



Statement of Environmental Effects

Description: Construction of a carport.

Address: Lot 32 in DP 16153 (14) Elaine Avenue Avalon Beach NSW 2107

Prepared for: Jake Weston – owner

Applicant: Claron Consulting Pty Ltd

Prepared by: Brent M Winning JP [B.Build (Hons.), GDURP, MAIB, RPIA]
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Report No: 24032 Rev.1

Date: 5 May 2025



DOCUMENT CONTROL

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1.0 PREAMBLE

1.1 PROPOSAL

This Planning Statement supports the proposal for the construction of a detached carport at 14 Elaine Avenue Avalon Beach NSW 2107.

The proposed works are ancillary to an existing dwelling house and have negligible environmental and amenity impacts.

This report should be read in conjunction with the plans, specifications and expert reports that accompany and support the development application.

2.0 DISCUSSION and ANALYSIS

2.1 PROJECT OVERVIEW

This Planning Statement supports the construction of a new detached single carport at 14 Elaine Avenue Avalon NSW 2107.

The proposed works are to:

- Use an existing concrete slab and brick hob located forward of the front building line of the existing dwelling.
- Open on three (3) sides, f/c clad wall to western end with new door and window.
- Timber posts and roof frame with plasterboard lined ceiling.
- Flat roof with parapet, 4 deg. pitch, half round Colorbond eaves gutter, downpipes and Colorbond roof sheeting.
- Roof drainage connected to existing stormwater lines and taken to the street.
- Retain the existing mature landscaping scheme.

Full details of the proposed development are contained within the architectural plan set prepared by Argent Design that accompanies the development application.

2.1.1 The Proponent

The proponent is Ms Jake Weston, the landowner and occupant of the dwelling.

Contact details of the proponent Mr Weston are provided below.

- Phone: 0431 091 098
- Email: jakeweston@me.com

2.1.2 Site Description and Location

The site is legally identified as Lot 32 DP 16153 (14) Elaine Avenue Avalon Beach NSW 2107.

The site is located on the western side of Elaine Avenue approximately 70 m north of the intersection with Eastbourne Avenue.

The land is zoned R2: Low Density Residential with the dominant surrounding land use being single detached dwellings on small to medium sized lots.

The site is 490.5 m² in area and contains an existing single storey dwelling, mature landscaping scheme and a concrete driveway and partially constructed concrete slab within the front setback zone.

The site is described in Figures 1 and 2 below.

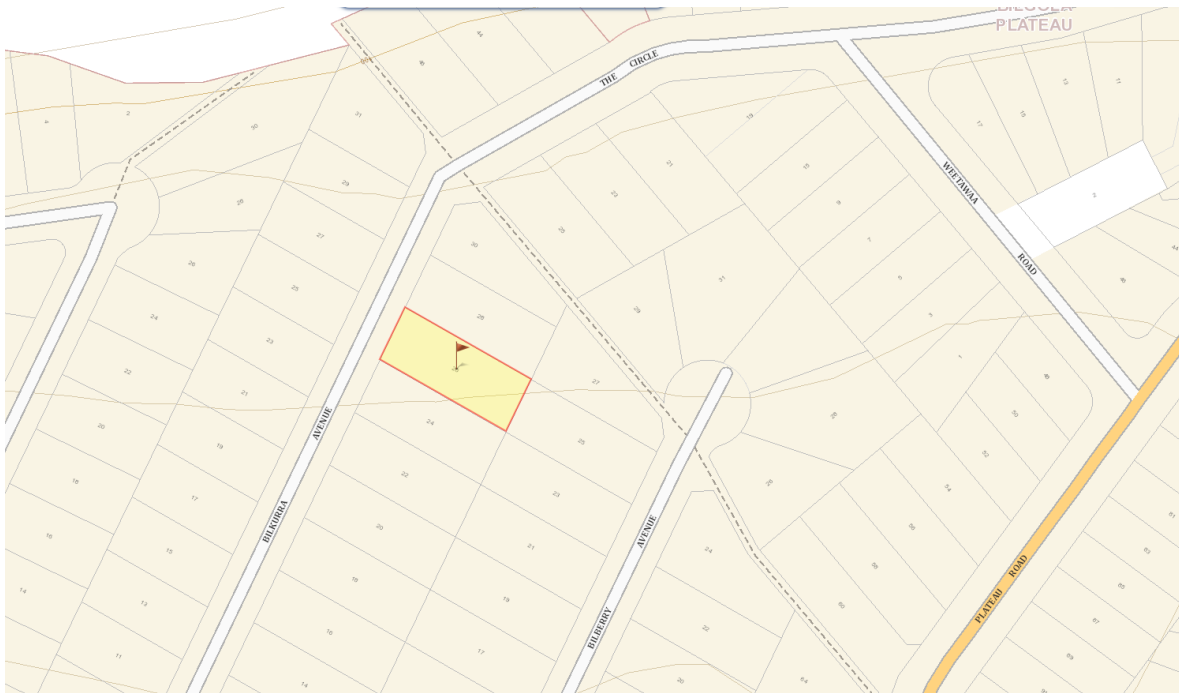


Figure 1 - Location map (SIX Maps).



Figure 2 – aerial photo (source: SIX Maps)

Details of improvements, site access, existing buildings and general site layout are included with the detailed architectural plans and site plan.

2.2 PROJECT DOCUMENTATION

This planning statement relies upon the following documentation provided by the Applicant:

Document Title	Reference Number	Date	Prepared By
Level and Detail Survey	2682 Rev. 1	19/7/2024	True North Survey Group
Architectural plans	DA1.01A, DA2.01A, DA3.01A	14.04.2025	Argent Design (Simon Bruce)

2.3 CONSULTATION

The proponent's building designer and planner undertook a pre-Lodgement meeting with Northern Beaches Council (Daniel Milliken & Ryan Fehon) on 10 December 2024, which was minuted as PLM2024/0143 (copy at Appendix A).

The valuable comments of the Council officers have been incorporated into the design and architectural plans as and where relevant.

Note: Council requires a Building Information Certificate (BIS) to be lodged concurrently with the development application to formalise the existing concrete slab and raised kerb, that is unapproved.

2.4 ENVIRONMENTAL ASSESSMENT

The following section examines the various site constraints and opportunities that inform the specific design solution and how these matters have been identified and addressed by the project technical team.

2.4.1 Site Contamination

The site is not known to be contaminated and is 'fit for purpose'; a comprehensive discussion of this issue is contained elsewhere in this report – refer to the section 'SEPP (Resilience and Hazards) 2021' for details.

2.4.2 Geotechnical

There are no known geotechnical constraints to the land.

2.4.3 Ecology, Trees and Vegetation

The site is not located within a biodiversity zone; there are no impacts upon trees or existing vegetation.

2.4.4 Bushfire and Flood

The land is not mapped as being either 'bushfire prone' or 'flood prone' land.

2.4.5 Heritage

The subject site does not contain a Schedule 5 listed heritage item nor is it within the visual curtilage of such an item. The site is not mapped as being within a 'Conservation Area'.

2.4.6 Site Access

Vehicular access to the site is via the existing driveway and crossing directly to Elaine Avenue, being a low volume local road. Referral to Transport for NSW (TfNSW) for concurrence as 'Integrated Development' is not required.

