



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed New
Dwelling

179 Riverview Road
Avalon Beach

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Statement of Environmental Effects

Proposed New Dwelling

179 Riverview Road, Avalon Beach

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1 Introduction

This document forms a component of a development application proposing the demolition of the existing dwelling and the construction of a new dwelling located on the subject allotment.

The project architect has responded to the client brief to provide a dwelling with excellent amenity, liveability and design. Particular attention has been given to the topography, extensive rock outcrops, environmental value of the land and the scenic quality of the area. The desire to achieve a view sharing outcome with the site specific design and built form more responsive to context regarding view sharing outcomes than to strict numerical compliance. In this regard Council's assessment as to the acceptability of the proposal must have regard to the performance of the development when assessed against the prescribed outcomes of the various built form controls rather than a simple checklist assessment against the "deemed to comply" numerical provisions.

The minor breach to the building height is well justified within the clause 4.6 variation request that accompanies this application.

The identified non-compliances with the setbacks and building envelope have been acknowledged and appropriately justified. Such variations succeed pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

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

- The Environmental Planning and Assessment Act, 1979 as amended ("The Act").
- Pittwater Local Environmental Plan 2014 ("The LEP").
- Pittwater 21 Development Control Plan ("The DCP").
- State Environmental Planning Policy (Resilience & Hazards) 2021
- Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

In addition to the architectural plans the application is also accompanied by a site survey, landscape plan, Geotechnical Assessment, Ecology report, Stormwater Management Plans, arborist report, schedule of finishes, biodiversity report and BASIX certificate.

This report demonstrates that the proposed works are permissible with consent and consistent with the legislative framework as it relates to this form of development on this particular site. The completed dwelling will contribute positively to the built form quality of the housing stock established within the locality. The proposal succeeds when assessed against the Heads of Consideration pursuant to 4.15 of the Environmental Planning and Assessment Act, 1979 as

amended. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

2 Site Analysis

2.1 Site Description and Location

2.1.1 The Site

The application relates to Lot 3 in DP 236812, 179 Riverview Road, Avalon Beach. A location map is included as **Figure 1**.



Figure 1: Site Location (Source: Six Maps)

Number 179 Riverview Road is a generally rectangular shaped allotment comprising a total site area of 866.2m², with a primary frontage of 16.46m to Riverview Road and a depth of between 50.60m to 51.02m down to the mean high watermark. The site is currently occupied by a 3 storey single dwelling with jetty. The site is accessed from a slip road down to the garage.

The topography of the site slopes down steeply from street level with a number of trees located on or adjacent to the site. The site drops down steeply from street level and does not have a direct street frontage. Development along the low side of Riverview Road typically consists of residential dwellings that step down the slopes with more contemporary dwellings being multi storey.

2.1.2 The Locality

The subject site is located within the Avalon Beach Locality. The locality is characterised by low density residential development with dwellings built along the valley floor, slopes and ridges. Development in this locality is predominantly two storey detached dwellings on 600 – 1000 square metre allotments, with up to 8000sqm in Ruskin Rowe. The residential areas are of a diverse style and architecture, a common thread being 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.

Neighbouring properties located in the area are generally characterised by 2 and 3 storey detached dwelling houses set in informal landscaped settings. Development on the low site of Riverview Road, on the waterfront, include multi storey dwellings that step down the steep slope.

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 1 & 5;
- Land identified on the Terrestrial Biodiversity Map
- Foreshore Building Line
- Geotechnical Hazard Area
- Site is located within Area 1 of the Landscape Area Map

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. Specifically, the works include:

Second Level (Upper Level):

- 2 car garage with bin storage. A lift is provided from the garage level down to the rumpus room
- This level includes the kitchen/living/dining space, rumpus room, powder room and courtyard with outdoor dining area.

First Floor (Middle Level):

- 2 bedrooms with ensuites with the primary bedroom including a WIR
- Library
- Storage space accessed externally.

Ground Floor:

- 2 bedrooms
- Bathroom
- Laundry
- Additional living/rumpus

Each floor is accessed via an internal spiral staircase as well as a lift that is proposed to the southern elevation.

The architectural plans are complemented by a high-quality landscape design, as shown on the Landscape Plans by Danger Barin Smith Landscape.

Stormwater Management Plans prepared by JHA demonstrate a suitable water management solution for the site, consistent with Councils' Water Management Policy.

