

# Statement of Environmental Effects

To accompany a Development Application for the alterations and additions to an existing Two-story detached dwelling at: **55 Binburra Avenue, Avalon Beach**



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## 1 Introduction

This Statement of Environmental Effects supports a development application for proposed alterations and additions at **55 Binburra Avenue, Avalon Beach (Lot 50/-/DP22275)**. The proposal aligns with the objectives of both statutory and non-statutory planning policies and demonstrates compatibility with the local environment.

The report addresses:

- Site description
- Proposal details
- Relevant statutory considerations under **Section 4.15 of the Environmental Planning and Assessment Act, 1979**.

### 1.1 Site Description

The property is identified as **Lot 50/-/DP22275**, located at **55 Binburra Avenue, Avalon Beach**. The site:

- Has an approximate area of **613.70 sqm**.
- Contains an existing two-storey detached dwelling.
- Is situated in a residential area with similar properties nearby.
- Is accessible via Binburra Avenue

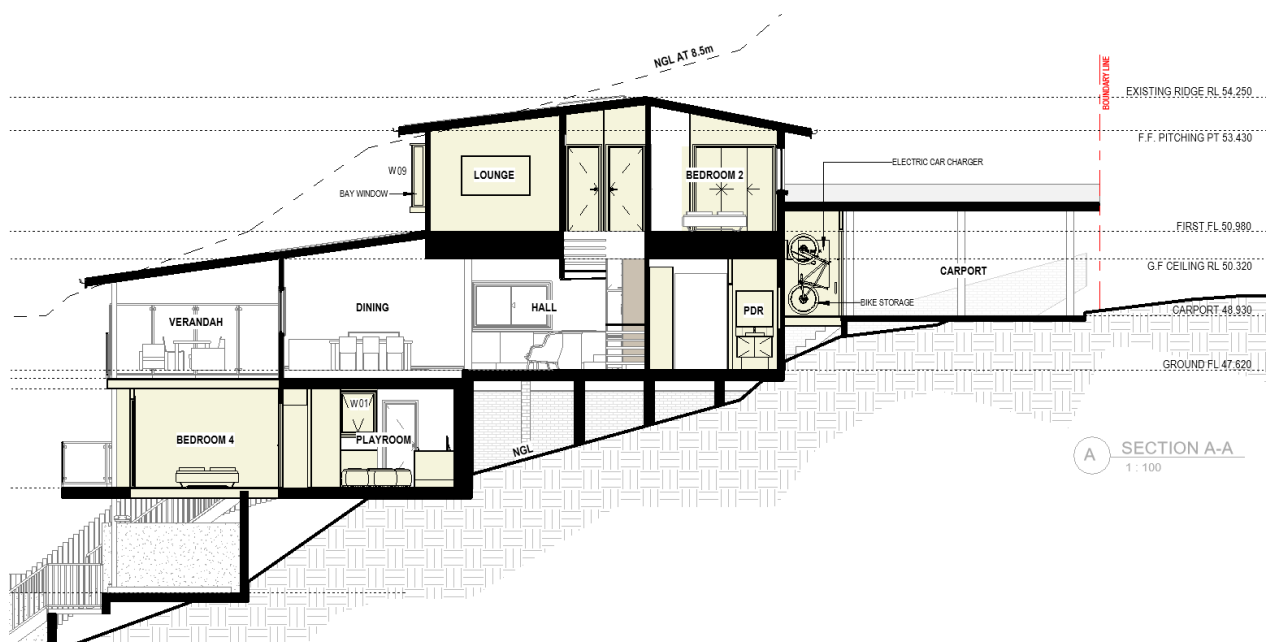


**Figure 1:** Aerial Image of Site & Surrounding Area

## 1.2 Proposed Development

The proposal involves:

- A lower ground-floor extension.
- Relocating one first-floor bedroom and adding a new bedroom in the lower ground floor.
- Reconfiguring the first-floor layout and updating the ground-floor PDR/bathroom.
- Adding bike storage near the carport.
- Alfresco area with a pergola accessible from the living room so the POS is increased.



**Figure 2:** Section A-A of Proposed Development.

### 1.3 Approvals Sought

Consent is sought under **Section 4.15 of the Environmental Planning and Assessment Act, 1979** for the proposed alterations and addition.

## 2. Planning Assessment

### 1.4 Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

*(a) to encourage:*

*(ii) the promotion and co-ordination of the orderly and economic use and development of land.*

The development does not require approvals from other statutory authorities and therefore does not constitute integrated development under **Section 4.46 of the EP&A Act**

#### 1.4.1 Integrated Development

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent by one or more approvals under another Act.

The proposal does not meet the criteria for designated development as prescribed in **Schedule 3 of the Environmental Planning and Assessment Regulation 2000**

#### 1.4.2 Designated Development – Section 4.10

Schedule 3 of the Environmental Planning and Assessment Regulations 2000 prescribes development which, if of the relevant type and size, may be considered to be Designated Development. In this case it is our opinion that the development would not trigger any of the designated development provisions.

### 1.5 Section 4.15 Assessment

Section 4.15 of the EP&A Act outlines the matter for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

#### 1.5.1 Environmental Planning Instruments - Section 4.15 (1)(a)(i)

##### 1.5.1.1 State Environmental Planning Policies

##### State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 is a NSW-wide planning approach to the remediation of contaminated land. When considering a Development Application, the consent authority must observe the requirements of SEPP 55. The significant clause of SEPP 55 is clause 7, which is outlined below.

**Clause 7 - Contamination and remediation to be considered in determining development application**

Under Clause 7, 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.*

The proposal does not trigger clauses related to traffic-generating developments under **Clause 104(2)**.

**SEPP Infrastructure 2007**

This policy sets out certain requirements to smooth the path of mainly large infrastructure projects. In this case the policy requires the consent authority to ensure infrastructure is adequate to accommodate the development proposal, which is held to be of the traffic-generating variety. As the development is for a residential development, 104 (2) of the SEPP is not triggered in this instance.

**1.5.1.2 Pittwater Local Environmental Plan 2014**

The Pittwater Local Environmental Plan 2014 (LEP 2014) is the applicable local planning instrument for the site.