2.4.7 Utilities, Sewer and Stormwater

The existing dwelling is fully serviced for potable water, sewer, gas and electricity and requires no alteration except for connection of power to the new carport.

The new roof gutters and downpipes are to be connected to the existing stormwater system and drained to the street kerb. There is no increase in impervious area resulting from the roof due to the presence of an existing concrete slab that is to be utilised for the new carport.

2.4.8 Waste

A Demolition and Construction Waste Management Plan completed in accordance with the Northern Beaches Council WMP template (25/10/2016) accompanies the Development Application.

2.4.9 Building Code of Australia

The proposed carport does not require a BCA analysis and Access report.

2.4.10 BASIX

The proposed carport, as a BCA Class 10 structure, does not require a BASIX Certification.

2.4.11 Scenic Amenity and Views

The proposed carport is highly unlikely to significantly impact upon any existing or potential view lines to or from the subject land.

2.5 STATUTORY CONTEXT

The following section details the components of the application against the relevant section of the various Local and State planning instruments that apply for the purposes of development assessment.

2.5.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* provide the framework for environmental planning in NSW.

This section presents a summary of relevant planning legislation and any specific policies that apply to the site that may reasonably be expected to offer opportunities for, or conversely, impose constraints upon the proposed development.

2.5.1.1 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment (Amendment) Act, 1979 No.203.

(a) the provisions of:

(i) any environmental planning instrument, and

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

(iii) any development control plan, and

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

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

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

that apply to the land to which the development application relates.

The following State and local planning instruments have relevance to the proposal:

- *State Environmental Planning Policy (Resilience & Hazards) 2021.*
- *State Environmental Planning Policy (Planning Systems) 2021.*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*
- *Pittwater Local Environment Plan 2014.*
- *Pittwater 21 Development Control Plan.*

Addressed in Section 2.0 – ‘Discussion and Analysis’, which contains the requirements of the various adopted and draft planning instruments.

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

Addressed in Section 2.0 – ‘Discussion and Analysis’.

(c) The suitability of the site for the development

The site is located within the Avalon Beach low density residential precinct, is for the construction of a single detached carport and is of negligible environmental impact. The proposal is consistent with the zone and well-suited for the ancillary residential use.

(d) Any submissions made in accordance with this Act or the regulations

None made.

(e) the public interest.

The proposed development is for a structure that is ancillary to an existing dwelling, which is consistent with the current land use.

Public interest in terms of assessing potential environmental and/or amenity impacts and are matters that have been properly canvassed within this Planning Statement.

2.5.2 State Environmental Planning Policy (Resilience and Hazards) 2021

This Policy aims to *'...promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment...'*

Chapter 4 of the *SEPP (Resilience and Hazards) 2021* covers how development proposals are assessed for potential land contamination. Specifically, clause 4.6 *'Contamination and remediation to be considered in determining development application'* of the SEPP applies to the proposed development as follows:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.**
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning*

guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land—*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Table 1. Some Activities that may Cause Contamination

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

The proposal is for the construction of a carport being ancillary to the existing single dwelling, thus cl. 4.6(2) does not apply as there is no 'change of use' from that permitted in the R2 zone.

The site is not listed upon the EPA '*Public Register of Contaminated Land*' as land being contaminated within the meaning of the '*Contaminated Land Management Act 1997*' (<https://apps.epa.nsw.gov.au/prclmapp/searchregister.aspx>)

In the absence of any evidence of any industrial historical use of the land that would potentially have caused the land to be contaminated, I have formed the opinion that the land is highly unlikely to be contaminated, and with negligible risk to human health.


As the proposal does not include a 'change of use' the Objectives of *SEPP (Resilience and Hazards)* 2021 are satisfied, and no further detailed investigation is warranted in the specific circumstances.


2.5.3 Pittwater Local Environment Plan 2014 (PLEP 2014)


The relevant local planning instrument is the Pittwater Local Environment Plan 2014. PLEP 2014 contains detailed objectives and controls that will be used by Council when assessing applications under Section 4.15 of the Act.

The relevant clauses of PLEP 2014 as typically apply for the proposed 'Low Density Residential' land use are summarised in Table 1:

Table 1: Pittwater Local Environment Plan 2014

Relevant Clause	Description	Comments
Land Use Zone R2: Low Density Residential	 <p>2 Permitted without consent</p> <p><i>Home businesses; Home occupations</i></p> <p>3 Permitted with consent</p> <p><i>Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals; Water recreation structures</i></p>	<p>Not applicable.</p> <p>Complies.</p> <p>The application is for the construction of a carport, defined as 'ancillary' to the existing dwelling house.</p>
4.3 Height of buildings	(2) <i>The height of a building on any land is not to exceed the maximum height</i>	Complies.

Relevant Clause	Description	Comments
	<p><i>shown for the land on the Height of Buildings Map.</i></p>  <p>8.5 m</p>	<p>The building height of the new carport roof is <8.5m and well within the Height Control.</p> <p>Refer to section on sheet DA3.01A.</p>
4.4 Floor Space Ratio	<p><i>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i></p>	<p>Not Applicable.</p> <p>There are no maximum floor space ratio requirements for the subject site.</p>
cl. 4.6 Exceptions to Development Standards	<p><i>(4) Development consent must not be granted for development that contravenes a development standard unless—</i></p> <p><i>(a) the consent authority is satisfied that—</i></p> <p><i>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</i></p> <p><i>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i></p> <p><i>(b) the concurrence of the Planning Secretary has been obtained.</i></p>	<p>Not Applicable.</p> <p>There is no submission made with this application to vary a development standard.</p>

Relevant Clause	Description	Comments
5.10 Heritage conservation	<p>(5) Heritage assessment</p> <p><i>The consent authority may, before granting consent to any development:</i></p> <p><i>(a) on land on which a heritage item is located, or</i></p> <p><i>(b) on land that is within a heritage conservation area, or</i></p> <p><i>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</i></p> <p><i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i></p>	<p>Not Applicable.</p> <p>The site does not contain a heritage item that is listed in Schedule 5, nor is it within a Conservation Zone .</p>
7.1 Acid sulfate soils	 <p>Class 5</p> <p><i>(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</i></p> <p><i>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</i></p>	<p>Applies.</p> <p>The site is mapped for 'Acid Sulfate Soils Class 5'.</p> <p>As the works do involve excavation (using the existing concrete slab) and highly unlikely to have any consequent impact upon groundwater, a preliminary 'Acid Sulfate Soils Management Plan' is not considered to be necessary, as the risk is minimal and can be adequately addressed by the structural engineer at the Construction Certificate stage.</p>

Relevant Clause	Description	Comments
	<p><i>(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—</i></p> <p><i>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</i></p> <p><i>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</i></p> <p><i>(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—</i></p> <p><i>(a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,</i></p> <p><i>(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),</i></p> <p><i>(c) minor work, being work that costs less than \$20,000 (other than drainage work).</i></p>	

Relevant Clause	Description	Comments
	<p><i>(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—</i></p> <p><i>(a) the works involve the disturbance of less than 1 tonne of soil, and</i></p> <p><i>(b) the works are not likely to lower the watertable.</i></p>	

2.5.4 Pittwater 21 Development Control Plan

The P21DCP supports the provisions of *Pittwater Local Environmental Plan 2014*.

The P21DCP contains detailed objectives and controls that will be used by Council when assessing the application under Section 4.15 of the Act.

