

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed New
Dwelling, Swimming
Pool and landscaping
78 Hudson Parade
Clareville

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Statement of Environmental Effects

Proposed New Dwelling, Swimming Pool and Landscaping

78 Hudson Parade, Clareville

Prepared under instructions from

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&

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1 Introduction

This statement has been prepared for Mr and Mrs Nemeny as part of the supporting documentation for a Development Application proposing demolition of the existing dwelling and detached garage and construction of a new dwelling, including new driveway, carport and swimming pool.

A pre-lodgement meeting (PLM2018/0097) was conducted in October 2018 and the outcomes of that meeting are reflected in the proposed development, in particular the retention of significant trees on the site.

The design of the proposed new dwelling is innovative and of high architectural merit. The proposed works provide a site-specific design, which responds to the site's sloped topography and sensitive coastal escarpment location. Particular attention has been given to ensuring that the proposed dwelling affords high levels of amenity for future occupants, capitalising on the expansive views, whilst ensuring high levels of residential amenity to adjoining properties are retained in relation to privacy, solar access and view sharing. A fireplace is proposed which has been tested, approved and issued with a certificate of compliance with regard to the AS/NZS 4013-2014 Domestic Solid Fuel Burning Appliance regulations. The proposal is considered to positively contribute towards the built form quality of the housing stock established within the Avalon Beach Locality.

In addition to the Statement of Environmental Effects, the application is also accompanied by the following:

- Survey Plan;
- Architectural drawings including, site plan; floorplans, elevations, sections, shadow diagrams, materials and finishes schedule prepared by Marker Architecture;
- Photo montage prepared by Marker Architecture;
- Arborist Report prepared by Standfast Tree Services;
- Geotechnical Report prepared by Jack Hodgson Consultants;
- Basix Certificate;
- Stormwater Management Plan prepared by Harrison & Morris Consultancy
- Flora and Fauna Assessment prepared by GIS Environmental Consultants

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;
- Pittwater Local Environmental Plan 2014;

- Pittwater Development Control Plan 2014;
- State Environmental Planning Policy (Building Sustainability Index BASIX) 2004;

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling is compatible with the desired future character of the Avalon Beach locality.
- The proposed dwelling will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

2 Site Analysis

2.1 Site Description and Location

2.1.1 The Site

The application relates to Lot 2 DP 221631, 78 Hudson Parade, Avalon Beach. A location map is included as **Figure 1**.



Figure 1: Site Location (Source: Six Maps)

Number 78 Hudson Parade is a rectangular shaped allotment comprising a total site area of 1366m², with a primary frontage of 29.845m to Hudson Parade, southern side boundary of 87.175m, northern side boundary of 104.545 and rear boundary 15.9m. The site is currently occupied by a 2 storey weatherboard dwelling with a detached weatherboard garage located adjacent to Hudson Parade and a brick boatshed adjacent the Pittwater foreshore. The

dwelling is situated within an informal landscaped setting, with a number of mature trees located on or adjacent to the site.

The topography of the site slopes down steeply from Hudson Parade down towards the Pittwater foreshore.

2.1.2 The Locality

The subject site is located within the Avalon Beach Locality. The locality is characterised by low density residential development with dwellings built along the valley floor, slopes and ridges. Newer developments along the Pittwater foreshore along Hudson Parade and further along Riverview Road are characterised by multi-level dwellings that step down the steep slope. The residential areas are of a diverse style and architecture, a common thread being landscaped, treed frontages and subdued external finishes.

2.1.3 Zoning and Key Environmental Considerations

The site is zoned E4 Environmental Living pursuant to the Pittwater Local Environmental Plan 2014. The key environmental considerations of the site are identified as follows:

- Acid Sulfate Soils, Class 5;
- Land identified on the Councils Biodiversity Map
- Landslip/Coastline Hazard Map;
- Geotechnical Hazard Map;
- Site is located within Area 1 of the Landscape Area Map

All the above environmental considerations are discussed in the following sections of this report and addressed in the documentation accompanying this Development Application.