MATTER	RELEVANT CONTROL
ZONING	E4 - ENVIRONMENTAL LIVING
ZONE OBJECTIVES	<p>THE OBJECTIVES OF THIS RESIDENTIAL ZONE ARE:</p> <ul style="list-style-type: none"> <li>• TO PROVIDE FOR LOW-IMPACT RESIDENTIAL DEVELOPMENT IN AREAS WITH SPECIAL ECOLOGICAL, SCIENTIFIC OR AESTHETIC VALUES.</li> <li>• TO ENSURE THAT RESIDENTIAL DEVELOPMENT DOES NOT HAVE AN ADVERSE EFFECT ON THOSE VALUES.</li> <li>• TO PROVIDE FOR RESIDENTIAL DEVELOPMENT OF A LOW DENSITY AND SCALE INTEGRATED WITH THE LANDFORM AND LANDSCAPE.</li> <li>• TO ENCOURAGE DEVELOPMENT THAT RETAINS AND ENHANCES RIPARIAN AND FORESHORE VEGETATION AND WILDLIFE CORRIDORS.</li> </ul>
PERMITTED WITHOUT CONSENT	HOME BUSINESSES; HOME OCCUPATIONS
PERMITTED WITH CONSENT	BED AND BREAKFAST ACCOMMODATION; BOAT SHEDS; BUILDING IDENTIFICATION SIGNS; BUSINESS IDENTIFICATION SIGNS; CENTRE-BASED CHILD CARE FACILITIES; COMMUNITY FACILITIES; DWELLING HOUSES; ENVIRONMENTAL PROTECTION WORKS; GROUP HOMES; HEALTH CONSULTING ROOMS; HOME-BASED CHILD CARE; HOME INDUSTRIES; JETTIES; OYSTER AQUACULTURE; PLACES OF PUBLIC WORSHIP; POND-BASED AQUACULTURE; RESPIRE DAY CARE CENTRES; ROADS; SECONDARY DWELLINGS; TANK-BASED AQUACULTURE; WATER

	RECREATION STRUCTURES
PROHIBITED	INDUSTRIES; SERVICE STATIONS; WAREHOUSE OR DISTRIBUTION CENTRES; ANY OTHER DEVELOPMENT NOT SPECIFIED IN ITEM 2 OR 3



Height of Building	The maximum building height of 8.5m is not exceeded.
Architectural Roof	Clause 5.6 allows Height of Building exceedance.
Floor Space Ratio	No Floor Space Ratio.
Minimum Lot Size	The site is located in an area with a minimum lot size of 700m <sup>2</sup> .
Heritage	The site is not heritage-listed nor near heritage items.
Acid Sulphate Soils	The site is located in a class 5 area of Acid Sulphate Soils. Acid sulphate soils are not typically found in class 5 areas.
Land Acquisition	Not identified for acquisition.
Mine Subsidence	Not identified as mine subsidence.
Bushfire	The edge of the site lies within a vegetation buffer zone for bushfire-prone land. Compliance with bushfire safety measures is addressed.
Flood Prone Land	Not identified as being flood prone land
Wetlands	Not identified as Wetlands.
Watercourses	No identified watercourses.

#### **Clause 4.1 Minimum subdivision lot size**

The clause provides the minimum lot size requirements for subdivision. The minimum subdivision lot size for the site is 700sqm. The development is not for subdivision.

#### **Clause 4.3 Height of buildings**

The clause provides the maximum building height limit for the area. The maximum height of a building allowed within that area is 8.5m. The proposed development complies with the standard.

#### **Clause 4.4 Floor space ratio**

The site does not have a Floor Space Ratio. The proposed development complies with the FSR development standard.

#### **Clause 4.6 Exceptions to development standards**

The clause provides an avenue to seek a variation to development standards. It is noted that the development complies with all the LEP Development Standards.

#### **Clause 5.10 Heritage conservation**

Subclause (5) allows Council to require a heritage management plan to be prepared where a development is proposed on a site that is *within the vicinity of a heritage item*. The site is not listed as being a heritage item or in the vicinity of a heritage item.

### 1.5.2 Proposed Instruments - Section 4.15 (1)(a)(ii)

There are no proposed instruments that are or have been the subject of public consultation under the Act and that have been notified to Council that would have implications for this development application.

### 1.5.3 Pittwater Development Control Plan 2014 - Section 4.15 (1)(a)(iii)

*Pittwater Development Control Plan 2014* (DCP) applies to the site and outlines specific development requirements for residential development. The provisions of the DCP must be considered in the assessment of the proposed development.

Development	Control
<p><b>C1.1 Landscaping</b></p> <p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>All land in the Pittwater LGA NOT including the Pittwater waterway or Newport Commercial Centre or Elanora Heights Village Centre or Warriewood Valley Land Release Area - P21DCP-BCMDCP081</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>Attached dwelling</li> <li>Boarding house</li> <li>Development ancillary to residential accommodation</li> <li>Dual occupancy (attached)</li> <li>Dual occupancy (detached)</li> <li>Dwelling house</li> <li>Exhibition home</li> <li>Group home</li> <li>Hostel</li> <li>Multi dwelling housing</li> <li>Residential flat building</li> <li>Rural worker's dwelling</li> <li>Secondary dwelling</li> <li>Semi-detached dwelling</li> <li>Seniors housing</li> <li>Shop top housing</li> </ul> <p>Controls</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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</li> </ul>	<p>Existing landscaping remains unchanged. The development integrates harmoniously with the site's natural features..</p>

