

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR THE DEMOLITION OF THE EXISTING STRUCTURES AND THE CONSTRUCTION OF A NEW  
DWELLING WITH GARAGE, CARPORT & SWIMMING POOL**

**LOCATED AT**

**8 SURFSIDE AVENUE, AVALON**

**FOR**

**MR & MRS SEETO**



**Prepared  
August 2022**

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## 1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Mr & Mrs Seeto by Atelier Haefeli Architects, Project No. 2103, Sheet No. A.01 – A.10, Issue A dated 15 August 2022 to detail the demolition of the existing structures and the construction of a new dwelling, with garage and carport and rooftop terrace with lift access at **8 Surfside Avenue, Avalon Beach**.

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

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience & Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan*

## 2.0 Property Description

The subject allotment is described as 8 Surfside Avenue, Avalon Beach, being Lot 10 within Deposited Plan 28920 and is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is identified as being within the Coastal Environment Area and the Coastal Use Area under the provisions of the SEPP (Coastal Management) 2018. This matter will be discussed further within this submission.

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

There are no other identified hazards affecting the land.

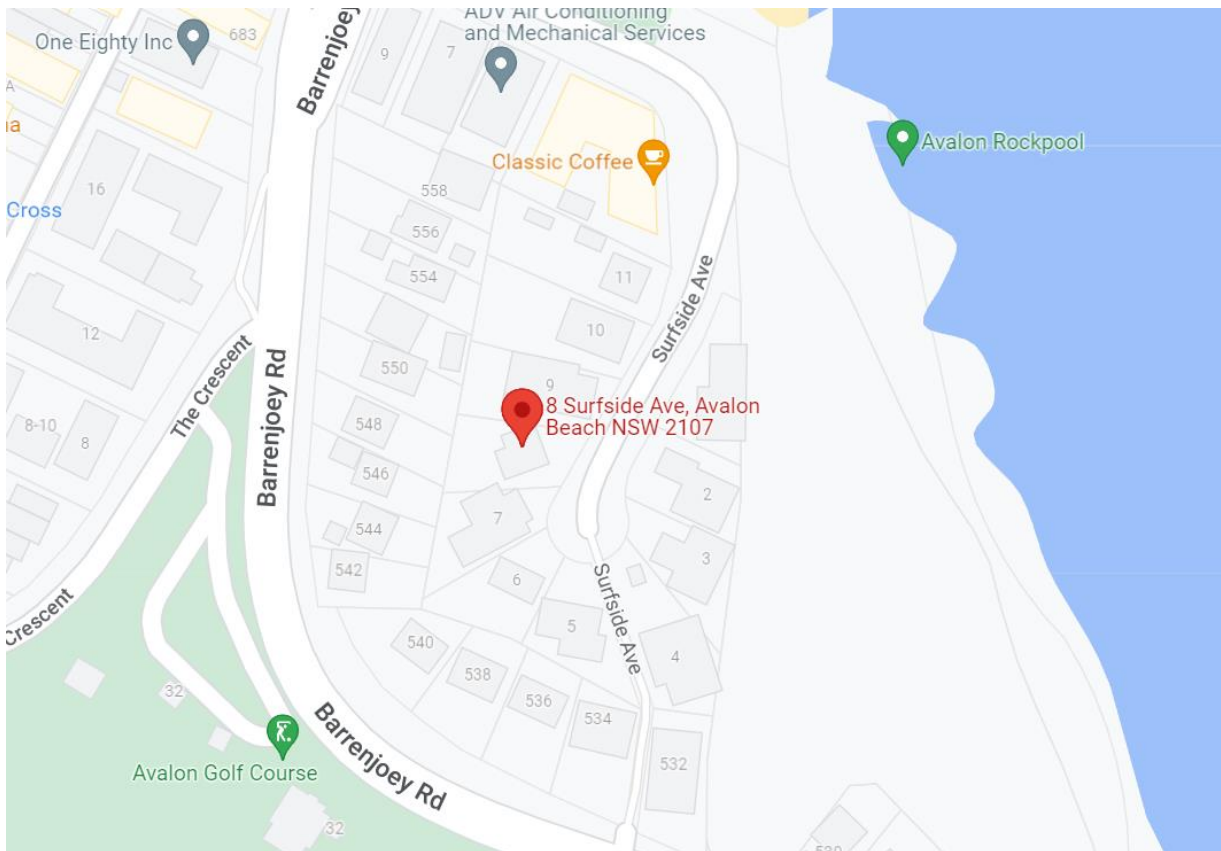
### 3.0 Site Description

The property is located on the western side of Surfside Avenue and is irregular in shape. The site has a frontage to Surfside Avenue of 18.315m and northern and southern side boundaries of 40.480m and 35.405m respectively. The total site area is 752.7m<sup>2</sup>.

