

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed New
Dwelling

16a Ruskin Rowe,
Avalon

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Statement of Environmental Effects

Proposed New Dwelling

16a Ruskin Rowe, Avalon

Prepared under instructions from

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1 Introduction

This Statement has been prepared as part of the supporting documentation for a Development Application proposing the demolition of the existing site structures and the construction of a new dwelling, swimming pool and associated landscaping.

The design of the proposed dwelling is innovative and of high architectural merit. Particular attention has been given to ensuring that the proposed dwelling affords high levels of amenity for future occupants, whilst ensuring high levels residential amenity to adjoining properties are retained in relation to privacy, solar access and view sharing. The proposal is considered to positively contribute towards the built form quality of the housing stock and also the biodiversity value within the Avalon Locality and Ruskin Rowe heritage conservation area.

In addition to the Statement of Environmental Effects, the application is also accompanied by the following:

- Survey Plan
- Architectural plans
- Landscape Plan
- Arborist Report
- Stormwater Management
- Geotechnical Report
- BASIX certificate
- Waste Management Plan
- Heritage Impact Statement

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

- Environmental Planning and Assessment Act, 1979;
- Pittwater Local Environmental Plan 2014;
- Pittwater Development Control Plan 2014;
- State Environmental Planning Policy (Building Sustainability Index BASIX) 2004;

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered

that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling is compatible with the desired future character of the Avalon locality and the Ruskin Rowe Heritage Conservation area.
- The proposed development will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

2 Site Analysis

2.1 Site Description and Location

2.1.1 The Site

The application relates to Lot 1 in DP 504413, 16a Ruskin Rowe, Avalon. A location map is included as **Figure 1**.



Figure 1: Site Location (Source: Six Maps)

Number 16a Ruskin Rowe is an irregular shaped allotment comprising a total site area of sqm. The site has a primary frontage of 28.03m to Ralston Road, splayed eastern side boundary of and 110.475m, south-western side boundary of 81.11m and a rear boundary of 30.29. The site is currently occupied by a single storey clad dwelling with metal roof with a carport and swimming pool. A concrete driveway runs adjacent to south-western side boundary. The topography of the site has a gentle rise up towards the rear of the site of approximately 7 to 8m. Several trees are located on or adjacent to the subject site.

2.1.2 The Locality

the locality has developed into a predominantly low-density residential area, with dwellings built along valley floor, slopes, and ridges. The locality is characterised mainly by one and two-storey dwelling houses on 600-1,000 square metre allotments (some smaller blocks may exist),

increasing to 950-1,600 square metres on the plateau and slopes, and up to 8,000 square metres in Ruskin Rowe. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. The dominant feature of the Avalon Beach locality is houses setback from the street with low and no front fencing and vegetation used extensively to delineate boundary lines. Medium-density housing is located around the Avalon Beach Commercial Centre and neighbourhood retail centres.

The locality is serviced by the Avalon Commercial Centre at the intersection of Old Barrenjoey Road and Avalon Parade, and neighbourhood retail centres at the intersection of Hudson Parade and Hilltop Road, Elvina Avenue, North Avalon Road, and Careel Head Road. The locality also contains Avalon Primary School, Maria Regina Primary School, Barrenjoey High School, Avalon Surf Life Saving Club, Careel Bay Wetlands, and recreational facilities including Hitchcock Park, Avalon Golf Course, tennis courts, beaches, and several bushland reserves.

2.1.3 Zoning and Key Environmental Considerations

The site is zoned E4 Environmental Living pursuant to the Pittwater Local Environmental Plan 2014. The key environmental considerations of the site are identified as follows:

- Acid Sulfate Soils, Class 5;
- Land identified on the Councils Biodiversity Map
- Ruskin Rowe Heritage Conservation Area

All the above environmental considerations are discussed in the following sections of this report and addressed in the documentation accompanying this Development Application.

