

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR PROPOSED DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A
NEW DWELLING INCLUDING NEW GARAGE, DRIVEWAY, SWIMMING POOL,
AND ASSOCIATED LANDSCAPING**

LOCATED AT

77 CENTRAL ROAD, AVALON BEACH

FOR

JOEL SCHUBERG AND NICOLE VATSELIAS



**Prepared
February 2025**

Table of Contents

1.0	Introduction	3
2.0	Property Description	3
3.0	Site Description	4
4.0	The Surrounding Environment	11
5.0	Proposed Development	12
6.0	Zoning and Development Controls	14
6.1	State Environmental Planning Policy (Biodiversity and Conservation) 2021	14
6.2	State Environmental Planning Policy (Resilience and Hazards) 2021	14
6.3	State Environmental Planning Policy (Sustainable Buildings) 2022	14
6.4	Pittwater Local Environmental Plan 2014	15
6.5	Pittwater 21 Development Control Plan 2014	20
6.5.1	Shaping Development – Desired Character	20
6.5.2	Section B General Controls	22
6.5.3	Section C Development Type Controls	26
6.5.4	Section D Design Criteria	30
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979	35
7.1	The provisions of any environmental planning instrument	35
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.	35
7.3	Any development control plan	35
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	35
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	35
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	35
7.7	The suitability of the site for the development	36
7.8	Any submissions made in accordance with this Act or the regulations	36
7.9	The public interest	36
8.0	Conclusion	36

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Joel Schuberg and Nicole Vatselias by Mathieson Architects, Project No 23009, Sheets DA.00 – DA.13, variously revised and dated 5 February 2025 to detail the proposed demolition of an existing dwelling and the construction of a new dwelling including a new double garage, driveway, swimming pool and associated landscaping at **77 Central Road, 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 (EP&A Act)*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Pittwater Local Environmental Plan 2014 (PLEP 2014)*
- *Pittwater 21 Development Control Plan (P21 DCP)*

2.0 Property Description

The subject allotment is described as 77 Central Road, Avalon Beach, being Lot 19 within Deposited Plan 8698 and is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The subject dwelling is not listed as a heritage item, nor is it within a conservation area.

The site is identified within the Class 4 and 5 Acid Sulfate Soils Area and this will be discussed in further detail within this report.

The site is identified as Low, Medium & High Flood Risk on Council's Flood Hazard Map. A Flood Management Report has been prepared by NB Consulting Engineers and accompanies this submission.

A portion of the site is identified on Council's Geotechnical hazard map – H2 and a Geotechnical Assessment prepared by Sydney Geotech, Reference No SG24-1170 dated 18 October 2024 accompanies this submission.

There are no other known hazards affecting this site.

3.0 Site Description

The site is located on the south western side of Central Road, west of the Nandina Terrace intersection.

The site is regular in shape and has a width of 22.555m and depth of 59.46m. The total site area is 1306m². The site has a moderate fall of over 6m from the northern front boundary to the rear southern boundary.

The site adjoins public land, Toongari Reserve, to the south which currently consists of a walking path and vegetation.

The land is currently developed with a single storey dwelling with detached outbuilding at the rear. Pedestrian and vehicle access is gained via Central Road.

The site currently contains multi-level plantings including shrubs, smaller trees and canopy trees throughout the site. Manicured lawned areas are located in the front and rear of the property.

The details of the lots which comprise the parcel are contained within the survey report prepared by Donovan Associates, Reference No. 0427/335149, dated 20 August 2024 which accompanies the DA submission.