The application is supported by a Geotechnical Risk Management Report by Crozier Geotechnical Consultants that confirms that the proposed works can be constructed to be safe from the geotechnical hazard that affects the site.

An Arboricultural Impact Assessment Report has been prepared by Martin Peacock Tree Care to outline the extent of tree removal proposed, with recommendations for the safe retention of trees in the vicinity of the works.

A Flora and Fauna Report and biodiversity development assessment report provided.

A BASIX Certificate supports the application confirming that the building performs well with regard to sustainability and meets and/or exceeds relevant industry standards.

Finally, the application is supported by a Construction and Demolition Waste Management Plan detailing how waste is to be managed during construction.

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 C4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

Dwelling Houses are permissible with consent in the C4 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 adversely affect 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 a new dwelling. 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(2) of the PLEP, the site is identified on the height of buildings map as having a maximum permissible height of 8.5 metres. Clause 4.3(2D) states that despite subclause (2), development on that has a maximum building height of 8.5m may exceed a height of 8.5m, but no more than 10m, if:

- a) *the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
- b) *the objectives of this clause are achieved, and*

- c) *The building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- d) *the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope*

The stated objectives of such control are as follows:

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired 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.*

As mentioned previously, the proposed dwelling does not comply with the 10m provision and clause 4.6 has been provided.

4.1.3 Acid Sulfate Soils (Clause 7.1)

Pursuant to Clause 7.1 of the LEP the site is identified as being class 1 & 5 acid sulfate soils. The majority of the site is class 5 with only a small section by the water classified as class 1. No works are proposed within the foreshore building line in that regard. Class 5 poses the least amount of risk and a sediment and erosion plan has been provided.

4.1.4 Earthworks (Clause 7.2)

Pursuant to clause 7.2 the objective states that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

A geotechnical report has been provided and it is anticipated that the recommendations within that report will form part of the development consent to ensure that no detrimental impacts arise during construction.

4.1.5 Biodiversity (Clause 7.6)

The site is mapped with the LEP as being a terrestrial biodiversity area. The arborist report provided has assessed 19 trees/groups of trees of which 10 trees are proposed to be removed.

The arborist report has evaluated the trees to be removed as low value specimens with 6 of the trees listed as exempt species. An ecology report has been prepared which details the biodiversity present on the land and the potential offset requirements applicable.

4.1.6 Geotechnical Hazard

The site is identified as being within Geotechnical Hazard H1 on the Geotechnical Hazard Map of PLEP 2014. The application is supported by a Geotechnical Risk Management Report by Crozier Geotechnical Consultants that considers each of the matters prescribed by clause 7.7(3) of PLEP 2014, and confirms that the development has been design, sited and will be constructed to minimise risk, consistent with the provisions of clause 7.7(4) of PLEP 2014.

4.1.7 Limited Development on Foreshore Area

There are no works proposed within the foreshore building line.

4.1.8 Essential Services

Pursuant to clause 7.10 of PLEP 2014, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

The consent authority can be satisfied that these services will be available prior to occupation, and if necessary, conditions of consent can be imposed in this regard.

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 Beach Locality

The property is located within the Avalon Beach Locality. The desired future character of the Avalon Beach 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.

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 architects have responded to the client brief to provide a dwelling of design merit and visual interest which harmonises with the coastal locality and natural features of the site. The design of the dwelling responds to the topography of the site and captures the outlook towards the water to the west. The proposed dwelling is compatible with the character and scale of development within the locality and immediate context. The development will provide a quality built form outcome on the site.

The design, scale and treatment of the proposed development is compatible with dwellings within the immediate setting. 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			
Landslip Risk B3.1	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.	A geotechnical report has been provided with this application.	Yes

Control	Requirement	Proposed	Compliance
<p>B4.2 Flora and Fauna Conservations Category 1 and Wildlife Corridor</p>	<p>Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees</p>	<p>The application is supported by a Flora and Fauna Report which provides recommendations for the protection of flora and fauna.</p> <p>The arborist report details the trees to be removed and retained as well as recommendations for tree protection measures.</p> <p>The application is also supported by a Landscape Plan by Danger Barin Smith which demonstrates a superior landscaped treatment across the site.</p>	<p>Yes</p>
<p>B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor</p>	<p>Development shall not negatively impact on threatened species, endangered populations or endangered ecological communities.</p>	<p>As above</p>	<p>Yes</p>
<p>B5.15 Stormwater</p>	<p>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council’s Water Management for Development Policy.</p>	<p>Stormwater Management Plans have been provided with this application.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
B6.3 Off-street Parking Requirements	2 spaces	The proposal provides for 2 car spaces within the proposed garage.	Yes
B6.1 Access Driveways and Works on the Public Road Reserve	Access Driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Appendix 10 - Driveway Profiles.	The proposal will maintain the existing driveway access via a right-of-carriageway easement from Riverview Road. No works proposed to the road reserve	Yes
B6.2 Internal Driveways	The design of all internal driveways and ramps shall be in accordance with the current edition of the following Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Off-Street Car Parking.	As mentioned above, the existing driveway will be retained.	Yes
B6.3 Off-Street Vehicle and Parking Requirements	2 spaces	2 spaces	Yes

