

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN
EXISTING DWELLING INCLUDING A NEW SWIMMING POOL,
GARAGE AND DRIVEWAY**

LOCATED AT

49 BINBURRA AVENUE, AVALON BEACH

FOR

WILL KILOH



**Prepared
March 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by THW Architects, Project No. 179, and Drawing No. 00 – 03, 10-13, 20, 100 - 107, Issue B, dated 4 March 2021, prepared on behalf of Will Kiloh to detail the construction of additions and alterations to the existing dwelling, including a new swimming pool, garage and driveway at **49 Binburra Avenue, Avalon Beach**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan*

2.0 Property Description

The subject allotment is described as 49 Binburra Avenue, Avalon Beach, being Lot 53 within Deposited Plan 22275 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is identified as Geotechnical Hazard H1 on Council's Geotechnical Hazard Map. Accordingly, a Geotechnical Report has been prepared by Accordingly, a Geotechnical Report has been prepared by White Geotechnical Group, Ref No. J3241, dated 8th March 2021.

The site is identified as Bushfire Prone Land. Accordingly, a Bushfire Report has been prepared by Accordingly, a Bushfire Report has been prepared by The Fire Consultants, dated 22 February 2021.

The site is identified within the Class 5 Acid Sulfate Soils Area and is affected by Biodiversity. These matters will be discussed further within this submission.

There are no other identified hazards affecting the land.

3.0 Site Description

The property is located on the north-western, lower side of Binburra Avenue and is irregular in shape. The site has a frontage to Binburra Avenue of 18.965m, and north-eastern and south-western side boundaries of 28.92m and 33.59m respectively. The rear, western boundary measures 19.14m. The site has a total area is 588.1m².

The falls away from the street towards the rear boundary, with a total fall of approximately 7.4m over its length. Stormwater from the site is dispersed within the rear yard.

The land is currently developed with a one and two storey weatherboard dwelling with a tile roof. An attached carport has until recently been sited adjacent to the south-western side of the dwelling and driveway access remains via an existing concrete driveway from Binburra Avenue.

The details of the existing site levels are indicated within the Survey Plan prepared by Wumara Group, Reference No. 261020DF4 dated 10 October 2020.