The following section summarises the relevant P21DCP controls required to be considered as part of the project assessment.

Table 2 – Extract from P21DCP

Clause No.	DCP Clause	Response
Section B	General Controls	
B1	Heritage Controls	Not Applicable. This matter has been dealt with previously
B2	Density Controls	Not Applicable. The proposal does not alter the density of the land.
B3	Hazard Controls	
B3.1	Landslip Hazard	Not Applicable. The land is not mapped for landslip.
B3.2	Bushfire Hazard	Not Applicable. The site is not 'bushfire prone land'.
B4	Controls Relating to the Natural Environment	
B4.22	Preservation of Trees and Bushland Vegetation	
	Requirements for other Development Applications	The new carport is sited upon an existing concrete slab and has no impact upon trees.

Clause No.	DCP Clause	Response
	<p><i>When a DA required for clearing vegetation the following requirements apply:</i></p> <p>5. <i>Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.</i></p> <p>6. <i>Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.</i></p> <p>7. <i>Development must also avoid any impact on trees on public land.</i></p> <p>8. <i>For development applications involving the construction of new buildings and works containing Classes 2-9 (BCA), the information contained in Appendix 18 (P21DCP) is to be submitted.</i></p> <p>9. <i>Where trees proposed to be retained may be affected by the construction of new buildings and works of Classes 1 and 10, a Tree Protection Plan as per Appendix 19 (P21DCP) is to be submitted.</i></p>	<p>There are no trees either within the site or on public land that are to be removed to facilitate the proposed works.</p>
B5	Water Management	
B5.13	Development on Waterfront Land	Not Applicable.
B5.15	Stormwater	
	<ul style="list-style-type: none"> • <i>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.</i> 	<p>No impacts.</p> <p>The proposed works do not increase the impervious area >50 m², thus OSD is not required.</p> <p>All roofwater from the carport roof is connected to the existing system, draining directly to the street.</p>

Clause No.	DCP Clause	Response						
	<ul style="list-style-type: none">The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.							
B6	Access and Parking							
B6.1	Access driveways and Works on the Public Road Reserve	<p>Not Applicable.</p> <p>There are no changes to the existing driveway, footpath crossing and layback to Elaine Avenue.</p>						
B6.2	Internal Driveways	<p>Not Applicable.</p> <p>There are no changes to the configuration of the existing driveway within the property.</p>						
B6.3	<p>Off-Street Vehicle Parking Requirements</p> <ul style="list-style-type: none">The minimum number of vehicle parking spaces to be provided for off-street parking is as follows for dual occupancies, dwelling houses, secondary dwellings, exhibition homes, rural workers' dwellings and tourist and visitor accommodation: <table><tr><td>Number of bedrooms per dwelling but not a secondary dwelling</td></tr><tr><td>1 bedroom</td></tr><tr><td>2 bedrooms or more</td></tr></table> <table><tr><td>Parking requirements per dwelling</td></tr><tr><td>1 space</td></tr><tr><td>2 spaces</td></tr></table>	Number of bedrooms per dwelling but not a secondary dwelling	1 bedroom	2 bedrooms or more	Parking requirements per dwelling	1 space	2 spaces	<p>Complies.</p> <p>The new carport provides cover for one (1) car to be parked off-street within the front setback.</p> <p>Stack parking for a second vehicle is available on the driveway, as per the existing arrangements.</p>
Number of bedrooms per dwelling but not a secondary dwelling								
1 bedroom								
2 bedrooms or more								
Parking requirements per dwelling								
1 space								
2 spaces								
B8	Site Works Management	<p>A 'Site Management Plan' and 'Erosion & Sediment Control Plan' (ESCP) is included with the Architectural plans.</p>						
C1	Design Criteria for Residential Development							
C1.1	Landscaping							
	Controls							

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> <i>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</i> <i>In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.</i> <i>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</i> <i>Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ within this area to ensure growth is not restricted.</i> <i>The following soil depths are required in order to be counted as landscaping:</i> <ul style="list-style-type: none"> <i>300mm for lawn</i> <i>600mm for shrubs</i> <i>1metre for trees</i> <i>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</i> 	<p>The proposed works are confined to the existing concrete slab footprint and have no impact upon the existing mature landscaping scheme, which is to be retained intact (no works).</p> <p>There is no decrease in the existing deep soil planting zones, and no mature trees are impacted by the works.</p>

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> ○ A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments, ○ 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and ○ 50% for all other forms of residential development. • Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site. • In bushfire prone areas, species shall be appropriate to the bushfire hazard. • Landscaping shall not unreasonably obstruct driver and pedestrian visibility. • Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops. • Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used. • Noxious and undesirable plants must be removed from the site (www.pittwater.nsw.gov.au/environment/noxious_weeds/a-z_list_of_weeds) 	
C1.2	Safety and Security	
	<p>Surveillance</p> <ul style="list-style-type: none"> • Building design should allow visitors who approach the front door to be seen without the need to open the door. • Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space 	<p>Complies.</p> <p>The location of the open carport forward of the front building line does not significantly impact upon the dwelling as it presents to the street, with passive surveillance maintained</p>

Clause No.	DCP Clause	Response
	<p><i>etc) and communal areas to maximise casual surveillance.</i></p> <ul style="list-style-type: none"> <i>• Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners.</i> <i>• Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: Control of the obtrusive effects of outdoor lighting.</i> <i>• Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.</i> <i>• Where provided, public facilities (toilets, telephone, ATMs, etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces.</i> <i>• Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</i> 	<p>from the living room windows at the ground floor level.</p>
	<p>2. Access Control</p> <ul style="list-style-type: none"> <i>• Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</i> <i>• Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</i> <i>• Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</i> 	<p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> <i>The street number of the property is to be clearly identifiable.</i> <i>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</i> 	<p>No impact.</p> <p>No impact.</p>
	<p>3. Territorial reinforcement</p> <ul style="list-style-type: none"> <i>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</i> <i>Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided.</i> <i>Blank walls along all public places (streets, open space etc) shall be minimised.</i> 	<p>Not applicable.</p> <p>Not applicable.</p> <p>Complies. The carport is an open structure.</p>
	<p>4. Space management</p> <ul style="list-style-type: none"> <i>Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.</i> <i>Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.</i> <i>A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix</i> 	<p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>

Clause No.	DCP Clause	Response
	<i>of Crime Prevention through Environmental Design (CPTED) strategies.</i>	
C1.3	View Sharing	
	<ul style="list-style-type: none"> • <i>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</i> • <i>The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</i> • <i>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</i> • <i>Views are not to be obtained at the expense of native vegetation.</i> 	<p>Complies.</p> <p>There are no significant existing or potential view lines to/from the subject property that are inappropriately compromised by the proposal.</p>
C1.4	Solar Access	
	<ul style="list-style-type: none"> • <i>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</i> • <i>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</i> • <i>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.</i> • <i>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</i> 	<p>Not applicable to a single storey carport.</p>