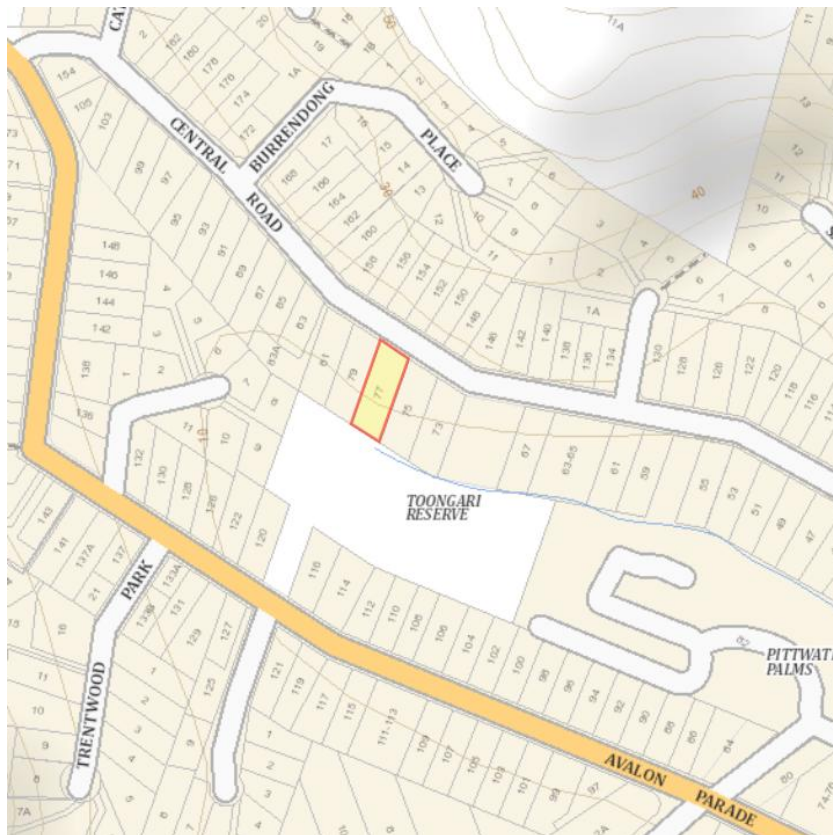


Fig 1: Location of Subject Site
(Source: Six Maps)



Fig 2: View of the subject site, looking south from Central Road



Fig 3: View looking south-west towards the neighbouring dwelling at No 79 Central Road



Fig 4: View of the neighbouring property at No 75 Central Road, looking south-east



Fig 5: View of the existing driveway access to the subject site, looking south



Fig 6: View of the existing street façade of the subject dwelling, looking west



Fig 7: View of the rear yard of the site, looking south-west



Fig 8: View of the rear yard of the site and existing shed, looking south-west



Fig 9: View of the rear yard of the site, looking west towards the vicinity of the proposed pool



Fig 10: View of the rear façade of the dwelling, looking north-west



Fig 11: View of the rear façade of the dwelling, looking north



Fig 12: View of the western boundary and looking towards the neighbouring dwelling at No 79 Central Road (LHS of view)

4.0 The Surrounding Environment

The site is located within a predominately low-density residential area of North Avalon, which is characterised by a mixture of traditional and modern multi-level dwelling houses within landscaped settings, the design of which reflects the sloping terrain and local views and retains a dominance of natural features and vegetation.

The subject site and adjoining properties to the east and west are within the R2 Low Density Residential zone. Adjoining the site to the east is No. 75 Central Road and to the west is No. 79 Central Road, containing a one and two storey detached dwellings.

There are also a number of community and recreational open space areas nearby, including Avalon Beach, local shopping area and Clareview Beach reserve nearby.