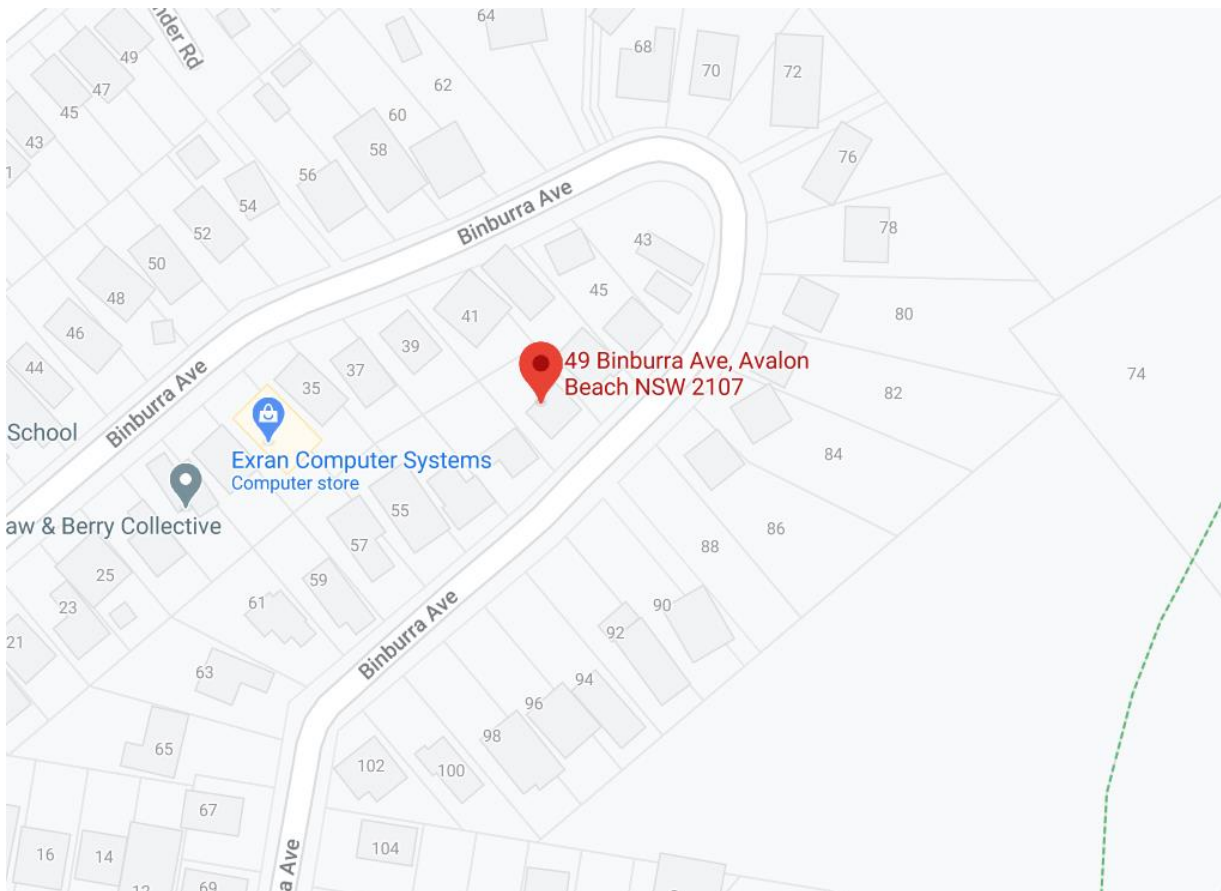


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of the subject site, looking north-west from Binburra Avenue



Fig 3: View of the adjoining development to the north-east at No 47 Binburra Avenue



Fig's 4 & 5: Views of the adjoining developments to the south-west at No's 51 & 53 Binburra Avenue respectively



Fig's 6 & 7: Examples of car parking structures within the front setback in the vicinity of the subject site at No's 55 & 59 Binburra Avenue, respectively

4.0 The Surrounding Environment

The general vicinity of the site is characterised by one and two storey residential developments within landscaped settings. The surrounding dwellings enjoy district views towards North Avalon.

Surrounding the sites are single residences, with a variety of styles and scales of development. As indicated on the aerial photograph, swimming pools are not uncommon in the locality.

Given the slope of the land away from the roadway in this immediate locality, car parking structures within the front setback are common and provided either in the form of open carports for as enclosed double garages.