3 Description of Proposed Development

3.1 Details of the Proposed Development

This application proposes a new dwelling house, including the construction of a swimming pool, new driveway and carport, and associated landscaping works detailed on the architectural plans prepared by Marker Architecture as follows:

- **New Driveway and Carport**– new driveway to a 1:5 gradient accessing a new carport (RL 16.5000). The carport can accommodate 2 cars and include a car turntable to be able to enter and exit in a forward direction. Bins storage is proposed within the carport.
- **Proposed Lower Ground (RL 5.500)** – rumpus room with access to the deck and swimming pool. This level also includes storage area and bathroom.
- **Ground Floor (RL 9.000)** – Open plan kitchen/dining/living room; large pantry; foyer; bathroom. Water tank will also be stored at this level. Access to a terrace.
- **First Floor (RL 12.500)** – Master Bedroom with Ensuite and walk-in-robe; laundry; 3 bedrooms with access to north facing balconies; bathroom; toilet; shower; bunk room; snug; access to west facing terrace.
- Internal staircase connects the levels.

The proposed design is depicted on the plans and montages prepared by Marker Architecture. The design is innovative, sympathetic and responsive to the topography of the site. The design provides a contemporary dwelling and the proposed landscape treatments will ensure that the development sits comfortably within its natural bushland setting.

The design aesthetic provides for a contemporary design outcome which directly complements the neighbouring dwellings. The proposed materials and finishes of the dwelling incorporate wood panelling features with colourbond metal roof sheeting.

An arborist report has been prepared by Standfast Tree Services. Out of the 36 trees that were assessed, the majority are proposed to be retained with only 8 trees proposed to be removed. The trees which are proposed to be removed are located within the footprint of the proposed dwelling.

Detailed stormwater management plans have been prepared by Harrison & Morris Consultancy Pty Ltd.

A fireplace is proposed which has been tested, approved and issued with a certificate of compliance with regard to the AS/NZS 4013-2014 Domestic Solid Fuel Burning Appliance regulations. Details of the fireplace are provided with this application by the installer.

The following sections of this report assess the performance of the development having regard to the applicable legislative framework and the desired local government built form outcomes

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 79C of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

4.1.1 Zoning and Permissibility

As previously noted the site is zoned E4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

Dwelling Houses are permissible with consent in the E4 zone. The specific objectives of the zone are identified as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values;*
- *To ensure that residential development does not adversely affect 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 application relates to the provision of a low-density development consisting of a dwelling house, driveway, carport, swimming pool and associated landscaping works. The proposal is integrated and responsive to the landform and landscape. We have formed the considered opinion that the development is permissible in the zone and consistent with the zone objectives as outlined above. Accordingly, there is no statutory impediment to the granting of consent.

4.1.2 Height of Buildings

Pursuant to clause 4.3(2) PLEP 2014 the height of a building on any land is not to exceed 8.5 metres. The objectives of the 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.*

The proposed development is compliant with the 8.5m development standard as depicted on the elevations and sections prepared by Marker Architecture.

4.1.3 Acid Sulfate Soils (Clause 7.1)

Pursuant to Clause 7.1 of the LEP, the site is classed as being within class 1 and class 5 on the acid sulfate soils map. A geotechnical report prepared by Jack Hodgson Consultants accompanies the DA. The report provides recommendations to be followed during construction to reduce the impact the excavation on the local environment with respect to drainage and runoff.

4.1.4 Biodiversity Protection (Clause 7.6)

Pursuant to Clause 7.6, the site is identified on the biodiversity map. A flora and fauna assessment has been prepared by GIS Environmental Consultants.

The reports provides recommendations to reduce the impact of the proposed development on the local environment. The report concludes that the proposal is not likely to be unacceptable with regard the Act and meets the objectives of part 7.6 of the Pittwater LEP.