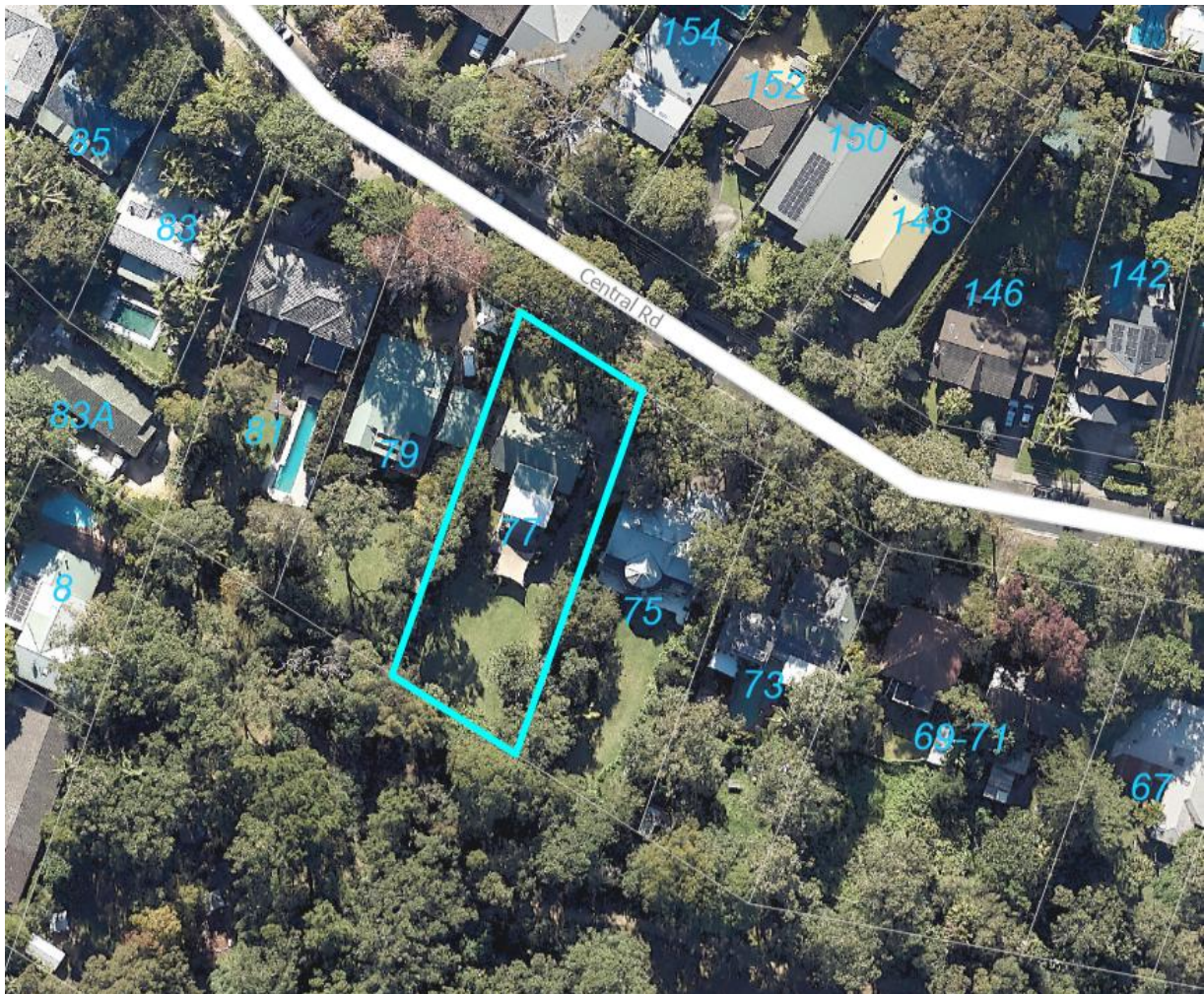


Fig 13: Aerial Photograph
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying architectural plans prepared by Mathieson Architects, the proposal seeks consent for the demolition of an existing dwelling and associated structures and the construction of a new dwelling including new double garage, driveway, swimming pool and associated landscaping.

The extent of the proposed demolition of the existing structures and tree removal is noted within the Demolition Plan, Drawing No DA.02.

The proposed new works comprise:

Ground Floor

- Double car garage with access hatch to part basement utility room
- Powder room
- Kitchen and scullery area
- Living room
- Laundry
- Family room
- Covered rear deck
- Internal access stair to upper floor

First Floor

- Primary bedroom with ensuite and WIR
- Four bedrooms
- Study
- Main bathroom and ensuite bathroom
- Secondary laundry
- Stair access to lower floor level
- Open terrace over ground floor living room

External Works

- Driveway cross over
- Internal driveway
- Inground swimming pool
- Landscaping in accordance with the Landscape Plan prepared by Mathieson Architects.

The proposed new dwelling house represents a high-quality architecture design solution that will provide a significant enhancement to the amenity and usability of the site. The resultant development is highly articulated, with skillful use of shading devices, skillion and flat roof forms and materiality to break down the apparent size of the new dwelling and reduce bulk and scale.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks within the street and surrounding area and provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

The internal design and arrangement of the new dwelling will afford exceptional amenity to future occupants without unreasonably compromising the amenity of surrounding residential properties or the foreshore scenic attributes of the Avalon locality.

The proposed new double garage at the front of the site and the swimming pool provide increased amenity for the occupants and their future guests.

The proposal will see the removal of some trees from the site and accordingly, a Arboricultural Impact Assessment Report has been prepared by Jackson's Nature Works, dated 24 January 2025.

The Assessment Report considers the impact of the works on 21 trees within the site and immediate properties and road reserve forward of the site.

The Assessment concludes that a street tree (Tree #7) will be removed as a consequence of the works however it has been identified as being of medium landscape significance and with a fair to average vitality. The report notes that there are other trees within the nature strip and removal of the tree will allow for other canopy trees in the front of the site to obtain a benefit from the removal of the tree.

Additionally, four other trees will be removed and these have all been listed as having a low landscape significance with low retention value.

The Assessment includes recommendations for the retention and protection of trees within the site and the works will be carried out in accordance with the Arboricultural Assessment Report.

The Landscape Plan prepared by Mathieson Architects includes an additional 22 new planting species throughout the site which will have a mature height of between 6 to 25 m. The proposed replanting schedule will re-establish appropriate tree canopy with screening planting an understorey planting to supplement the new trees within the site.

The proposed new multi-level plantings, along with tree retention will further assist in maintaining the privacy and amenity of both the subject and neighbouring properties and will soften the visual impact of the resultant development.

The development indices for the development are summarised as:

Site Area	1306m ²
Required Building Height	8.5m
Proposed Building Height	8.23m
Required Landscaped Area:	60% or 783.6m ²
Proposed Landscaped Area:	62% or 811m ² (including 6% allowance for functional open space)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation.

There are no trees within the site that have been identified as Heritage Items or identified within a Significant Tree Register.