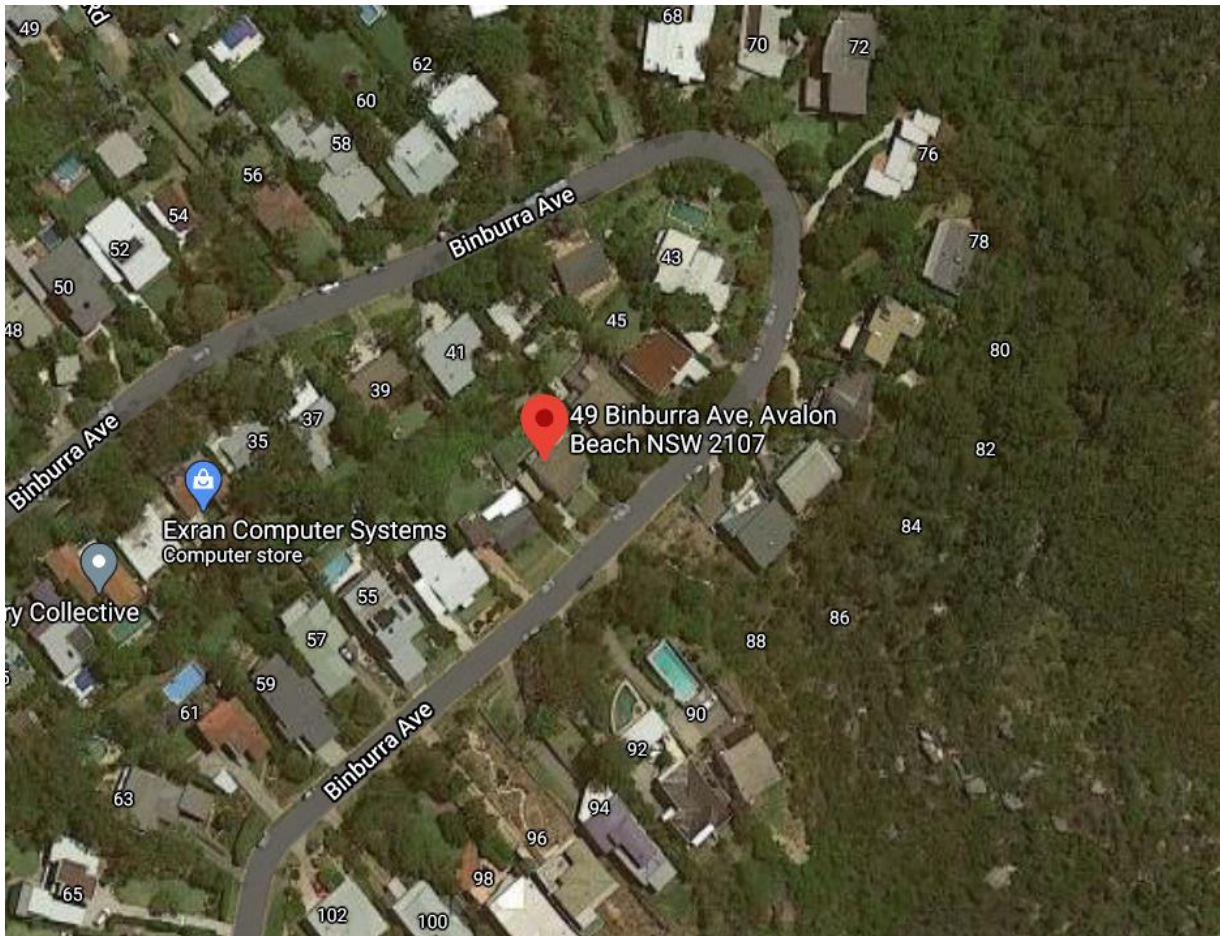


Fig 8: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, it is proposed to provide for the construction of alterations and additions to the existing dwelling, which comprise the following works:

Ground Floor Level

- Alterations and additions to existing ground floor level to provide for new rumpus, storage, laundry, bathroom, three bedrooms and internal access stairs to upper level

First Floor Level

- Alterations and additions to existing first floor level to provide for entry stairs and patio, mud room, open plan living and kitchen, master bedroom with walk-in robe and ensuite, bedroom, bathroom, and extension of existing timber deck

External Works

- Attached double garage and driveway
- New swimming pool

The proposed alterations and additions are modest in bulk and scale and will complement the existing locality. The new works will present a single storey height and scale to the street, with a maximum ridge height of RL 56.200, which is consistent with the existing ridge level of RL 56.20.

The proposal will utilise complementary external colours and finishes to complement the existing dwelling, which are detailed in Sheet A 106-B.

A long section through the proposed driveway has been provided as Sheet A 103-B to confirm access levels in accordance with Council's requirements.

The proposal will not require the removal of any significant vegetation to accommodate the proposed works.