<p>are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</p> <ul style="list-style-type: none"> <li>• Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m<sup>3</sup> within this area to ensure growth is not restricted.</li> <li>• The following soil depths are required in order to be counted as landscaping:             <ul style="list-style-type: none"> <li>I. 300mm for lawn</li> <li>II. 600mm for shrubs</li> <li>III. 1metre for trees</li> </ul> </li> <li>• The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</li> <li>• A planter or landscaped area with minimum dimensions of 4m<sup>2</sup> for shop top housing developments,</li> <li>• 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and</li> <li>• 50% for all other forms of residential development.</li> <li>• Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.</li> <li>• In bushfire prone areas, species shall be appropriate to the bushfire hazard.</li> <li>• Landscaping shall not unreasonably obstruct driver and pedestrian visibility.</li> <li>• 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.</li> <li>• 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.</li> <li>• Noxious and undesirable plants must be removed from the site (<a href="http://www.pittwater.nsw.gov.au/environment/noxious_weeds/a-z_list_of_weeds">www.pittwater.nsw.gov.au/environment/noxious_weeds/a-z_list_of_weeds</a>)</li> <li>• Residential Flat Buildings, Multi Dwelling Housing, Shop Top Housing and Seniors Housing</li> <li>• For development containing 3 or more dwellings, permanent seating is to be provided in the landscaped area.</li> <li>• For residential flat buildings and multi dwelling housing, a communal area for children's play is to be provided.</li> <li>• For shop top housing, a minimum landscaped area of 20% of the site area, or 35m<sup>2</sup> per dwelling, whichever is the greater, shall be provided.</li> <li>• Above ground gardens are to be incorporated into each dwelling at all levels (other than ground floor).</li> <li>• For shop top housing, a minimum 4m<sup>2</sup> planter or landscaped area is to be provided as a feature at the ground level of the front building facade.</li> <li>• For shop top housing development landscaping is to be provided at the front and rear of the development.</li> <li>• Variations</li> <li>• Where canopy trees are to be retained on a site, planting of additional canopy trees shall be assessed on a merit basis.</li> </ul>	
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<ul style="list-style-type: none"> <li>Where street trees are provided or canopy trees are provided in a courtyard, provision of landscaped areas shall be assessed on a merit basis for shop top housing.</li> </ul> <p>Advisory Notes</p> <ul style="list-style-type: none"> <li>For species lists please refer to Pittwater Council's Native Plants for your Garden available on Council's website.</li> <li>For specific details on landscaping refer to Pittwater Council's Appendix 9 Landscape and Vegetation Management of this DCP.</li> <li>Canopy trees selected should be capable of achieving the desired level of canopy cover for the site within 5 - 10 years of completion of the development.</li> <li>For shop top housing developments also refer to C2.1.</li> <li>Additional landscaping controls for the Newport Commercial Centre are provided in Part D10.29 of this DCP.</li> <li>For specific controls in relation to the landscaping in the Elanora Heights Village Centre, refer to Part D5.35 of this DCP.</li> <li>As part of the landscaping works associated with the development any existing variety of Leightons cypress pine / Leyland cypress (<i>xCupressocyparis leylandii</i>) on the site are to be identified and nominated for removal and replacement planting consistent with Council's Native Plants for Your Garden guidelines and relevant identified 'vegetation community' provided (details of which are available on Council's website at <a href="http://www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants">www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants</a>).</li> </ul> <p>Information to be included in the Statement of Environmental Effects</p> <ul style="list-style-type: none"> <li>An analysis of the proposal demonstrating that the built form of the development is to be dominated and complimented by landscaping, or retaining existing vegetation, and the proposed landscaping reflects the scale and form of the development.</li> </ul> <p>Technical Reports and Supporting Information</p> <ul style="list-style-type: none"> <li>A landscaping plan and accompanying details shall be provided. The plan should have sufficient detail to clearly demonstrate that the outcomes of the control will be achieved.</li> <li>The plan needs to include a plant schedule which lists the scientific names (inclusion of common names as well would be preferred but not essential) of all plants to be used and their quantities.</li> <li>The site plan must include the location of all plants (either through labeling or a code/key). Marking out sections and listing numerous species is not generally acceptable unless they are ground covers and the quantities are still listed.</li> <li>Landscaping plans shall include elevations of the development when viewed from public places and surrounding properties, showing the combined impact of trees and vegetation to be retained as well as plantings to be implemented as part of the development proposal.</li> <li>The landscaping plan is to be prepared by an appropriately qualified person (e.g. AILA listed Landscape Architect) and should provide sufficient details for assessment of the proposal in terms of the visual character of the proposal and the sustainability of the proposed landscaping.</li> </ul>	
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<ul style="list-style-type: none"> <li>• Landscape plans should also incorporate recommendations of any Arborist Reports or Bushland Management Plans. Note if a Vegetation Management Plan has been required a Landscape Plan may not be required providing the outcomes of this control are covered in the Vegetation Management Plan.</li> <li>• The plan should show :             <ol style="list-style-type: none"> <li>I. Street tree planting to the Building Frontage (minimum 8m soil volume per tree</li> <li>II. Existing trees and vegetation to be retained, and any existing trees to be removed (as per the arborist report)</li> <li>III. Proposed canopy tree plantings</li> <li>IV. Garden areas sufficient to soften scale / bulk of the proposed buildings.</li> <li>V. Planting schedule indicating upper-advanced planting to garden areas</li> </ol> </li> <li>• Schedule of materials including:             <ol style="list-style-type: none"> <li>I. Pavement type / installation</li> <li>II. Root barriers / structural soil</li> <li>III. Stormwater drainage</li> <li>IV. Pits and utility lines</li> <li>V. Seating / lighting</li> <li>VI. Irrigation (drip/stationed)</li> <li>VII. Landscape</li> </ol> </li> </ul> <p>When is a Landscaping plan NOT REQUIRED ? Where a proposal :</p> <ul style="list-style-type: none"> <li>• Does not involve changes to the external appearance, or increase the footprint of an existing building and / or</li> <li>• Does not cause any substantial change to the visual character of the site.</li> <li>• A landscaping plan is not required provided trees and vegetation are to be retained, and proposed canopy tree planting and screen planting details are shown on the ground floor plans.</li> <li>• A landscaping plan is not required where a Vegetation Management Plan has been required and the Outcomes of this control are covered in the Vegetation Management Plan.</li> </ul>	
<p><b>C1.2 Safety and Security</b></p> <p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>• All land in the Pittwater LGA NOT including the Warriewood Valley Locality, Pittwater waterway or Elanora Heights Village Centre</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>• Attached dwelling</li> <li>• Boarding house</li> <li>• Development ancillary to residential accommodation</li> <li>• Dual occupancy (attached)</li> <li>• Dual occupancy (detached)</li> <li>• Dwelling house</li> <li>• Exhibition home</li> <li>• Group Home</li> <li>• Hostel</li> <li>• Jetty</li> <li>• Multi dwelling housing</li> <li>• Residential flat building</li> </ul>	<p>NA</p>

<ul style="list-style-type: none"> <li>• Rural worker's dwelling</li> <li>• Secondary dwelling</li> <li>• Semi-detached dwelling</li> <li>• Seniors housing</li> <li>• Water Recreation structure</li> </ul> <p>Controls</p> <ul style="list-style-type: none"> <li>• There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:</li> </ul> <ol style="list-style-type: none"> <li>1. Surveillance           <p>Building design should allow visitors who approach the front door to be seen without the need to open the door.</p> <p>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</p> <p>Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners.</p> <p>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.</p> <p>Security lighting must meet Australian Standard AS 4282-1997: Control of the obtrusive effects of outdoor lighting.</p> <p>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.</p> <p>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.</p> <p>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.</p> </li> <li>2. Access Control           <p>Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</p> <p>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</p> <p>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.</p> <p>The street number of the property is to be clearly identifiable.</p> <p>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</p> </li> <li>3. Territorial reinforcement           <p>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</p> <p>Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided.</p> <p>Blank walls along all public places (streets, open space etc) shall be minimised.</p> </li> <li>4. Space management</li> </ol>	
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<p>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.</p> <p>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.</p> <p>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 of Crime Prevention through Environmental Design (CPTED) strategies.</p> <p>Variations</p> <ul style="list-style-type: none"> <li>• Nil</li> </ul> <p>Advisory Notes</p> <ul style="list-style-type: none"> <li>• For related controls in relation to Safety and Security in the Elanora Heights Village Centre, refer to Part D5.28 of this DCP.</li> </ul> <p>Information to be included in the Statement of Environmental Effects</p> <ul style="list-style-type: none"> <li>• A statement demonstrating how the safety and security of people using or visiting the proposed development has been addressed in the design of the proposal</li> </ul>	
<p><b>C1.3 View Sharing</b></p> <p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>• All land in the Pittwater LGA NOT including the Newport Commercial Centre or Elanora Heights Village Centre - P21DCP-BCMDCP082</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>• Attached dwelling</li> <li>• Boarding house</li> <li>• Development ancillary to residential accommodation</li> <li>• Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential)</li> <li>• Dual occupancy (attached)</li> <li>• Dual occupancy (detached)</li> <li>• Dwelling house</li> <li>• Exhibition home</li> <li>• Group home</li> <li>• Hostel</li> <li>• Multi dwelling housing</li> <li>• Residential flat building</li> <li>• Rural worker's dwelling</li> <li>• Secondary dwelling</li> <li>• Semi-detached dwelling</li> <li>• Seniors housing</li> <li>• Subdivision of a sector, buffer area or development site in a Release Area</li> </ul>	<p>The proposal does not obstruct views from neighbouring properties, maintaining reasonable view-sharing principles.</p>