Control	Requirement	Proposed	Compliance
<p>B8.1 Construction and Demolition - Excavation</p>	<p>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.</p>	<p>The application is supported by a Geotechnical Risk Management Report by Crozier Geotechnical Consultants, consistent with Council's Geotechnical Risk Management Policy for Pittwater.</p>	<p>Yes</p>
<p>B8.3 Construction and Demolition – Waste Minimisation</p>	<p>Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.</p>	<p>The application is supported by a Construction and Demolition Waste Management Plan.</p>	<p>Yes</p>
<p>C1 Design Criteria for Residential Development</p>			
<p>C1.1 Landscaping</p>	<p>A built form softened and complemented by landscaping.</p> <p>Landscaping that reflects the scale and form of development.</p>	<p>A landscape plan is provided with this application.</p> <p>The landscape plan utilises a range of native trees, shrubs and plants to complement the dwelling and enhance the biodiversity value of this sensitive locality. Planter boxes are proposed to the dwelling facades at each level to provide softening of the dwelling within the landscape.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
		A schedule of plants and trees is shown on the landscape plan.	
C1.2 Safety and Security	The development is to be designed in accordance with the four CPTED principles.	The dwelling will not be capable of achieving casual surveillance of the street due to the topography. Notwithstanding, the new dwelling will afford the occupants a high level of safety and security via appropriate lighting and secured entry points.	Yes
C1.3 View Sharing	The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.	<p>It is indicated in clause C1.3 that building lines and height are to be sympathetic to the topography of the site and to maintain a reasonable sharing of views available from surrounding and nearby properties, and those available to the public from nearby public domain areas. We note that the site to the north is largely vacant land with the only development being a small dwelling which is situated lower down the slope adjacent to the water.</p> <p>The proposal will be minorly pulled back towards the slope further than the existing dwelling and matches the alignment of No. 177. In this regards, the view corridor across the subject site will be</p>	Yes

Control	Requirement	Proposed	Compliance
		<p>slightly improved from the neighbouring property.</p> <p>Given the topography of the site and juxtaposition of the works relative to adjoining development we have formed the considered opinion that there will be no view affectation as a consequence of the works proposed having regard to the view sharing principles established in the matter of Tenacity Consulting Pty Ltd v Pittwater Council [2004].</p> <p>All properties in this locality are oriented to the west to capture the water views and those westerly views will not be impacted.</p>	
<p>Solar Access Clause C1.4</p>	<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. 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</p>	<p>The application is accompanied by shadow diagrams.</p> <p>The orientation of the sites along Riverview Road make it challenging to limit overshadowing to the south.</p> <p>The additional overshadowing impact to No. 177 is largely present at 9am with there being a negligible impact from the existing and proposed at 12pm and 3pm.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>9am and 3pm on June 21st to at least 50% of the glazed area.</p>	<p>The main private open space area for No. 177 is located down towards the water where there is a terraced lawn and boat shed. This will experience no overshadowing impact.</p> <p>The proposal will largely overshadow the northern elevation of No. 177 between 9am and 12pm. By 3pm there are both areas of increase and reduction of overshadowing. While it is acknowledged that there are non-compliances it is considered that a fully compliant scheme would not reduce the level of impact. No. 177 has limited windows to their northern elevation which comprise a covered window to a bathroom and smaller opaque window to their living and dining area. The design seeks to minimise impacts on the eastern front elevation of No. 177 to ensure adequate solar access into the home.</p>	
<p>C1.5 Visual Privacy</p>	<p>Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)</p>	<p>As mentioned, the site to north is vacant land and does not present any overlooking concerns.</p> <p>The southern elevation includes limited window treatments with the middle and lower level windows associated with bedrooms and</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	A sense of territory and safety is provided for residents	bathrooms. The proposed development achieves an appropriate balance between the obtainment of views and privacy between properties.	
C1.6 Acoustic Privacy	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.	Appropriate levels of acoustic privacy will be retained with the proposal. No unreasonable noise concerns are anticipated outside that which occurs with a family home.	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
Part D1 Avalon Beach Locality			