The development indices for the proposal are summarised as:

Site Area:	588.1m ²
Required soft landscaped area:	60% or 352.86m ²
Proposed soft landscaped area:	56.3% or 298.24m ² (excl. 6% impervious surfaces area allowance – see DCP discussion)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 Pittwater Local Environmental Plan 2014

The site is zoned E4 Environmental Living under the provisions of the PLEP 2014.

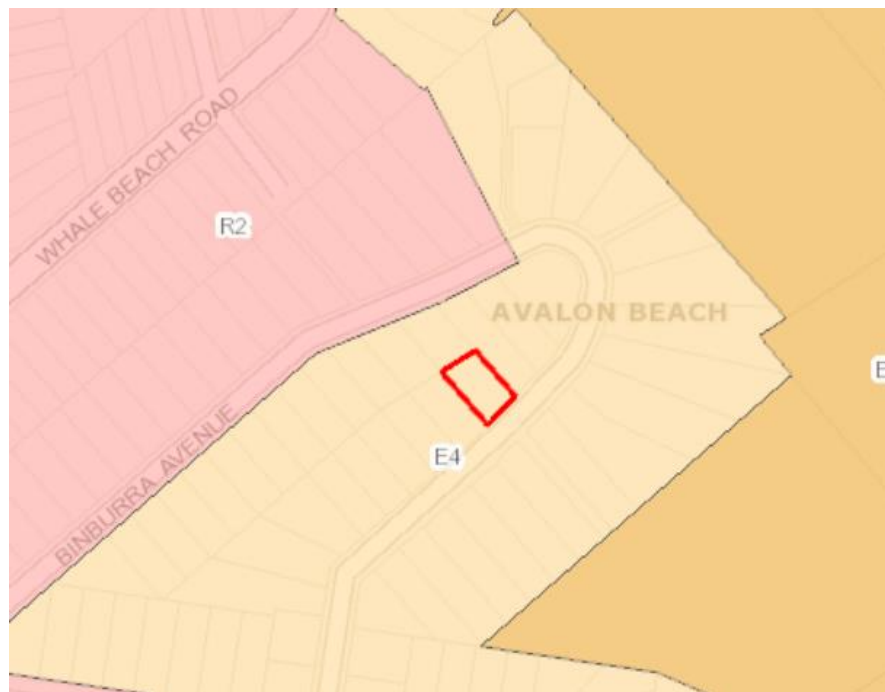


Fig 9: Zoning extract – Pittwater LEP 2014

The development of and use of the land for residential purposes within the E4 Environmental Living Zone is consistent with the zone objectives, which are noted as:

- *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*

It is considered that the proposed alterations and additions to the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The proposal provides for the construction of alterations and additions to an existing dwelling, which will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Avalon is 8.5m. The proposal provides for a maximum height of up to approximately 8.36m in height and therefore complies with this control.

Clause 7.1 relates to acid sulfate soils. The site has been identified as being within the Class 5 Acid Sulfate Soils Area. The proposal will not see any substantial excavation of the site and it is therefore not anticipated that any acid sulfate soils will be encountered.

Clause 7.2 relates to earthworks. The proposal will not require any major earthworks. Accordingly, a Geotechnical Report has been prepared by White Geotechnical Group, Ref No. J3241, dated 8th March 2021.

The works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers, and will therefore satisfy the provisions of this clause.

Clause 7.6 – Biodiversity

The site is identified on Council's Biodiversity Map.

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

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

The proposal provides for alterations and additions which are largely sited over the existing building footprint. The new works will not require the removal of any significant vegetation.

A suitable area of soft landscaping is retained.

The proposal is not considered to result in any adverse effects on native flora or fauna within the locality. The proposal is in keeping with the desired outcomes of this clause.

Clause 7.7 – Geotechnical Hazards

The site is noted on Council's Geotechnical Hazard Map as "W Hazard H1". Accordingly, a Geotechnical Report has been prepared by Accordingly, a Geotechnical Report has been prepared by White Geotechnical Group, Ref No. J3241, dated 8th March 2021.