<p><b>Controls</b></p> <ul style="list-style-type: none"> <li>• All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</li> <li>• The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</li> <li>• 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.</li> <li>• Views are not to be obtained at the expense of native vegetation.</li> </ul> <p><b>Variations</b></p> <ul style="list-style-type: none"> <li>• Nil</li> </ul> <p><b>Advisory Notes</b></p> <ul style="list-style-type: none"> <li>• Visit: Tenacity vs. Warringah, <a href="http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html">http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html</a></li> <li>• for planning principles.</li> <li>• Additional View Sharing controls for the Newport Commercial Centre are provided in Part D10.26 of this DCP.</li> <li>• Additional View Sharing controls for Elanora Heights Village Centre are provided in Part D5.38 of this DCP.</li> <li>• Where there is the potential for view loss to adjoining developments and / or public viewing points, an assessment of the view loss, supported by a clearly documented photographic analysis shall be provided.</li> <li>• It may also be appropriate that height poles be erected to demonstrate the impact of the finished development on view lines.</li> <li>• Where height poles are erected, a statement by a Registered Surveyor should be provided certifying the height and location of the poles in relation to the proposed structures.</li> </ul> <p><b>Information to be shown on the Development Drawings</b></p> <ul style="list-style-type: none"> <li>• clearly show the view lines from the property, adjoining properties and public domain areas on floor plans and elevations.</li> </ul> <p><b>Information to be included in the Statement of Environmental Effects</b></p> <ul style="list-style-type: none"> <li>• An assessment of the views available from the property, and views from other properties and public domain areas which may be affected by the proposal.</li> <li>• An analysis of any view loss and explanation of the design features and location of the proposed structure in terms of how the proposal seeks to achieve equitable view sharing and view retention.</li> <li>• An explanation of the proposal's compliance with the Land and Environment Court's Planning Principles for viewsharing.</li> </ul> <p><b>Technical Reports and Supporting Information</b></p> <ul style="list-style-type: none"> <li>• Where there is the potential for view loss to adjoining developments and / or public viewing points, an assessment of</li> </ul>	
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<p>the view loss, supported by a clearly documented photographic analysis shall be provided.</p> <ul style="list-style-type: none"> <li>• It may also be appropriate that height poles be erected to demonstrate the impact of the finished development on view lines.</li> <li>• Where height poles are erected, a statement by a Registered Surveyor should be provided certifying the height and location of the poles in relation to the proposed structures.</li> <li>• Additional View Sharing controls for the Newport Commercial Centre are provided in Part D10.26 of this DCP.</li> <li>• Applicants are advised to consult with the possible affected parties where view sharing is an issue with a view to obtaining consensus in the earliest stages of the development process.</li> </ul>	
<p><b>C1.4 Solar Access</b></p> <p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>• All land in the Pittwater LGA NOT including the Pittwater waterway or Newport Commercial Centre or Elanora Heights Village Centre or Warriewood Valley Land Release Area - P21DCP-BCMDCP081</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>• Attached dwelling</li> <li>• Boarding house</li> <li>• Development ancillary to residential accommodation</li> <li>• Dual occupancy (attached)</li> <li>• Dual occupancy (detached)</li> <li>• Dwelling house</li> <li>• Exhibition home</li> <li>• Group home</li> <li>• Hostel</li> <li>• Multi dwelling housing</li> <li>• Residential flat building</li> <li>• Rural worker's dwelling</li> <li>• Secondary dwelling</li> <li>• Semi-detached dwelling</li> <li>• Seniors housing</li> <li>• Shop top housing</li> </ul> <p>Controls</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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).</li> <li>• Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid-winter.</li> <li>• Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</li> </ul>	<p>Shadow diagrams confirm compliance with solar access requirements, ensuring a minimum of three hours of sunlight to key areas on June 21.</p>

