

**STATEMENT OF  
ENVIRONMENTAL EFFECTS**

**ALTERATIONS AND ADDITIONS  
TO EXISTING DWELLING HOUSE**

**81 HILLTOP ROAD  
AVALON**

**JUNE 2019**

# statement of environmental effects

Submission to

**NORTHERN BEACHES COUNCIL**

**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING  
DWELLING HOUSE**

**81 HILLTOP ROAD AVALON BEACH**

Prepared on behalf of

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This statement has been prepared in consideration of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the provisions relating to expert evidence. The opinions in the statement represent the professional opinions of the authors, based on an assessment of the facts and circumstances as have been cited in the document.

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## 1.0 INTRODUCTION

This document has been prepared in order to provide information and an assessment in respect of a development application (the 'development application') seeking consent for alterations and additions to the existing dwelling house (the 'proposed development') on the land known as No 81 Hilltop Road, Avalon Beach (the 'site').

Consideration has been given to the environmental merit of the proposal having due regard to the following relevantly applicable legislation, statutory planning instruments and subordinate documents:

- *Environmental Planning and Assessment Act 1979* ('EPAA');
- *Environmental Planning and Assessment Regulation 2000* ('EPAR');
- *Pittwater Local Environmental Plan 2014* ('PLEP');
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* ('SEPP (BASIX)'); and
- *Pittwater 21 Development Control Plan* ('PDCP').

In our opinion, the development application succeeds on the merits and pursuant to the relevant legislation and is suitable for the grant of development consent by Council.

## 2.0 SITE LOCATION AND DESCRIPTION

### 2.1 Location

The site is located on the southern side of Hilltop Road. The site is only a relatively short driving distance from Avalon Beach Village. Access is provided from Hilltop Road.

The surrounding area consists of a low-density residential neighbourhood, nature reserves, local shops and the Pittwater basin. The area has been settled and used for residential development for a considerable period.

A location plan is provided at **Annexure 1**.

An aerial photograph is provided at **Annexure 2**.

### 2.2 The Site

The site is legally described as Lot 2 in Deposited Plan DP30019 and has an area of approximately 953.4 sqm.



The land slopes steeply down from the rear of the site towards the front boundary.

Currently, the site is occupied by a multi-level dwelling house with a rumpus room and a workshop located at ground level.

Photographs of the site and the surrounding streetscape are provided at **Annexure 3**.

### **3.0 DEVELOPMENT PROPOSAL**

The development proposal involves alterations and additions to an existing four (4) storey 'split level' dwelling house, including as follows;

#### Landscaping

- Construction of a new concrete driveway
- Construction of a new retaining wall along the new driveway
- Repairing an existing retaining wall at the front of the property
- Addition of decking at the rear of the dwelling

#### Entry Level

- Removal of the exiting workshop and tile roof
- Construction of a workshop in place of existing workshop but set backed further from the boundary
- Internal reconfiguration of rumpus area

#### First Level

- Internal reconfiguration of lounge and dining area
- Removal of existing spa and decking
- Installation of new privacy screens on the north eastern and south western boundary
- Extension of the deck area

#### Second and Third Level

- Internal reconfiguration of kitchen, laundry and bedrooms
- Removal of existing steps on the on the north eastern
- Addition of a new pool
- Replacement of existing pergola with new pergola

Architectural plans showing the proposed alterations and additions, and detailing the proposed floor layout, accompany the development application.

The drawings have been prepared by Blue Sky Building Designs.

## 4.0 STATUTORY PLANNING FRAMEWORK

### 4.1 Pittwater Local Environmental Plan 2014

#### 4.1.1 General

*Pittwater Local Environmental Plan 2014* (PLEP) is the relevantly applicable local environmental plan.

#### 4.1.2 Aims

The aim of PLEP is, among other matters, to promote economically, environmentally and socially sustainable development in the former Pittwater local government area (now part of the Northern Beaches local government area) and to ensure that development is consistent with the desired character of Pittwater's localities.