No other clauses of the LEP apply to the subject development.

6.4 Pittwater 21 Development Control Plan 2014

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D Avalon Beach Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

6.4.1 Shaping Development – Desired Character

The desired outcomes for the Avalon Beach Locality, in which this site falls, are as follows:

A4.1 Avalon Beach Locality

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. Vehicular and pedestrian access into and through the locality is good. Pedestrian links, joining the major areas of open space (Angophora Reserve, Stapleton Park and Hitchcock Park) and along the foreshores, should be enhanced and upgraded. Similarly, cycle routes need to be provided through the locality. Carparking should be provided on site and where possible integrally designed into the building.

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 natural landscape of Careel Bay, including seagrasses and mangroves, will be conserved. Heritage items and conservation areas indicative of early settlement in the locality will be conserved, including the early subdivision pattern of Ruskin Rowe.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of alterations and additions to an existing dwelling, which is consistent with the scale and style of the newer development in the vicinity.

The proposal will not require the removal of any significant vegetation.

A suitable area of soft landscaping will be maintained, with the remaining plantings on site to assist with softening the built form of the development.

The proposal has been designed to reflect the existing setbacks provided to all boundaries existing in the immediate area.

The building materials and colours will harmonise with the natural environment and will not detract from the existing locality.

6.4.2 Section B General Controls

The General Controls applicable to the proposed works are summarised as:

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The proposal will not require any major earthworks. A Geotechnical Investigation has been prepared by White Geotechnical Group, Report No J3241 dated 8 March 2021.

The report prepared by White Geotechnical Group does not identify any hazards surrounding the site and therefore it is suggested that further bluff stability assessment is not required.

Accordingly, subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

B3.2 Bushfire Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The site is identified as Bushfire Prone Land. Accordingly, a Bushfire Hazard Assessment Report has been prepared by The Fire Consultants, dated 22 February 2021.

The Hazard Assessment Report notes that the site is subject to a BAL 19 rating and provides recommendations to be observed during the construction.

The Conclusion to the assessment notes that the development will provide for a satisfaction level bushfire safety to the property and satisfy the requirements of the RFS and is Council's obligations.

B4.4 Flora and Fauna Habitat Enhancement Category 2 Land and Wildlife Corridor

The controls seek to achieve the outcomes:

Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats. (En)

The proposal will not require the removal of any significant vegetation.

A suitable area of soft landscaping will be maintained, with the remaining plantings on site to assist with softening the built form of the development.

B5.15 Stormwater

The controls seek to achieve the outcomes:

Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;

Minimise the risk to public health and safety;

Reduce the risk to life and property from any flooding and groundwater damage;

Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.

Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle

Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources

Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.

The proposed works are largely within the existing building footprint and will not see any significant change to the site conditions. The new works and roof areas will be connected to the existing system which disperses stormwater within the rear yard of the site and given the minor increase in the total site coverage, the retention of the existing facility is considered to be reasonable.

B6.1 Access driveways and works on the Public Road Reserve

The controls seek to achieve the outcomes:

Safe and convenient access. (S)

Adverse visual impact of driveways is reduced. (En)

Pedestrian safety. (S)

An effective road drainage system. (En, S)

Maximise the retention of trees and native vegetation in the road reserve. (En, S)

The site will provide for the construction of alterations and additions to an existing dwelling, including a new driveway and garage.

A new crossing and layback will be for suitable access to the property in accordance with Council's controls, with the driveway long section information provided to confirm that the access will be designed and constructed in accordance with Council standards..

B6.2 Internal Driveways – Low Density Residential

The controls seek to achieve the outcomes:

- Safe and convenient access. (S)*
- Reduce visual impact of driveways. (S)*
- Pedestrian safety. (S)*
- An effective road drainage system. (En, S)*
- Maximise the retention of trees and native vegetation.*
- Reduce contaminate run-off from driveways.*

The proposal will provide a new driveway and crossing to facilitate access to the new garage. The proposed driveway is considered to provide safe access for the dwelling's occupants.

