area. | The development does not propose any alteration to the existing open space and landscaped areas. No areas will be lost and the creation of additional space is not possible. |

5. Conclusion

This proposal is for the alterations and additions to an existing Dwelling on a C4 - Environmental Living zoned parcel of land.

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 or the general locality or surrounding properties.

Councils support to the proposal is therefore requested.