

Statement of Environmental Effects



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Demolish existing dwelling,

Construct a new dwelling and swimming pool &
a secondary dwelling above garage @

73 Marine Parade, Avalon

Prepared For L Courtney & M Lynch

project no	2105
date	January 2022
issue	A

1.0 INTRODUCTION

This Statement of Environmental Effects is a report that forms part of an application for development consent submitted to the Northern Beaches Council for: -

- Demolish existing dwelling and build a new 3 storey dwelling, a new garage with granny flat above
- New in-ground swimming pool

The location of the proposal is 73 Marine Parade, Avalon which currently contains a single dwelling on Lot 114, DP 8394. The site has two zonings, E4 to the land fronting the roadway and E2 to the portion of the land from the cliff face to the ocean front rock shelf with the boundary as the High-Water Mark to the Pacific Ocean.

The total site area is 1,878m² on title. The usable area of the E4 zone is 1,260m². The latter area is used for all calculations relating to LEP and DCP controls.

The site is regular in shape. The frontage has a width of 19.405m and long side boundaries of 103.63m and 102.11m.

The site slopes steeply up from the road from RL33 to RL 50 at the highest point of the land adjoining the cliff face. The average slope under the proposed building footprint is 22.8%, reaching 30% in some locations.

The site and the adjoining sites have numerous scenic views as follows:

- East to the Pacific Ocean and North East to Bangalley headland from the rear of the site.
- South East to Avalon Beach, from the centre of the site
- North West to Pittwater and Careel Bay from the centre of the site