#### 4.1.3 Zoning and Permissibility

The site is Zoned E4 Environmental Living under PLEP.

Dwelling houses are nominately permissible with development consent, on land zoned E4.

A zoning map extract from PLEP depicting the site is provided at **Annexure 4**.

#### 4.1.4 Zone Objectives

The E4 zone objectives under PLEP are as follows (refer land use table, E4 zone, item 1):

- 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.

In our opinion, the proposed development is consistent with such of the zone objectives as are



relevant to the proposal. In this case that is all of the objectives.

#### 4.1.5 Height of Buildings

Clause 4.3 of PLEP ('Height of buildings') is a principal development standard of PLEP.

The objectives of clause 4.3 are as follows (refer clause 4.3(1), PLEP):

- to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,
- to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- to minimise any overshadowing of neighbouring properties,
- to allow for the reasonable sharing of views,
- to encourage buildings that are designed to respond sensitively to the natural topography,
- to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

By virtue of clause 4.3(2) of PLEP and the relevantly applicable Height of Buildings Map (see tile HOB 016), the maximum permissible height of a building on the site is 8.5 metres.

There is no proposed change to the height of the existing dwelling house and the proposed alteration and additions remain under the 8.5 metre height control. As well the proposed development does not significantly increase the building bulk and scale from that existing. Views and vistas will be preserved from neighbouring properties. The development proposed is consistent with the objectives of Clause 4.3 of PLEP.

Please refer also to the architectural drawings accompanying the development application for specific detail.

A height of buildings map extract from PLEP, depicting the site, is provided at **Annexure 5**.

#### 4.1.6 Acid Sulfate Soils

The site is identified as being within 'Class 5' on the Acid Sulfate Soils Map.

Clause 7.1 of PLEP relates to development on acid sulfate soils. The objective of the clause is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage.

The proposed development involves the carrying out of minor earthworks in connection with the construction of the proposed carport. Due to the sloping nature of the site, very little excavation is required in order to construct the carport. The earthworks do not involve disturbance of more than one tonne of soil (the trigger for an ASSMP – see under). In addition, the water table will not be affected by the proposed works.

Accordingly, an Acid Sulfate Soils Management Plan (refer clause 7.1 (6), PLEP) has not been prepared in the present circumstances.

#### 4.1.7 Geotechnical Hazards

Clause 7.7 of PLEP relates to development on land identified to be within a geotechnical area.

The stated objectives of clause 7.7 are as follows (refer clause 7.7(1)):

- The development matches with the underlying geotechnical conditions of the land, and
- Development is restricted on unsuitable land, and
- To ensure that development does not endanger life or property.

The site is identified as being Geotechnical Hazard H1.

A geotechnical risk assessment report accompanies the development application. The report states that the proposed development is suitable for the site. Please refer to the geotechnical report for further information about recommendations and requirements.

An extract from the Geotechnical Hazard Map is provided at **Annexure 6**.

#### 4.1.8 Earthworks

As mentioned in section 4.1.6 ('Acid Sulfate Soils'), the proposed development involves minimal excavation and as such, the earthworks do not involve the disturbance of more than one tonne of soil. In addition, the water table will not be affected by the proposed works.

Clause 7.2 of PLEP has been considered as part of the development application.

As mentioned in section 4.1.7 ('Geotechnical Hazard') of this document, a geotechnical risk assessment report accompanies the development application. The report addresses effects of the earthworks required as a result of the proposed development.

#### 4.1.9 Heritage Conservation

The site has not been identified as a potential Aboriginal Place or as containing an Aboriginal Object and is not listed Heritage Map (see tile HM 016 PLEP) or within the NSW Atlas of Aboriginal Places.

However, adjacent to the rear boundary of the subject site is a local heritage item: Angophora Reserve and specifically the Angophora costata tree (located next to sign indicating it to be the largest known specimen tree of Angophora costata in the world) and a local heritage conservation area: Ruskin Rowe Heritage Conservation Area. Accordingly, clause 5.10 (Heritage conservation) of PLEP applies to the development proposal.

