

Statement of Environmental Effects

For alterations and additions to the existing dwelling house and garage, new rear deck and landscaping, at 101 George Street, Avalon.



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and Jeff Karkens Design.**

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1. Introduction

This statement of environmental effects has been prepared as part of a development application for alterations and additions to the existing dwelling house and garage, at 101 George Street, Avalon.

The purpose of this statement is to describe the proposal and review the relevant planning requirements relating to the proposal. It provides an assessment of the proposed development in terms of the Evaluation Criteria prescribed under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

In the preparation of this Statement of Environmental Effects, the site and locality has been inspected and consideration has been given to the Architectural Drawings prepared by Jeff Karskens Designer, Drawings No.DA001 to DA006, DA100, DA101, DA102, DA200, DA300, DA301, DA400, DA401 and DA402, Revision B, dated 2 July 2021, and the Survey Plan by SurvPlan Surveyors, Reference No.1482, dated 26 February 2020.

The merits of the proposal in terms of the design and the particular context of the site have been considered in terms of the relevant State, Regional and Northern Beaches Council planning instruments, codes and policies.



Figure 1: Locality Map.

2. The Locality and the Site

The locality is characterised by mostly two storey dwelling houses of varying styles and sizes on both sides of the road. On the opposite side of the road to the west is a foreshore reserve and the Careel Bay Marina.

The site is located on the south western side of George Street and also has a frontage on the south eastern side to the unmade portion of the road reserve of Elizabeth Street.

The legal property description of the land is Lot 1, Deposited Plan No.558869, No.101 George Street, Avalon.

It is almost square in shape with a frontage of 21.085m to George Street a splay on the corner and frontage of 27.925m to the unmade road reserve of Elizabeth Street. The rear boundary adjoining 80 Patrick Street has a length of 24.135m and the side boundary adjoining 103 George Street has a length of 31.0m. It has an area of 743.2m².

The site falls steeply down from the rear to the front with a total fall of approximately 7.0m over the length of the site.

It is developed with a two storey painted rendered dwelling house with a pitched tile roof. There is a driveway at the front commencing on the eastern end of the frontage, to an integrated double garage under the front of the house, on the ground floor level. There is also a detached studio beside the garage. There is an enclosed courtyard at the front and a swimming pool in front of the house. At the rear of the site there is a level lawn area approximately 1.5m above the first floor level of the house. There are dilapidated pine log retaining walls along the rear and sides of the lawn terrace supporting remnant gardens and the steep embankment at the rear of the site.



Photograph 1: The site and the house viewed from the street.



Photograph 2: Two storey houses on the high side of the street to the east of the site in George Street.



Photograph 3: The driveway and entry to 103 George Street to the west of the site.



Photograph 4: The unmade portion of the Elizabeth Street adjoining the eastern boundary of the site, viewed from George Street.



Photograph 5: Houses opposite the site in George Street.



Photograph 6: The rear of the house viewed from the eastern side of the rear yard. This part of the rear yard to be excavated be approximately 2.3m for a new deck near the clothes line and by 1.3m for a new lawn and garden terrace in the foreground area (eastern end) of the rear lawn.



Photograph 7: Dilapidated pine log retaining walls and remnant gardens at the steep rear part of the site.



Photograph 8: A close in photograph of the existing garage and the front of the house, from the driveway adjoining the front courtyard and swimming pool.



Photograph 9: The front of the house where the new entry is proposed on the right and the balcony extended to link up with the existing front balconies.

3. The Proposal

The proposal is for internal alterations and minor additions including demolishing part of the front wall including the existing front entry and the addition of a splayed wall between the corner of the garage and the column supporting the first floor balcony for a new rumpus room and a porch and side door for the new front entrance to the house.

At the rear of the site, excavation is proposed to the existing retained lawn terrace for a new deck level with the first floor, to create a better connection with the house and steps up to a new lawn terrace and landscaping on the eastern side of the rear yard. The existing dilapidated pine log retaining walls are to be demolished and replaced with new masonry retaining walls along the rear boundary and part of the side boundaries towards the rear of the site.

Ground Floor Garage, Entry and Rumpus Room.