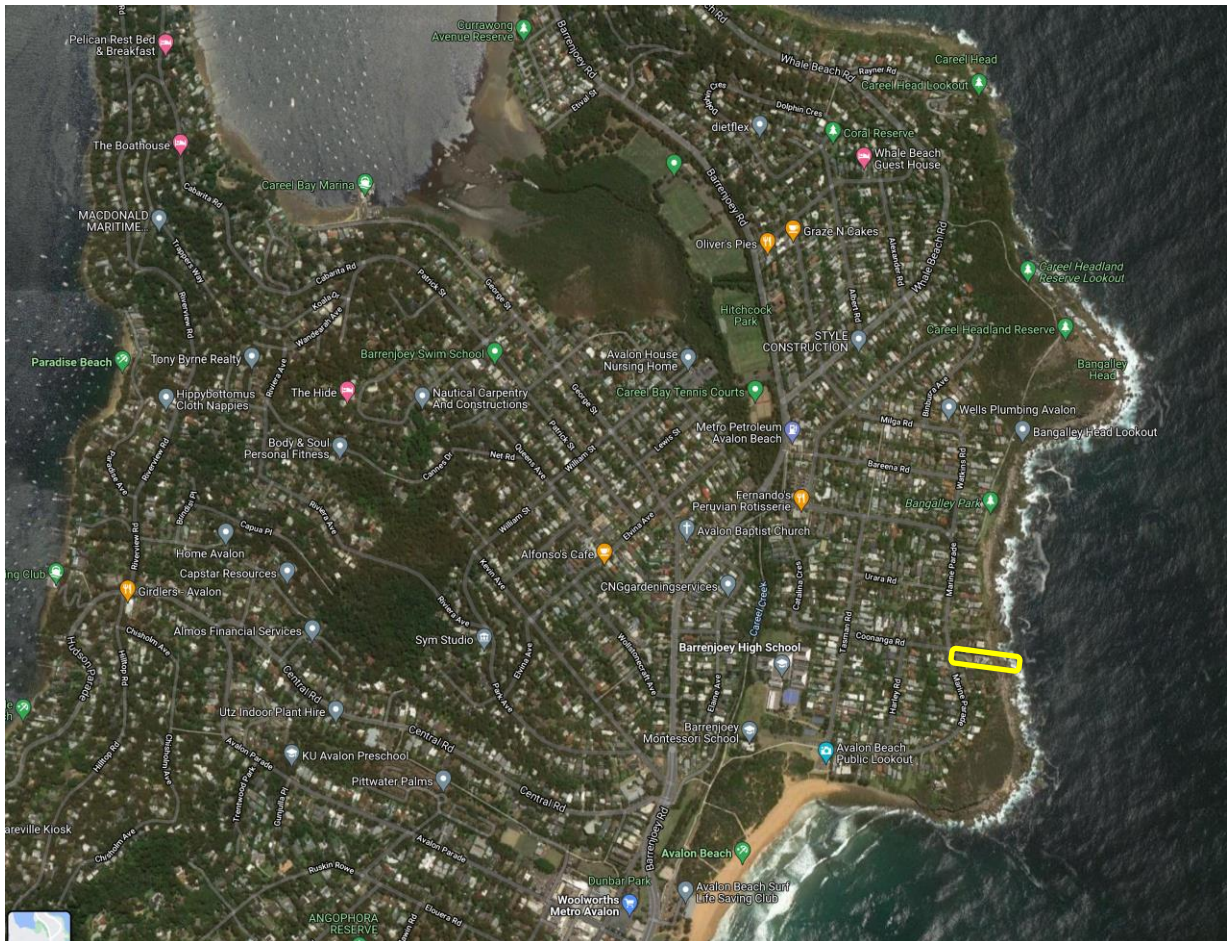


Figure 1. Aerial view of the location of the site (site outline in yellow).

2.0 THE SITE, BACKGROUND & DESIGN RESPONSE

The proposal seeks to construct a new dwelling to replace the existing dwelling, add a granny flat above a garage and a swimming pool. The design recognises the importance of views to both adjoining properties and is positioned on the site to respect this amenity.

The key features of the site are:

- The site slopes up steeply from Marine Parade
- The site and adjoining sites have scenic views to the ocean and west to Avalon Beach and Pittwater
- The site and adjoining sites have a significant established front setback

This report refers to the following accompanying documents: -

- Architectural Drawings **A.00-A.09 issue A**, Project No.2105
- Arborist Report
- BASIX certificate
- Bushfire Report
- Coastal Engineering Report
- Geotechnical Report
- Landscape Plan
- Stormwater Management Plan
- Survey

This report examines the issues of compliance with Council codes and applicable SEPP's, analyses the potential environmental impacts of the development and summarises the design opportunities that the proposal provides.

Background

A Development Application (N0309/17) on this site for Alterations & Additions to the existing dwelling was lodged with council on 19 July 2017 and subsequently withdrawn 25 October 2017.

A new Development Application (DA2017/1200) was lodged with Northern Beaches Council 13 December 2017, with deemed refusal 26 March 2018 and an appeal lodged with the Land & Environment Court of NSW. This appeal was dismissed 10 October 2018.

The primary issue of the application and the reason recommended for refusal by council was non-compliance with the Established Building Line (EBL) to the streetfront boundary with a proposed new garage structure.

The experts agreed (as noted in the judgement *Ikus Pty Ltd -v- Northern Beaches Council*) that the EBL is 19m (clause 24 of the judgement)

The application also proposed alterations to the existing dwelling plus additions higher up on the eastern portion of the site. Council had no issues with any of these parts of the application as noted in the judgement clause 19.

The proposal recognises this judgement and seeks only new works at a greater setback of 25m than the EBL.

Design Proposal

The design of the proposed new dwelling responds respectfully to the various aspects of the locality. The presentation to Marine Parade is well set back to the street front boundary and screened by existing landscape.

The dwelling is designed to step up the site and always remain below the maximum 8.5m height, as well as providing significantly larger setbacks than required in the DCP to allow adequate landscape screening between properties for privacy. The selection of landscape species is carefully done to ensure that the landscape provides the privacy and at the same time retain scenic views across side boundaries and solar access to the property to the south..



Figure 2. Image of the site from Marine Parade

The location of the top floor plan aligns closely to the positioning of the adjoining dwelling at 75 Marine Parade, to maintain the sideways views of this property to the sand on Avalon Beach, to the south west. This precise design location also affords the subject property views of Avalon Beach and Pittwater.

The setbacks from side boundaries at this upper level also maintain privacy to both adjoining properties, particularly 71 Marine Parade with the particular location of a courtyard in the centre of the south part of the site to maintain a mature fig tree. The side setback to the south is a minimum 2.5m and provides both separation, landscape screening, privacy and retention of solar access to 71 Marine Parade.

The setback at the eastern portion of the site to the north boundary is 1.5m. Although there is a breach of side boundary envelope, this setback has no impacts to the adjoining property at 75 Marine parade. This property has no windows in the upper portion of the wall to the boundary, and the location of the subject dwelling replaces an existing dense landscape screen. The breach of envelope has no impacts on views, privacy, solar access, bulk and scale and is therefore considered acceptable as the proposed dwelling presents to the rear as a single storey.