The proposed development requires the removal of five trees, however an Arboricultural Assessment Report prepared by Jackson's Nature Works dated 24 January 2025 has been submitted as part of the application. The Arboricultural Report has assessed the proposed works and the impact on the existing trees onsite, tree removal and trees within close proximity to the property boundary.

The trees to be removed are identified as low and medium retention value and are not considered significant or worthy of special measures to ensure their preservation. Tree protection measures are recommended to ensure the maintenance and protection of the remaining and neighbouring trees onsite. Accordingly, the proposal does not impact on vegetation on the site, neighbouring properties or the surrounding public domain.

It is considered the works do not impact the biodiversity value for the site or the locality. No further consideration under the SEPP is required.

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Site Contamination

SEPP (Resilience and Hazards) 2021 and in particular Part 4.6(2) 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.

The proposal is consistent with the provisions of Chapter 4 of this policy.

6.3 State Environmental Planning Policy (Sustainable Buildings) 2022

In accordance with the provisions of the SEPP, a BASIX Certificate is submitted with the application and confirms that the proposal will comply with the water, thermal comfort, and energy efficiency requirements of the policy.

6.4 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned R2 Low Density Residential under the provisions of the PLEP 2014.

The proposed construction of a new dwelling, garage, driveway and swimming pool are considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the R2 Low Density Residential Zone is consistent with the zone objectives, which are noted as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

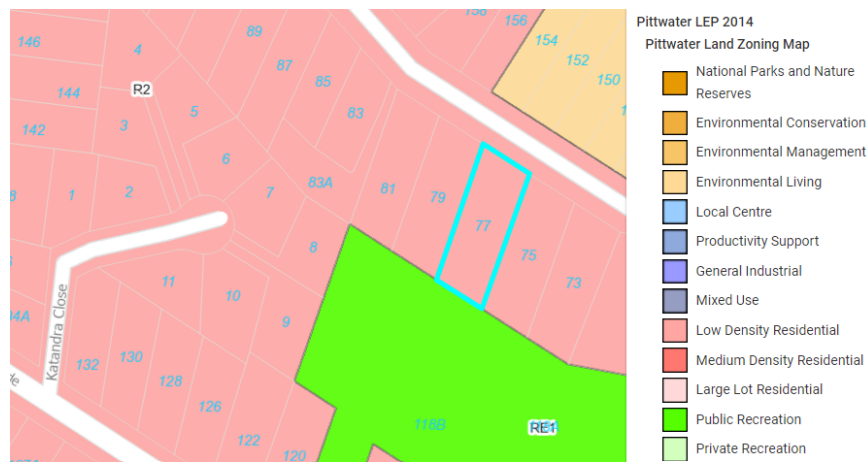


Fig 14: Extract of Pittwater Local Environmental Plan 2014

It is considered that the proposed new works will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal provides for a residential development in an area with special ecological and aesthetic values and does not have an adverse effect on the values in terms of terrestrial biodiversity and foreshore scenic protection.
- The development does not negatively impact on nearby coastal foreshores or result in a loss of natural vegetation.
- The proposed new works will provide for increased residential amenity, together with improved functionality through the introduction of improved vehicular access, together with enhanced functional recreation areas.
- The proposal does not have any unreasonable impact on views, solar access or amenity for the neighbouring properties.
- The site will continue to maintain the residential use.

- The bulk and scale of the new dwelling is comparable with the surrounding locality, with a more modern and compatible built form that is compatible with that of existing development in this portion of Central Road.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Avalon Beach is 8.5m. The proposed new works provide for a building height of up to 8.23m and therefore complies with this control.

Clause 5.21 – Flood Planning

The site has a minor percent corner portion of the southern portion of the site mapped as being within the low risk flood hazard area (see figure below).

The objectives of this clause are as follows:

- to minimise the flood risk to life and property associated with the use of land,*
- to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The site is identified as being partly Low, Medium and High Risk Flood Prone Land on Council's Flood Prone Land Map.

A Flood Management Report has been prepared by NB Consulting Engineers, Project No 2409049, Issue A dated 10 December 2024 and accompanies this submission.