Internal alterations are proposed involving the removal of some internal walls and part of the front wall of the house and the front entry and internal stair, and the addition of a splayed wall between the corner of the garage and the column supporting the first floor balcony to create a large rumpus room. The existing freestanding spa is to be removed to create a porch and access to a new side door for the new front entry to the house and front foyer. A storeroom and a bathroom are proposed at the back of the rumpus room adjoining the garage and workshop room.

The removal of the existing internal stair will allow for a new door for internal access from the garage to the rumpus room. The new splayed front wall will have sliding doors for access to the front courtyard and the swimming pool.

The second internal stair on the western side of this level is to be removed and an internal wall added to create a guest room and adjoining ensuite bathroom. There is access from the new foyer to the rumpus room and the guest bedroom and the new internal stair for access up the first floor. An operable roof is proposed at the front of the guest bedroom adjacent to the swimming pool.

There will be no change to existing front, side and rear setbacks to this level. There are no changes to the existing garage and workshop at the back, or the adjoining detached studio on the eastern side of the garage.

First Floor Living and Bedroom Level.

This is the main living level and bedroom level of the house. Internal walls are to be removed to create an open plan family room, kitchen and dining and meals area and reconfigured main bedroom suite on the eastern side.

There is a circulation area at the top of the stair and access to the new open plan family room, kitchen and meals room that leads on to the main bedroom suite with ensuite bathroom and walk in robe on the eastern side of the level.

On the western end of this level there is short hallway leading to Bedroom 2 at the front that has an ensuite bathroom and walk in robe. There is a powder room

opposite the stair landing and Bedroom 3, which has an ensuite bathroom at the back, rear corner of this level.

New sliding doors are proposed for access from the main bedroom to the existing front balcony and the living room balcony is to be extended so that it forms the roof over the rumpus room extension below, and creates a connection between the existing living room balcony on the western side and the main bedroom balcony on the eastern side. There is a wide opening with sliding doors for access from the family room and meals area to the existing balcony and the new infill balcony at the front. An operable roof is proposed to the bedroom balcony and living room balconies. Sliding horizontal batten screens are also proposed to the outer edge of the bedroom balcony and the western end of the living room balcony.

There are sliding doors opening from the family room and Bedroom 3 to the new rear deck that will be at the same floor level as the first floor level of the house at RL6.6. There is also a rear door for access to and from the laundry to a narrow (1.2m wide) section of the deck, running the length of the rear wall of the house.

There will be no change to the existing front, side and rear setbacks to this level.

Rear deck and lawn terrace and retaining walls and landscaping.

This rear lawn area at the rear of the house is accessible by timber stairs at the rear of the first floor that provide access up to the existing retained lawn terrace at the approximate level of RL7.8 to RL8.4.

The existing timber stair is to be demolished as well as the dilapidated pine log retaining walls adjacent to the house, on the side and at the rear, retaining the steep embankment at the rear of the site.

Excavation is proposed to the existing retained lawn terrace for a new deck, level with the first floor at RL6.51 and this will create a level access and connection with the main living areas of the house. A wide set of concrete steps will provide access from the main deck area up to the new lawn terrace and landscaping at RL7.56. There is also a narrow section of decking, 1.2m wide, running along the length of the rear wall of the house for access from the laundry and the side path on the eastern side of the house. The existing dilapidated pine log retaining walls are to be demolished and replaced with new masonry retaining walls along the rear boundary and part of the side boundaries towards the rear of the site. The inner wall will be at RL8.26 and the outer wall supporting the steep embankment at the rear of the site, along the rear boundary will be at RL10.0 to the top of the wall. The wall will be stepped down along the eastern side boundary to address the slope along the boundary of the unmade portion of Elizabeth Street.

A new 1.8m high painted timber picket fence is also proposed at the front of the site to replace the existing 1.8m high timber lapped and capped paling fence.

4. Development Controls and Policies

The Pittwater Local Environmental Plan 2014, which commenced on 30 May 2014 and was last amended on 14 July 2021. It is the main planning instrument for the Pittwater area of the Northern Beaches Council area.