4.1.5 Geotechnical Hazards (Clause 7.7)

The site is located within a Geotechnical Hazard Area. The geotechnical report prepared by Jack Hodgson Consultants which accompanies the application, demonstrates that the risk from geological/geotechnical landslip hazard in relation to the proposed works is considered to be acceptable, when assessed against the criteria of AGS 2007. The geotechnical risks associated with the proposed development can be maintained within 'Acceptable' levels with negligible impact to neighbouring properties or structures provided that the recommendations of the geotechnical report are implemented. On this basis the site is considered to be suitable for the proposed construction works provided that the recommendations outlined in the geotechnical report are followed.

4.1.6 Limited Development on the Foreshore Area

Pursuant to clause 7.8 of the LEP the requirements are as follows:

(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,

(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

Minor works are proposed within the foreshore building line and primarily consist of new pathway from the dwelling to the foreshore. It will utilise timber paving at natural ground level. There is also a minor breach within the foreshore building line of a corner of the swimming pool coping. Both swimming pools and waterway access stairs are identified as permissible development within the foreshore area pursuant to clause 7.8 of the LEP.

The landscaped area within the foreshore building line is proposed to be enhanced. The existing dry stone is to be pushed further towards the water. All works are above the mean high water mark.

Minor upgrade works are proposed to the existing boatshed, including the replacement of the existing metal roller door with timber doors and a new timber sliding door opening.

4.2 Pittwater Development Control Plan 2014

This policy document came into effect on 1 February 2004. P21 DCP contains development controls for the design and construction of buildings and the development of land in Pittwater. The proposed development has been assessed against the relevant provisions of P21 DCP as outlined in the following sections of this report.

4.2.1 Avalon Beach Locality

The property is located within the Avalon Beach Locality. The desired future character of the Avalon Beach Locality will remain primarily a low-density residential area. The key objectives for the desired future character are identified as follows:

“The most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment. The locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations.

Any dual occupancies will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity, fewer hazards and other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, commercial, community and recreational facilities will serve the community.

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

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with development. The objective is that there will be houses amongst the trees and not trees amongst the houses.

Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

Most houses are set back from the street with low or no fencing and vegetation is used extensively to delineate boundary lines. Special front building line setbacks have been implemented along Avalon Parade to maintain the unique character of this street. This, coupled with the extensive street planting of canopy trees, gives the locality a leafy character that should be maintained and enhanced.

The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect principles of good urban design. External materials and finishes shall be natural with smooth shiny surfaces avoided. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

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

The architects have responded to the client brief to provide a dwelling of design merit and visual interest which harmonises with the coastal locality and natural features of the site. The design of the dwelling responds to the topography of the site and is compatible with the character and scale of development within the locality and immediate context. The development will provide a quality built form outcome on the site.

The design, scale and treatment of the proposed development is compatible with dwellings within the immediate setting. External materials and finishes will be consistent with the colours and materials of surrounding dwellings. In this regard the development responds positively to the desired future character of the locality and will contribute to the visual amenity of the streetscape.

4.2.2 Preservation of Trees or Bushland Vegetation

Pursuant to Clause B4.22, an arborist report accompanies the application and assesses 36 trees on site. 8 of the trees are proposed to be removed as they are within the footprint of the dwelling. The report makes a number of tree protection measures to be put in place in order to protect the trees during the construction period. The relevant tree protection measures documented in the arborist report are recommended to be imposed by the Consent Authority by way of conditional DA consent.

4.2.3 Stormwater Management – On-Site Stormwater Detention

The application is accompanied by stormwater drainage plans prepared by H & M Consultancy, which demonstrates that stormwater from the residence will be adequately drained to the natural watercourse. The proposed stormwater drainage design has been prepared in accordance with the DCP requirements.

4.2.4 Access and Parking

Pursuant to Clause B6.3, a proposed new driveway access to a new carport located at the front of the dwelling. The new driveway has been designed to Australian Standard AS/NZS 2890.1-2004 Parking Facilities Off Street Car Parking.