The site falls towards the rear north-west corner. Stormwater from the site will be directed to the street gutter in accordance with the Stormwater Management Plan prepared by Taylor Consulting Engineers.

The land is currently developed with an existing two storey weatherboard and brick dwelling metal roof and attached garage. Vehicular access is available via a concrete driveway from Surfside Avenue.

The details of the existing site levels are indicated within the Survey Plan prepared by Adam Clerke Surveyors Pty Ltd, Reference No. 17113B, dated 28 September 2021.



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





**Fig 2: View of the existing dwelling, looking south-west from Surfside Avenue**



**Fig 3: View of the adjoining site to the south at No 7 Surfside Avenue, looking south-west**





**Fig 4: View of the nearby development at the southern end of the Surfside Avenue cul-de-sac**



**Fig 5: View of the new development under construction to the northern neighbouring site at No 9 Surfside Avenue, looking west**



**Fig 6: View from the subject site, looking north towards the neighbouring development under construction, and the nearby dwelling at No 11 Surfside Avenue, with a similar rooftop terrace**



#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by one and two storey residential developments within landscaped settings. The surrounding dwellings enjoy views to the north and east towards Avalon Beach and the coastal escarpment reserve.

Surrounding the sites are single residences, with a variety of styles and scales of development.

The neighbouring properties on the eastern side of Surfside Avenue adjoin the Avalon Beach Foreshore.

Immediately to the north of the site is a new dwelling under construction. Further to the north at number 11 Surfside Avenue, a new dwelling has been constructed, which similarly provides for a rooftop terrace to that which is sought under this proposal.



**Fig 7: Aerial Photograph**  
(Source: Google Maps)



## 5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks consent for the demolition of the existing structures and construction of a new two storey dwelling which includes a garage and carport and a swimming pool, together with rooftop terrace and lift access.

The proposed new works comprise:

### Ground Floor Level

- Proposed new ground floor level to provide for new single garage and mudroom/storeroom, laundry/utility area, cool room, formal entry and foyer, media room, three bedrooms, two bathrooms, covered terrace, internal stair access and lift shaft to proposed first floor.

### First Floor Level

- Proposed new first floor to provide for a study/guest room, bedroom with walk-in robe and ensuite, open plan kitchen, living and dining room, Pilates room, W.C, decking and lift access.

### Roof Level

- New lift access to roof and roof terrace

### External Works

- Proposed new carport
- New swimming pool

The proposal provides for a flat roof form, and is stepped to follow the sloping topography of the site, which assists with minimising the visual impact of the new works.

The external finishes of the new works comprise compressed FC Sheeting with metal roof sheeting. The external finishes utilise earthy external tones, which will complement the landscaped character of the locality and have been detailed on Sheet A-10 – Schedule of Finishes.

A Landscape Concept Plan has been prepared by Wallman Partners Pty Ltd which provides for the managed replanting of site, including a mixture of taller tree planting, with 7 new trees with a mature height of in excess of 5m, together with lower storey planning and ground covers. The proposed planting will introduce opportunity for planting to screen the private open space areas and also to assist in screening the new built form.

The development indices for the proposal are summarised as:

<b>Site Area:</b>	752.7m <sup>2</sup>
<b>Required soft landscaped area:</b>	60% or 451.62m <sup>2</sup>
<b>Proposed soft landscaped area:</b>	57.4% or 432m <sup>2</sup> (incl. 6% impervious surfaces area allowance – see DCP discussion)

## 6.0 Zoning and Development Controls

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

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

### 6.2 State Environmental Planning Policy (Resilience & Hazards) 2021

The matters for consideration under Division 5 of SEPP (Resilience and Hazards) 2021 are:

SEPP (Resilience and Hazards) 2021 and in particular Clause 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 subject site has been identified as being within the coastal use area and therefore SEPP (Resilience and Hazards) 2021 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

*The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:*

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*

- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and
- (m) to support the objects of the Marine Estate Management Act 2016.