Control	Requirement	Proposed	Compliance
<p>D1.1 Character as viewed from a public place</p>	<p>The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design elements that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported.</p> <p>The bulk and scale of buildings must be minimised.</p> <p>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</p>	<p>The dwelling will not have a direct street presentation due to the topography which drops down steeply from street level approximately 6m. Existing trees and vegetation on the road reserve will continue to screen the development also. Notwithstanding, the dwelling incorporates highly articulated facades with a range of materials and finishes that are compatible with existing development in the area.</p> <p>When viewed from the water the dwelling will sit within the bushland landscape appropriately with existing and proposed trees and landscaping treatments to screen the development.</p> <p>The design has regard for the extensive rock outcrops and will ensure remain a prominent feature of the site.</p> <p>The width of the garage does not exceed 50% of the lot frontage and will not be readily visible from the street notwithstanding that garage and carport structures close to the front boundaries are common along Riverview Road.</p>	

Control	Requirement	Proposed	Compliance
<p>D1.5</p> <p>Building Colours and Material</p>	<p>The development enhances the visual quality and identity of the streetscape.</p> <p>To provide attractive building facades which establish identity and contribute to the streetscape.</p>	<p>A range of colours and finishes are proposed and detailed on the architectural plans provided. The proposed development incorporates natural materials and finishes to blend with the surrounding natural environment.</p>	<p>Yes</p>
<p>Front Building Line</p> <p>D1.8</p>	<p>Development is to maintain a front building line of 6.5 metres or the established building line, whichever is greater.</p>	<p>7.62m</p>	<p>Yes</p>
<p>Side and Rear Building Line</p> <p>D1.9</p>	<p>Development is to maintain a minimum side building line of 2.5 metres to one side and 1 metre to the other side.</p> <p>6.5 metre rear building line.</p>	<p>The northern boundary is identified as the 1m control and the southern is the 2.5m control.</p> <p>The northern boundary has varying side setbacks with the garage proposed at 1m at its closest point. The external stairs along the northern boundary will encroach within the 1m setback towards the front of the site and become compliant towards the rear due to the geometry of the lot as it widens towards the rear.</p> <p>The southern boundary is compliant with the 2.5m control with the exception of</p>	<p>No – worthy on merit.</p>

Control	Requirement	Proposed	Compliance
		<p>the lift. The lift is an important element to the dwelling to provide easier accessibility for the occupants as they age. Alternate internal locations were explored but due to the extensive rock outcrops the dwelling sits on it would require cutting in to the rock which will have a greater impact on the land and its stability. As such, locating the lift to the southern elevation was seen as the most appropriate location.</p> <p>The site geometry is irregular insofar that it becomes wider towards the rear. This enables increasing setback to the northern boundary in excess of 2.5m directly opposite the location of lift on the southern boundary. On balance, the proposed variation to the lift to the southern boundary is reasonable in this instance and worthy of Council flexibility applying this DCP control.</p> <p>The bulk of the dwelling complies with the 2.5m setback to the southern side boundary.</p>	
<p>Building Envelope D1.11</p>	<p>Projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side</p>	<p>Due to the topography it is considered that strict compliance with the building envelope control is unreasonable in this instance.</p>	<p>*No minor variation required</p>

Control	Requirement	Proposed	Compliance
	<p>boundaries to the maximum building height.</p>	<p>The building will continue to sit below surrounding tree canopy level and below the level of the road and provide for the sharing of both public and private views.</p> <p>The bulk and scale of the development is comparable with more multi-levelled contemporary development along the low side of Riverview Road. The proposal responds to the topography of the site to limit the amount of excavation required to protect the environmental value of the area. In this regard, the breaches to building envelope are not indicative of unreasonable bulk and scale and no a significant increase from the existing 3 storey dwelling currently occupying the site.</p> <p>The side elevations have varying setbacks to provide high levels of articulation coupled with the use of a range of materials, finishes and native landscaping used to break up the side facing walls. It is considered that this design will not result in an unreasonable visual impact when viewed from the adjoining properties. Furthermore, landscaping treatments to the built form</p>	