Pursuant to Clause B6.3, the design incorporates a carport that can accommodate 2 car spaces which is compliant with this control.

4.2.5 Site Works Management

In accordance with Part B8 appropriate measures are proposed to address the issues of construction impacts, erosion and sedimentation management, waste minimisation, site fencing and security.

The site being of adequate area and dimension does not impose any unusual construction or on-site material storage difficulties. The site works will be managed in accordance with the Protection of The Environment Operations Act 1997 with appropriate erosion and sedimentation control, construction fencing and air pollution controls being implemented.

4.2.6 Landscaping

Pursuant to Clause C1.1 the proposal will require the removal of 8 trees out of the 36 trees surveyed of which the details are provided within the Arborist Report. A flora and fauna study also accompanies this application. Both reports provide recommendations to be abided during the construction of the dwelling. It is considered that the landscape plan, prepared by Landart, is consistent with the control, and the landscaping proposed will retain and enhance the local environment.

4.2.7 Safety and Security

In accordance with clause C1.2 building design should allow visitors who approach the front door to be seen without the need to open the door. Buildings and the public domain are to be designed to allow occupants to overlook public places and communal areas to maximise casual surveillance. Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.

The proposed dwelling have been designed to provide an easily identifiable entrance to the dwelling and will be appropriately lit.

4.2.8 View Sharing

Pursuant to Clause C1.3 all new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.

A detailed view loss analysis is provided on drawing DA16 in the architectural plans. It shows the impact of the proposed development on 80 Hudson Parade when viewed from their kitchen and dining room. The analysis shows that there will be a minor obstruction to their northerly view, which is obtained across the side boundary of 78 Hudson Parade. Their primary aspect to the west will remain unchanged. It is considered that the proposed development is consistent with the principals of view sharing as outlined in *Tenacity vs Warringah Council* planning principal.

4.2.9 Solar Access

In accordance with Clause C1.4 the main private open space of the 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. Windows to the principal living areas 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 to at least 50% of the glazed area.

The layout and design of the proposed dwelling maximises the amount of solar access received to the principal living areas of the dwelling, swimming pool and the main areas of private open space. These areas will receive a minimum of three hours of sunlight between 9am and 3pm on June 21st.

Shadow diagrams have been prepared by Marker Architecture. The east west orientation of the site results in 80 Hudson Parade experiencing additional overshadowing. Elevational shadow diagrams have been provided which demonstrate that 80 Hudson Parade will experience overshadowing to its northern elevation at 9am. The overshadowing to this elevation decreases significantly by 12pm and will have complete solar access to the north facing windows by 3pm. Number 80 will retain more than 3 hours of sunlight between 9am and 3pm on June 21st, which is in accordance with this control.

4.2.10 Visual Privacy

Pursuant to clause C1.5 private open space, recreation areas and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation. Elevated decks, verandas and balconies should incorporate privacy screens where necessary and should, where possible, be located at the front or rear of the building. 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 proposed development will not affect the visual privacy and amenity of neighbouring properties at Numbers 76 and 80 Hudson Parade. The primary outdoor living areas include extensive vegetated privacy screens, coupled with the additional screening provided by the existing trees and vegetation, to limit the impact to visual privacy of the neighbouring dwellings. It is considered that the proposal is appropriate in maintaining privacy for neighbouring dwellings.

4.2.11 Acoustic Privacy

The proposed dwelling has been designed to comply with Clause C1.6 of the policy and the relevant provisions of the Protection of the Environment Operations Act, 1997. The design elements incorporated into the dwelling, will afford good levels of acoustic privacy to the dwelling and existing residential developments.

4.2.12 Private Open Space

Pursuant to Clause C1.7, a minimum area of 80sqm of private open space per dwelling is to be provided 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.

The proposed dwelling includes areas of private open space areas in excess of 80m². Deck areas are proposed at each level as well as having private open space along the foreshore area. The area and dimension of these spaces fully comply with the minimum area and dimension requirements as detailed on the architectural plans prepared by Marker Architecture and will afford good levels of amenity to the proposed dwelling.