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Resilience and Hazards) 2021, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under SEPP (Coastal Management) 2018 are addressed as follows:

#### **Division 4 Coastal Use Area**

*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 will be 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.*



**Comment:**

The proposal provides for the demolition of the existing dwelling and construction of a new two storey dwelling with garage, carport, swimming pool and a rooftop terrace which are largely contained within the existing disturbed area of the site. The proposed works are sympathetic to the sloping topography of the site, and provides a compatible two storey scale to that of the surrounding newer development and which will not result in any unreasonable adverse impacts within the foreshore area.

**Division 5 General**

**2.12 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.*

**Comment**

The proposal provides for the construction of a new dwelling to replace the existing dwelling. The proposed new works will be carried out in accordance with the recommendations of the consulting Geotechnical and Structural Engineers, which will ensure that appropriate structural integrity for the site will be maintained. Accordingly, the proposed works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

**2.13 Development in coastal zone generally—coastal management programs to be considered**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.*

**Comment:** No coastal management programs have been identified.

**2.14 Other development controls not affected**

*Subject to clause 7, for the avoidance of doubt, nothing in this Part:*

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

**Comment:** Noted

### **2.15 Hierarchy of development controls if overlapping**

*If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:*

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

#### **Comment**

Noted

### 6.3 Pittwater Local Environmental Plan 2014

The site is zoned C4 Environmental Living under the provisions of the PLEP 2014.



**Fig 8: Zoning extract – Pittwater LEP 2014**

The proposed demolition of the existing structures and the construction of a new dwelling with associated garage, carport, swimming pool and rooftop terrace with internal lift access re considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the C4 Environmental Living Zone is consistent with the zone objectives, which are noted as:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors*

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

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The proposal provides for the construction of a new dwelling and associated facilities with a compatible bulk and scale to that of the surrounding existing and new development and which will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.



- The proposal does not have any unreasonable impact on long distance views.

#### **Clause 4.3 – Height of Buildings**

The maximum building height in this portion of Avalon is 8.5m. The proposal provides for a maximum height of up to 8.5m to the lift overrun and rooftop terrace and therefore readily complies with this control.

**Clause 7.1** relates to acid sulfate soils. The site has been identified as being within the Class 5 Acid Sulfate Soils Area. The proposed works are not anticipated to lower the water table, and therefore acid sulfate soils will not be encountered.

**Clause 7.2** relates to earthworks. The proposal will not require any significant excavation of the site, other than for the proposed swimming pool and a Geotechnical Assessment has been prepared by JK Geotechnics to address proposed development under Report Reference 35268Zrpt Rev1 dated 15 August 2022.

The Assessment concludes:

*“We consider that our risk analysis has shown that the site and existing and proposed development can achieve the ‘Acceptable Risk Management’ criteria in the Pittwater Risk Management Policy provided that the recommendations given in Section 7 below are adopted. These recommendations form an integral part of the Landslide Risk Management Process”.*

The proposed works will be carried out in accordance with the recommendations contained within the Geotechnical Assessment and under the supervision of the consulting Geotechnical and Structural Engineers.

## **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 Avalon Parade to maintain the unique character of this street. This, coupled with the extensive street planting of canopy trees, gives the locality a leafy character that should be maintained and enhanced.*

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

*A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors. The natural landscape of Careel Bay, including seagrasses and mangroves, will be conserved. Heritage items and conservation areas indicative of early settlement in the locality will be conserved, including the early subdivision pattern of Ruskin Rowe.*

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

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of a new two storey dwelling to replace the existing dwelling, which will have a complementary bulk and scale to that of the surrounding existing and new development in the immediate vicinity.

The proposal is supported by an Arboricultural Impact Assessment prepared by Arborsaw dated August 2022. The Assessment considers the impact of the work on 19 trees within the proximity of the proposed new development and within the adjoining site.