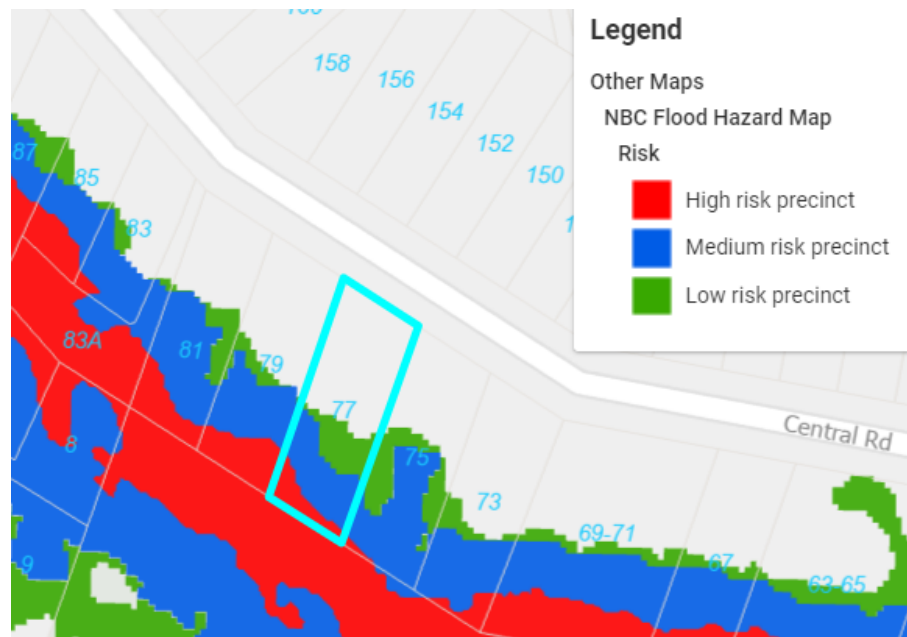


Figure 15: South-west area on the site within the flood hazard map

The Conclusion to the Report notes:

“In accordance with accepted engineering practice, NBCE have undertaken a flood study at the above-mentioned site. No anticipated increased flooding is envisaged to occur at the subject site due to the proposed development should the recommendations of this report be carried out. The flood information provided by Northern Beaches Council has been used for this assessment. The recommendations of this report should be adopted for the development to meet the requirements of Northern Beaches Council Development Control Plan (DCP). Please contact the author if further clarification is required.”

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by acid sulfate soils (Class 4 and 5). The proposal does not comprise any significant excavation with the exception of the new works to accommodate the swimming pool, cellar and store room and as such it is not anticipated that acid sulfate soils will be encountered.

Clause 7.2 – Earthworks

The proposal does not necessitate any significant earthworks, with the exception of the minor excavation to accommodate the new swimming pool, cellar and store room. A Geotechnical Report, prepared by Sydney Geotech, Reference SG24-1170 dated 18 October 2024 accompanies the application.

The Report concludes:

“Based on the assessment and assumptions presented, and that the above measure will be implemented and applied to the construction methodology in order to maintain the low risk to life and property, the site is suitable for the proposed lot. It should be noted that is common for construction methodology measures to be amended or modified during construction. Therefore it is recommended that a geotechnical professional be consulted during the construction phase of the project when required”

The report addresses any effects of the minor earthworks required as a result of the proposed development and concludes the proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality. The works will be carried out in accordance with the recommendations of the consulting structural engineer and the recommendations of the geotechnical report.

Clause 7.6 – Biodiversity Protection

The land is noted within Council’s Biodiversity mapped area.

- (1) *The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:*
- (a) protecting native fauna and flora, and*
 - (b) protecting the ecological processes necessary for their continued existence, and*
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

As discussed in the Arboricultural Impact Assessment, no significant or important trees which have been identified as being of high significance will be impacted.

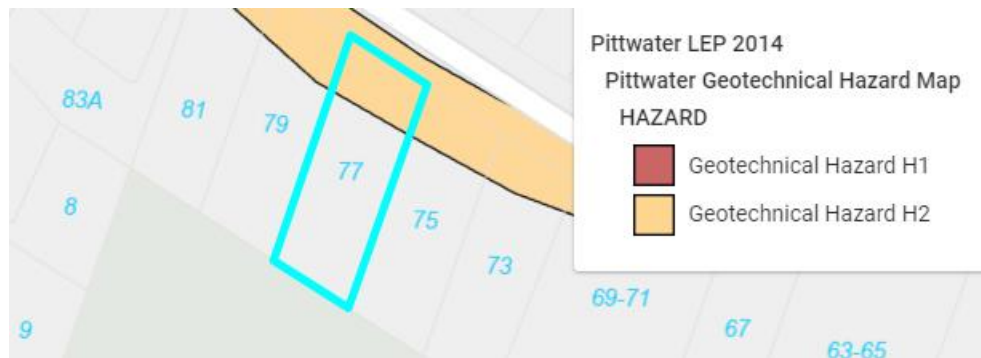
The development is supported by a Arborist Report and Landscape plan to ensure that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land; the importance of the vegetation on the land to the habitat and survival of native fauna; or the habitat elements providing connectivity on the land.

It is considered the construction of the new dwelling and swimming pool will not unreasonably fragment, disturb, or diminish the biodiversity structure, function, or composition of the land.