Figure 3. Proposed elevation from the Eastern ocean front boundary



3.0 PLANNING CONTROLS & COMPLIANCE

WARRINGAH LOCAL ENVIRONMENT PLAN 2011 & WARRINGAH DEVELOPMENT CONTROL PLAN

Pittwater LEP 2014

The PLEP is the principal planning instrument applicable to the land, and the relevant provisions of the LEP are assessed for the proposed development below

Zoning E4 Environmental Living &
 E2 Environmental Conservation

Zone Objectives (**response in bold**)

- *To provide for low impact residential development in areas with special ecological, scientific or aesthetic values*
The proposal is a low impact dwelling in a landscaped setting and has no impact on special values of the site
- *To ensure that residential development does not have an adverse effect on those values*
The proposed dwelling has no adverse effect on special values
- *To provide for residential development of a low density and scale integrated with the landform and landscape*
The proposal is low density as a single dwelling and integrated secondary dwelling. The proposal is well integrated to the site, stepping up the slope remaining under the height limit with significant setbacks to enhance landscape screening as well as maintaining native trees in the road reserve and front setback
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors*
The proposal seeks to retain the native trees on site and remove exotic species and replace with those to enhance the wildlife corridor and foreshore vegetation

The part of the site zoned E2 remains untouched and therefore unaffected by the proposal.

Clause 4.3 Height of Buildings

Pursuant to clause 4.3 PLEP 2014 the height of a building on any land is not to exceed 8.5 metres. The stated objectives of such control 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,*
The dwelling is consistent with the height and scale and consistent with the DFC.
- (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
The dwelling is compatible with the scale of nearby dwellings.
- (c) *to minimise any overshadowing of neighbouring properties,*
The proposal has significant setbacks to the southern adjoining site, complies with building envelope and is well under maximum height to minimise overshadowing
- (d) *to allow for the reasonable sharing of views,*
The proposal provides reasonable view sharing to adjoining dwellings
- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*
The proposal has been designed to retain the largest trees on site and to minimise excavation on a sloping site.
- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items*
The proposal is designed to blend within the landscaped setting and below the tree canopy. The proposal is not within the vicinity of any conservation area or heritage item.

The **Height of Buildings Map**, identifies the site to be within land where the height of buildings is not to exceed 8.5 metres

The proposed works have a maximum height above existing ground level of 8.45 metres at a single point only and generally remains well below the limit.

Clause 5.4 Controls relating to miscellaneous permissible uses

(9) Secondary dwellings on land other than in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever is the greater-

- a) 60 square metres,
- b) 25% of the total floor area of the principal dwelling.

Secondary dwellings are permitted within the E4 zone. Principal dwelling is approximately 285m², 25% of which equals approximately 71.25m², therefore the greater area of 71.25m² applies as a limitation.

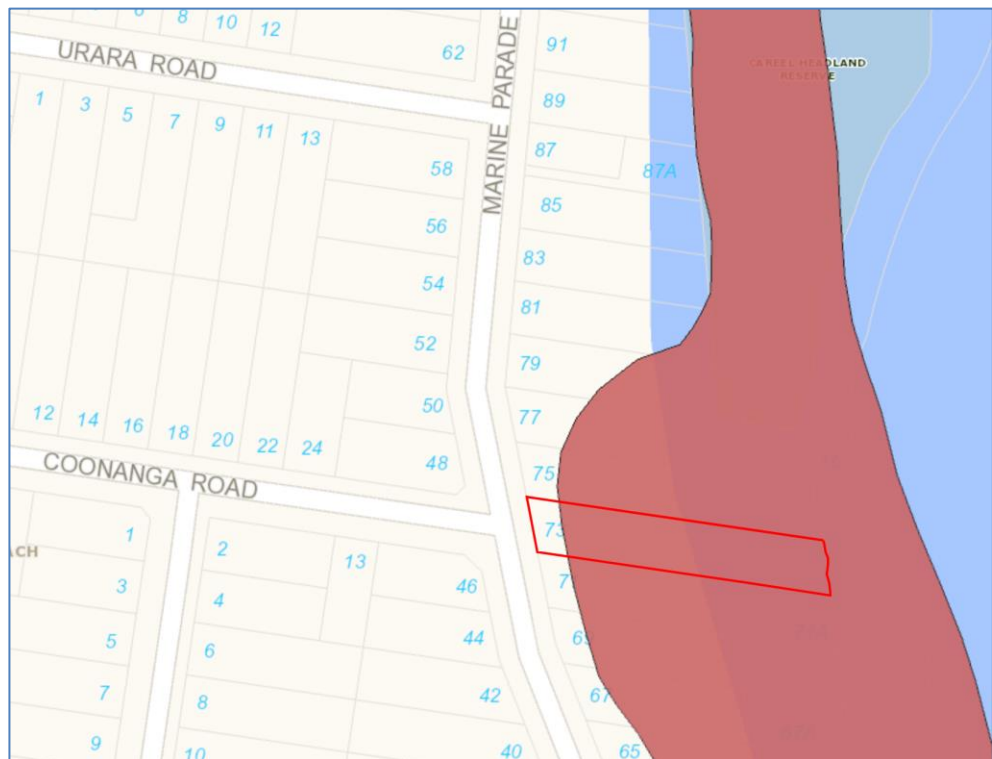
The proposed area of the granny flat above the garage is 57m². The proposal complies with this clause of the LEP.