4.2.13 Waste and Recycling Facilities

Pursuant to Clause C1.12 all waste and recycling receptacles will be stored within the property boundaries.

4.2.14 Swimming Pool Safety

The proposed swimming pool fencing has been designed and will be constructed in accordance with the Swimming Pools Act 1992 and regulations.

4.2.15 Character as viewed from a Public Place – Avalon Beach Locality

In accordance with the Avalon Beach locality controls, buildings should 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. Walls without articulation shall not have a length greater than 8 metres to any street frontage. The bulk and scale of buildings must be minimised. Parking structures must be located behind the front building line and be no greater than 50% of the lot frontage or 7.5 metres, whichever is the lesser. Landscaping is to be integrated with the building design to screen visual impact of the built form.

The proposal provides a dwelling of design merit of an appropriate scale and height which positively responds to its context. The development will not only provide a quality built form outcome on the site, it will provide a dwelling which is of visual interest in terms of its design when viewed from the street. The dwelling is articulated through the use of varied materials and incorporates charred timber and metal roofing which will complement the natural setting. The development incorporates significant landscaped areas and retention of significant trees, particularly to the Hudson Parade frontage.

4.2.16 Building Colours and Materials

A schedule of finishes accompanies the application. The development incorporates external colours, materials and finishes which are consistent with the predominant colours of development in the Avalon Beach locality, reflecting the dark and earthy tones.

4.2.17 Front Building Line

Pursuant to Clause D1.8, the proposed carport does partly breach the 6m front setback with the dwelling being located behind the front building line. The carport is consistent with other carports and garages along the low side of Hudson Parade. The topography limits the ability to site the carport to strictly comply with the front building line control.

The proposed carport is consistent with the desired future character of the Avalon Beach locality and is exceptionally designed and includes materials and finishes that will complement the streetscape. The front setback and boundary will be landscaped to include screen planting which will minimise any potential visual impact from the street.

4.2.18 Side and Rear Building Line

Pursuant to Clause D1.9, sites within E4 Environmental Living are to maintain a 2.5 metre minimum side setback from one side and 1 metre to the other side boundary. The foreshore building line applies to this site.

The proposed development has compliant side setbacks of 1m to the southern boundary and 2.5m the northern boundary. Works proposed within the foreshore building line are permissible with consent and has been previously addressed in section 4.1.6 of this report.

4.2.19 Building Envelope

Clause D1.11 requires planes 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. The sloping topography of the site makes strict compliance with the building envelope control unreasonable in this instance. The proposal has minor breaches to the envelope at the upper level and is considered reasonable in this instance as it does not significantly adversely impact on the amenity of neighbouring dwellings in terms of privacy, view sharing and solar access.

4.2.20 Landscaped Area – Environmentally Sensitive Land

The site is mapped as Area 1 on the landscape area map. Clause D1.14 requires that 60% of the total site area be landscaped area. The proposal provides for a total landscaped area of 739m² (54.1%) in the form of gardens, lawns (including pathways of less than 1 metre in width) with 82m² impervious area (6%).

Per the DCP control, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only. With 6% of the impervious area included in the landscape calculation brings the total to 60.1%.

The proposal is compliant with the control as well as the outcomes of Clause D1.14 for the following reasons:

- The proposal maintains and enhances the existing landscape qualities with the retention of the majority of trees (as outlined in the arborist report) and will maintain the bushland setting of the local area. The trees to be removed are all located within the footprint of the site. Replacement native gums are proposed.
- The proposal achieves the desired future character of the locality, providing a predominately single dwelling house, which steps down the site and responds to the topography of the site.
- The bulk and scale of the built form is minimised with the vegetation and trees providing adequate screening of the dwelling, as well as minimising its visual impact. A photomontage is provided within the architectural plans which demonstrate the visual impact of the dwelling when viewed from Pittwater.
- Privacy, amenity and solar access is maintained to neighbouring properties;
- A flora and fauna study is also provided which provides recommendations to protect the biodiversity value of the local environment during construction.