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> <i>The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</i> <p>Variations</p> <p>General</p> <ul style="list-style-type: none"> <i>Where the following constraints apply to a site, reasonable solar access to the main private open space and to windows to the principal living area will be assessed on a merit basis:</i> <ul style="list-style-type: none"> <i>- where the orientation or shape of a lot precludes northerly orientation (20o west to 30o east of north),</i> <i>- where there is adverse slope or topography,</i> <i>- where there is existing vegetation, obstruction, development or fences that overshadow, or</i> <i>- where other controls have priority, e.g. heritage and landscaping considerations.</i> <i>Subject to a merit assessment, consent may be granted where a proposal does not comply with the standard, provided the resulting development is consistent with the general principles of the development control, the desired future character of the locality and any relevant State Environmental Planning Policy.</i> 	
C1.5	Visual Privacy	
	<ul style="list-style-type: none"> <i>Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the</i> 	<p>No impact.</p> <p>The proposed single storey carport located within the front setback area does not compromise visual amenity for any adjoining neighbour.</p>

Clause No.	DCP Clause	Response
	<p><i>diagram below (measured from a height of 1.7 metres above floor level).</i></p> <ul style="list-style-type: none"> • <i>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</i> • <i>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</i> • <i>Direct views of private open space or any habitable room window within 9m can be restricted (see diagram below) by:</i> <ul style="list-style-type: none"> - <i>vegetation/landscaping</i> - <i>a window sill height 1.7 metres above floor level, or</i> - <i>offset windows</i> - <i>fixed translucent glazing in any part below 1.7 metres above floor level, or</i> - <i>solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:</i> <ul style="list-style-type: none"> - <i>permanent and fixed;</i> - <i>made of durable materials; and</i> - <i>designed and painted or coloured to blend in with the dwelling.</i> <p>Variations</p> <p>Secondary Dwellings:</p> <ul style="list-style-type: none"> • <i>For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.</i> 	<p>Not Applicable.</p> <p>The proposal does not include a Secondary Dwelling.</p>
C1.6	Acoustic Privacy	
	<ul style="list-style-type: none"> • <i>Noise-sensitive rooms, such as bedrooms, should be located away from noise</i> 	No impact.

Clause No.	DCP Clause	Response
	<p><i>sources, including main roads, parking areas, living areas and communal and private open space areas and the like.</i></p> <ul style="list-style-type: none"> • <i>Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).</i> • <i>Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</i> • <i>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</i> 	<p>The proposed single storey carport located within the front setback area has no additional impact in terms of vehicle noise over the current situation.</p>
C1.7	Private Open Space	
	<p><i>Private open space shall be provided as follows:</i></p> <p><i>a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:</i></p> <ul style="list-style-type: none"> • <i>Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</i> • <i>Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</i> • <i>Dwellings are to be designed so that private open space is directly accessible</i> 	<p>Not applicable.</p> <p>P.O.S. is unchanged.</p>

Clause No.	DCP Clause	Response
	<p><i>from living areas enabling it to function as an extension of internal living areas.</i></p> <ul style="list-style-type: none"> • <i>Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</i> • <i>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</i> • <i>Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.</i> • <i>A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.</i> • <i>Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.</i> • <i>An accessible and usable area for composting facilities within the ground level private open space is required.</i> 	
C1.8	Dual Occupancy Specific Controls	Not Applicable.
C1.9	Adaptable Housing and Accessibility	Not Applicable.
C1.10	Building Facades	




Clause No.	DCP Clause	Response
	<p><i>Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.</i></p> <p><i>For multi dwelling housing, residential flat buildings or seniors housing and similar development that includes multiple dwellings with multiple letterboxes, where possible mailboxes should be orientated obliquely to the street to reduce visual clutter and the perception of multiple dwellings.</i></p>	<p>Complies.</p> <p>All services are concealed within the building structure, to be further addressed at the Construction Certificate stage.</p>
C1.11	Secondary Dwellings and Rural Worker's Dwellings	Not applicable.
C1.12	Waste and Recycling Facilities	
	<ul style="list-style-type: none"> • All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan 	<p>Complies.</p> <p>A 'Waste Management Plan' for construction is included with the Application documentation.</p>
C1.13	Pollution Control	
	<ul style="list-style-type: none"> • <i>Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.</i> • <i>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</i> 	<p>The Controls are noted and are to be addressed, if applicable, during the construction stage to the satisfaction of the Principal Certifying Authority (PCA).</p>
C1.14	Separately Accessible Structures	
	<p><i>A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:</i></p> <p><i>i. it is ancillary to a dwelling;</i></p>	Not applicable.






Clause No.	DCP Clause	Response
	<p><i>ii. it is not designed for separate habitation and does not contain any cooking facilities.</i></p> <p>Variations</p> <p><i>Where the purpose of the structure or its distance from the nearest bathroom facility dictates, bathroom/toilet facilities may be allowed.</i></p>	
C1.15	Storage Facilities	
	<i>A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.</i>	Not applicable.
C1.16	Development ancillary to residential accommodation - Tennis Courts	Not applicable.
C1.17	Swimming Pool Safety	Not applicable.
C1.18	Car/Vehicle/Boat Wash Bays	Not applicable.
C1.19	Incline Passenger Lifts and Stairways	Not applicable.
C1.20	Undergrounding of Utility Services	Not applicable.
C1.21	Seniors Housing	Not applicable.
C1.23	Eaves	
	<ul style="list-style-type: none"> <i>Dwellings shall incorporate eaves on all elevations.</i> <i>Eaves must be a minimum of 450 mm in width, excluding any fascia/barge boards and gutters.</i> 	<p>Not applicable to a carport.</p> <p>The flat roof configuration provides overhanging eaves to each elevation.</p>
C1.24	Public Road Reserve - Landscaping and Infrastructure	Not applicable.
C1.25	Plant, Equipment Boxes and Lift Over-Run	
	<ul style="list-style-type: none"> <i>Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air conditioning units on the roof of residential flat buildings and multi dwelling housing.</i> 	Not applicable.











































Clause No.	DCP Clause	Response
	<p><i>The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement.</i></p> <ul style="list-style-type: none"> <i>Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.</i> <p>Variations</p> <ul style="list-style-type: none"> <i>Subject to achievement of the outcomes of this control, consideration may be given to the location of plant, equipment boxes and lift over-runs on the roof a building where it can be shown that there will not be a non-compliance with Council's built form controls including building height and building envelope.</i> <i>Where located on the roof any plant, equipment boxes and lift over-runs are to be adequately screened from view from adjoining properties and the public domain.</i> 	
D1	Avalon Beach Locality	
D1.1	Character as viewed from a public place	
	<ul style="list-style-type: none"> <i>Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.</i> 	<p>Satisfactory.</p> <p>The proposed architectural treatment is a low-profile open carport.</p> <p>Presentation to the street is entirely consistent with the extant and developing neighbourhood character.</p>