3 Description of Proposed Development

3.1 Details of the Proposed Development

This application proposes the demolition of the existing site structures and the construction of a new dwelling, swimming pool and associated landscaping. Specifically, the works propose the following:

Lower Ground Floor:

- 2 car garage
- Mud room
- Storage area
- cellar

Ground Floor:

- Open plan kitchen/dining/living area with access to outdoor entertaining terrace.
- Master bedroom with ensuite and walk-in-robe. 3 bedrooms are located in the same wing and all bedrooms have access to a balcony.
- Guest bedroom
- Bathroom and 2 additional powder rooms
- Study
- Laundry with access to clothes drying area.
- Library
- Rumpus room

A new swimming pool and a gravel driveway are proposed. A landscape plan has been provided with the application which will include a range of native species and private outdoor spaces which will achieve high levels of amenity. The existing trees on or adjacent to the site have been assessed and detailed in the arborist report provided. Stormwater management plans have been prepared and accompany this application.

The proposed design is depicted on the plans and montages prepared by Alexander and Co. The design provides a contemporary dwelling and the proposed landscape treatments will ensure that the development sits comfortably within the streetscape.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

4.1.1 Zoning and Permissibility

As previously noted the site is zoned E4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

Dwelling Houses are permissible with consent in the E4 zone. The specific objectives of the zone are identified as follows:

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

The application relates to the provision of a low-density development consisting of a new single dwelling within an enhanced landscaped setting. We have formed the considered opinion that the development is permissible in the zone and consistent with the zone objectives as outlined above. Accordingly, there is no statutory impediment to the granting of consent.

4.1.2 Height of Buildings

Pursuant to Clause 4.3 of the PLEP, the site is identified on the height of buildings map as having a maximum permissible height of 8.5 metres. The objectives of the control are identified as follows:

- a) *To ensure that any building, by virtue of its height and scale, is consistent with the character of the locality;*

- b) To ensure that buildings are compatible with the height and scale of surrounding and nearby development;*
- c) To minimise any overshadowing of neighbouring properties;*
- d) To allow for the reasonable sharing of views;*
- e) To encourage buildings that are designed to respond sensitively to the natural topography;*
- f) To minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

The proposal provides for a predominately single storey dwelling which will sit comfortably below the 8.5m and is consistent with the development standard.

4.1.3 Heritage Conservation

The subject site is located within the Ruskin Rowe Heritage Conservation Area and a Heritage Impact Statement has been prepared by Weir Phillips Heritage and Planning. The report concludes that the existing development currently makes a neutral contribution to the conservation area. The proposed development will enhance the contribution of the Ruskin Rowe Heritage Conservation Area by virtue of the extensive landscaping proposed and the considered architectural design approach.

4.1.4 Acid Sulfate Soils (Clause 7.1)

Pursuant to Clause 7.1 of the LEP, the site is mapped as being 5 acid sulfate soils. The proposed works will require areas of excavation and fill which are detailed in the geotechnical report provided. It is considered that there is little risk of exposing acid sulfate soils with the proposed development.

4.1.5 Biodiversity Protection (Clause 7.6)

Pursuant to Clause 7.6, the site is identified on the biodiversity map. The proposal will not require the removal of any prescribed trees on or adjacent to the site, as detailed in the arborist report provided.

4.2 Pittwater Development Control Plan 2014

This policy document came into effect on 1 February 2004. P21 DCP contains development controls for the design and construction of buildings and the development of land in Pittwater. The proposed development has been assessed against the relevant provisions of P21 DCP as outlined in the following sections of this report.

4.2.1 Avalon Locality

The property is located within the Avalon Locality. The desired future character of the Avalon Locality will remain primarily a low-density residential area. The key objectives for the desired future character are identified as follows:

The most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment. The locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity, fewer hazards and other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, commercial, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. Vehicular and pedestrian access into and through the locality is good. Pedestrian links, joining the major areas of open space (Angophora Reserve, Stapleton Park and Hitchcock Park) and along the foreshores, should be enhanced and upgraded. Similarly, cycle routes need to be provided through the locality. Carparking should be provided on site and where possible integrally designed into the building.

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with development. The objective is that there will be houses amongst the trees and not trees amongst the houses.

Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

Most houses are set back from the street with low or no fencing and vegetation is used extensively to delineate boundary lines. Special front building line setbacks have been implemented along Avalon Parade to maintain the unique character of this street. This, coupled with the extensive street planting of canopy trees, gives the locality a leafy character that should be maintained and enhanced.