B6.3 Off-street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

- Safe and convenient parking (En,S)*

The controls require a minimum of 2 parking spaces for a dwelling with 2 bedrooms or more. The proposal seeks to provide for a new double garage which complies with the provisions of this clause.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

- Site disturbance is minimised. (En)*
- Excavation and construction not to have an adverse impact. (En)*
- Excavation operations not to cause damage on the development or adjoining property. (S)*

The proposal will not require any substantial excavation to accommodate the proposed works. Accordingly, the proposal is accompanied by a Geotechnical Investigation prepared by White Geotechnical Group, Report No J3241 dated 8 March 2021, which is considered to address the provisions of this clause.

In addition, the works will be carried out in accordance with the recommendations of a qualified Structural Engineer.

B8.2 Construction & Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)

Reduction of waste throughout all phases of development. (En)

Public safety is ensured. (S)

Protection of the public domain. (S, En)

As required, appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties.

B8.3 Construction & Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

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

As required, appropriate waste management controls will be implemented throughout construction.

6.4.3 Section C Development Type Controls

The Development Controls applicable to the proposed development and are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcome:

- A built form softened and complemented by landscaping. (En)*
- Landscaping reflects the scale and form of development. (En)*
- Retention of canopy trees by encouraging the use of pier and beam footings. (En)*
- Development results in retention of existing native vegetation. (En)*
- Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*
- Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*
- Landscaping enhances habitat and amenity value. (En, S)*
- Landscaping results in reduced risk of landslip. (En, Ec)*
- Landscaping results in low watering requirement. (En)*

The proposal will not require the removal of any significant vegetation.

The proposal will retain a suitable area of soft landscaping on site, and the site will maintain its contribution to the landscaped character of the locality and is therefore considered to maintain consistency with the provisions of this clause.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (S, Ec)*
- Inform applicants of Council's requirements for crime and safety management for new development. (S)*
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*
- Identify crime and safety priority areas in Pittwater LGA (S, Ec)*
- Improve community safety and reduce the fear of crime in the Pittwater LGA (S)*
- Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)*

The site will retain the opportunity to view the driveway and street area with casual surveillance of the immediate area available.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views amongst dwellings. (S)
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. (S)
Canopy trees take priority over views. (En, S)

The proposal provides for the construction of alterations and additions to an existing dwelling, which steps appropriately with the sloping topography of the site.

The primary outlook of the subject and surrounding dwellings is to the north-west comprising district views of North Avalon and towards Pittwater. The proposal will maintain the existing ridge height of the dwelling, and maintains a modest bulk and scale.

Uphill properties are substantially elevated above the subject dwelling and will therefore retain their primary views over the proposed new roof form.

C1.4 Solar Access

The controls seek to achieve the outcomes:

Residential development is sited and designed to maximise solar access during mid-winter. (En)
A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)
Reduce usage and/dependence for artificial lighting. (En)

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

The proposal is accompanied by shadow diagrams (Drawing No. 104 & 105) which demonstrate the proposed overshadowing which occurs as a result of the new works.

Due to the north-western orientation of the subject site and neighbouring properties, together with the design bulk and scale of the new works, suitable solar access will be maintained to the internal and external living areas of neighbouring properties and therefore satisfy Council's solar access requirements.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)

A sense of territory and safety is provided for residents. (S)

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The proposed new works have been designed to minimise opportunities for overlooking. No window openings are provided within the north-eastern elevation of the first floor living area. Privacy screening is provided along the southern elevation of the new rear deck extension.

The proposed pool is sited at a low level within the rear yard and is suitably set back from the site's boundaries, to minimise any potential privacy impacts.

