

4 April 2024

Chief Executive Officer
Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Property: 93 Central Road, Avalon
Re: Statement of Environmental Effects – Alterations and additions to a CDC approved dual occupancy

To whom it may concern,

This letter is a Statement of Environmental Effects accompanying a development application for alterations and additions to an approved Complying Development Certificate No. MBC 4218 at 93 Central Road, Avalon for a dual occupancy development.

The CDC was issued on 3 April 2024 for the demolition of the existing dwelling on the site and construction of an attached dual occupancy.

This development application seeks alterations and additions to the CDC approved dual occupancy development including the addition of a bin storage area adjacent to the street frontage for each dwelling, alteration to the approved alfresco stairs accessing the rear yard of each dwelling, and the addition of an in-ground swimming pools for each dwelling within the development.

The subject site is located within the R2 Low Density Residential zone and *dual occupancies* are a permissible form of development within the zone pursuant to the *Pittwater LEP 2014*.

This Statement has been prepared in accordance with the following documentation:

- *Survey Plan dated 23 August 2022 prepared by CMS Surveyors Limited;*
- *Landscape Plans dated 27 February 2024 prepared by Outdoor Establishments;*
- *Flood Assessment dated 19 March 2024 prepared by Taylor Consulting.*

1.0 BACKGROUND

An approved Complying Development Certificate No. MBC 4218 at 93 Central Road, Avalon for a two storey attached dual occupancy development. The site has not been subdivided noting the construction works approved by the CDC have not yet been initiated on the site.

2.0 SITE and CONTEXT

The subject site is located on the southern side of Central Road, Avalon opposite the intersection of Central Road and Burrendong Place. The site is located approximately 1km west of Avalon Beach, and 1km south-west of Careel Bay.

The site adjoins two storey dwelling houses to the east and west of the site. The broader locality is defined by low density residential development, with some examples of larger multi-dwelling housing developments to the south-east of the site along Avalon Parade.



The legal description of the subject site is Lot 26 in DP 8698 known as 93 Central Road, Avalon. The site has a frontage of 18.9m to Central Road and a maximum site depth of 63.225m with a total area of 1,094m²

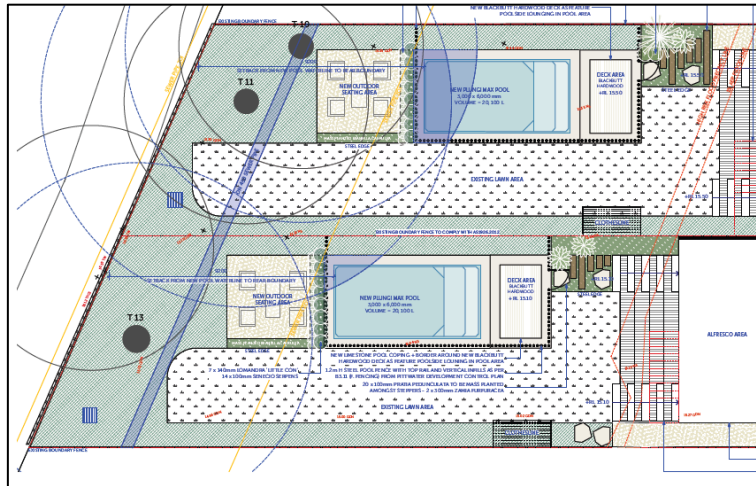
The subject site has a moderate fall from the front boundary – Central Road (RL18.0 – RL18.32) to the rear boundary (RL15.3) of approximately 3m across the site depth of 63.225m. The subject site contains 3 x large trees within the rear yard adjacent to the southern boundary of the site.