Control	Requirement	Proposed	Compliance
		<p>will also soften and screen the dwelling.</p> <p>Such variation succeeds pursuant to section 4.15 of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development. Accordingly Council can be satisfied that the proposed works comply with the outcomes associated with the building envelope control and accordingly strict compliance is both unreasonable and unnecessary under the circumstances.</p>	
<p>Landscaped Area Environmentally Sensitive Land</p> <p>D12.10</p>	<p>Total Landscaped Area is 60% of the total site area.</p>	<p>519.2m2 or 60% of soft landscaping.</p>	<p>Yes</p>

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 (Resilience and Hazards) 2021

The site is identified on the SEPP (Resilience and Hazard) map as being within the Coastal Environmental Area Map and Coastal Use Area Map.

Clause 13 (1) of the SEPP, coastal environmental area, states the following:

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

The site is situated on the developed foreshore area surrounding Pittwater. The proposed development will have no impact on the natural coastal processes and environment, marine flora and fauna, public access to the beach and is not within the surf zone.

Clause 14 (1) of the SEPP, Coastal Use Area, states the following:

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The proposed dwelling is to integrate with the existing development along the low side of Riverview Road and set within an enhanced landscaped setting. The dwelling will incorporate significant landscaping treatments to ensure the landscape character remains the dominant feature of the area and when viewed from the water. In this regard, in any adverse amenity impacts in terms of visual impact or scenic quality are minimised. The proposal will have no impact on the coastal environment and its processes.

Clause 15 of the SEPP states:

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The consent authority can be satisfied that proposed works will not risk coastal hazards on the site or in the local area. This application is accompanied by a geotechnical report which states the risk associated with the development is acceptable.

4.5 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.5.1 Vegetation in non-rural areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and

to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposed development is supported by a Flora and Fauna Report that concludes that the proposed development will not result in any unacceptable impacts upon the natural environment. The proposal is consistent with the requirements and objectives of Chapter 2 of SEPP (Biodiversity and Conservation).

4.6 State Environmental Planning Policy (Resilience and Hazards) 2021

4.6.1 Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The existing site has been used for residential purposes for an extended period of time with no prior known land uses. Council can be reasonably satisfied that there is no contamination risk, subject to the imposition of suitable conditions relating to demolition.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

4.7 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(1) of the EP&A Act (as amended):

(i) any environmental planning instrument

The proposed dwelling is permissible and consistent with the objectives of PLEP 2014 and P21 DCP as they are reasonably applied to the proposed works given the constraints imposed by the site's location, environmental and topographical characteristics.

(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

There are no draft instruments that are applicable in relation to the proposed development.

(iii) Any development control plan

P21 DCP applies and the relevant provisions have been considered in this statement.

(iii) *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,*

[The assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

Context and Setting

- *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*

These matters have been discussed in the body of this report.

- *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.

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 development provides adequate carparking facilities in conformity with the objectives of P21 DCP.

Public Domain

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

Utilities

This matter has been discussed in detail in the body of this report.

Flora and Fauna

The proposal will result not result in any unreasonable impacts upon flora and fauna.

Waste Collection

The proposed development provides appropriate onsite waste storage, with waste to be collected from the street weekly by Council's contractors.

Natural hazards

The application is supported by technical reports addressing the natural hazards that affect the site.

Economic Impact in the locality

The proposed development will generate temporary employment during construction, which is appropriate given the residential nature of the site.

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 considered to be 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. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

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

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

Normal site safety measures and procedures will ensure that no 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 adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography and constraints of the site, is of adequate area, and is a suitable design solution for the context of the site.

(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 proposed works are permissible and consistent with the intent of the PLEP 2014 and P21 DCP standards and controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

5 Conclusion

The proposal is permissible and in conformity with the objectives of PLEP 2014 as they reasonably relate to this form of development on this particular site, and the guidelines contained within the P21 DCP.

The proposed development responds positively to the desired future character of the Avalon Beach Locality and is appropriately located on the site. The works will provide a high level of amenity for occupants of the dwelling, without any adverse impacts upon the amenity of adjoining residences or the natural environment.

The non-compliance with regard to building height has been appropriately justify within the clause 4.6 variation request provided and found that strict compliance in this instance is unreasonable and unnecessary.

The identified non-compliances with the setbacks, building envelope and landscaped area controls have been acknowledged and appropriately justified. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Having given due consideration to the matters pursuant to Section 4.15(1) of the EP&A Act as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance, and that the development is appropriate on merit and worthy of approval.