The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect

principles of good urban design. External materials and finishes shall be natural with smooth shiny surfaces avoided. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

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

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

The architects have responded to the client brief to provide a dwelling of design merit and visual interest which harmonises with the environmental locality and natural features of the site. The design of the work are compatible with the character and scale of development within the locality and immediate context. Attention has been paid to the heritage value of the area with a considered architectural design approach and emphasis placed on provided an enhanced landscape scheme. The development will provide a quality built form outcome on the site.

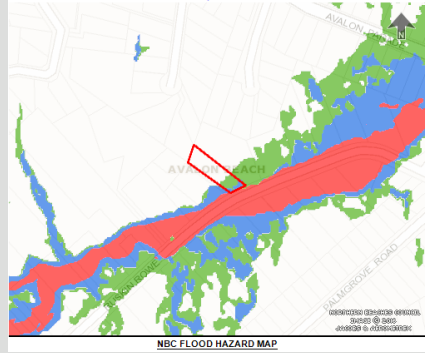
External materials and finishes will be consistent with the colours and materials of surrounding dwellings. In this regard the development responds positively to the desired future character of the locality and will contribute to the visual amenity of the streetscape.

4.2.2 Pittwater 21 Development Control Plan Compliance Table

A table demonstrating compliance with the relevant numerical provisions of the Pittwater 21 DCP 2014 is detailed as follows:

Control	Requirement	Proposed	Compliance
General Controls			
Development Type Controls			
Heritage Conservation B1.1	Conservation of the environmental heritage of Pittwater in accordance with	As stated in section 4.1.3 of this report, a heritage impact statement has been prepared	Yes – refer to HIS

Control	Requirement	Proposed	Compliance
	<p>the principles contained in the Burra Charter.</p> <p>Enhancement of the identified heritage values and significant character of the heritage conservation areas and encourage design that responds appropriately to their character.</p> <p>Development that is respectful of environmental heritage, undertaken in a manner that is sympathetic to, and does not detract unnecessarily from, any identified heritage significance.</p>	and accompanies this application.	
<p>Flood Prone Land</p> <p>B3.11</p>	<p>Protection of people.</p> <p>Protection of the natural environment.</p> <p>Protection of private and public infrastructure and assets.</p>	The subject site is partially mapped as being flood prone land. The mapping details that only the front section of the site is flood affected, as shown on the map below.	Yes

Control	Requirement	Proposed	Compliance
		 <p>The proposed dwelling is sited towards the rear of the property, outside the flood affected area and will not be impacted by potential flooding.</p>	
Flora and Fauna Conservation B4.1	The long-term viability of locally native flora and fauna and their habitats in the Pittwater Local Government Area.	<p>This application is accompanied by an arborist report and a detailed landscape plan.</p> <p>The landscape plan proposes a range of native tree and plant species to be utilised. It is considered that the enhancement of native species on the site will represent a positive contribution to the biodiversity of the local area.</p>	Yes
Preservation of Trees and Bushland Vegetation B4.22	<p>To protect and enhance the urban forest of the Northern Beaches.</p> <p>To effectively manage the risks that come with an established urban forest through professional</p>	<p>An arborist report has been provided with this application. All trees to be retained with the proposed development.</p> <p>19 trees were assessed as well as a row of 13 <i>Juniperus Chinensis</i> trees. The report provided recommendations for the retention, relocation or removal of the trees assessed.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>management of trees.</p> <p>To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.</p> <p>To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.</p> <p>To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.</p> <p>To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.</p>		