The assessment concludes that 6 trees will be removed however they are all of Category C retention value which is of lower retention value or compromised health.

The more significant trees within the site which are noted as being of Category B retention value will be retained and protected.

Additional plantings are to be provided throughout the site to assist with softening the built form of the development.

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

The building materials and colours will harmonise with the natural environment and will not detract from the existing locality and have been detailed in the Schedule of Finishes – Sheet A.10.



## 6.5.2 Section B General Controls

The General Controls applicable to the proposed demolition of the existing structures and the construction of a new single dwelling and associated parking and landscaping are summarised as:

### **B3.6 Contaminated Land and Potentially Contaminated Land**

The controls seek to achieve the outcomes:

*Protection of public health. (S)*

*Protection of the natural environment. (En)*

*Successful remediation of contaminated land. (En, S)*

The subject land has been used for residential purposes for an extended period of time, therefore it is not anticipated that the land is contaminated or potentially contaminated.

### **B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land**

The controls seek to achieve the outcomes:

*The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)*

The proposal is supported by an Arboricultural Impact Assessment prepared by Arborsaw which identifies that only 6 trees will be removed, however they are of Category C retention value or of lower value or compromised health.

The proposal is also supported by a Landscape Plan prepared by Wallman Partners Pty Ltd which provides for the managed replanting of the site and includes an additional 7 trees with a mature height of in excess of 5m, together with mid and understorey planting.

### **B5.15 Stormwater**

The controls seek to achieve the outcomes:

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

*Minimise the risk to public health and safety;*

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

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

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

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

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

The proposed works are largely within the existing building footprint and will not see any significant change to the site conditions. The collected stormwater from the new roof areas will be directed to the street gutter in accordance with the Stormwater Management Plan prepared by Taylor Consulting Engineers.

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

The controls seek to achieve the outcomes:

- Safe and convenient access. (S)*
- Adverse visual impact of driveways is reduced. (En)*
- Pedestrian safety. (S)*
- An effective road drainage system. (En, S)*
- Maximise the retention of trees and native vegetation in the road reserve. (En, S)*

The site will provide for the construction of a new dwelling to replace the existing dwelling, which will utilise the existing driveway access to provide parking within the site in a proposed garage and carport. The existing concrete driveway and crossing will be retained and provide suitable access to the proposed carport and existing garage in accordance with these controls.

#### **B6.2 Internal Driveways**

The controls seek to achieve the outcomes:

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

The proposal retains the existing driveway and vehicular crossover, to facilitate access to the new carport and existing garage.

#### **B6.3 Off-street Vehicle Parking Requirements**

The controls seek to achieve the outcomes:

- Safe and convenient parking (En,S)*

The controls require a minimum of 2 parking spaces for a dwelling with 2 bedrooms or more. A new single garage and carport are to be provided, utilising the existing driveway access to the street and therefore the proposal will therefore comply with this control.

**B8.1 Construction & Demolition – Excavation and Landfill**

The controls seek to achieve the outcomes:

*Site disturbance is minimised. (En)*

*Excavation and construction not to have an adverse impact. (En)*

*Excavation operations not to cause damage on the development or adjoining property. (S)*

The proposal will require some minor excavation to accommodate the proposed swimming pool however there will not be any substantial disturbance of the site. Given the site is not noted as being landslip affected, no further investigation is considered to be necessary at this stage.

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

**B8.3 Construction & Demolition – Waste Minimisation**

The controls seek to achieve the outcomes:

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

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

### 6.5.3 Section C Development Type Controls

The Development Controls applicable to the proposed demolition works and the construction of a new single dwelling and garage with associated landscaping 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. (End, Ec)*
- Landscaping results in low watering requirement. (En)*

The proposal will not require the removal of any significant vegetation and an

The development is also supported by a Landscape Plan prepared by Wallman Partners P/L which provides for the managed replanting of the site including replacement tree cover and perimeter screen planting to assist in screening the new built form.