The objectives of clause 5.10 are as follows:

- a) to conserve the environmental heritage of Pittwater,
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- c) to conserve archaeological sites,
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The proposal is consistent with the objectives of Clause 5.10 of PLEP. The proposed alterations and additions will have no impact on the heritage value

of the neighbouring local heritage item and the local heritage conservation area.

The proposed development will not have any impact on the conservation of any known Aboriginal places or objects.

A Heritage Map extract (from PLEP) is provided at **Annexure 7**.

#### 4.1.10 Biodiversity

The site is within a biodiversity area (refer Biodiversity Map).

Accordingly, clause 7.6 ('Biodiversity') of PLEP applies to the development proposal.

The objectives of clause 7.6 are as follows (refer clause 7.6 (1), PLEP):

- protecting native fauna and flora, and
- protecting the ecological processes necessary for their continued existence, and
- encouraging the conservation and recovery of native fauna and flora and their habitats.

The proposed alteration and additions remain largely within the existing building footprint. Thus, the proposal will not, in our opinion, have any significant adverse impact on existing flora and fauna nor disturb the biodiversity structure, function and composition of the site.

A Biodiversity Map extract is provided at **Annexure 8**.

#### 4.1.11 Bushfire Prone Land

The site is in bushfire prone land: Vegetation Buffer.

A bushfire hazard assessment report prepared by Matthew Toghil of Bushfire Consultancy Australia, accompanies the development application. The report concludes that the building work involved in the application is acceptable from a bushfire hazard perspective.

A bushfire report accompanies the development application. The report concludes, that provided the proposed development is constructed in accordance with the recommendations of the report, the

development satisfies the objectives and performance requirements of the Building Code of Australia, Planning for Bushfire Protection 2006 and Australian Standard AS3959, 2009. Please refer to the bushfire report for further details.

A Bushfire Map extract is provided at **Annexure 9**.

#### 4.1.12 Essential Services

The site currently enjoys the services of water, electricity, sewerage and stormwater drainage, as well as suitable vehicular access. The proposed development will not adversely affect existing provisioning.

### 4.2 Pittwater 21 Development Control Plan 2014

#### 4.2.1 Purpose

Pittwater 21 Development Control Plan 2014 (PDCP) applies to development on the site.

The purpose of PDCP is to provide, inter alia, best practice standards for development.

The controls contained in PDCP, to the extent to which they are relevantly applicable to the proposed development, are considered and discussed below.

#### 4.2.2 Localities

The site is located in the Avalon Beach Locality.

In our opinion, the proposed development is generally consistent with the outcomes of Control A4.1 of PDCP.

The development proposal involves the carrying out of alterations and additions to the existing dwelling house on the site. In our opinion, the proposed alterations and additions will respond to the context in which the site is located.

The site is located on a sloping block, with the existing multi-level dwelling house being located above street level and screened off largely by significant vegetation. Therefore, the proposed alterations and additions will not be visibly discernible from Hilltop Road. The development will continue to provide a good fit in this regard.

#### 4.2.3 Heritage Conservation

Refer to section 4.1.9 (Heritage conservation) of this document.

#### 4.2.4 Landslip Hazard

As mentioned in section 4.1.8 ('Earthworks') of this document, the development proposal involves minimal excavation.

A geotechnical risk assessment report accompanies the development application and addresses the effects of excavation as a result of the carrying out of the proposed development.

Pursuant to the recommendations of the geotechnical risk assessment report, the proposal complies with the requirements of Council's *Geotechnical Risk Management Policy for Pittwater* (2009).

#### 4.2.5 Bushfire Hazard

Refer to section 4.1.11 (Bushfire Prone Land) of this document.

#### 4.2.6 Natural Resources

The proposed development does not have an adverse impact on the Pittwater Spotted Gum Endangered Ecological Community.

In addition, an arborists report, which supports the proposal, accompanies the development application. Please refer to arborist report for further information and detail.