It provides for the zoning of the land and establishes the permissibility of the use of the land within the E4 Environmental Living Zone for a dwelling house, amongst a range of other uses with development consent.

The Pittwater 21 Development Control Plan (P21DCP) came into force on 21 August 2006. It is a comprehensive Development Control Plan that applies to all land and all types of development in the Pittwater area of the Northern Beaches Council area.

The P21DCP consolidates all of Council's existing development controls into a single document, and replaces all of Council's previous Development Control Plans. It includes the detailed guidelines and environmental standards for new development, which need to be considered in preparing a Development Application.

It provides a layered approach with some parts being relevant to all development, provisions for specific types of development, and some specific land.

The following State Environmental Planning Policies and Sydney Regional Environmental Plans are applicable to the site and the proposal:

- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Coastal Management) 2018.

5. Evaluation Pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979

5.1 Environmental Planning Instruments

State Environmental Planning Policies and Sydney Regional Environmental Plans

State Environmental Planning Policy No. 55 – Remediation of Contaminated Land 1998 (SEPP 55)

This Policy applies to the whole of the State of New South Wales.

Clause 7 of the SEPP requires the contamination and remediation of land to be considered in determining development applications.

The site has in the past been used exclusively for residential purposes. There is no property history to suggest that any contaminating uses occurred on the site or in the vicinity.

Council can therefore be satisfied that the land is not contaminated and remediation of the land is not required. The land is therefore suitable for its continued use for residential purposes.

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

BASIX, the Building Sustainability Index, ensures residential developments are designed to use less potable water and are responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for houses and units.

A BASIX assessment has been carried out and a BASIX certificate has been obtained confirming that the targets for thermal comfort and energy efficiency and water conservation have been met.

A BASIX Certificate is submitted with the development application.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

Council may authorise vegetation clearing provided that:

- the clearing does not exceed the biodiversity offsets scheme threshold pursuant to the Biodiversity Conservation Act 2016;*
- the vegetation is not part of a heritage item or a heritage conservation area, or*
- the vegetation neither is or forms part of an Aboriginal object or that is an Aboriginal place of heritage significance.*

The subject application will not result in the clearing of any native vegetation or clearing that exceeds the biodiversity offsets scheme, and does not involve clearing that is or forms part of a heritage item or a heritage conservation area, or is or forms part of an Aboriginal object or that is a known Aboriginal place of heritage significance.

State Environmental Planning Policy (Coastal Management) 2018

The subject site is identified as being within the Coastal Environment Area and Coastal Use Area.

The matters for consideration in Clause 13 and Clause 14 are relevant and the Council can be satisfied that the proposal will not involve any inconsistency with the matters for consideration of Clause 13 and Clause 14 of the SEPP.

Local Environmental Plans***Pittwater Local Environmental Plan 2014******Permissibility***

The zoning of the land is established by the Pittwater Local Environmental Plan 2012 (the LEP). The land is located within the E4 Environmental Living Zone of the LEP. Dwelling houses are a permissible use in the zone with development consent in accordance with the Land Use Table of the LEP.



Figure 2: Extract from the Pittwater LEP Land Zoning Map

The following provisions of the LEP are relevant to the proposal:

Aims of the plan are listed in Clause 1.2.

The proposed alterations and additions to the existing house will maintain the height and scale of the existing house and compatibility with the surrounding two storey residential development.

There will be no adverse environmental impacts and the amenity of the adjoining properties will be maintained.

It will maintain compatibility with the general two storey scale and character of the dwelling houses in the locality.

E4 Environmental Living Zone

The objectives of zone are:

- *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.*

The proposal will be consistent with the objectives of the zone particularly in relation to maintaining the scale and character of the locality that comprises a diverse mix of dwelling houses in terms of their height, size and design.

It will also maintain the amenity of adjoining properties in terms of views, privacy and sunlight access.

The proposal will not affect the scenic quality of the area, the landscape quality of the site and will therefore be consistent with the above zone objectives.

Clause 4.3 Height of buildings

(1) *The objectives of this clause are as follows:*

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

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The land is located in area 'I' on the Height of Buildings Map of the LEP and a maximum height of buildings of 8.5m applies.