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

#### **C1.2 Safety and Security**

The controls seek to achieve the outcomes:

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

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

### **1.3 View Sharing**

The controls seek to achieve the outcomes:

*A reasonable sharing of views amongst dwellings. (S)*  
*Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)*  
*Canopy trees take priority over views. (En, S)*

The proposal provides for the construction of a new two storey dwelling to replace existing dwelling which will be sympathetic to the sloping topography of the site.

The primary outlook of the surrounding dwellings is to the east and north towards Avalon Beach. The proposed works are largely confined to the existing building footprint and while the proposal includes the addition of a roof terrace and lift shaft, this area is minor and ensures existing view corridors enjoyed by neighbouring properties are maintained.

With the exception of a minor built form encroachments, namely building envelope and setbacks, the proposal is largely compliant. The envelope and setback encroachments do not give rise to any view sharing impact with existing views maintained.

#### **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 prepared by Deneb Designs which identify the proposed impacts on overshadowing to the surrounding properties. Due to the general east-west orientation of the subject site and neighbouring properties, with the site rising towards the south, the subject site and neighbouring properties will maintain suitable solar access between 9am and 3pm on 21 June.



### **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 provides for the construction of a roof terrace, which is suitably separated from site boundaries with appropriate separation to minimise risk of overlooking. The proposed terrace is not considered to result in any problematic overlooking to neighbouring properties.

The proposed front deck and porch, as well as rear are suitably set back from the neighbouring dwellings, and maintains suitable privacy for adjoining neighbours.

The considered location of habitable room windows will ensure that suitable privacy is maintained.

The new works have been designed to not unreasonably overlook the neighbours, with the existing levels of amenity enjoyed by the neighbours to be suitably maintained.

### **C1.6 Acoustic Privacy**

The controls seek to achieve the outcomes:

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

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

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

Given the residential nature of the works, there will not be any significant impact on the surrounding locality in terms of acoustic privacy.

### **C1.7 Private Open Space**

The controls seek to achieve the outcomes:

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

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

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

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

### **C1.12 Waste and Recycling Facilities**

The controls seek to achieve the outcomes:

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

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

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

#### 6.5.4 Section D Design Criteria

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

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

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

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

##### ***D1.1 Character as viewed from a public place***

The control seeks to achieve the outcomes:

*To achieve the desired future character of the Locality.*

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

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

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

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

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

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

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

The proposal will provide for the demolition of the existing structures and the construction of a new two storey dwelling which will provide a bulk and scale which is in keeping with the existing dwelling and with existing surrounding development.

Views over and to the side of the dwelling will be retained for the neighbouring dwellings, with the existing significant views towards Avalon Beach been largely maintained for the properties to the south.

The setbacks provided reflect the setbacks of the adjoining properties.

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

#### **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, which have been detailed in Sheet A.10 – Schedule of Finishes.

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

#### **D1.8 Front Building Line**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)*

*The amenity of residential development adjoining a main road is maintained. (S)*

*Vegetation is retained and enhanced to visually reduce the built form. (En)*

*Vehicle maneuvering in a forward direction is facilitated. (S)*

*To encourage attractive street frontages and improve pedestrian amenity.*

*To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment*

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

A minor portion of the proposed new front deck and carport will stand partially within the 6.5m front setback however it is intended to maintain a similar setback to that of the existing dwelling.

Notwithstanding, the proposal largely complies with the setback control and remains consistent with the established streetscape character.

The proposal provides a modest bulk and scale, which is in keeping with the character of development in the locality. The articulated front elevation ensures that the development will not be visually dominant within the Surf Side Avenue streetscape.

The proposal will not see the removal of any significant vegetation with the front setback, and new plantings are provided forward of the proposed pool to soften the built form of the development as it presents to Surf Side Avenue.

As a developer will comply with Council front setback control, the proposal is in keeping with the desired outcomes of this clause, and is considered worthy of support on merit.

#### **D1.9 Side and rear building line**

The controls seek to achieve the outcomes:

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

*The bulk and scale of the built form is minimised. (En, S)*

*Equitable preservation of views and vistas to and/or from public/private places. (S)*

*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*

*Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

*Flexibility in the siting of buildings and access. (En, S)*

*Vegetation is retained and enhanced to visually reduce the built form. (En)*

*To ensure a landscaped buffer between commercial and residential zones is established. (En, S)*

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

The new works will stand to a minimum of 1048mm to the northern boundary and from 1400mm the southern boundary however given the angled location of the dwelling on the site, the setbacks significantly exceed the minimum of 2.5m and 1m setback controls and. The proposed works are well separated from the rear boundary, and readily comply with the rear setback control.