It is considered the proposal includes appropriate measures to avoid, minimise, or mitigate the biodiversity impacts of the development and is considered to be consistent with the provisions of this clause.

Clause 7.7 – Geotechnical Hazards

The site is identified as part 'Hazard H2' on Council's Geotechnical Map. The proposal seeks to provide for the demolition of the existing dwelling and construction of a new dwelling.



As discussed, a Geotechnical Report, prepared by Sydney Geotech, Reference SG24-1170 dated 18 October 2024 accompanies the application.

The Report concludes:

“Based on the assessment and assumptions presented, and that the above measure will be implemented and applied to the construction methodology in order to maintain the low risk to life and property, the site is suitable for the proposed lot. It should be noted that is common for construction methodology measures to be amended or modified during construction. Therefore it is recommended that a geotechnical professional be consulted during the construction phase of the project when required”

The report addresses any effects of the minor earthworks required as a result of the proposed development and concludes the proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality. The works will be carried out in accordance with the recommendations of the consulting structural engineer and the recommendations of the geotechnical report.

The proposal is therefore considered to satisfy the provisions of this clause.

Clause 7.10 – Essential Services

The proposal will see the existing essential services to the site being maintained.

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

6.5 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.

6.5.1 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 Tasman Road 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.

The existing and resultant form and scale is both consistent and compatible with the scale of surrounding dwellings along Central Road, where most dwelling houses are one to two storey in height.

The design quality and visual aesthetic of development on this site is significantly enhanced as a consequence of the contemporary alterations, additions and facade treatments proposed.

The height, form and massing of the development is complementary and compatible with that established by existing dwelling and adjoining dwelling houses within the site's visual catchment. The proposed new pool is sited level with the natural ground and will not be a visually prominent feature within the locality.

The height, bulk and scale of the development will not give rise to any adverse streetscape impacts and will enhance the scenic amenity/ built form quality of the area when viewed from surrounding public and private land.

The proposed development will result in an enhancement of landscaping to improve and soften the visual impact of the development and enhance the landscape character of the area.

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

6.5.2 Section B General Controls

The General Controls applicable to the proposed new dwelling are summarised as:

B1.4 Aboriginal Heritage Significance

The controls seek to achieve the outcomes:

Provide protection for 'Aboriginal Places and Objects'. (S)
Potential Aboriginal Places and Objects are identified and protected. (S)

The controls suggest:

"If a property, the subject of a development application is identified as possibly meeting any of the criteria for being a potential Aboriginal place or containing an Aboriginal Object then additional independent information on the potential heritage significance may be requested.

Development must conserve the significance of any aboriginal place or object."

The site has been disturbed by the introduction of the existing dwelling and gardens.

There is no obvious evidence of Aboriginal occupation or objects. The footprint of the new works is largely within the existing disturbed areas, with the construction works to be carried out in a sensitive manner and if any Aboriginal objects are located, they will be preserved and further advice sought to protect the items.

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)

A Geotechnical Report, prepared by Sydney Geotech, Reference SG24-1170 dated 18 October 2024 accompanies the application.

The Report concludes:

"Based on the assessment and assumptions presented, and that the above measure will be implemented and applied to the construction methodology in order to maintain the low risk to life and property, the site is suitable for the proposed lot. It should be noted that is common for construction methodology measures to be amended or modified during construction. Therefore it is recommended that a geotechnical professional be consulted during the construction phase of the project when required"

The report addresses any effects of the minor earthworks required as a result of the proposed development and concludes the proposal is unlikely to unreasonably disrupt existing drainage patterns

and soil stability in the locality. The works will be carried out in accordance with the recommendations of the consulting structural engineer and the recommendations of the geotechnical report.

The report concludes that the site and the proposed development can achieve the acceptable risk management criteria of Council's Pittwater Geotechnical Risk Policy.

The works will be constructed in accordance with the recommendations contained within the Geotechnical Report.

B3.11 Flood Prone Land

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)

A Flood Management Report has been prepared by NB Consulting Engineers, Project No 2409049, Issue A dated 10 December 2024 and accompanies this submission.

The Conclusion to the Report notes:

"In accordance with accepted engineering practice, NBCE have undertaken a flood study at the above-mentioned site. No anticipated increased flooding is envisaged to occur at the subject site due to the proposed development should the recommendations of this report be carried out. The flood information provided by Northern Beaches Council has been used for this assessment. The recommendations of this report should be adopted for the development to meet the requirements of Northern Beaches Council Development Control Plan (DCP). Please contact the author if further clarification is required."

The proposed works will be carried out in accordance with recommendations within the Flood Management Report.

B4.6 Wildlife Corridors

The controls seek to achieve the outcomes:

Retention and enhancement of wildlife corridors ensuring/providing the connection of flora and fauna habitats. (En)

The proposal will see the removal of five trees which have been assessed within Arboricultural Impact Assessment Report and otherwise maintains the landscaping within the rear yard of the site.