There will be no change to the existing height of the building and the roof and the new operable roof over the front bedroom and living room balconies will be 5.580m in height, which is substantially less than 8.5m in height and therefore complies with the maximum 8.5m height of buildings standard.

Clause 4.4 Floor space ratio

The site is not identified as being subject to a floor space ratio standard.

Clause 4.6 Exceptions to development standards

An exception to a development standard is not required because the proposal will comply with the 8.5m height of buildings standard of Clause 4.3(2) of the LEP.

Clause 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and vegetation.

The proposal will not result in the loss of any substantial vegetation or native trees on the site.

Clause 7.1 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The site is located in a Class 5 acid sulfate soil area. The proposal does not involve works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the water table is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

The proposal is therefore not likely to involve the disturbance or potential exposure of Acid Sulfate Soils.

Clause 7.5 Coastal risk planning

(1) The objectives of this clause are as follows:

- (a) to avoid significant adverse impacts from coastal hazards,*
- (b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,*
- (c) to enable the evacuation of land identified as coastal risk in an emergency,*
- (d) to avoid development that increases the severity of coastal hazards.*

The site is not in the Coastal Hazard area.

Clause 7.6 Biodiversity

(1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:

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

The proposal will be consistent with the objectives and will not affect existing flora and fauna or ecological processes related to existing flora and fauna in the area.

Clause 7.7 Geotechnical hazards

(1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards:

- (a) matches the underlying geotechnical conditions of the land, and*
- (b) is restricted on unsuitable land, and*
- (c) does not endanger life or property.*

(2) This clause applies to land identified as "Geotechnical Hazard H1" and "Geotechnical Hazard H2" on the Geotechnical Hazard Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks—

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless—

(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and

(b) the consent authority is satisfied that—

- (i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or*
- (ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or*
- (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

The site is shown in area 'W' as being in the H1 Geotechnical Hazard area.

A Geotechnical Assessment report was prepared by Ascent Geotechnical Consulting dated 31 August 2020. This forms the basis for the structural engineering design prepared by Rob O'Reilly of ROR Consulting Engineers,

reference No. 20210057 S1.1, S1.2, S2.1 and S2.2, dated 21 June 2021 is submitted with the development application.

Clause 7.8 Limited development on foreshore area

The land is not in a foreshore area.

5.2 Proposed Environmental Planning Instruments

Draft Remediation of Land SEPP

It is noted that SEPP 55 - Remediation of Land will be repealed by the finalisation of the Draft Remediation of Land SEPP where the matters for consideration under the draft SEPP would be similar to the current policy. The provisions of the draft SEPP are considered to be met accordingly.

5.3 Development Control Plans

Pittwater 21 Development Control Plan (the P21DCP)

The following provisions of the P21WDCP are relevant to the proposal.

Section C - Development Type Controls.

Section C1 - Design Criteria for Residential Development

C1.1 – Landscaping

The proposal will be consistent with the outcomes for landscaping and will not involve the removal of any significant native trees. There is only one tree at the rear of the site to be removed as part of the new garden terracing, retaining walls and landscaping.

New landscaping is proposed at the rear of the site and a landscape design prepared by True Form Landscape Architecture, Reference No. 2021-006, Issue A, dated 28 August 2021 is submitted with the development application.

The new landscaping at the rear of the site comprises a Lilly Pilly hedge along the rear boundary and part of the side boundaries and feature trees including a Coastal Banksia and a Tuckeroo and other native shrubs and understorey planting. There will be no change to the landscaping at the front of the house including the numerous established palm trees that are to be retained and will be unaffected by the proposed works.

C1.2 Safety and Security

The proposal will not alter the safety and security of residents.

C1.3 View Sharing

There are no elements of the proposed alterations and additions to the existing house that would be likely to have an adverse impact on views and view sharing,

including the adjoining properties and the views to the north of Careel Bay and to the north east or the inlet to the bay from the houses at the rear in Patrick Street.

C 1.4 Solar Access

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).

Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.

Shadow diagrams have not been prepared because the proposal does not involve any change to the height of the existing house and the existing footprint and building envelope.