<ul style="list-style-type: none"> <li>The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</li> </ul> <p>Variations</p> <ul style="list-style-type: none"> <li>General           <p>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:</p> <ol style="list-style-type: none"> <li>where the orientation or shape of a lot precludes northerly orientation (20o west to 30o east of north),</li> <li>where there is adverse slope or topography,</li> <li>where there is existing vegetation, obstruction, development or fences that overshadow, or</li> <li>where other controls have priority, e.g. heritage and landscaping considerations.</li> </ol> <p>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.</p> </li> </ul> <p>Shop top housing</p> <ul style="list-style-type: none"> <li>Council may consider a variation for shop top housing on sites constrained by orientation, existing or proposed development, etc provided that:           <ol style="list-style-type: none"> <li>the outcomes of this clause are achieved</li> <li>the principal living area and private open space for at least 70% of dwellings proposed receive a minimum 3 hours of sunlight between 9am and 3pm on 21st June, and</li> <li>the number of single-aspect dwellings with a southerly (SW/SE) aspect are limited to 10% of the total number of dwellings proposed.</li> </ol> </li> </ul> <p>Advisory Notes</p> <ul style="list-style-type: none"> <li>Controls for Solar Access for the Newport Commercial Centre are in Part D10.32 of this DCP.</li> <li>For specific controls in relation to the above-mentioned controls for the Elanora Heights Village Centre, refer to Part D5.36 of this DCP.</li> <li>Consideration should be given to the planning principle regarding solar access when assessing potential impact on neighbouring properties.</li> <li>Visit: Parsonage vs Ku-ring-gai Council (<a href="http://www.lawlink.nsw.gov.au/lecjudgments/2004nswlec.nsf/00000000000000000000000000000000/2e6bcb5e19eefebcca256ec3001c3d92?opendocument">http://www.lawlink.nsw.gov.au/lecjudgments/2004nswlec.nsf/00000000000000000000000000000000/2e6bcb5e19eefebcca256ec3001c3d92?opendocument</a>)</li> <li>Visit: The Benevolent Society vs Waverley Council [2010] NSWLEC 1082 (<a href="http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html">http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html</a>)</li> </ul> <p>Information to be shown on the Development Drawings</p> <ul style="list-style-type: none"> <li>the ground floor plan shall include shadow diagram(s) demonstrating the impact of the proposed development on</li> </ul>	
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<p>adjoining properties (at a minimum shadow lines to be cast by the proposal at 9am, 12noon, and 3pm on June 21st, shall be provided).</p> <ul style="list-style-type: none"> <li>• Drawings should not show magnetic north.</li> <li>• Show all windows on the affected proportion of the neighbouring property on the elevation shadow diagrams at 9am, 12 noon, and 3pm on June 21st.</li> </ul> <p>Information to be included in the Statement of Environmental Effects</p> <ul style="list-style-type: none"> <li>• A statement outlining how solar access and natural light will be accessible to the proposed development, and demonstrating that the impact of the proposed development on the adjoining properties is acceptable in terms of restriction of solar access and natural light.</li> </ul> <p>Technical Reports and Supporting Information</p> <ul style="list-style-type: none"> <li>• Where solar access and access to natural light are a significant factor in the proposal, particularly in terms of medium density and shop top development, a report, with a comprehensive shadow analysis, specifically addressing solar access to the proposal and its impact on adjoining development should be provided.</li> </ul>	
<p><b>C1.5 Visual Privacy</b></p> <p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>• All land in the Pittwater LGA NOT including the Pittwater waterway or Newport Commercial Centre or Elanora Heights Village Centre or Warriewood Valley Land Release Area - P21DCP-BCMDCP081</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>• Attached dwelling</li> <li>• Boarding house</li> <li>• Development ancillary to residential accommodation</li> <li>• Dual occupancy (attached)</li> <li>• Dual occupancy (detached)</li> <li>• Dwelling house</li> <li>• Exhibition home</li> <li>• Group home</li> <li>• Hostel</li> <li>• Multi dwelling housing</li> <li>• Residential flat building</li> <li>• Rural worker's dwelling</li> <li>• Secondary dwelling</li> <li>• Semi-detached dwelling</li> <li>• Seniors housing</li> <li>• Shop top housing</li> </ul> <p>Controls</p> <ul style="list-style-type: none"> <li>• 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 diagram below (measured from a height of 1.7 metres above floor level).</li> </ul>	<p>Measures such as screening and spatial separation protect the privacy of neighbouring properties</p>

<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>Direct views of private open space or any habitable room window within 9m can be restricted (see diagram below) by:             <ol style="list-style-type: none"> <li>vegetation/landscaping</li> <li>a window sill height 1.7 metres above floor level, or</li> <li>offset windows</li> <li>fixed translucent glazing in any part below 1.7 metres above floor level, or</li> <li>solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:                 <ol style="list-style-type: none"> <li>permanent and fixed;</li> <li>made of durable materials; and</li> <li>designed and painted or coloured to blend in with the dwelling.</li> </ol> </li> </ol> </li> </ul> <p>Variations</p> <ul style="list-style-type: none"> <li>Secondary Dwellings: For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.</li> </ul> <p>Advisory Notes</p> <ul style="list-style-type: none"> <li>Visual Privacy controls for the Newport Commercial Centre are in Part D10.33 of this DCP.</li> <li>For specific controls in relation to the above mentioned controls for the Elanora Heights Village Centre, refer to Part D5.37 of this DCP.</li> </ul> <p>Information to be included in the Statement of Environmental Effects</p> <ul style="list-style-type: none"> <li>An analysis outlining how the proposal achieves an acceptable level of privacy for residents and users and protects the privacy of any adjoining development.</li> <li>All windows along the nearest elevation of the adjoining properties on both sides of the proposed development site should be shown on the survey plan.</li> </ul>	
<p><b>C1.6 Acoustic Privacy</b></p> <p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>All land in the Pittwater LGA NOT including the Pittwater waterway or Warriewood Valley land release area or Elanora Heights Village Centre - P21DCP-BCMDCP091</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>Attached dwelling</li> <li>Boarding house</li> <li>Development ancillary to residential accommodation</li> <li>Dual occupancy (attached)</li> <li>Dual occupancy (detached)</li> <li>Dwelling house</li> <li>Exhibition home</li> <li>Group home</li> </ul>	<p>Complies</p>

<ul style="list-style-type: none"> <li>• Hostel</li> <li>• Multi dwelling housing</li> <li>• Residential flat building</li> <li>• Rural worker's dwelling</li> <li>• Secondary dwelling</li> <li>• Semi-detached dwelling</li> <li>• Seniors housing</li> <li>• Shop top housing</li> </ul> <p>Controls</p> <ul style="list-style-type: none"> <li>• Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.</li> <li>• 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).</li> <li>• 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.</li> <li>• Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</li> </ul> <p>Variations</p> <ul style="list-style-type: none"> <li>• Nil</li> </ul> <p>Advisory Notes</p> <ul style="list-style-type: none"> <li>• Additional Acoustic Privacy controls for the Newport Commercial Centre are in Part D10.33 of this DCP.</li> <li>• For specific controls in relation to the above mentioned controls for the Elanora Heights Village Centre, refer to Part D5.39 of this DCP.</li> </ul> <p>Information to be included in the Statement of Environmental Effects</p> <ul style="list-style-type: none"> <li>• An analysis outlining how the proposal achieves an acceptable level of acoustic privacy for residents and users and protects the acoustic privacy of any adjoining development.</li> </ul>	
<p><b>C1.7 Private Open Space</b></p> <p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>• All land in the Pittwater LGA NOT including the Pittwater waterway or Newport Commercial Centre or Elanora Heights Village Centre or Warriewood Valley Land Release Area - P21DCP-BCMDCP081</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>• Attached dwelling</li> <li>• Boarding house</li> <li>• Development ancillary to residential accommodation</li> <li>• Dual occupancy (attached)</li> </ul>	<p>A new private open space area has been proposed on the northeast elevation, directly accessible from the living area. This complements the verandah, which does not meet the minimum 80m<sup>2</sup> control requirement. Additionally, a new pergola has been proposed above the space.</p>