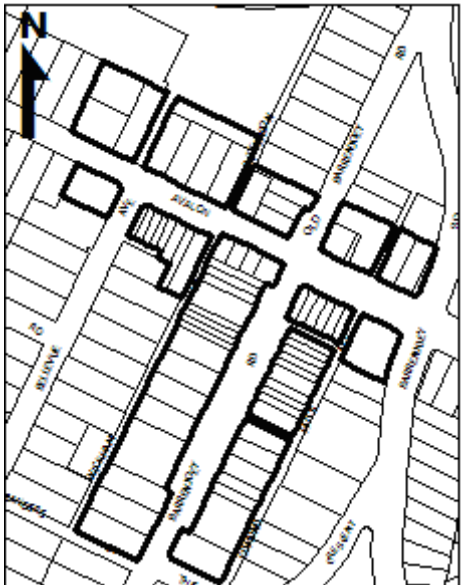
Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> Walls without articulation shall not have a length greater than 8 metres to any street frontage. 	Complies.
	<ul style="list-style-type: none"> Any building facade to a public place must incorporate at least two of the following design features: <ul style="list-style-type: none"> i. entry feature or portico; ii. awnings or other features over windows; iii. verandahs, balconies or window box treatment to any first floor element; iv. recessing or projecting architectural elements; v. open, deep verandahs; or vi. verandahs, pergolas or similar features above garage doors. 	Complies.
	<ul style="list-style-type: none"> The bulk and scale of buildings must be minimised. 	Complies. The carport is an open structure.
	<ul style="list-style-type: none"> Garages, carports and other parking structures including hardstand areas should not be the dominant site feature when viewed from a public place. Parking structures must be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser. 	<p>Satisfactory.</p> <p>The low-profile open carport is a single storey structure that is subservient to the main dwelling and does not exceed 50% of the lot width.</p> <p>The location of the carport within the front setback and forward of the main dwelling can be well supported on a merit basis – see below discussion.</p>
	<ul style="list-style-type: none"> Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation. 	<p>Not applicable.</p> <p>There are no changes to the existing mature landscaping scheme, nor is any existing vegetation or trees to be removed.</p>
	<ul style="list-style-type: none"> Television antennas, satellite dishes and other telecommunications equipment must 	Not applicable.

Clause No.	DCP Clause	Response
	<i>be minimised and screened as far as possible from public view.</i>	
	<ul style="list-style-type: none"> • <i>General service facilities must be located underground.</i> 	<p>Can comply.</p> <p>To be addressed at the Construction Certificate stage.</p>
	<ul style="list-style-type: none"> • <i>Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.</i> 	<p>Can comply.</p> <p>To be addressed at the Construction Certificate stage.</p>
	<p>Variations</p> <p><i>Council may permit parking spaces in front of building line where site constraints limit location such variation must be justified in the discussion below.</i></p> <p><i>Subject to achievement of the outcomes of this control, consideration may be given to the location of plant, equipment boxes and lift over-runs on the roof of a building where it can be shown that there will not be a non-compliance with Council's built form controls including height and building envelope.</i></p> <p><i>Where located on the roof any plant, equipment boxes and lift over-runs are to be adequately screened from view from adjoining properties and the public domain.</i></p>	<p>Merit assessment requested.</p> <p>Although located forward of the building line, a variation to the Control can be supported on the following basis:</p> <ol style="list-style-type: none"> 1. It is a low-profile, single storey, open structure that does not dominate the dwelling. 2. The area available behind the front building alignment (ie between the dwelling and the northern side boundary) is constrained by mature landscaping/planters and the room beyond – refer to the photo below. 3. The location uses the existing concrete slab and stormwater connection point – refer to the photo below. 4. The existing side boundary screen planting is maintained – refer to the photo below.

Clause No.	DCP Clause	Response
		 <p data-bbox="908 853 1383 1064">5.The location is consistent with other similar structures within close proximity of the subject site (neighbourhood character) – refer to below examples all taken from Elaine Avenue:</p>  

Clause No.	DCP Clause	Response
		    


Clause No.	DCP Clause	Response															
D1.2	Character - Avalon Beach Village																
	<p>Uses to which this control applies</p> <ul style="list-style-type: none"> • Business Development • Child care centre • Earthworks • Other Development • Seniors housing • Shop top housing • Signage • Subdivision • Telecommunications facility 	Not applicable to a carport (ancillary to a dwelling).															
D1.4	Scenic Protection - General																
	<p>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</p> <p>Variations</p> <p>Nil</p>	<p>Complies.</p> <p>The open carport structure has minimal visual presentation to the public realm and inoffensive to the streetscape.</p>															
D1.5	Building Colours and Materials																
	<p>External colours and materials shall be dark and earthy tones as shown below:</p> <table border="0"> <tr> <td> Black ✓</td> <td> Dark grey ✓</td> <td> Dark green ✓</td> </tr> <tr> <td> Dark brown ✓</td> <td> Mid grey ✓</td> <td> Green ✓</td> </tr> <tr> <td> Brown ✓</td> <td> Dark blue ✓</td> <td></td> </tr> </table> <p>White, light coloured, red or orange roofs and walls are not permitted:</p> <table border="0"> <tr> <td> White ✗</td> <td> Light blue ✗</td> <td> Red ✗</td> </tr> <tr> <td> Orange ✗</td> <td> Light grey ✗</td> <td> Beige ✗</td> </tr> </table> <p>Finishes are to be of a low reflectivity.</p> <p>Applications in commercial areas, as identified in the diagram below, shall use the three elements of stone, timber and</p>	 Black ✓	 Dark grey ✓	 Dark green ✓	 Dark brown ✓	 Mid grey ✓	 Green ✓	 Brown ✓	 Dark blue ✓		 White ✗	 Light blue ✗	 Red ✗	 Orange ✗	 Light grey ✗	 Beige ✗	<p>Satisfactory.</p> <p>External colours are to match the existing dwelling.</p> <p>Complies.</p> <p>Not applicable.</p>
 Black ✓	 Dark grey ✓	 Dark green ✓															
 Dark brown ✓	 Mid grey ✓	 Green ✓															
 Brown ✓	 Dark blue ✓																
 White ✗	 Light blue ✗	 Red ✗															
 Orange ✗	 Light grey ✗	 Beige ✗															

Clause No.	DCP Clause	Response
	<p><i>landscaping as feature elements to any facade presenting to the street.</i></p>  <p>Variations</p> <p><i>Council may consider lighter coloured external walls (excluding white) only for residential development within Area 3 on the Landscaped Area Map, and for non-residential development in areas that are not visually prominent.</i></p> <p><i>External materials and finishes shall be or shall appear to be natural, with subdued natural and dark coastal colours. Brighter colour accents shall be permitted. The dominant use of smooth shiny surfaces such as glass, metallics and plastics shall be avoided.</i></p> <p><i>Heritage items may vary this control where heritage colours and fabrics appropriate to the building are applied.</i></p>	<p>Lighter colours are preferred as the structure should match the existing dwelling.</p> <p>Satisfactory.</p> <p>Not applicable.</p>
D1.8	Front building line	
	<ul style="list-style-type: none"> <i>The minimum front building line shall be in accordance with the following table.</i> 	<p>Non-compliant.</p> <p>As previously discussed, the carport is located within the front setback zone</p>