Therefore, there will be no change to the solar access of the adjoining property to the south west at 80 Patrick Street.

C1.5 Visual Privacy

C1.6 Acoustic Privacy

The proposal does not involve any changes that would affect the existing acoustic privacy and visual privacy and overall amenity of the adjoining properties.

The extended balcony at the front of the house will not have any impact on adjoining or adjacent properties and the works in the rear yard for the new deck and garden terrace will also not allow for overlooking of the adjoining property at the rear in Patrick Street, because there is a significant difference in level between this part of the site and the house and swimming pool and private open space areas at 80 Patrick Street. The new rear deck and garden level will actually be lower in height compared the existing retained garden and lawn terrace.

C1.8 Dual Occupancy Specific Controls

This section is not applicable to the proposal.

C1.9 Adaptable Housing and Accessibility

This section is not applicable to the proposal.

C1.10 Building Facades

The building façade will not be visibly different when viewed from the street because the only change is the extended balcony infill on the first floor between the two existing front balconies and the operable louvre roofs. The house is setback a substantial distance from the street and there is a grove of palm trees at the front of the site that filter the view of the house and garage from the street.

The minor changes to the front façade and the changes to the front fencing will enhance the front façade of the house and the appearance of the site from the street, in a very positive way.

C1.11 Secondary Dwellings and Rural Workers Dwellings

This section is not applicable to the proposal.

C1.12 Waste and Recycling Facilities

The location of the waste and recycling bin storage area will be consistent with the outcomes of the DCP being located at the front of the site on the side of the garage.

C1.13 Pollution Control

This section is not applicable to the proposal.

C1.14 Separately Accessible Structures

This section is not applicable to the proposal.

C1.15 Storage Facilities

This section is not applicable to the proposed alterations and additions to a dwelling house. General storage and waste storage areas are however provided on site and will be maintained.

C1.16 Development Ancillary to Residential Accommodation

This section is not applicable to the proposal.

C1.17 Swimming Pool Safety

This section is not applicable to the proposal because the swimming pool is existing and the existing swimming pool safety fencing will be upgraded if necessary to comply with the Australian Standard.

C1.18 Car/Vehicle/Boat Wash Bays

This section is not applicable to the proposal.

C1.19 Incline Passenger Lifts and Stairways

This section is not applicable to the proposal.

C1.20 Undergrounding of Utility Services

This section is not applicable to the proposal.

C1.21 Seniors Housing

This section is not applicable to the proposal.

C1.23 Eaves

Existing eave overhangs are provided on the sides of the house for solar control and shading.

C1.24 Public Road Reserve – Landscaping and Infrastructure

This section is not applicable to the proposal.

C1.25 Plant, Equipment Boxes –Landscaping and Infrastructure

This section is not applicable to the proposal.

Section D - Locality Specific Development Controls**D1 Avalon Beach Locality****D1.1 Character as viewed from a public place**

The proposal will be consistent with the character outcomes and controls for the locality and the proposal does not alter the character of the existing house and landscaping and its positive contribution to the streetscape of this part of George Street.

D1.2 Character - Avalon Beach Village

The site is not located in the Avalon Beach Village.

D1.3 Scenic Protection - General

The visual impact of the development is acceptable and the existing house will maintain its discreet presence within the landscape and is not visible from the Careel Bay to the north.

D1.4 Building colours and materials

The proposal includes natural colours and finishes including light and dark grey wall finishes and white powder coated aluminium windows and external doors. The front pergola and the sliding screens to the balconies and the front picket fence will also be painted white. These colours and finishes will complement the colours and finishes of the houses in the vicinity.

D1.8 Front building line

The existing front building line of the house will be unchanged. The operable pergola at the front at ground level will replace an existing metal roofed awning with café curtains on the sides.

D1.9 Side and rear building line

A side setback of 2.5m applies to one side boundary and a 1.0m setback applies to the other side boundary and minimum 6.5m rear setback. Minor encroachments of eaves overhangs are permitted in the side setback.

The side setbacks are unchanged and will be the same as the side setbacks of the existing building.