Control	Requirement	Proposed	Compliance
Stormwater B5.15	<p>Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;</p> <p>Minimise the risk to public health and safety;</p> <p>Reduce the risk to life and property from any flooding and groundwater damage;</p> <p>Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.</p> <p>Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and</p>	<p>The application is accompanied by stormwater management plans by Heinz Consulting Engineers.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>providing treatment measures that replicate the natural water cycle.</p> <p>Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources</p> <p>Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.</p>		
<p>Access driveways and Works on the Public Road Reserve B6.1</p>	<p>Safe and convenient access.</p> <p>Adverse visual impact of driveways is reduced.</p> <p>Pedestrian safety. An effective road drainage system.</p> <p>Maximise the retention of trees and native vegetation in the road reserve.</p>	<p>The development proposes to utilise the existing crossover. The existing concrete driveway is to be demolished and replaced with a gravel driveway to facilitate effective drainage.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
Off-Road Vehicle Parking Requirements B6.3	2 Bedrooms + = 2 spaces	The proposed development provides for a 2 car integrated garage.	Yes
Construction and Demolition - Excavation and Landfill B8.1	<p>Site disturbance is minimised. (En)</p> <p>Excavation, landfill and construction not to have an adverse impact. (En)</p> <p>Excavation and landfill operations not to cause damage on the development or adjoining property. (S)</p>	The proposed works will require some excavation and fill. The geotechnical report provided provides analysis of the existing subsurface conditions and recommendations for the development which we anticipate will form part of the conditions of consent.	Yes
Construction and Demolition - Waste Minimisation B8.3	Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)	<p>The development will require the demolition of the existing site structures which will be reused or recycled where appropriate. All waste materials will be disposed of via an appropriate waste disposal contractor or reused/recycled where appropriate.</p> <p>A waste management plan has been provided.</p>	Yes
Landscaping C1.1	<p>A built form softened and complemented by landscaping. (En)</p> <p>Landscaping reflects the scale</p>	The landscape plan prepared by Edwina Stuart provides for an enhancement of site. The plan utilises various native trees, shrubs and plants. The various native species ensure the enhancement of the	Yes

Control	Requirement	Proposed	Compliance
	<p>and form of development. (En)</p> <p>Retention of canopy trees by encouraging the use of pier and beam footings. (En)</p> <p>Development results in retention of existing native vegetation. (En)</p> <p>Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)</p> <p>Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)</p> <p>Landscaping enhances habitat and amenity value. (En, S)</p> <p>Landscaping results in reduced risk of landslip. (En, Ec)</p> <p>Landscaping results in low watering requirement. (En)</p>	<p>biodiversity of the local environment and habitats.</p>	

Control	Requirement	Proposed	Compliance
Safety and Security C1.2	<p>On-going safety and security of the Pittwater community. (S)</p> <p>Opportunities for vandalism are minimised. (S, Ec)</p> <p>Inform applicants of Council's requirements for crime and safety management for new development.(S)</p> <p>Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements</p>	<p>The development will provide the occupants with opportunities for casual surveillance of the Road. The dwelling will have clearly defined entrance and will be appropriately lit.</p> <p>The proposal is considered to be consistent with Crime Prevention through Design principals.</p>	Yes
View Sharing C1.3	<p>A reasonable sharing of views amongst dwellings. (S)</p> <p>Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)</p>	<p>The development raises no concerns regarding potential view loss to neighbouring dwellings.</p>	Yes

Control	Requirement	Proposed	Compliance
	Canopy trees take priority over views. (En, S)		
Solar Access Clause C1.4	<p>Main private open space of the 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.</p> <p>Windows to the principal living areas 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 to at least 50% of the glazed area.</p>	The shadow diagrams prepared by Alexander and Co, which are provided within the architectural set, demonstrated that the adjoining property will continue to receive compliant levels of solar access.	Yes
Visual Privacy C1.5	<p>Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)</p> <p>A sense of territory and safety is</p>	As mentioned above, the single storey built form coupled with the large lot size and spatial separation to adjoining dwellings it is considered that the proposed development will not result in any unreasonable visual privacy impacts. The extensive landscaping	Yes

Control	Requirement	Proposed	Compliance
	provided for residents. (S)	treatments proposed to the perimeter of the site provides additional screening.	
Acoustic Privacy C1.6	<p>Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S)</p> <p>Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas (S)</p>	The development does not raise any significant concerns regarding the acoustic privacy to adjoining dwellings. It is considered that the new dwelling will not result in any unreasonable noise impacts above that anticipated with a family home in a residential area.	Yes
Private Open Space Clause C1.7	Minimum area of 80sqm 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	>80m ²	Yes