Clause No.	DCP Clause	Response							
	<div><div>Land</div><div>Land adjoining Barrington Rd</div><div>Land zoned R2 Low Density Residential on the southern side of Avalon Parade between Dunlin Row and Redhouse Avenue (being numbers 61 to 93 inclusive)</div><div>Land zoned R2 Low Density Residential along Avalon Pde, on the southern side between Gurlita Place and Dunlin Row (being No's 97 to 121 inclusive), and on the northern side (being no's 50 to 112 inclusive)</div><div>All other land zoned R2 Low Density Residential, R3 medium Density Residential or E4 Environmental Living</div><div>Land zoned B1 Neighbourhood Centre or B2 Local Centre</div><div>All other land</div></div> <table><tr><td>Front Building Line (metres)</td></tr><tr><td>10 or established building line, whichever is the greater</td></tr><tr><td>18</td></tr><tr><td>10</td></tr><tr><td>6.5, or established building line, whichever is the greater</td></tr><tr><td>3.5</td></tr><tr><td>Merit assessment</td></tr></table> <div><ul style="list-style-type: none">• Built structures (including swimming pools), other than driveways, fences and retaining walls are not permitted within the front building setback.• Where new streets or accessways are proposed in residential flat buildings and multi dwelling housing development, a minimum front setback of 3 metres must be provided between the carriageway and dwellings.<p>Variations</p><ul style="list-style-type: none">• Other than Avalon Parade (No's 61 to 121 and 50 to 112 inclusive)<p>Where the outcomes of this control are achieved, Council may accept a minimum building setback to a secondary street of half the front building line.</p><p>Where the outcomes of this control are achieved, Council may accept variation to these building lines in the following circumstances:</p><ul style="list-style-type: none">• considering established building lines;• degree of cut and fill;• retention of trees and vegetation;• where it is difficult to achieve acceptable levels for building;</div>	Front Building Line (metres)	10 or established building line, whichever is the greater	18	10	6.5, or established building line, whichever is the greater	3.5	Merit assessment	<p>and a variation to the Control is requested.</p> <p>Merit assessment required - refer to previous discussion.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Merit assessment required - refer to previous discussion for justification.</p>
Front Building Line (metres)									
10 or established building line, whichever is the greater									
18									
10									
6.5, or established building line, whichever is the greater									
3.5									
Merit assessment									

Clause No.	DCP Clause	Response							
	<ul style="list-style-type: none">• <i>for narrow or irregular shaped blocks;</i>• <i>where the topographic features of the site need to be preserved;</i>• <i>where the depth of a property is less than 20 metres.</i> <p><i>On steeply sloping or constrained sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable.</i></p> <p><i>On-site wastewater treatment systems and rainwater tanks are permitted within the front building line provided that they do not exceed 1m in height above ground level (existing).</i></p>	<p>Not applicable.</p> <p>Not applicable.</p>							
D1.9	Side and rear building line								
	<ul style="list-style-type: none">• <i>The minimum side and rear building line for built structures including pools and parking structures other than driveways, fences and retaining walls, shall be in accordance with the following table:</i> <table><tr><td>Land</td></tr><tr><td>Land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living</td></tr><tr><td></td></tr><tr><td>Land within the Avalon Beach Village (MDCP 101 below)</td></tr><tr><td></td></tr><tr><td>All other land zoned B1 Neighbourhood Centre and B2 Local Centre adjoining land zoned R2 Low Density Residential, R3 Medium Density Residential, E4 Environmental Living, RE1 Public Recreation, or E2 Environmental Conservation</td></tr><tr><td>All other land zoned B1 Neighbourhood Centre and B2 Local Centre adjoining land other than land zoned R2 Low Density Residential, R3 Medium Density Residential, E4 Environmental Living, RE1 Public Recreation, or E2 Environmental Conservation</td></tr></table>	Land	Land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living		Land within the Avalon Beach Village (MDCP 101 below)		All other land zoned B1 Neighbourhood Centre and B2 Local Centre adjoining land zoned R2 Low Density Residential, R3 Medium Density Residential, E4 Environmental Living, RE1 Public Recreation, or E2 Environmental Conservation	All other land zoned B1 Neighbourhood Centre and B2 Local Centre adjoining land other than land zoned R2 Low Density Residential, R3 Medium Density Residential, E4 Environmental Living, RE1 Public Recreation, or E2 Environmental Conservation	<p>Minor non-compliance but satisfactory.</p> <p>The existing side setback for the concrete slab varies from 992 mm to 950 mm (1.0 m required).</p> <p>The rear setback is not relevant.</p>
Land									
Land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living									
Land within the Avalon Beach Village (MDCP 101 below)									
All other land zoned B1 Neighbourhood Centre and B2 Local Centre adjoining land zoned R2 Low Density Residential, R3 Medium Density Residential, E4 Environmental Living, RE1 Public Recreation, or E2 Environmental Conservation									
All other land zoned B1 Neighbourhood Centre and B2 Local Centre adjoining land other than land zoned R2 Low Density Residential, R3 Medium Density Residential, E4 Environmental Living, RE1 Public Recreation, or E2 Environmental Conservation									

Clause No.	DCP Clause	Response
	<p>Side & Rear Building Line (metres)</p> <p>2.5 at least to one side; 1.0 for other side</p> <p>6.5 rear (other than where the foreshore building line applies)</p> <p>Dual Occupancy</p> <p>2.5 at least to one side ; 1.0 for other side</p> <p>6.5 rear (other than where the foreshore building line applies)</p> <p>Residential flat buildings and multi dwelling housing: see below</p> <p>Secondary Dwelling</p> <p>2.5 to at least one side; 1.0 for other side</p> <p>6.5 rear (other than where the foreshore building line applies)</p> <p>Side</p> <p>1.5 (to a lane or road)</p> <p>see diagram below</p> <p>Nil (all other)</p> <p>Rear</p> <p>3.5 (to lane or road)</p> <p>Nil (all other)</p> <hr/> <p>3.0</p> <hr/> <p>Nil</p> <hr/> <p>Variations</p> <ul style="list-style-type: none"> Where alterations and additions to existing buildings are proposed, maintenance of existing setbacks less than as specified may be considered where it is shown that the outcomes of this clause are achieved. Where the depth of a property is less than 20 metres, Council may accept a reduced building setback from the rear boundary. <p>For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following:</p> <ul style="list-style-type: none"> satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and Council is satisfied that the adjoining properties will not be adversely affected, and the pool or spa is not more than 1 metre above ground level (existing), and 	<p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> • <i>that the outcomes of this clause are achieved without strict adherence to the standards, and</i> • <i>where the site constraints make strict adherence to the setback impractical, and</i> • <i>where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.</i> 	
D1.11	Building envelope	
	<ul style="list-style-type: none"> • <i>Buildings are to be sited within the following envelope:</i>  <p style="text-align: center;">STREET FRONTAGE</p> <p><i>Development other than residential flat buildings and multi dwelling housing:</i></p> <ul style="list-style-type: none"> • <i>Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).</i> <p>Variations</p> <ul style="list-style-type: none"> • <i>Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merit basis.</i> • <i>Where subject to Estuarine, Flood & Coastline (Beach) Hazard Controls, the building envelope shall be measured from a height above the minimum floor level requirement under the Estuarine, Flood and Coastline (Beach) Hazard Controls.</i> 	<p>Complies.</p> <p>The building envelope for the minor structure is not shown on the architectural plans however can be interpolated from the elevations and section as complying.</p>

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> <i>Eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope.</i> <i>Council may consider a variation for the addition of a second storey where the existing dwelling is retained.</i> 	
D1.12	Building envelope – Avalon Beach Village	Not applicable.
D3.10	Landscaped Area – General	
	<ul style="list-style-type: none"> <i>The total landscaped area on land zoned R2 Low Density Residential shall be 50% of the site area.</i> <i>The use of porous materials and finishes is encouraged where appropriate.</i> <i>Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped area.</i> <p>Split Zones</p> <ul style="list-style-type: none"> <i>On lots where there is a split zoning and part of the lot is zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, the calculation for total landscaped area will be based only on that area not zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure. It will not be based on the site area of the whole lot.</i> <p>Variations</p> <ul style="list-style-type: none"> <i>Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:</i> <ul style="list-style-type: none"> <i>impervious areas less than 1 metre in width (e.g. pathways and the like);</i> <i>for single dwellings on land zoned R2 Low Density Residential, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor</i> 	<p>Complies.</p> <p>The total available landscaped area is unchanged for the current condition.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>