Pittwater 21 DCP

B3.1 Landslip Hazard

Outcomes *Protection of People*
Protection of the Natural Environment
Protection of public and private infrastructure and assets

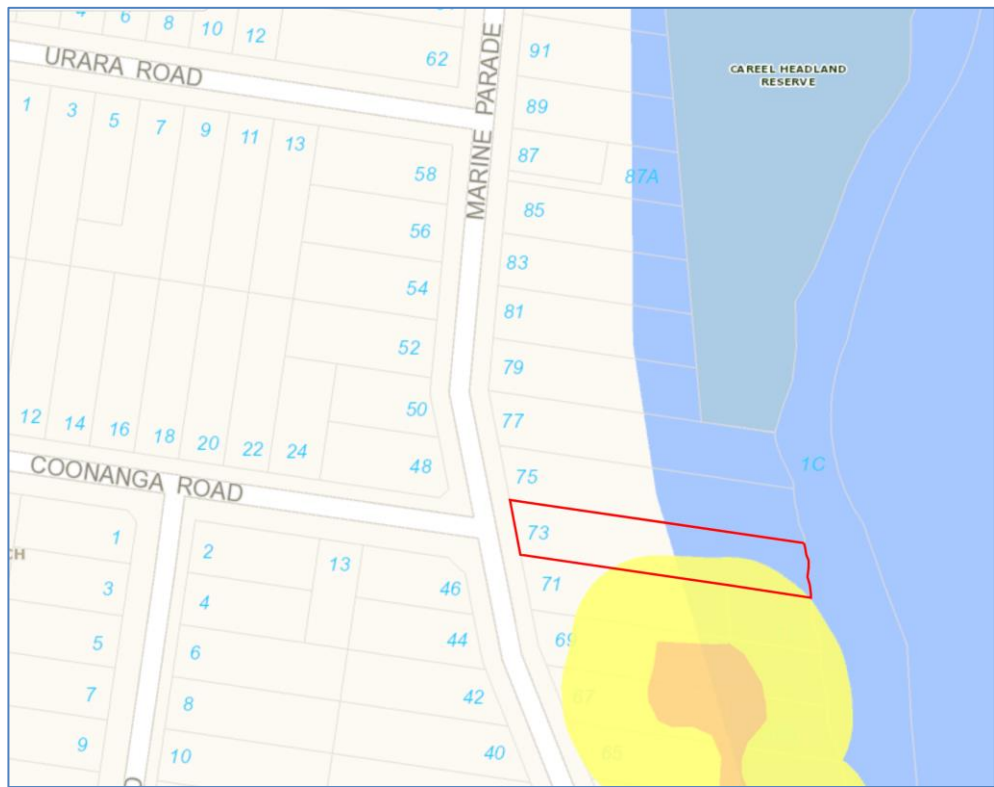
Controls The NBC Mapping extract below indicates the site within risk. A geotechnical report is submitted with the application to confirm compliance with the Geotechnical Risk Management Policy for Pittwater



B3.2 Bushfire Hazard

Outcomes *Protection of People*
Protection of the Natural Environment
Protection of public and private infrastructure and assets

Controls The NBC Mapping extract below indicates the site within risk. A bushfire risk report is submitted with the application indicating the dwelling is BAL-12.5 Zone. The materials are specified accordingly



B4 Controls Relating to the Natural Environment

- Mapping The site exists within a Biodiversity area. The area is confined to the oceanfront rockshelf in the E2 zoned part of the site.
- Controls No reports are necessary as there is no work proposed within the E2 zone and no impact from the proposed works to this area

Pittwater LEP Biodiversity Map (extract) below



The proposal complies.

B5.5 Rainwater Tanks

Outcomes	<i>Water conservation and reduction in mains water demand. (En, Ec)</i> <i>Development is compatible with Water Sensitive Urban Design principles. (En)</i>
Controls	<i>All development creating an additional hard (impervious) roof area of greater than 50m² must provide a rainwater tank for non-potable use connected to external taps for the purpose of landscape watering and car washing and a functional water reuse system including, water supply for toilet flushing and other uses as permissible under the current Code of Practice for Plumbing and Drainage.</i>

The proposed new dwelling is to a natural bushland site and therefore the entire dwelling will contribute to additional impervious area, in the 200-300m² range. Rainwater tanks are provided to comply with BASIX.