3.0 PROPOSED DEVELOPMENT

This development application seeks alterations and additions to the CDC approved dual occupancy development. The alterations and additions to the approved development are described as follows:

- Addition of a bin storage area adjacent to the street frontage for each dwelling, including new concrete slab and timber batten screening to screen waste bins from the street
- Alteration to the approved alfresco stairs accessing the rear yard to 'bleacher' style stairs accessing the lawn area of each dwelling.
- Addition of an in-ground swimming pool for each dwelling within each yard, including a new outdoor seating area, deck area, and pool fencing.
- Associated landscape works

The proposed pools are depicted in the plan extract below:



4.0 PLANNING CONTROLS

4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 of this SEPP applies to the site being on land that is within the Coastal Environment Area and Coastal Use areas. The proposed development is not located within mapped coastal area.

Chapter 4 of this SEPP requires the consent authority to consider whether land is contaminated and if contaminated the consent authority must be satisfied that the land is suitable for the purpose. The subject site has been historically used for residential purposes. The proposed alterations and additions to the CDC approved dual occupancy on the site are unlikely to disturb any soil contaminants that would warrant further investigations in accordance with the Contamination Planning Guidelines. In this instance the consent authority – Northern Beaches Council can be satisfied that Chapter 4 of the SEPP has been satisfied and the land is suitable for the purpose.

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 of this SEPP relates to vegetation in non-rural areas and aims to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. This application does not include the removal of any vegetation on the site, with the proposed swimming pools sensitively designed to retain the existing mature trees within the rear yard of each approved dwelling.

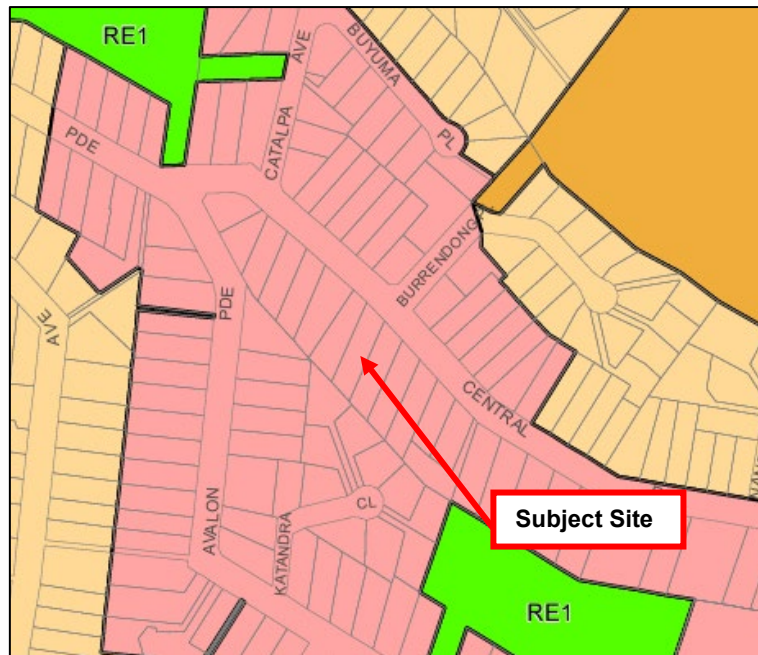
The retention of these trees and the establishment of tree protection measures can be addressed through a condition of development consent confirming that any works within the TPZ of these trees is to be supervised by a project arborist during construction.

4.3 State Environmental Planning Policy (Sustainable Buildings) 2022

The alterations and additions to the development do not alter the energy or thermal performance of the CDC approved dual occupancy on the site and as such an updated BASIX Certificate is not required. An updated BASIX assessment is not required for swimming pools <40kL in volume and the proposed pools are 20kL each.

4.4 Pittwater Local Environmental Plan 2014

The subject site is zoned R2 Low Density Residential zone pursuant to the *Pittwater LEP 2014* and *dual occupancies* are permissible within the zone. The proposed alterations and additions do not alter the approved use of the development under CDC No. MBC4218 for an attached dual occupancy development.



The objectives of the R2 Low Density Residential zone are as follows:

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

The proposed development achieves the relevant objectives of the R2 Low Density Residential zone as the proposed alterations and additions to the approved dual occupancy will provide for the housing needs of the future residents of the development improving the landscape amenity of each dwelling through the proposed swimming pools.