Clause No.	DCP Clause	Response
	<i>recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).</i>	
D1.14	Landscaped Area - Environmentally Sensitive Land	Not applicable.
	<ul style="list-style-type: none"> • <i>The total landscaped area on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living shall be 60% of the site area.</i> • <i>The use of porous materials and finishes is encouraged where appropriate.</i> • <i>Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area.</i> <p>Split Zones</p> <ul style="list-style-type: none"> • <i>On lots where there is a split zoning and part of the lot is zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, the calculation for total landscaped area will be based only on that area not zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure. It will not be based on the site area of the whole lot.</i> <p>Variations</p> <ul style="list-style-type: none"> • <i>Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:</i> <ul style="list-style-type: none"> - <i>impervious areas less than 1 metre in width (e.g. pathways and the like);</i> - <i>for single dwellings on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational</i> 	

Clause No.	DCP Clause	Response
	<p><i>purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).</i></p> <ul style="list-style-type: none"> • <i>The site plan(s) is to clearly show (by shading or other means) the proposed landscaped area and include a table identifying:</i> <ul style="list-style-type: none"> - <i>existing hard surface area</i> - <i>hard surface area to be retained</i> - <i>proposed hard surface area</i> - <i>total site area</i> - <i>existing landscaped area (%)</i> - <i>proposed landscaped area (%)</i> - <i>impervious area to be retained.</i> 	
D1.15	Fences - General	
	<p><i>a. Front fences and side fences (within the front building setback)</i></p> <ul style="list-style-type: none"> • <i>Front fences and side fences (within the front building setback) shall:</i> <ul style="list-style-type: none"> - <i>not exceed a maximum height of 1 metre above existing ground level,</i> - <i>be compatible with the streetscape character, and</i> - <i>not obstruct views available from the road.</i> • <i>Front fences and landscaping should allow people in their homes to view street activity.</i> • <i>Fences are to be constructed of open, see-through, dark-coloured materials.</i> 	<p>Not Applicable.</p> <p>There are no changes to the existing boundary fences.</p>

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> • <i>Landscaping is to screen the fence on the roadside. Such landscaping is to be trimmed to ensure clear view of pedestrians and vehicles travelling along the roadway, for vehicles and pedestrians exiting the site.</i> • <i>Original stone fences or stone fence posts shall be conserved.</i> <p><i>b. Rear fences and side fences (to the front building line)</i></p> <ul style="list-style-type: none"> • <i>Fencing is permitted along the rear and side boundaries (other than within the front building setback) to a maximum height of 1.8 metres.</i> <p><i>c. Rear fences to land zoned RE1 Public Recreation or E2 Environmental Conservation abutting the Pacific Ocean;</i></p> <ul style="list-style-type: none"> • <i>Fencing is to be constructed of open, see-through, dark-coloured materials and shall have a maximum height of 1.8 metres.</i> <p><i>d. Fencing adjoining Pittwater Waterway</i></p> <ul style="list-style-type: none"> • <i>Fences are to be setback 3 metres from the property boundary adjacent to the waterway, and shall have a maximum height of 1.8 metres.</i> • <i>Fences are to be constructed of open, see-through, dark-coloured materials. Landscaping is to screen the fence on the foreshore side.</i> <p><i>e. Fencing in Ruskin Rowe heritage conservation area</i></p> <ul style="list-style-type: none"> • <i>No front fences will be permitted. Council may consider front fences constructed of open, see-through, wire and dark lightweight materials that do not extend past the building(s). Where no private open space is available at the rear of</i> 	

Clause No.	DCP Clause	Response
	<p><i>buildings, fencing may be considered on merit.</i></p> <ul style="list-style-type: none"> <i>• Side and rear fences are to be constructed of open, see-through, wire and dark lightweight materials and shall not obstruct the passage of wildlife.</i> <p><i>f. Corner lots or lots with more than one frontage</i></p> <ul style="list-style-type: none"> <i>• Applicants shall nominate their side, rear and front boundaries if fences are proposed</i> <p><i>g. Fencing on land on Council's Flood Hazard Maps</i></p> <ul style="list-style-type: none"> <i>• No masonry fences will be permitted on land identified in High Flood Hazard Areas or on land within a Floodway.</i> <i>• All fences in High Flood Hazard Areas or within a Floodway are to be constructed in 'open' materials, for the full height of the fence, to allow for the passage of floodwaters through the fence.</i> <p><i>h. Fencing within the foreshore building line shall:</i></p> <ul style="list-style-type: none"> <i>• Not exceed a maximum height of 1 metre above existing ground level.</i> <i>• Shall be compatible with the streetscape character and</i> <i>• Not obstruct views available from or to the foreshore, waterway and or road.</i> <i>• Fences are to be constructed of open, see-through, dark-coloured materials. Landscaping is to screen the fence on the foreshore side.</i> 	
	<p>Variations</p> <ul style="list-style-type: none"> <i>• Within the front building setback, provided the outcomes of this clause are achieved, fencing to a maximum height of 1.8 metres</i> 	Not Applicable.

Clause No.	DCP Clause	Response
	<p><i>may be considered where the main private open space is in front of the dwelling, the lot is a corner lot or has more than one frontage or the site is located on a main road with high traffic noise. In such instances, front fencing shall:</i></p> <ul style="list-style-type: none"> <i>i. be setback a minimum of one metre for any fence higher than one metre (in the case of corner lots or lots with more than one frontage this setback may be varied based on merits); and</i> <i>ii. be articulated to provide visual interest and further opportunities for landscaping, and</i> <i>iii. be screened by landscaping within the setback area; and</i> <i>iv. not restrict casual visual surveillance of the street, and</i> <i>v. provide a 45 degree splay (or equivalent) either side of any vehicular entrance, minimum dimensions of 2 metres by 2 metres; and</i> <i>vi. 50% or more of the fence is transparent.</i> <p><i>See also controls relating to gated access points in Part B: Access Driveways and Offstreet Parking</i></p> <p><i>Provided the outcomes of this control are achieved, where fencing exceeds more than 1 metre in height and abuts a public road, a boundary setback less than the height of the fence may be considered based on merits.</i></p>	
D1.16	Fences - Flora and Fauna Conservation Areas	Not Applicable.
	<p><i>Land to which this control applies</i></p> <p><i>Land in the Avalon Locality included in Flora and Fauna Conservation Category 1 and 2 Areas - P21DCP-D01MDCP107</i></p>	Not applicable.