A 6,000L rainwater tank is provided under the proposed driveway in an integrated Rainwater-OSD system.

The Rainwater Tanks collect all water from the roof drainage of the new dwelling and provide re-use to WC and landscape areas. The system overflows to the OSD that discharges into McCarrs Creek Road.

The proposal complies.

B5.15 Stormwater

Outcomes	<i>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;</i> <i>Minimise the risk to public health and safety;</i> <i>Reduce the risk to life and property from any flooding and groundwater damage;</i> <i>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.</i> <i>Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle</i> <i>Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources</i> <i>Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.</i>
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Controls	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy
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A stormwater engineer has provided a Stormwater Management Plan. The proposal includes a series of rainwater tanks on the site with a total capacity of 64,000L.

The capacity of the rainwater tanks allows the deletion of any requirement for an On-Site Detention tank. Plans and calculations accompany the application to comply with the above Policy.

The proposal complies.

B6.1 Access Driveways

B6.2 Internal Driveways

B6.3 Off-Street Vehicle Parking

Outcomes	<i>To ensure safe and convenient access and parking is provided.</i> <i>Pedestrian Safety</i>
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Controls	The proposal details a new driveway with levels that comply to council's requirements and provides off-street parking for 2 cars behind the building line, using driveway profiles in Appendix 10 of the DCP
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The proposal complies.

C1.1 Landscaping

Outcomes	A built form dominated and complemented by landscaping. Landscaping that reflects the scale and form of development.
Controls	The proposal complies. The proposal includes a Landscape Plan to enhance the native species for the site including replacement canopy trees.

C1.3 View Sharing

Outcomes	Public views and vistas are protected, maintained and where possible, enhanced. Maintain reasonable sharing of views from public places and living areas.
Controls	There are no views lost as a result of the proposed new dwelling from private or public lands. The proposal complies.

C1.4 Solar Access

Outcomes	<i>Residential development is sited and designed to maximise solar access during mid-winter. A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. Reduce usage and/dependence for artificial lighting.</i>
Controls	The proposal is accompanied by shadow diagrams. These demonstrate compliance with the controls for maintaining solar access to adjoining properties. The proposal complies.

C1.5 Visual Privacy

Outcomes	<i>Habitable rooms and outdoor areas shall achieve and maintain visual privacy.</i>
Controls	The proposal has been designed to minimise overlooking into living areas and private open spaces too adjoining residential sites across the side boundaries. The proposal complies.

D1 Avalon Beach Locality

D1.1 Character As Viewed From A Public Place

Outcomes	<i>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 form and natural environment. To enhance the existing streetscapes and promote a scale and density that is in scale 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. High quality buildings designed and built for the natural context and any natural hazards. To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.</i>
Controls	The location of the site with topography sloping up from the street, exposes the entire façade to the Streetscape. This façade is carefully designed and detailed to comply with all controls and objectives. The proposed new dwelling provides a façade that includes an entry feature, windows, verandas and recessed architectural elements, recessed and projecting architectural elements and a balcony with a planter box over the garage door. The proposal complies.

D1.4 Scenic Protection

Outcomes *Achieve the desired future character of the locality*
Bushland landscape is the predominant feature of Pittwater with the built form being secondary component of the visual catchment

Controls The proposal satisfies all controls of D1.4.

D1.5 Building Colours, Materials and Construction

Outcomes *The development enhances the visual quality and identity of the streetscape.*
To provide attractive building facades which establish identity and contribute to the streetscape.
To ensure building colours and materials compliments the visual character of its location with the natural landscapes of Pittwater.
The colours and materials of the development harmonise with the natural environment.
The visual prominence of the development is minimised.
Damage to existing native vegetation and habitat is minimised.

Controls The proposal satisfies all controls of D1.5 with the colours and materials as presented in the colour and finishes schedule.

D1.8 Front Building Line

Outcomes *Achieve the desired future character of the Locality.*
The amenity of residential development adjoining a main road is maintained.
Vegetation is retained and enhanced to visually reduce the built form.
Vehicle manoeuvring in a forward direction is facilitated.
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.

Controls The controls require that *'The minimum front building line shall be 6.5m, or established building line, whichever is the greater'*.

The Established Building Line is 19m (determined by the L&E case of a previous application on the site).
The proposed setback is 25m. The proposal complies.