#### **D1.11 Building Envelope**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality.*

*To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

*To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*



*The bulk and scale of the built form is minimised. (En, S)*  
*Equitable preservation of views and vistas to and/or from public/private places. (S)*  
*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*  
*Vegetation is retained and enhanced to visually reduce the built form. (En)*

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

The proposed works largely comply with the prescribed building envelope control with the exception of a minor portion of the northern elevation. The encroachment does not result in adverse impact on amenity with solar access, privacy and views not impacted.

The articulated nature of the side elevations of the building assists in distributing the bulk of the building and with views and reasonable solar access being retained for the neighbours, the objectives of the control are respected.

The majority of the development complies with the building envelope control, and the development readily complies with the statutory height limit.

#### **D1.14    Landscaped Area – Environmentally Sensitive Land**

The controls seek to achieve the outcomes:

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

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

The proposed new dwelling and the associated works will provide for a soft landscaped area of approximately 432m<sup>2</sup> or 57.4%, including the permissible 6% concession for functional landscaped area.

Whilst the total landscaped area is marginally below the 60% requirement, the proposal sees a replacement of an existing dwelling with a new dwelling, with a new landscape proposal to significantly improve the quality landscaping throughout the site. As the works achieve the objectives of this clause, the proposal is considered acceptable on merit.

### **D1.15 Fences – General**

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- To ensure fences compliment and conserve the visual character of the street and neighbourhood*
- To define the boundaries and edges between public and private land and between areas of different function.*
- To contribute positively to the public domain.*
- An open streetscape that allows casual surveillance of the street. (S)*
- Fences, where provided, are suitably screened from view from a public place. (S)*
- Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)*
- To ensure heritage significance is protected and enhanced. (S)*
- To ensure an open view to and from the waterway is maintained. (S)*

The proposal does not include any new fencing.

### **D1.20 Scenic Protection Category One Areas**

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- Achieve the desired future character of the Locality. (En, S)*
- To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En, S).*
- Maintenance and enhancement of the tree canopy. (En, S)*
- Colours and materials recede into a well vegetated natural environment. (En, S)*
- To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component (En, S)*
- To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.*
- To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.*
- Development shall minimise visual impacts on the natural environment when viewed from any waterway, road or public reserve.*

The proposal will maintain the more significant plantings within the site and provides for additional screen planting to surround the proposed new dwelling.

Given the scenic importance identified by the C4 Environmental Living Zone, the design has placed particular emphasis on stepping floor levels to follow the site contour and maintaining low profile roof elements. The proposed landscape plan prepared by Wallman Partners will provide for new plantings which further soften the built form of the development.

The site will maintain a generous area of soft landscaping.

The bulk and scale of the development is generally in keeping with the extent of development in the immediate locality.

The proposal will not see any unreasonable view loss for surrounding properties, and will maintain suitable privacy, amenity and solar access for neighbouring dwelling. The proposal is therefore considered to be in keeping with the provisions of this clause.

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

### **7.1 The provisions of any environmental planning instrument**

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

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

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

There are no draft instruments applying to the land.

### **7.3 Any development control plan**

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

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

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

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

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

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

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

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

We request that Council applies considered flexibility where the application seeks variations to

numerical development controls in the DCP as justified in this report. In particular, we consider that the variations to the building envelope and setback controls are a reasonable alternative solutions to compliance where the site conditions results in a challenge to designing for new development which fully respects the criteria.

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

**7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

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

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

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

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

It is considered that the proposal, which seeks consent for the construction of a new dwelling to replace existing dwelling which 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 C4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

**7.8 Submissions made in accordance with this Act or the regulations**

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

**7.9 The public interest**

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



## **8.0 Conclusion**

The principal objective of this development is to provide for the demolition of the existing structures and the construction of a new two storey dwelling, with carport and garage, together with a swimming pool and a rooftop terrace with lift access and associated landscaping, in a manner which respects and complements the site's location.

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

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

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