The rear setback will also be unchanged except for the new rear deck that will be setback 1.0m from the rear boundary, but will be below the existing ground level of the rear lawn and garden terrace.

D1.11 Building envelope

A building envelope applies measured from a point 3.5m above the side boundary at any point and projected at 45° to 8.5m which is the maximum building height.

The proposal will not involve any change to the existing building envelope and there will be no change to the overall height of the house and the existing pitched roof.

D1.12 Building envelope - Avalon Beach Village

The site is not located in the Avalon Beach Village.

D1.13 Landscaped area - General

The landscaped area outcomes and controls of D1.14 applies to the site because it is located in the E4 Environmental Living Zone.

D1.14 Landscaped area – Environmentally Sensitive Land

A minimum landscaped area of 60% of the site area is required in the E4 Environmental Living zone.

The existing landscaped area has been calculated to be 209.58m² or 38% of the site and the proposed landscaped area has been calculated to be 207.84m² of 28% of the site which is also less than 60% of the site.

The reduction in landscaped occurs where the new rear deck is proposed.

Even though the landscaped area is less than the minimum 60%, the proposed landscaped area will be consistent with the outcomes of the DCP and the Avalon Beach Locality because the bulk and scale of the building will be maintained and is not discernibly different. The proposal will maintain solar amenity of the existing house and the site and will not affect solar amenity of the adjoining property to the south at the rear at 80 Patrick Street.

The landscape of the site and balance between the built form and landscaping on the site will be largely unchanged particularly at the front where there will be no reduction in landscaped area. The landscape of the rear of the site will also be enhanced by the new landscaping as shown on the Landscape Design prepared by True Form Landscape Architecture. Even though the proposed deck involves a reduction in landscaped area on the site, it will allow for infiltration and absorption of stormwater and containing urban run off.

For these reasons, a variation to the minimum landscaped area requirement for the Avalon Beach Locality is reasonable and appropriate.

D1.15 Fences – General

A maximum height for front fencing of 1.0m applies. Variations to this may be considered to a maximum height of 1.8m when the main private open space area is in front of the dwelling and when the design of the front fence is 50% or more transparent.

In this case, there is an existing 1.8m high lapped and capped timber paling fence at the front of the site and along the side boundaries within the front building line. The front of the site in front of the house has a north aspect and contains the swimming pool and spa and courtyard which is a secure and primary area of private open space at the front of the house. The rear yard area does not have the same aspect and also has a poor connection at the rear, being about 1.8m to 2.0m higher than the floor level of the first floor level of the house and accessible only along the eastern side, beside the garage or by the path and timber stairs at the rear of the house.

Whilst the proposed works to the rear yard are designed to improve the connection between the first floor, main living level and the rear garden, it will still be a secondary, but more accessible private open space area.

A variation to the front fence height to allow the new open style 1.8m high, painted timber picket fence is therefore reasonable and appropriate and consistent with the outcomes and controls for the design and height of front fencing.

D1.16 Fences – Flora and Fauna Conservation Area

The site is not located in a Flora and Fauna Conservation area.

D1.17 Construction, Retaining walls, terracing and undercroft areas.

The proposal involves excavation to lower the rear garden to create a better connection to the main living areas on the first floor of the house. It will include a large deck on the western side and a lawn and garden terrace on the eastern half of the rear yard.

Masonry retaining walls to a height varying from 1.3m to 2.3m area proposed to retain the steep embankment at the rear of the site and along the side boundary. A comprehensive landscape design is also proposed for re landscaping the rear garden and the terraces created by the retaining walls. The area is not visible from a public place.

There are no undercroft areas.

D1.18 Development mix of shop top housing – Avalon Beach Village

The subject site is not located in the Avalon Beach Village and does not involve a mix of shop top housing.

D1.19 Character of Public Domain – Avalon Commercial Centre

The subject site is not located in the Avalon Beach Commercial Centre.

D1.20 Scenic Protection Category One Area

The subject site is not located in area identified as Scenic Protection Category One.

D1.21 Masterplan – Careel Bay

The subject site is not within the area covered by the Careel Bay Masterplan.