D1.9 Side and Rear Building Line

Outcomes The proposal satisfies all outcomes of D1.9
Achieve the desired future character of the Locality.
The bulk and scale of the built form is minimised
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
Substantial landscaping, a mature tree canopy and an attractive streetscape
Flexibility in the siting of buildings and access
Vegetation is retained and enhanced to visually reduce the built form

Controls The controls require that the minimum setback is 2.5m for at least one side and 1m for the other and 6.5m to the rear or foreshore building line.

The proposal has a minimum setback to the north side boundary of 1.5m, and a minimum setback to the south side boundary of 2.5m

The proposal complies.

D1.11 Building Envelope

Outcomes	<p>The proposal satisfies all outcomes of D1.11</p> <p><i>To achieve the desired future character of the Locality. (S)</i></p> <p><i>To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.</i></p> <p><i>To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.</i></p> <p><i>The bulk and scale of the built form is minimised. (En, S)</i></p> <p><i>Equitable preservation of views and vistas to and/or from public/private places. (S)</i></p> <p><i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)</i></p> <p><i>Vegetation is retained and enhanced to visually reduce the built form. (En)</i></p>
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Controls	<p>The controls require that 'Buildings are to be sited within an envelope projected at 45 degrees from a height of 3.5m above natural ground level at the side boundaries....'.</p>
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The proposal complies generally with the building envelope for a sloping site, with one area of non-compliance in the north east corner. The building envelopes are shown on elevations.

The area of non-compliance has no adverse impacts to the adjoining property at 75 Marine Parade as demonstrated earlier in this report on page 4. The dwelling at 75 Marine has no windows in the upper portion of the south wall facing the boundary, and the location of the subject dwelling replaces an existing dense landscape screen. The breach of envelope has no impacts on views, privacy, solar access, bulk and scale and is therefore considered acceptable as the proposed dwelling presents to the rear as a single storey.

A variation to the policy is sought.

Justification for the variation is provided by compliance with the outcomes of this policy:

- The proposal achieves the Desired Future character of the locality.
- The proposal has no impact on streetscape, but provides a building scale and density below the tree line
- The proposal is sensitive to the spatial characteristics of the existing environment
- Bulk and scale is minimized with the single storey nature of the dwelling in the breach location
- The proposal has no impact on views from any private or public lands
- The proposed area of non-compliance maintains privacy, amenity, and solar access. The area of non-compliance is relatively small in consideration of the narrow site and extreme slope.

The proposal warrants a variation to policy and should be supported for approval.

D4.10 Landscaped Area – Environmentally Sensitive Land

Outcomes	<p><i>Achieve the desired future character of the Locality.</i></p> <p><i>The bulk and scale of the built form is minimised.</i></p> <p><i>A reasonable level of amenity and solar access is provided and maintained.</i></p> <p><i>Vegetation is retained and enhanced to visually reduce the built form.</i></p> <p><i>Conservation of natural vegetation and biodiversity.</i></p> <p><i>Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.</i></p> <p><i>Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.</i></p>
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Controls	<p>The site is identified within Area 1 of the Landscaped Area map. The control requires a minimum of 60% of the site shall be landscaped area.</p>
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The portion of the site zoned E4 has an area of 1,276m² and this area is subject to the landscape ratio. The E2 zoned part of the site is not included in the site area or landscaped area, as this part of the site is undeveloped.

The proposed landscape area is 733m² or 57.4%.

The proposal also contains an area of *Impervious Landscape Treatment* at the eastern rear of the property by way of an operable roof pergola over paved area surrounding the pool.

This area is 60m² or 4.7%.

The proposal seeks to include the variation to achieve a total of 793m² Landscaped Area equal to 62.4%.