Clause 4.3 Height of Buildings contains the maximum height control for the subject site. The height of buildings map contained in the LEP is 8.5m. The proposed development complies with the height control.

Clause 4.4 Floor Space Ratio does not contain an FSR control for the site.

Clause 5.10 Heritage Conservation does not apply to the proposal noting the site is not identified as a heritage item or within a conservation area.

Clause 5.21 Flood planning applies to the development noting the site is identified as being affected by the maximum Flood Planning Level. The development is supported by a Flood Assessment prepared by *Taylor Consulting* which concludes the proposed development is appropriate for the site with respect to flood impacts, stating:

“Summary

This is to advise that we have reviewed the proposed plans and details and confirm that the proposed development is in accordance with applicable flood planning controls.

The proposed works involve the construction of pools and the modification of the stairs, which have been designed to maintain the local flooding regime. Subsequently, the works will not adversely affect neighbouring properties.

As such, the proposed works are considered satisfactory because they will be in accordance with Northern Beaches Council’s Pittwater 21 Development Control Plan B3.11 Flood Prone Land.”

Clause 7.1 Acid sulfate soils applies to the proposal noting the site is located within class 5 mapped land. The proposed development is unlikely to result in impacts upon the water table and is unlikely to disturb acid sulfate soils.

Clause 7.2 Earthworks the proposed excavation to accommodate swimming pools within the rear yard of the subject site is unlikely to impact upon drainage patterns, soil stability, amenity of adjoining properties or the surrounding locality.

Clause 7.5 Coastal risk planning the site is not identified on Council’s Coastal risk planning map.

Clause 7.6 Biodiversity applies to the subject site noting it is mapped as ‘biodiversity’ pursuant to the LEP map. The proposed swimming pools are to be located within existing lawn area at the rear of the site and have been sensitively located to minimise intrusion upon the TPZ of existing trees within the rear of the site. As such the proposal is unlikely to impact upon any significant flora and fauna within the locality.

Clause 7.7 Geotechnical hazard the site is not identified on Council’s Geotechnical hazard map.

4.5 Pittwater Development Control Plan 21

The Pittwater DCP 21 contains provisions relating to development in the locality. The relevant provisions to the application are addressed in turn, below:

Section A – Shaping Development in Pittwater

A4 Localities: The proposed alterations and additions do not contravene the desired character for the Avalon Beach locality, noting the proposed swimming pools will not be visible from the public domain – Central Road.

Section B – General Controls

B3.11 Flood Prone Land: As detailed previously, Part B3.11 of the DCP applies to the development noting the site is identified as being affected by the maximum Flood Planning Level. The development is supported by a Flood Assessment prepared by

Taylor Consulting which concludes the proposed development is appropriate for the site with respect to flood impacts, stating:

“Summary

This is to advise that we have reviewed the proposed plans and details and confirm that the proposed development is in accordance with applicable flood planning controls.

The proposed works involve the construction of pools and the modification of the stairs, which have been designed to maintain the local flooding regime. Subsequently, the works will not adversely affect neighbouring properties.

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B4 Controls relating to the Natural Environment: The proposed development relates to an approved CDC for a dual occupancy development on the site. The proposed swimming pools are to be located within existing lawn area at the rear of the site and have been sensitively located to minimise intrusion upon the TPZ of existing trees within the rear of the site. As such the proposal is unlikely to impact upon any significant flora and fauna within the locality.

B5 Water Management: The proposal retains landscaped and permeable areas across the approved development which allow for absorption of stormwater run-off onto the site to off-set the proposed hard surface areas including new decking and pool areas.

B8 Site Works Management: The proposed excavation to accommodate swimming pools within the rear yard of the subject site is unlikely to impact upon drainage patterns, soil stability, amenity of adjoining properties or the surrounding locality.

Section C – Development Type Controls

C1.1 Landscaping: The proposed development presents an appropriate landscaped outcome for the subject site with respect to canopy tree coverage, noting no tree removal is proposed.

C1.5 Visual privacy: The proposed swimming pools will be appropriately screened from adjoining properties private open space by existing boundary fencing, existing landscaping, and screen plantings proposed as part of the application.