A comprehensive Landscape Plan has been prepared by Mathieson Architects which provides for the managed replanting of the site with locally occurring species and will see supplementary tree planting provided for the replacement of the trees removed as a consequence of the works.

Accordingly, the proposal is deemed appropriate in terms of maintaining the adjoining wildlife corridor.

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.

A Stormwater Hydraulic Management Plan has been prepared by Intrax Housing, Reference Number 230156, which provides for collected roof and surface waters to be directed to a level spreader adjacent to the southern boundary, via a 11,727L underground tank in the central courtyard adjacent to the western boundary.

A 5000 L rainwater tank will be provided to meet the required BASIX Commitments.

The proposed stormwater management system will ensure that the stormwater is effectively controlled without causing nuisance to the neighbouring properties or to the adjoining reserve at the rear.

B6.1 Access driveways and works on the Public Road Reserve – Low Density Residential

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 proposal provides for a new street crossing and driveway to provide for safe and convenient access to the proposed garage thereby satisfying the provisions of this clause.

The details and access levels for the proposed driveway are included within the Driveway Management Plan prepared by Intrax Housing, Reference No 230145, Drawing C05.

B6.5 Off-street Vehicle Requirements – Low Density Residential

The controls seek to achieve the outcomes:

Safe and convenient parking (En,S)

The controls require a minimum of two parking spaces for each dwelling. The proposal provides two parking spaces within the site, comprising the new double garage, with a new driveway access to Central Road in accordance with Council's requirements..

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 does not necessitate any significant cut or fill. The minor excavation works for the swimming pool will be carried out in accordance with the recommendations of the consulting structural engineer, and therefore satisfy the provisions of this clause.

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)

Appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties. The sediment control measures are detailed within Sediment and Erosion Control Plan prepared by Mathieson Architects, Drawing DA.10 which accompanies the submission.

B8.3 Construction and 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)

The proposal will see the demolition of the existing outbuilding to accommodate the proposed works.

All demolition material will be removed and recycled off site where possible or taken to an approved waste disposal facility. Waste Management measures for the demolition and construction phases are

detailed within the Sediment and Erosion Control Plan prepared by Mathieson Architects, Drawing DA.10.

6.4.3 Section C Development Type Controls

The Development Type 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 is supported by an Arboricultural Impact Assessment Report prepared by Jackson Nature Works which has been discussed previously within this submission.

The development will see the removal of five trees, however a comprehensive Landscape Plan has been prepared by Mathieson Architects that provides for the managed replanting of the site including replacement tree canopy planting.

The Landscape Plan submitted as part of the application demonstrates sufficient areas of landscaping, replacement tree planting, and various shrub plantings which will substitute supplement and improve the landscape treatment of the property, respecting the bushland character of the locality.

Therefore, the development satisfies the objectives 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 proposed works do not impact on the existing safety or security of the site. The dwelling entry will continue to provide casual surveillance towards the street.

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 subject and adjoining properties currently receive limited local views. The proposal is not considered to impact on any significant views and will maintain consistency with Council's view sharing objectives.

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 DA.08) which demonstrate the minimal extent of additional overshadowing as a result of the proposal.

The subject site and adjoining properties will maintain the required solar access to their dwelling houses and private open space areas throughout the day due to the general north-south orientation, to collate form of the building and its massing providing for a one and two storey scale, separation of the proposed new areas of the dwelling and well distributed floor plans over two levels.

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 proposal has been designed to achieve a high level of visual privacy to the eastern and western adjoining neighbouring properties. The visual privacy has been addressed via the location and orientation of the proposed dwelling house, the positioning of windows, and privacy treatments to certain windows and reasonable landscaped setback areas to the side boundaries to provide additional screening.

The elevated window on the eastern elevation service low usage rooms, i.e., bedrooms and bathrooms, meaning overlooking impacts are minimized and less than if the rooms was a highly habitable space such as a family room. The elevated windows on the first floor of the western elevation have generous spatial separation of over 9m to ensure privacy impacts are addressed sufficiently, with a variety of sizes to ensure no unreasonable privacy impacts are created for the neighbouring sites.

A proposed roof terrace over the single storey living space as it is located from the bedroom level, it is not expected to be a frequently used space. If required, further screen planting or physical screens could be provided if considered necessary by Council

The swimming pool is at ground level and will be sufficiently screened by existing boundary fencing.

The proposal also includes the retention of existing landscaping and the inclusion of additional landscaping within the setbacks of the subject site. As a result, the existing and additional landscaping vegetation in conjunction with the proposed spatial distance are suitable in providing adequate privacy to the neighbouring sites. As such, the development optimises privacy for both the subject site and adjacent sites through good design.