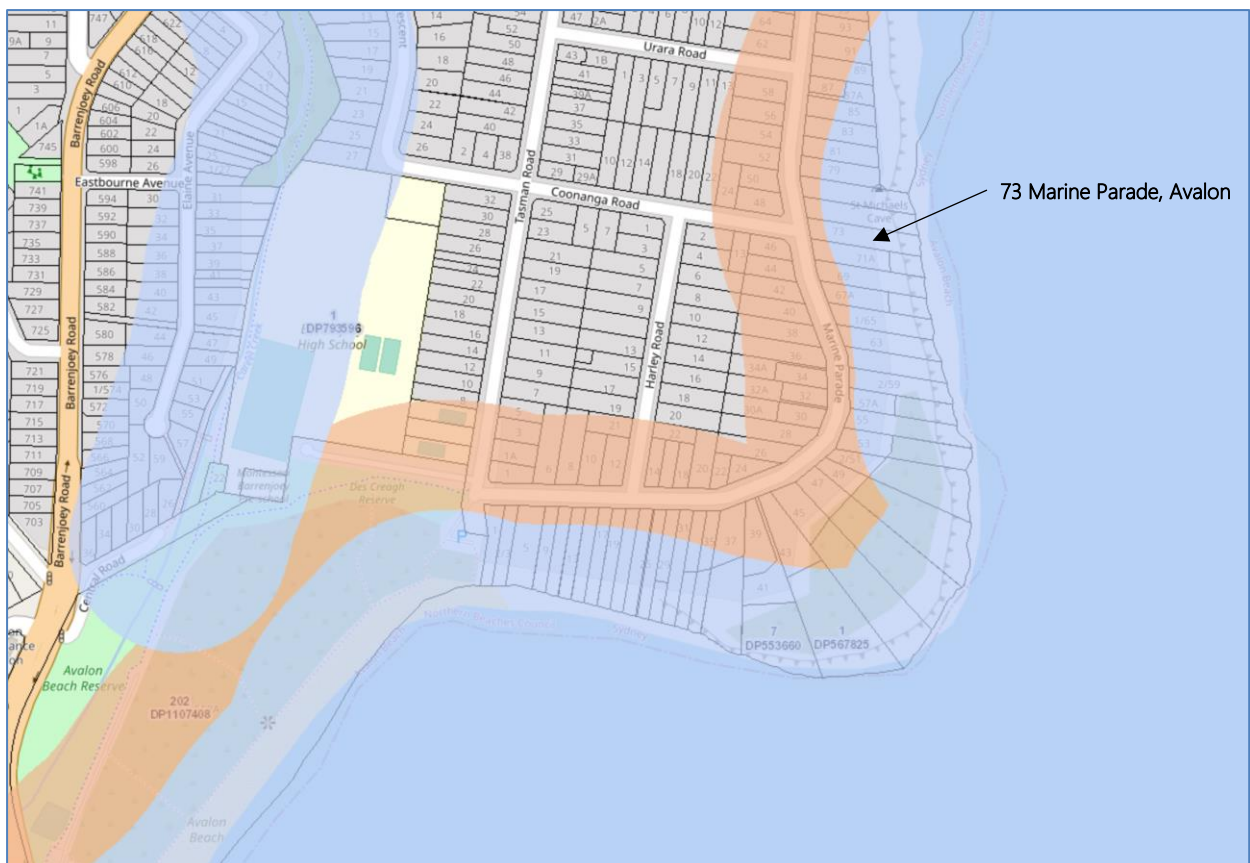
The variation is justified by achieving the outcomes of this policy as follows

- The desired future character is achieved as a low scale dwelling in a landscaped setting
- Bulk and scale is minimised through articulation in the design, varying setbacks and integration to the landscape screening
- The proposal maintains amenity and solar access,
- Vegetation is enhanced through the inclusion of landscaping,
- The proposal retains natural vegetation
- Stormwater runoff is sensitively managed through excessive Rainwater storage and the elimination of OSD systems, preventing erosion
- Soft surfaces are maximised with hard surface decks designed above habitable rooms and not terracing the landscape

The proposal satisfies the outcomes and should therefore be supported for approval.

Coastal Management Act 2016

The Coastal Management Act 2016 (The Act) applies to the land, as the land is identified on mapping within the SEPP (Coastal Management) 2018 (The SEPP). The SEPP identifies the site in both the *Coastal Environment Area Map*, and the *Coastal Use Map* as shown below and as such, clauses 8 and 9 of the Act are relevant to this application.



The objectives in the act align with the considerations that must be given by councils in The SEPP, and have been taken into consideration in the design of this application as follows:

Clause 8 Coastal Environment Area

- 2) *The management objectives for the coastal environment area are as follows:*
- a) *to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity*
 - b) *to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change*
 - c) *to maintain and improve water quality and estuary health*
 - d) *to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons*
 - e) *to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place*
 - f) *to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms*

The proposal being totally within the site and on private land, with all works above MHWM, has no impact on items a), b), c). The proposal has no effect on the social values of the waterway with a new dwelling to a property that is partially seen from the ocean. The proposal has no impact upon the ability for residents to partake in social and cultural values of the waterway.

The proposal has no impact to item e) as it is not fronting a beach or dunes, and the proposed works are setback beyond the foreshore building line.

The proposed development achieves the objectives of The Act.