The new works to the dwelling will not unreasonably overlook the neighbours, with the existing levels of amenity enjoyed by the neighbours to be largely maintained.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)

Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or recreation areas (S)

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, there will not be any significant impact on the surrounding locality in terms of acoustic privacy. The works will maintain the current ample separation to living areas of adjoining properties, thereby maintaining existing levels of acoustic privacy. The proposed pool equipment will be contained in a sound attenuating enclosure.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)

Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)

Private open space receives sufficient solar access and privacy (En, S).

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation. The proposal retains the existing areas of private open space which enjoy good solar access.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

Waste facilities are accessible and convenient and integrate with the development. (En)

Waste facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment. (En, S)

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials. There is sufficient area surrounding the garage for on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)

Compliance with Swimming Pools Act 1992 and Regulations (En, S)

Swimming pool fencing and warning notices are to be provided in accordance with the *Swimming Pools Act 1992* and regulations. Suitable fencing is to be provided in accordance with the relevant requirements.

6.4.4 Section D Design Criteria

The **D1 Avalon Beach Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D1 Avalon Beach Locality** is provided below:

D1.1 Character as viewed from a public place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)

To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)

High quality buildings designed and built for the natural context and any natural hazards. (En, S)

Buildings do not dominate the streetscape and are at 'human scale'.

To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows, modulation of wall and roof planes, spatial separation, landscaping etc.

The proposal will provide for the construction of alterations and additions which will maintain a bulk and scale which is in keeping with existing surrounding development.

Views to the north will be retained for the neighbouring dwellings.

The setbacks provided reflect the setbacks of the adjoining properties.

The proposed additions to the dwelling are well articulated to provide visual interest and reduce bulk when viewed from the streetscape. In addition, the existing and proposed landscaping will ensure that the proposed works will be interspersed with the natural landscape setting.

D1.4 Scenic protection - General

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)

The proposal will not see a substantial increase in the bulk and scale of the existing dwelling. The character and extent of the new works maintains consistency with that of existing surrounding development.

The proposal will not see the removal of any significant vegetation, and the existing vegetation will assist with softening and screening the built form of the development.

The proposal will minimise visual impact and is considered to be in keeping with the provisions of this clause.

D1.5 Building Colours, Materials and Construction

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape. (S)

To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

An informal beachside appearance of the Avalon Beach Village. (S, Ec)

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

It is considered that the development is appropriate as the proposal will utilise finishes and colours which are compatible with the DCP, existing building finish and the surrounding properties.

D1.8 Front Building Line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)
The amenity of residential development adjoining a main road is maintained. (S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
Vehicle maneuvering in a forward direction is facilitated. (S)
To encourage attractive street frontages and improve pedestrian amenity.
To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment

The control to achieve this outcome is to provide a setback of 6.5m, or the established building line to the street frontage.

The dwelling maintains a minimum front setback of 7.25m and therefore complies with this control.

The proposal will see the removal of the existing carport and construction of a new garage in a similar location. The proposed garage will stand 2.9m from the front boundary, and therefore does not comply with this control.

Compliance with this control is constrained by the sloping topography of the site and location of existing development, which limits opportunities for provided off-street car parking that complies with Council's front setback control.

The proposed garage is modest in bulk and scale and will not be a visually dominant feature within the Binburra Avenue streetscape. There are number of other examples of car parking structures within the front setback the near vicinity , as noted in Figures 6 & 7, and in this regard, the proposal is compatible with the surrounding development pattern.

The proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.

D1.9 Side and rear building line

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)
The bulk and scale of the built form is minimised. (En, S)
Equitable preservation of views and vistas to and/or from public/private places. (S)
To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.
To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)
Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)
Flexibility in the siting of buildings and access. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)
To ensure a landscaped buffer between commercial and residential zones is established. (En, S)

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m for at least one side and a minimum of 1.0m setback for the other side.

The proposal will stand a minimum of 3.8m from the north-eastern side boundary to the upper level works, and a minimum of 795mm from the south-western side boundary to the existing south-western corner of the main bedroom.. The proposed south-western setback therefore presents a minor variation to this control.