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 proposed pool equipment will be contained within a soundproof 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 will maintain sufficient areas of private open space at the rear of the site adjoining the new recreational areas.

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

Housing for older people and people with a disability are accessible, adaptable and safe. (S)

Equitable access in the public domain. (S)

Single dwellings are not required to provide access in accordance with AS4299-1995.

C 1.12 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. A bin storage area has been proposed, with the waste removed by Council contractors via the household garbage service.

C 1.17 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)

The required controls to achieve the outcomes are to ensure that swimming pools are provided with suitable fencing in accordance with the Swimming Pools Act 1992. The proposal will provide for a perimeter fence to the swimming pool, which maintains an effective barrier between the dwelling and the pool.

6.3.4 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 new 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.

It is considered that the proposal is consistent with the desired character of the locality by providing a new dwelling that respects the topography of the site, and maintains consistency with the bulk and scale of existing surrounding development.

The new double garage improves the usability of the site, with the dwelling house to result in a modernised style presentation that is consistent with other more newly developed sites along this particularly area and will not detract from consistency with the outcomes of this development control.

The existing and new vegetation proposed will be incorporated onsite meaning the visual impact will be lessened over time with the growth of the proposed landscaping, and ultimately, there will be a significant improvement in the presentation to the Newport locality.

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.

The Schedule of Colours and Materials detailed within Drawing No DA.11 notes the use of rendered bagged brickwork, dark shingle cladding and external timber and powder coated metal finishes, with a palette of colours that it is consistent with the requirements of the DCP.

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 manoeuvring 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 new garage will stand well behind the 6.5 m setback, with the development to present setback of approximately 9.7m from the front boundary and respecting the generous setback of the neighbouring properties.

The modest height and articulated form of the new dwelling as it presents to the street will provide an attractive addition to the local streetscape and therefore is considered to be compliant with the outcomes of the front setback control.

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 min 1.0m setback for the other side.

The proposed new dwelling works will stand from 3.7m from the eastern side boundary and from 1.565m from the western side boundary and therefore comply with the side setback requirement.

The rear setback control requires a minimum rear setback of 6.5m, however all new works are a significant distance from the rear boundary, and comfortably exceed the rear 6.5m setback control.

The generous areas of open space and landscaping provide a sufficient landscape buffer in order to visually screen and soften the built form.

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°.

As noted within the Compliance Diagram prepared by Mathieson Architects, Drawing No DA.09, other than a very minor breach to the south-eastern corner of the dwelling as a consequence of the slope of

the land towards the rear reserve, the proposal comfortably complies with Council building on what control in all other respects.

The minor non-compliance at the south eastern corner does not in itself result in any view loss, unreasonable bulk and scale given the significant setback from the boundary or loss of solar access or amenity for the neighbouring properties.

On balance, the proposal is considered to achieve the Outcomes of the control and the minor non-compliance of the dwelling envelope does not result in any adverse effects in this instance.

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 proposal will maintain a significant soft landscaped area of 62% or 811m² (including 6% allowance for functional open space).

The proposed development is consistent with the desired future character of the Avalon Beach Locality, as the development is designed to ensure that the visual impact of the development is secondary to landscaping.

In addition, it can be said that the proposal has been effectively integrated within the landform, through retaining existing trees and ensuring a considerable landscape buffer areas in the front, sides, and rear of the site remain.

The proposal will not result in any unreasonable impact on light, solar access or privacy. This is as a result of the sufficient orientation and separation of the proposed dwelling.

The proposal is also supported with a comprehensive Landscape Plan Mathieson Architects dated 5 February 2025 which provides for the managed replanting of the site and the reintroduction of perimeter screening and additional tree cover.

A considerable proportion of the new areas within the rear of the site, being the decking and swimming pool do not contribute to excessive run-off, maximising water infiltration. Furthermore, stormwater will be appropriately managed on the site.

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

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

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To protect and minimise disturbance to natural landforms.

To encourage building design to respond sensitively to natural topography.

The proposed works do not seek to provide any significant retaining walls or terracing.

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 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 demolition of an existing dwelling and construction of a new dwelling including a new double garage, driveway, swimming pool and associated landscaping 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 R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 Any 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 proposed demolition of an existing dwelling and construction of a new dwelling including a new double garage, driveway, swimming pool and associated landscaping which respect and complements the site's location.

The proposal is a site-specific design response which takes advantage of the properties superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

The outcome is a modernised dwelling of exceptional design quality which displays a highly articulated building form which appropriately responds to the sites existing dwelling, geometry and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The proposal is fully compliant with the building height standard with floor space appropriately distributed across the site. The building displays a complimentary and compatible building form when compared to other developments located along this section of North Avalon Road.

The setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls.

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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