Clause No.	DCP Clause	Response
D1.17	Construction, Retaining walls, terracing and undercroft areas	
	<ul style="list-style-type: none"> • <i>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</i> • <i>Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</i> • <i>In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.</i> • <i>Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.</i> 	<p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>There are no undercroft areas.</p>
D1.18	Development mix of shop top housing - Avalon Beach Village	Not applicable.
D1.19	Character of Public Domain - Avalon Commercial Centre	Not applicable.
D1.20	Scenic Protection Category One Areas	
	<p>Land to which this control applies</p> <p><i>Land in the Avalon Locality mapped as Scenic Protection - Category 1 - P21DCP-D01MDCP075a</i></p> <ul style="list-style-type: none"> • <i>Screen planting shall be located between structures and boundaries facing waterways.</i> • <i>Canopy trees are required between dwellings and boundaries facing waterways and waterfront reserves.</i> • <i>The applicant shall demonstrate the retention and regeneration of existing native vegetation outside of the immediate area required to carry out the development.</i> 	<p>Not applicable.</p> <p>The land is not mapped within this area.</p>

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> <i>• The development is to incorporate measures for planting and maintenance of native vegetation within those areas which are already cleared, and which are not required to be cleared to allow for the development.</i> <i>• The siting, building form, orientation and scale of the development shall not compromise the visual integrity of the site by removal of canopy trees along ridges and upper slopes.</i> <i>• The development must incorporate the use of unobtrusive and non-reflective materials and the colours of exterior surfaces shall help blend structures into the natural environment.</i> <i>• Applicants are to demonstrate that proposed colours and materials will be dark and earthy.</i> <p>Variations</p> <ul style="list-style-type: none"> <i>• Council may consider a variation to the provision of screen planting where the outcomes of this control are achieved.</i> 	
D1.21	Masterplan - Careel Bay	Not applicable.

3.0 SUMMARY AND RECOMMENDATIONS

In summary, the proposal is for the construction of a detached single open carport that is ancillary to an existing dwelling.

Due consideration has been given in the design of the carport to Northern Beaches Council Council's PDCP 21 Controls and PLEP 2014 Objectives, with the proposal having been closely informed by the building designer to address the constraints and opportunities offered by the site and ensure a streetscape presence that is consistent with the neighbourhood character. Where minor variations from the DCP Controls have been identified, these have no consequent impacts upon any neighbour and are well supported on merit grounds.

The proposal has negligible amenity and aesthetic impacts and is in the public interest as it provides for well-designed off-street car accommodation within a long-established residential precinct, this being consistent with the R2: 'Low density residential' zoning and permissible land use for this site and with Council's broader objectives for the Avalon Beach area.

I commend the development application to Council as being worthy of support.

CLARON CONSULTING PTY LTD



Brent M Winning JP [B.Build Hons.], GDURP, MAIB, MPiA]
Registered Planner, Building & Development Consultant, Chartered Builder

3.1 Statement of Professional Qualifications

I am a Registered Planner #6700 with the Planning Institute of Australia. I have completed a Bachelor degree in Building at the University of Western Sydney, Hawkesbury in 1997, and post-graduate Diploma in Urban and Regional Planning at University of New England in 2003. I have worked as a consulting planner since 1997 and I am a member of several relevant professional associations including PIA and AIB.



Brent M Winning JP [B.Build Hons.], GDURP, MAIB, MPiA]
Registered Planner, Development and Chartered Building Consultant

4.0 APPENDIX A - Pre-lodgement Meeting Notes (PLM2024/0143)



Pre-lodgement Meeting Notes

Application No: **PLM2024/0143**
Meeting Date: 10 December 2024
Property Address: 14 Elaine Avenue AVALON BEACH
Proposal: Construction of a garage
Attendees for Council: Daniel Milliken – Manager, Development Advisory Service
Ryan Fehon – Student Planner
Attendees for applicant: Brett Winning
Simon Bruce

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant	
Planning and use	As the existing concrete slab that the proposed garage is seeking to utilise appears to have been constructed without development consent, the slab cannot be included in the scope of a development application as retrospective approval cannot be granted to an as-built structure. A Building Information Certificate (BIC) will need to be lodged for the slab and any walls intended to remain. A Development Application may be lodged in relation to the use (i.e. for parking) of the unauthorised as-built structures and any prospective works associated with the proposed development. These applications may be lodged concurrently.
Garage or carport	Due to the front setback non-compliance, a garage would be unlikely to be supported. An open carport is recommended as this will be more sympathetic to the character of the street and better achieve the objectives of the front setback control.
Setbacks	No objection to the side setback of a proposed structure is raised, however, please be aware that should a side setback of less than 900mm be proposed, there may be BCA and fire safety issues to address.

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

PLEP 2014 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0320>

Part 2 - Zoning and Permissibility	
Definition of proposed development: (ref. PLEP 2014 Dictionary)	Dwelling house (ancillary development)
Zone:	R2 Low Density Residential
Permitted with Consent or Prohibited:	Permitted with consent

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Compliance
4.3 Height of Buildings	8.5m	Unclear Elevation/section plans not provided	Unknown

PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21DCP)

P21DCP can be viewed at
<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=P21DCP>

The following notes the identified non-compliant areas of the proposal only.



Part D1 Avalon Beach Locality		
Control	Permitted	Proposed
D1.8 Front building line	Prevailing building line or 6m	Not compliant 5.63m (6.2% variation)
D1.9 Side and rear building line	2.5m one side 1m other side	Not compliant SW: >2.5m NE: 0.94m (6% variation)

Comment

Council may only support variation to the front and side setback requirements where an open carport structure is proposed that implements a lightweight design to minimise visual impact from the street and adjacent properties. For consideration of an enclosed garage, it must be setback at or behind the front building line of the dwelling and at least 0.9m from the side boundary.

Specialist Advice

Development Engineering

- The garage or carport dimensions and grades are to be in accordance with AS2890.1.
- Internal driveway grades to comply with AS2890.1.
- The vehicle crossing can be assessed on submission.
- The method of stormwater disposal is to be in accordance with Council's Water Management for Development Policy. The policy is available in Council's web page. <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-development-policy/water-management-development-policy-aug2020.pdf>

Landscape

The proposed works will be atop existing hardstand and as such no concerns are raised. The hedge along the northern boundary is exempt and may be managed at the discretion of the applicant.

The proposed works are greater than 5 metres from the existing street trees and no changes to the existing driveway are shown. No impact to street trees is foreseen.

General Comments

The Statement of Environmental Effects shall include commentary of relevant landscape clauses of the DCP, and in this instance the following:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D1 Avalon Locality, with reference to relevant controls

The land is zoned R2 Low Density Residential and as such the objectives of the zone shall be satisfied.

Documentation to accompany the Development Application

- ▲ Lodge Application via NSW Planning Portal
- Statement of Environmental Effects



- Scaled and dimensioned plans:
 - Site Plan;
 - Floor Plans;
 - Elevations; and
 - Sections.
- Cost of works estimate/ Quote
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan
- Demolition Plan (if any demolition is proposed)
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan (if any change is proposed to the driveway)
- Stormwater Management Plan

IMPORTANT NOTE FOR DA LODGEMENT

Please refer to the Development Application Lodgement Requirements on Council's website (link details below) for further detail on the above list of plans, reports, survey and certificates.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-mar21.pdf>

The lodgement requirements will be used by Council in the review of the application after it is lodged through the NSW Planning Portal to verify that all requirements have been met for the type of application/development.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 10 December 2024 to discuss construction of a garage at 14 Elaine Avenue AVALON BEACH. The notes reference the plans prepared by Argent Design dated 14 November 2024.

Council does not support the proposed garage due to the encroachment of the structure into the front setback area. However, support may be provided to an open carport with a lightweight design similar to other carports in Elaine Avenue.

Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.