Control	Requirement	Proposed	Compliance
Swimming Pool Safety C1.17	<p>The promotion of personal safety. (S)</p> <p>Compliance with Swimming Pools Act 1992 and Regulations (En, S)</p>	<p>The new swimming pool is to be constructed and maintained with regard to the <i>Swimming Pool Act 1992</i>.</p>	Yes
Avalon Locality Specific Development Controls			
Character as viewed from a public place D1.1	<p>To achieve the desired future character of the Locality.</p> <p>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)</p> <p>To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.</p> <p>The visual impact of the built form is secondary to landscaping and vegetation, or in</p>	<p>The proposal provides a dwelling of design merit of an appropriate scale and height which positively responds to its context and the Ruskin Rowe Heritage Conservation Area. The development will not only provide a quality built form outcome on the site, but it will also provide a dwelling which is of visual interest in terms of its design when viewed from the street. The dwelling is highly articulated with varied materials and finishes utilised.</p> <p>The development will sit within an enhanced landscaped setting with an extensive range of native species being utilised. The range of plantings proposed ensure the enhancement of the natural environment and its biodiversity.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)</p> <p>High quality buildings designed and built for the natural context and any natural hazards. (En, S)</p> <p>Buildings do not dominate the streetscape and are at 'human scale'. To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.</p>		
<p>Building colours and materials</p> <p>D1.5</p>	<p>The development enhances the visual quality and identity of the streetscape. (S)</p> <p>To provide attractive building facades which establish identity and contribute to the streetscape.</p> <p>To ensure building colours and materials</p>	<p>A schedule of materials and finishes are detailed within the architectural plans provided. They utilise a range of materials and earthy tones.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>compliments and enhances the visual character its location with the natural landscapes of Pittwater.</p> <p>The colours and materials of the development harmonise with the natural environment. (En, S)</p> <p>The visual prominence of the development is minimised. (S)</p> <p>Damage to existing native vegetation and habitat is minimised. (En)</p> <p>An informal beachside appearance of the Avalon Village. (S, Ec)</p>		
Front Building Line D1.8	<p>Development is to maintain a front building line of 6.5 metres or the established building line, whichever is greater.</p>	<p>The development is sited towards the rear of the site and provides a significant front setback consistent with the streetscape.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
Side and Rear Building Line D1.9	Development is to maintain a minimum side building line of 2.5 metres to one side and 1 metre to the other side. 6.5 metre rear building line.	The side boundary setbacks are in excess of the prescribed control. The rear setback is well in excess of the 6.5m control also.	Yes Yes
Building Envelope D1.11	Projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.	The dwelling will sit comfortably within the building envelope.	Yes
Landscaped Area – Environmentally Sensitive Land D1.14	Total Landscaped Area is 60% of the total site area.	Given the large allotment the development is compliant with the total landscape area control.	Yes

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the residential component of the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.4 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

4.5 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(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

N/A

(iii) Any development control plan

Pittwater DCP applies

(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

N/A

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

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(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,

N/A

Context and Setting

i. What is the relationship to the region and local context in terms of:

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. What are the potential impacts on adjacent properties in terms of:

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*

- dependency on motor vehicles
- traffic generation and the capacity of the local and arterial road network
- public transport availability and use (including freight rail where relevant)
- conflicts within and between transport modes
- Traffic management schemes
- Vehicular parking spaces
-

The proposal will result in a new gravel driveway and an integrated 2 car garage.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will continue to service the dwelling house.

Flora and Fauna

The application is accompanied by a landscape plan and arborist report.

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

The site is minorly flood affected however the footprint of the dwelling sits outside the flood prone land.

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

- i) *Is the development design sensitive to environmental considerations and site attributes including:*

- size, shape and design of allotments
- The proportion of site covered by buildings
- the position of buildings
- the size (bulk, height, mass), form, appearance and design of buildings
- the amount, location, design, use and management of private and communal open space
- Landscaping

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The architect has responded to the client brief to provide for a dwelling of design merit that provides a high level of amenity for the future occupants whilst appropriately addressing the sites setting and maintaining the amenity of the nearby residential properties. The development will provide a quality built form outcome on the site.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

The proposed dwelling and associated works are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposal and the constraints of the site. The heritage value of the Ruskin Rowe conservation area has been considered with the design and attention given to the proposed landscaping which enhances the biodiversity value of the local area.

It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling and associated works are compatible with the desired future character of the locality and the Ruskin Rowe heritage conservation area.
- The proposed dwelling will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of exceptional design merit, that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.