<ul style="list-style-type: none"> <li>• Dual occupancy (detached)</li> <li>• Dwelling house</li> <li>• Exhibition home</li> <li>• Group home</li> <li>• Hostel</li> <li>• Multi dwelling housing</li> <li>• Residential flat building</li> <li>• Rural worker's dwelling</li> <li>• Secondary dwelling</li> <li>• Semi-detached dwelling</li> <li>• Seniors housing</li> <li>• Shop top housing</li> </ul> <p>Outcomes</p> <ul style="list-style-type: none"> <li>• Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)</li> <li>• Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)</li> <li>• Private open space receives sufficient solar access and privacy. (En, S)</li> </ul> <p>Controls</p> <p>Private open space shall be provided as follows:-</p> <ul style="list-style-type: none"> <li>• Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-Minimum 80m<sup>2</sup> 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.          Within the private open space area, a minimum principal area of 16m<sup>2</sup> with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).          Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.          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).          Private open space should be located to the rear of the dwelling to maximise privacy for occupants.          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.          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.</li> </ul>	
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<p>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.</p> <p>An accessible and usable area for composting facilities within the ground level private open space is required.</p> <ul style="list-style-type: none"> <li>• Secondary Dwellings: For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.</li> <li>• All other residential development: Minimum area of 15% of the floor area of the dwelling (not including the floor area of garages or internal laundries), with no dimension less than 2.5 metres and a grade no steeper than 1 in 10 (10%). Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas. Ground floor units are to have a minimum area of private open space of 30sq.m and with no dimension less than 4 metres. 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 constrains this orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access and Natural Light). Walled enclosure of private open space is prohibited. Such areas shall not be modified to be incorporated into the dwelling. 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. For Shop Top Housing, residential flat buildings and multi dwelling housing, private open space at upper levels in the form of front/rear or internal courtyard balconies and terraces are required. The dimension of the balcony should be sufficient so that the area can be usable for recreational purposes (ie a minimum area of 10m<sup>2</sup> and a minimum width of 2.4 metres). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residences. Balconies are prohibited from overhanging public property.</li> </ul> <p>Variations</p> <ul style="list-style-type: none"> <li>• Where a dual occupancy is located at first floor or above, the controls in (c) above will apply.</li> </ul> <p>Advisory Notes</p> <ul style="list-style-type: none"> <li>• Additional private open space requirements are provided for the Newport Commercial Centre in D10.28 of this DCP.</li> <li>• For specific controls in relation to the above-mentioned controls for the Elanora Heights Village Centre, refer to Part D5.40 of this DCP.</li> </ul> <p>Information to be shown on the Development Drawings</p> <ul style="list-style-type: none"> <li>• the floor plan(s) shall clearly define the private open space to be provided and a table stating the area(s) available for private open space is to be shown on the drawings</li> </ul> <p>Information to be included in the Statement of Environmental Effects</p>	
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<ul style="list-style-type: none"> <li>An analysis of how private open space requirements will be achieved as part of the proposed development</li> </ul>	
<p><b>C1.11 Secondary Dwellings and Rural Worker's Dwellings</b></p> <p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>Land zoned RU2 Rural Landscape, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential or E4 Environmental Living not including the Warriewood Valley Locality.</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>Secondary dwelling</li> <li>Rural worker's dwelling</li> </ul> <p>Controls</p> <ul style="list-style-type: none"> <li>The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.</li> <li>A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.</li> <li>A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling</li> <li>Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.</li> <li>Where the secondary dwelling or rural worker's dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum building height is to be in accordance with the height controls contained within Pittwater Local Environmental Plan 2014.</li> <li>A secondary dwelling above a detached garage is not supported.</li> </ul> <p>Variations</p> <ul style="list-style-type: none"> <li>Nil</li> </ul> <p>Information to be shown on the Development Drawings</p> <ul style="list-style-type: none"> <li>The ground floor plans shall clearly show any landscaping strips to be provided between the driveway and adjacent boundaries.</li> <li>The floor plans shall clearly show gross floor area calculations.</li> </ul> <p>Information to be included in the Statement of Environmental Effects</p> <ul style="list-style-type: none"> <li>An analysis of the proposed development demonstrating that: <ul style="list-style-type: none"> <li>I. The visual bulk and scale of the development fits in with surrounding development</li> <li>II. Design flexibility for second storey development has been provided</li> <li>III. The footprint of the development on the site has been restricted</li> <li>IV. The retention of natural vegetation and the planting of additional landscaping can be achieved</li> <li>V. The total floor area provisions can be achieved</li> </ul> </li> </ul>	NA
<b>C1.12 Waste and Recycling Facilities</b>	The DA will include a waste management plan.



<p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>All land in the Pittwater LGA NOT including the Pittwater waterway or Elanora Heights Village Centre - P21DCP-BCMDCP092</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>Attached dwelling</li> <li>Boarding house</li> <li>Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential)</li> <li>Dual occupancy (attached)</li> <li>Dual occupancy (detached)</li> <li>Dwelling house</li> <li>Exhibition home</li> <li>Group home</li> <li>Hostel</li> <li>Multi dwelling housing</li> <li>Residential flat building</li> <li>Rural worker's dwelling</li> <li>Secondary dwelling</li> <li>Semi-detached dwelling</li> <li>Seniors housing</li> <li>Shop top housing</li> </ul> <p>Controls</p> <ul style="list-style-type: none"> <li>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</li> </ul> <p>Variations</p> <ul style="list-style-type: none"> <li>Nil</li> </ul> <p>Information to be shown on the Development Drawings</p> <ul style="list-style-type: none"> <li>Floor plans shall clearly show the location and dimension of waste and recycling storage facilities proposed on the site.</li> </ul>	
<p><b>C1.13 Pollution Control</b></p> <p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>All Land</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>Attached dwelling</li> <li>Boarding house</li> <li>Development ancillary to residential accommodation</li> <li>Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential)</li> <li>Dual occupancy (attached)</li> <li>Dual occupancy (detached)</li> <li>Dwelling house</li> <li>Exhibition home</li> <li>Group home</li> </ul>	<p>The proposed development will have minimal air, water, noise and/or land pollution and has taken relevant legislation in consideration in the planning of the development.</p>

<ul style="list-style-type: none"> <li>• Hostel</li> <li>• Multi dwelling housing</li> <li>• Residential flat building</li> <li>• Rural worker's dwelling</li> <li>• Secondary dwelling</li> <li>• Semi-detached dwelling</li> <li>• Seniors housing</li> <li>• Subdivision of a sector, buffer area or development site in a Release Area</li> </ul> <p>Controls</p> <ul style="list-style-type: none"> <li>• Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.</li> <li>• Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</li> </ul> <p>Variations</p> <ul style="list-style-type: none"> <li>• Nil</li> </ul> <p>Advisory Notes</p> <ul style="list-style-type: none"> <li>• The application of waste-derived material to land is an activity that may require a licence under the Protection of the Environment Operations Act 1997. However, a licence is not required by the occupier of land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under Section 51A of the Protection of the Environment Operations (Waste) Regulation 2005.</li> <li>• Resource recovery exemptions are available on the Environment Protection Authority's website at <a href="http://www.environment.nsw.gov.au/waste/">http://www.environment.nsw.gov.au/waste/</a></li> </ul>	
<p><b>C1.19 Incline Passenger Lifts and Stairways</b></p> <p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>• All Land</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>• Attached dwelling</li> <li>• Boarding house</li> <li>• Development ancillary to residential accommodation</li> <li>• Dual occupancy (attached)</li> <li>• Dual occupancy (detached)</li> <li>• Dwelling house</li> <li>• Exhibition home</li> <li>• Group home</li> <li>• Hostel</li> <li>• Multi dwelling housing</li> <li>• Residential flat building</li> <li>• Rural worker's dwelling</li> <li>• Secondary dwelling</li> <li>• Semi-detached dwelling</li> <li>• Seniors housing</li> <li>• Shop top housing</li> </ul>	NA