C1.6 Acoustic privacy: The proposed swimming pool equipment – pump motors are to be located beneath the CDC approved alfresco decks and a condition of consent can be imposed to ensure the noise levels of this equipment does not exceed 5dBA above background noise levels at the nearest property boundaries.

C1.7 Private Open Space: The development retains >80m² of private open space for each dwelling within the development as required by the DCP.

C1.8 Dual occupancy specific controls: The proposal does not alter the height, floor area, or FSR of the CDC approved dual occupancy.

C1.12 Waste and recycling facilities: The proposed new bin storage areas serve to achieve the desired outcomes of this part of the DCP.

C1.17 Swimming pool safety: The proposal includes swimming pool fencing as required by the DCP.

Section D – Locality Specific Development Controls

D1 Avalon Beach Locality

D1.1 Character as viewed from a public place: The proposed alterations and additions do not alter the appearance of the approved development from the public domain – Central Road.

D1.8 Front building line: The proposal seeks consent for a garbage storage structure adjacent to the pedestrian entrance of each CDC approved dwelling. The application meets the outcomes of this part of the DCP notwithstanding the proposed structures forward of the front building line, as these structures are minor and will not adversely impact upon the streetscape appearance of the development.

D1.9 Side and rear building line: The proposed swimming pools comply with the required 1m minimum setback from side boundaries, noting landscaping is provided within this setback and adequate separation is provided from adjoining properties living rooms and private open space to mitigate amenity impacts upon neighbouring dwellings.

D1.14 Landscaped Area – environmentally sensitive land: A minimum landscaped area of 60% is required to be provided on the site. The development provides a total landscaped area of 52.9% across the site, which presents a variation to the required landscaped area.

Notwithstanding the proposed variation, the development achieves the intended outcomes for this control and is acceptable based on the following:

- The proposal does not alter the bulk and scale of the CDC approved built form on the site. The variation is largely a result of the approved hard-stand area under the CDC issued for the land, with the proposed development providing a high level of landscaped amenity for the site, notwithstanding the proposed numerical shortfall in landscaped area.
- The swimming pools are appropriately screened by landscaping and boundary fencing and do not present any significant amenity impacts upon adjoining properties, and between the approved dwellings.
- The development has been sensitively sited to ensure the retention of existing large trees on the site, with minimal intrusion into the TPZ of these trees proposed.

- The proposed pools will not result in any significant additional stormwater run-off on the site, noting adequate landscaped permeable areas are retained on the site allowing for penetration of rainwater on the site.

5.0 CONCLUSION

In conclusion it is considered that the proposed development is acceptable under the considerations of Section 4.15 of the E.P& A. Act 1979. The following conclusions are made in relation to the development proposal:

- *The proposed alterations and additions to the approved dual occupancy development under CDC No. MBC 4218 are permissible with the consent of Council pursuant to Pittwater LEP 2014;*
- *The proposed development achieves the objectives for the R2 Low Density Residential zone, and is consistent with the provisions of the Pittwater LEP 2014 with respect to flooding, earthworks, and biodiversity;*
- *The proposed alterations and additions meet the intended outcomes of the relevant development controls contained in the Pittwater DCP, noting the proposal will not alter the built form character – appearance of the approved dual occupancy from the street, and will not result in unreasonable amenity impacts upon adjoining properties or between the approved dwellings.*
- *The proposed variation to the minimum required landscaped area for the site pursuant to Part D1.14 of the Pittwater DCP is considered acceptable as the development achieves the intended outcomes for the control notwithstanding the variation.*
- *The proposed development will not result in significant adverse amenity impacts to the surrounding properties with regard to visual or acoustic privacy. Further, the proposal retains existing trees on the site and as such the proposed development will have an acceptable environmental impact.*

For reasons outlined in this Statement of Environmental Effects, the proposal for alterations and additions to the approved CDC at 93 Central Road, Avalon should be granted development consent.



Jason Lambropoulos – Senior Town Planner

Chapman Planning Pty Ltd
Member PIA