5.4 Planning Agreements

There are no planning agreements of a kind referred to in Section 7.4 of the Environmental Planning and Assessment Act, applicable to the subject development application.

5.5 Environmental Planning & Assessment Regulation 2000

The following provisions of the Environmental Planning and Assessment Regulation 2000 (the Regulation) are applicable to the proposed development.

Clause 92(1) (b) of the Regulation includes additional matters that Council must consider in determining a development application. Clause 92(1) (b) specifically relates to consideration of the provisions of Australian Standard 2601-1991: The demolition of structures. The proposal includes demolition of some internal and external walls and therefore the provisions of AS2601 apply to the proposal.

5.6 The likely environmental, social or economic impacts of the development

The proposal will not involve the removal of any existing native trees or visible natural features on the site. The existing landscaping and the overall landscaped setting of the house and the site, particularly when viewed from the front from the street will be maintained.

The proposed alterations and minor addition at the front of the ground floor for the new rumpus room and the extended balcony at the front of the living room on the first floor will not involve any discernible change to the bulk and scale and design and appearance of the house. The height of the building and the roof will also be unchanged.

It will maintain a height and bulk and scale that will be compatible with the general two storey form and scale of the surrounding residential development. It will also not involve an adverse impact on neighbours views, privacy or solar access.

It will not involve any adverse social or economic impacts in the locality.

5.7 The suitability of the site for the development.

The site has a long history of residential use. The continued use of the land for residential purposes as a dwelling house is an appropriate use of the land consistent with the residential zoning.

5.8 Submissions made in accordance with the Act or Regulations

The proposal constitutes local development and it will therefore not be necessary for Council to seek comments from any external authorities or approval bodies.

5.9 The public interest

The public interest is considered in terms of compliance and consistency with the relevant planning controls applicable to a proposed development.

The continued use of the land for residential purposes is consistent with the objectives for the E4 Environmental Living Zone and the proposal will be consistent with the objectives of the LEP and complies with the height of buildings standard.

The proposal will also be consistent with the outcomes and controls relating to setbacks, landscaped area, building envelope, fencing and streetscape of the P21DCP. It will also improve the function and amenity of the house as well and will maintain the amenity of neighbouring properties in relation to visual and acoustic privacy, views and outlook, and solar access.

In the circumstances, there are no discernible issues relating to the proposal that would be contrary to the public interest.

6. Conclusions

The proposal is for internal alterations and minor additions at the front of the ground floor for a new rumpus room and a porch and the new front entrance to the house. At the rear of the site, excavation is proposed to the existing retained lawn terrace for a new deck, level with the first floor, to create a better connection with the house and steps up to a new terraced lawn and landscaping on the eastern side of the rear yard.

The proposed alterations and additions have been designed to improve the existing function and amenity of the house including the new expanded ground floor and new main entrance to the house, and level connection between the first floor main living level of the house and the new rear deck and rear yard by reducing the level of the rear yard and adding timber decks and a terraced and landscaped lawn and gardens.

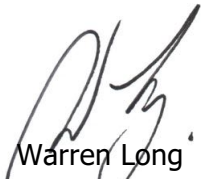
It will maintain the amenity of the neighbouring properties and will also maintain compatibility with the height and scale of the surrounding dwelling houses in this locality.

It will be consistent with the objectives and standards for development in E4 Environmental Living Zone of the Pittwater Local Environmental Plan 2014 and the outcomes and controls of the Pittwater 21 Development Control Plan, notwithstanding the minor departure from the landscaped area control of the DCP for environmentally sensitive areas, as outlined.

For these reasons, I support the proposal and I consider that Council's favourable determination of this development application is warranted.

Disclosure of political donations and gifts***Environmental Planning and Assessment Act 1979 as amended Section 10.4 –
Disclosure of political donations and gifts***

I declare that I have made no reportable political donations to a Northern Beaches Councillor and I have provided no gifts of a kind referred to Section 10.4 of the Environmental Planning and Assessment Act to a Northern Beaches Councillor or Council employee in the last 2 years or at any time.



Warren Long
MPIA Registered Planner
Principal of Longitude Planning Pty Limited

Dated: 30 August 2021