<p>Outcomes</p> <ul style="list-style-type: none"> <li>Incline passenger lifts and stairways that cause minimal visual and acoustic disturbance to the environment and neighbours. (En, S)</li> </ul> <p>Controls</p> <ul style="list-style-type: none"> <li>Incline passenger lifts and stairways shall:             <ol style="list-style-type: none"> <li>be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees, and</li> <li>be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures, and</li> <li>be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and</li> <li>be painted to blend in with surrounding vegetation and screened by landscaping and</li> <li>be set back two (2) metres from the side boundary to the outer face of the carriage</li> <li>be located wholly on private land, and</li> <li>have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling.</li> </ol> </li> <li>On steeply sloping existing lots, incline passenger lifts are preferred to driveways where the required driveway grade may be difficult to achieve and would have an adverse impact on the landform, appearance, vegetation and species habitat. In such cases, a proposal will be subject to assessment based on merits, and should be no more than 1 metre above the existing ground level.</li> <li>Incline passenger lifts will not be accepted in lieu of vehicular access for new subdivisions.</li> <li>The noise level shall not exceed 60dB(A), when measured one metre from any adjoining premises.</li> </ul> <p>Variations</p> <ul style="list-style-type: none"> <li>Where an incline passenger lift is shared between lots, the 2m side boundary setback does not apply to those lots.</li> </ul> <p>Information to be included in the Statement of Environmental Effects</p> <ul style="list-style-type: none"> <li>An analysis of the proposal demonstrating that the incline passenger lift's and associated stairways cause minimal visual and acoustic disturbance to environment and neighbours.</li> </ul> <p>Technical Reports and Supporting Information</p> <ul style="list-style-type: none"> <li>An acoustic assessment prepared by an acoustic engineer demonstrating that the noise level from the incline passenger lift will not exceeds 5D(b)A above background noise when measured from the nearest property boundary</li> </ul>	
<p><b>C1.23 Eaves</b></p> <p>Land to which this control applies</p>	<p>Complies</p>

<ul style="list-style-type: none"> <li>• All land in the Pittwater LGA NOT including the Pittwater waterway or Elanora Heights Village Centre - P21DCP-BCMDCP092</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>• Attached dwelling</li> <li>• Boarding house</li> <li>• Dual occupancy (attached)</li> <li>• Dual occupancy (detached)</li> <li>• Dwelling house</li> <li>• Exhibition home</li> <li>• Group home</li> <li>• Hostel</li> <li>• Multi dwelling housing</li> <li>• Residential flat building</li> <li>• Rural worker's dwelling</li> <li>• Secondary dwelling</li> <li>• Semi-detached dwelling</li> <li>• Seniors housing</li> <li>• Shop top housing</li> </ul> <p>Controls</p> <ul style="list-style-type: none"> <li>• Dwellings shall incorporate eaves on all elevations.</li> <li>• Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.</li> </ul> <p>Variations</p> <ul style="list-style-type: none"> <li>• Council may consider a variation to this control where the development is shop top housing, residential flat buildings or multi dwelling housing.</li> <li>• Where Dutch gables are proposed eaves may be reduced to 300mm in width.</li> </ul>	
<p><b>C1.24 Public Road Reserve - Landscaping and Infrastructure</b></p> <p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>• All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area or Elanora Heights Village Centre - P21DCP-BCMDCP091</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>• Attached dwelling</li> <li>• Boarding house</li> <li>• Dual occupancy (attached)</li> <li>• Dual occupancy (detached)</li> <li>• Dwelling house</li> <li>• Exhibition home</li> <li>• Group home</li> <li>• Hostel</li> <li>• Multi dwelling housing</li> <li>• Residential flat building</li> <li>• Rural worker's dwelling</li> <li>• Secondary dwelling</li> <li>• Semi-detached dwelling</li> <li>• Seniors housing</li> </ul>	<p>Landscaping unchanged.</p>

Controls

- Landscaping General - All Development
- Landscaping within the public road reserve is to include street trees planted at 6m centres.
- Street trees are to be planted to encourage the free passage of pedestrians.
- Street trees should not interfere with existing powerlines.
- All existing trees over 3m in height and native vegetation within the road reserve areas are to be retained where practical. The existing trees are to be protected during the construction of works through temporary perimeter fencing that is 1.8m high.
- New tree plantings are to be a minimum 35 litre size with 1m x1m hole and backfilled with suitable planting medium.
- Trees are to be appropriately supported by two stakes (minimum 50mm x 50mm) with Hessian ties.
- To ensure a consistent streetscape the new tree plantings are to be the same as the existing adjacent street trees.
- Where appropriate, Council encourages the use of local endemic native species according to the list of local native species in Pittwater.  
([http://www.pittwater.nsw.gov.au/environment/plants\\_and\\_animals/native\\_plants/species\\_lists](http://www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants/species_lists))
- Grassed areas are to be turfed with Couch species (weed free) and even grade to a maximum 4% grade.
- All work is subject to a Section 139 approval from Council.
- **Dwelling Houses, Secondary Dwellings and Dual Occupancy**  
The location of new landscaping (street trees) is not to hinder the future construction of a 1.5m wide footpath in location to be nominated by Council and is subject to a Section 139 approval from Council.
- **Residential Development - less than 6 dwellings (excluding dwelling houses, secondary dwellings, rural worker's dwellings and dual occupancies)**  
Infrastructure General  
Development with a frontage within a residential street is required to design and construct (Section 139 approval required from Council):
  - I. a footpath 1.5m wide, or
  - II. where a multi-use pathway is required the footpath is to be constructed to a 2.1m width, and
  - III. kerb and gutter to Council specification, and
  - IV. landscaping for the full width of the development site on the public road reserve.
- **Residential Development - comprising 6 or more dwellings**  
Infrastructure General  
Development with a frontage within a residential street is required to design and construct (Section 139 approval required from Council):
  - I. a footpath 1.5m wide, or
  - II. where a multi-use pathway is required the footpath is to be constructed to a 2.1m width, and
  - III. kerb and gutter to Council specification, and the making good of the road pavement from the kerb and guttering to the road centreline, and (See note below) streetlighting and