The portion of the development that does not meet the side setback control comprises a small existing point encroachment only. The remainder of the development readily complies with the setback control, and the north-eastern side setback substantially exceeds the minimum requirement.

The window openings provided within the south-western elevation comprise highlight and louvered windows, and accordingly suitable privacy is maintained for the southern neighbour.

The proposal has been designed to minimise overshadowing for the adjoining dwelling to the south.

The proposed works will preserve suitable amenity for neighbouring properties, and the existing landscaping will assist with softening and screening the built form of the works.

A setback of 1m applies for swimming pools and spas. The proposed pool will stand 7.2m and 1.7m from the north-eastern and south-western side boundaries respectively. The pool is set back a minimum of 1m from the rear boundary.

The articulated form of the design and the proposed setbacks are considered to be adequate in this instance and will achieve the outcomes of Clause D1.9.

D1.11 Building Envelope

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.
To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.
To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.
The bulk and scale of the built form is minimised. (En, S)
Equitable preservation of views and vistas to and/or from public/private places. (S)
To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)
Vegetation is retained and enhanced to visually reduce the built form. (En)

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

The proposal presents a minor variation to the building envelope for the south-western and southern extremities of the building, as indicated on the Analysis Elevation 1 and Analysis Section 3 (Drawing No. A 101-B).

Compliance with the building envelope control is constrained by the siting of the existing dwelling, together with the sloping topography of the site.

The proposed alterations and additions result in a development which is in keeping with the bulk and scale of existing surrounding development. The development is stepped to follow the sloping topography of the site, which disperses the visual bulk of the dwelling.

The proposal will maintain suitable solar access, amenity, and privacy for occupants of the adjoining dwellings.

Notwithstanding the minor variation with the building envelope control, the proposal will be in keeping with the desired outcomes of this clause and is worthy of support on merit.

D1.14 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

- Achieve the desired future character of the Locality. (S)*
- The bulk and scale of the built form is minimised. (En, S)*
- A reasonable level of amenity and solar access is provided and maintained. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*
- Conservation of natural vegetation and biodiversity. (En)*
- Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*
- To preserve and enhance the rural and bushland character of the area. (En, S)*
- Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)*

The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 60% of the site area.

The proposed new dwelling and associated works will provide for a soft landscaped area of 56.3% or 298.24m² excluding impervious area allowance.

With Council's 6% allowance for functional open space, a landscaped area of 63.3% is provided. The introduction of the proposed pool and associated decking will substantially improve the amenity enjoyed by the dwelling's occupants.

The works are largely contained within the footprint of the existing building, and will not see any substantial change to the existing area of soft landscaping.

The front and rear yard areas are capable of accommodating future additional plantings.

As the works achieve the objectives of this clause, the available area of soft landscaping is considered acceptable on merit.

D1.16 Fences – Flora and Fauna Conservation Areas

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

An open streetscape that allows casual surveillance of the street. (S)

Fences, where provided, are suitably screened from view from a public place. (S)

Safe and unhindered travel for native animals. (En)

To ensure fences compliment and conserve the visual character of the street and neighbourhood

To define the boundaries and edges between public and private land and between areas of different function.

To contribute positively to the public domain.

To enhance safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)

To ensure heritage significance is protected and enhanced. (S)

To ensure an open view to and from the waterway is maintained. (S)

To ensure native vegetation is retained (En).

To ensure any fencing provides for the safe and unhindered travel of native animals. (En)

The proposal will not see any changes to the existing fencing.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 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

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular, we consider that the variation to the front and side setback controls is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the side setback criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 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

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for the construction of additions and alterations to the existing dwelling, including a new swimming pool, garage and driveway, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP 2014 and the Avalon Beach Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 Submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to provide for the construction of additions and alterations to the existing dwelling, including a new swimming pool, garage and driveway, which respect and complement the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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