A detailed landscape plan prepared by Landart is provided with the application documentation.

Furthermore, additional landscaping treatments are proposed adjacent to the driveway. These areas are located within Council road reserve and as such are not included as part of the landscape area calculations. This additional landscaping will enhance this area adjacent Hudson Parade and complement the existing streetscape.

4.2.21 Pittwater 21 Development Control Plan Compliance Table

A table demonstrating compliance with the relevant numerical provisions of the Pittwater 21 DCP 2014 is detailed as follows:

Control	Requirement	Proposed	Compliance
General Controls			
Development Type Controls			
Landscaping Clause C1.1	A minimum landscaped area of 60% of the site area shall be provided.	733m ² (60%)	Yes
Solar Access Clause C1.4	Main private open space of the 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. Windows to the principal living areas of the proposal and windows to the principal living area of adjoining dwellings are to	The proposed shadow diagrams prepared by Marker Architecture demonstrate compliance is achieved.	Yes

Control	Requirement	Proposed	Compliance
	receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the glazed area.		
Private Open Space Clause C1.7	Minimum area of 80sqm 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	<80m ²	Yes
Avalon Beach Locality Specific Development Controls			
Front Building Line D12.5	Development is to maintain a front building line of 6.5 metres or the established building line, whichever is greater.	Part of the carport breaches the 6m front setback as discussed in Section 4.2.18. The proposed front building line is in consistent with other garages/carports within the locality.	*No variation required
Side and Rear Building Line D12.6	Development is to maintain a minimum side building line of 2.5 metres to one side and 1 metre to the	The proposed dwelling meets the 1m to one side and 2.5m to the other.	Yes

Control	Requirement	Proposed	Compliance
	other side. 6.5 metre rear building line.		
Building Envelope D12.8	Projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.	The proposal breaches the building envelope due to the sloping topography. No significant amenity impact will result from the breach.	*No variation required
Landscaped Area Environmentally Sensitive Land D12.10	Total Landscaped Area is 60% of the total site area.	60%.	Yes

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the residential component of the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.4 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

N/A

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

N/A

Context and Setting

i. What is the relationship to the region and local context in terms of:

- The scenic qualities and features of the landscape
- The character and amenity of the locality and streetscape
- The scale, bulk, height, mass, form, character, density and design of development in the locality
- The previous and existing land uses and activities in the locality

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. What are the potential impacts on adjacent properties in terms of:

- Relationship and compatibility of adjacent land uses?
- sunlight access (overshadowing)
- visual and acoustic privacy
- views and vistas
- edge conditions such as boundary treatments and fencing

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- Travel Demand
- dependency on motor vehicles
- traffic generation and the capacity of the local and arterial road network
- public transport availability and use (including freight rail where relevant)
- conflicts within and between transport modes
- Traffic management schemes
- Vehicular parking spaces

New driveway access and parking arrangements are proposed. The proposal will result in an improved driveway arrangement to ensure the safe access and egress of cars from the site. The proposal provides for two car parking spaces within the proposed carport.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will continue to service the dwelling house.

Flora and Fauna

The application is accompanied by a flora and fauna report and an arborist report.

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

The site is identified falling within a geotechnical hazard area. These matters have been addressed in this report and the accompanying geotechnical report.

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

i) *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The architect has responded to the client brief to provide for a dwelling of design merit that provides a high level of amenity for the future occupants whilst appropriately addressing the sites setting and maintaining the amenity of the nearby residential properties. The development will provide a quality built form outcome on the site.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

The proposed dwelling and associated works are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposal, given the constraints imposed by the sites typography and environmental characteristics.

It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling and associated works are compatible with the desired future character of the locality.
- The proposed dwelling will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of exceptional design merit, that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.