<p>IV. landscaping for the full width of the development site on the public road reserve.</p> <p>Note: Making good of the road pavement shall be to the following engineering standard Asphaltic Concrete finish:</p> <ul style="list-style-type: none"> <li>• Sub-arterial road: 4 x106 ESA's</li> <li>• Collector road 2 x106 ESA's</li> <li>• Local road 6 x105 ESA's</li> <li>• Access road 1 x105 ESA's</li> </ul> <p>Variations</p> <ul style="list-style-type: none"> <li>• Where the landscaping or infrastructure in the public road reserve currently exists, the requirements of this control in respect to the specific landscaping or infrastructure item need not apply.</li> <li>• Where the landscaping or infrastructure in the public road is located in steep terrain the landscaping and infrastructure requirements will be considered on merit.</li> <li>• The merit for deciduous trees will only be considered on the grounds of solar access.</li> </ul> <p>Advisory Notes</p> <ul style="list-style-type: none"> <li>• For specific controls in relation to the Public Road Reserve - Landscaping and Infrastructure in Elanora Heights Village Centre, refer to Part D5.35 of this DCP.</li> <li>• Section 139 Consent for Works on the Public Road Reserve</li> </ul> <p>Technical Reports and Supporting Information</p> <ul style="list-style-type: none"> <li>• Applicants will be required to obtain, prior to the issue of the Construction Certificate, a Section 139 Consent for works on the public road reserve issued by the Council under the provisions of S138 of the Roads Act 1993 for the design and construction of any works on the road reserve.</li> <li>• The consent provides authorisation from Council as the Road Authority for the applicant to construct works (including roads, access driveways, steps, footpaths, landscaping gardens, retaining walls and letter boxes) located on the public road reserve subject to development consent for the adjacent land being issued.</li> <li>• A Section 139 Consent for works on the public road reserve will be issued subject to satisfactory plans prepared by the Applicant and being provided to and approved by Council.</li> <li>• Applicants are encouraged to obtain the Section 139 Consent for works on the Public Road Reserve during the preparation of the development application and lodge a Section 139 Consent for Works on the Public Road Reserve with the Development Application.</li> </ul>	
<p><b>C1.25 Plant, Equipment Boxes and Lift Over-Run</b></p> <p>Land to which this control applies</p> <ul style="list-style-type: none"> <li>• All Land not including the Warriewood Valley Locality</li> </ul> <p>Uses to which this control applies</p> <ul style="list-style-type: none"> <li>• Attached dwelling</li> <li>• Boarding house</li> </ul>	<p>N/A</p>

<ul style="list-style-type: none"> <li>• Dual occupancy (attached)</li> <li>• Dual occupancy (detached)</li> <li>• Dwelling house</li> <li>• Exhibition home</li> <li>• Group home</li> <li>• Hostel</li> <li>• Multi dwelling housing</li> <li>• Residential flat building</li> <li>• Rural worker's dwelling</li> <li>• Secondary dwelling</li> <li>• Semi-detached dwelling</li> <li>• Seniors housing</li> </ul> <p>Controls</p> <ul style="list-style-type: none"> <li>• 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. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement.</li> <li>• 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.</li> </ul> <p>Variations</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>	
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#### 1.5.4 The likely impacts of that development – Section 4.15(b)

##### Aboriginal Archaeology

The requirement for an Aboriginal Heritage Impact Assessment (AHIA) is based on Part 2 of the NPWS Guidelines for Aboriginal Heritage Impact Assessments. Part 2 states that an AHIA is generally not required where:

*a) The proposed development is on land previously subject to intensive ground disturbance and the development will impact only on the area subject to the previous disturbance;*

*b) The impact of the proposed activity is unlikely to cause any additional damage to Aboriginal objects than that which has already occurred; and*

*c) The proposed development is in an area that has been identified in strategic planning, rezoning or other assessment studies as having low Aboriginal heritage potential.*

Based on the points outlined above, it is evident that the proposed development is unlikely to cause any harm to Aboriginal objects, as it is situated within an established residential area that has already undergone site disturbances.

### **CONTEXT AND SETTING**

The proposed development aligns with the surrounding locality by adhering to environmental planning regulations and incorporating site features into its overall design. It also demonstrates compatibility with the area through its consistency with the existing residential developments.

### **VISUAL IMPACT**

The development is not anticipated to negatively impact the visual appeal of the surrounding community.

### **ACCESS, TRANSPORT AND TRAFFIC**

Given the small scale of the development, it is not expected to have any impact on the local road network.

### **PUBLIC DOMAIN**

The proposed development will not impact the public domain. The development contributions generated will be directed toward infrastructure and public domain improvements.

### **SERVICES**

The existing development is equipped with electricity, telephone services, and has access to physical, legal, and emergency services. Additionally, the site is connected to a reticulated (town) water supply and sewer service.

### **European Heritage**

The site is neither within a heritage area nor in proximity to any existing heritage items.

### **Flooding**

The site is not situated within a flood-prone area. For detailed information on flood zones in Sydney, you can refer to the Sydney Flood Map.

### **Landslip Risk Hazard**

The site is not identified as a landslip hazard area, and therefore, a geotechnical report is not required.

### **Bushfire**

The edge of the site is situated within a "vegetation buffer" bushfire zone.



### **Noise and Vibration**

No potential noise or vibration impacts have been identified.

### **Social and Economic Impact**

The proposed development involves the use of an existing secondary dwelling and is not expected to have any social or economic impact on the area.

### **Suitability of the Site – Section 4.15(c)**

The subject site is deemed suitable for the proposed use, as it is surrounded by similar buildings of comparable size. Therefore, the development is considered appropriate for both the site and the surrounding area.

### **The Public Interest – Section 4.15(e)**

The proposed development is regarded as being in the public interest.

## Conclusion

The proposed alterations and additions to 55 Binburra Avenue, Avalon Beach, align with the objectives of the Environmental Planning and Assessment Act (EP&A Act), the Pittwater Local Environmental Plan (LEP) 2014, and the Development Control Plan (DCP). The proposal is suitable for the site and adheres to the principles of sustainable development. Consequently, it is recommended that the application be approved.

This report has also assessed environmental considerations, including heritage, flooding, access, ecological impacts, waste management, stormwater runoff, Aboriginal archaeology, and servicing. The assessment concludes that there are no significant adverse environmental impacts and that necessary infrastructure is either already available or can be provided to support the development.

## Site Photographs



**Figure 3: Front Elevation of Existing Dwelling**  
Captured using a 3D Scan in July 2024 by Design Plus Drafting.



**Figure 4 & 5: Carport of Existing Dwelling – (Area Proposed Bike Storage)**  
Captured using a 3D Scan in July 2024 by Design Plus Drafting.



**Figure 5: Side Elevation of Existing Dwelling – (Area of Proposed Alfresco)**  
Captured using a 3D Scan in July 2024 by Design Plus Drafting.



**Figure 6: Lower Ground Floor Verandah of Existing Dwelling – (Area of Bedrooms)**  
Captured using a 3D Scan in July 2024 by Design Plus Drafting.