Clause 9 Coastal Use Area

- 3) *The management objectives for the coastal use are as follows:*
- a) *to protect and enhance the scenic, social and cultural values of the coast by ensuring that:*
 - (i) *the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast, and*
 - (ii) *adverse impacts of development on cultural and built environment heritage are avoided or mitigated, and*
 - (iii) *urban design, including water sensitive urban design, is supported and incorporated into development activities, and*
 - (iv) *adequate public open space is provided, including for recreational activities and associated infrastructure, and*
 - (v) *the use of the surf zone is considered*
 - b) *to accommodate both urbanised and natural stretches of coastline*

The proposal is consistent in type, bulk and scale to surrounding development and there are no adverse impacts of the development proposed as a new dwelling.

The location is non-urban nor within a surf zone and these items are not applicable to the assessment. The proposal is within private land and this item is also not applicable. The proposal has no impact on the natural stretch of the waterway as the property.

The proposed development achieves the objectives of The Act.

State Environmental Planning Policy (Coastal Management) 2018

The SEPP mapping identifies the site as falling within the area assessable under the Coastal Management SEPP. The site is shown within the *Coastal Environment Area Map*, and the *Coastal Use Map* (extract above).

For the purposes of assessment of this application, the relevant SEPP clauses are 13, 14, 15 with discussion below. As the land is identified within the *Coastal Environment Area Map*, the following clause applies:

13 Development on land within the coastal environment area

- 1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and*
 - b) *ecological environment,*
 - c) *coastal environmental values and natural coastal processes,*
 - d) *the water quality of the marine estate (within the meaning of the Marine Estate*
 - e) *Management Act 2014), in particular, the cumulative impacts of the proposed development*
 - f) *on any of the sensitive coastal lakes identified in Schedule 1,*
 - g) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands*
 - h) *and rock platforms,*
 - i) *existing public open space and safe access to and along the foreshore, beach, headland or*
 - j) *rock platform for members of the public, including persons with a disability,*
 - k) *Aboriginal cultural heritage, practices and places,*
 - l) *the use of the surf zone.*

The site is located within the coastal environment area. The proposal to build a new dwelling on oceanfront land. The interface with the ocean is a cliff face and the dwelling is setback from the cliff beyond the foreshore building line.

None of the works proposed will cause any adverse impacts to items a) to l) above as the works are wholly contained within the subject site and do not extend into the waterway. The proposed new dwelling, with no greater visual impact on the coastal area.

The proposed works being completely contained on private land, do not have an impact on public foreshore access, coastal processes or are within the vicinity of any known Aboriginal heritage sites.

- 2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that*
 - a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1),*
or
 - b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to*
minimise that impact, or
 - c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposed development is located entirely within the property boundaries on private land, and a new dwelling involves no material change to the cliff front setting to the Pacific Ocean. As such the proposed development does not result in any unacceptable impact to the processes of the ocean, public foreshore access, Aboriginal heritage or native vegetation.

Council can be satisfied that the proposed new dwelling on the site will achieve compliance with this clause of the SEPP.

As the land is identified within the *Coastal Use Map*, the following applies:

14 Development on land within the coastal use area

- 1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public,*
including persons with a disability,
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
 - b) *is satisfied that*
 - (i) *the development is designed, sited and managed to avoid an adverse impact referred to in paragraph (a), or*

- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development*

The proposed development is consistent with the character, bulk and scale of the locality with a dwelling of similar scale to those adjoining and near the site. The proposal has no impact upon foreshore vegetation. No Aboriginal heritage sites are located within the vicinity of the development and public access to the foreshore is not affected as the works are wholly contained within private land.

The development does not result in any additional overshadowing to the foreshore area or impact upon any views to the foreshore from the public domain. The ocean cannot be seen from the street front, and the proposal cannot be seen from the rock shelf as part of this land in the E2 zone. Council can be satisfied that the proposal to a new dwelling will achieve compliance with this clause of the SEPP.

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

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

A Coastal Engineering report has been prepared to accompany the development application. The report considers the location of the site and “Bluff/Cliff Instability” within the site fronting the Pacific Ocean.

5.0 CONCLUSION

The proposal to construct **a new dwelling, swimming pool and detached granny flat above garage** at 73 Marine Parade, Avalon as submitted is permissible with the consent of Council. The development is consistent with the provisions of the Pittwater LEP 2014 and responds to the relevant DCP controls and outcomes and provides assessment under the requirements of the Coastal SEPP.

The proposal is in keeping with the Desired Future Character statement for the area. The development will provide a positive contribution to the locality. The proposal will not have any unacceptable adverse environmental effects and conforms to the relevant statutory planning requirements.