#### 4.2.7 Stormwater Management

The development proposal does not result in additional hard (impervious) surfaces greater than 50 sqm. In fact, the proposal reduces the built upon area compared to the existing built upon area. The proposed additional roof surface area of the development is to be drained to the existing stormwater drainage system.

Please refer to the drawings accompanying the development application for more details.

#### 4.2.8 Access, Driveway and Parking

The proposal includes a new driveway to comply with relevant standards. There are no changes proposed to the driveway entrance near Hilltop Road. There are changes proposed to the upper section of the internal driveway. The driveway is on a steeply sloping site, and gradients have been increased up to 1:4 (V:H).

The proposed changes to the driveway meet requirements of the relevant development controls of Part B6 of the PDCP.

Please refer to the architectural plans for further details.

The existing dwelling house does not provide off-street parking facilities. Off-street parking as required by Part B6.3 of PDCP is two spaces per dwelling (not being a secondary dwelling) with two bedrooms or more. The proposed development makes provision for two off-street car parking spaces in the proposed double carport accessed via a new driveway.

In our opinion, the proposed development is consistent with the development controls B6.3 of PDCP.

#### 4.2.9 Excavation and Landfill

As mentioned in section 4.1.8 ('Earthworks') of this document, the development proposal involves minimal excavation.

A geotechnical risk assessment report accompanies the development application and addresses the effects of excavation as a result of the carrying out of the proposed development.

Pursuant to the recommendations of the geotechnical risk assessment report, the proposal complies with the requirements of Council's *Geotechnical Risk Management Policy for Pittwater* (2009).

#### 4.2.10 Erosion and Sediment Management

Appropriate erosion and sedimentation management measures, so as to ensure that there is low impact in

terms of runoff with a view to meeting the controls contained in Part B8.2 of PDCP, are included as part of the development application.

Please refer to the erosion and sediment management plan for further information.

#### 4.2.11 Waste Minimisation

Waste generation as a result of demolition and construction works will be minimised and disposed of at an appropriate waste facility. Alternatively, or additionally, waste will be recycled and re-used on site to the maximum extent possible.

Please refer to the Waste Management Plan for further information.

#### 4.2.12 Site Fencing and Security

Appropriate site protection will be undertaken during the construction stage of the development, so as to ensure public safety and the protection of the public domain, as required by Part B8.4 of PDCP.

#### 4.2.13 Landscaping and Landscaped Area

The proposal largely maintains existing landscaping and canopy trees with a view to ensuring that the tree canopy continues to soften the built form of the development.

Control D1.14 of PDCP requires the total landscaped area on land zoned E4 Environmental Living to be 60% of the site area. The proposal complies with the control and provides 63% landscaped area (as defined in the PLEP).

Please refer to the plans for further information concerning landscaped area.

#### 4.2.14 Safety and Security

The proposed alteration and additions provide adequate surveillance. The enlarged windows at ground level and upper levels allow visitors approaching the 'front door' to be seen without the need to first open the door. These measures also allow for casual surveillance of the public domain (from some distance and obscured somewhat by vegetation).



#### 4.2.15 View Sharing

The proposal will not materially affect the views from any neighbouring properties. The design of the building is such that all existing views from adjoining properties will be maintained (refer Part C1.3 of PDCP).

#### 4.2.16 Solar Access

Access to sunlight for private open space for the proposed alteration and additions is

consistent with the controls. The main private open space receives a minimum of 3 hours of sunlight between 9am and 3pm on June 21 (refer Part C1.3 of PDCP). The proposed development does not propose changes to the existing height of the dwelling house; thus, existing shadows will not increase longitudinally as a result of the proposed development. Shadow diagrams accompanying the development application demonstrate that there will be minimal impact in terms of solar access. The availability of sufficient solar access during the winter solstice will be maintained to the subject site and the adjoining properties.

#### 4.2.17 Privacy

While the proposal maintains existing setbacks from the southwestern boundary, the proposal increases the setbacks from the northeastern boundary. Therefore, the dwelling house is setback a sufficient distance from the common boundary of adjoining properties, thus ensuring that visual privacy is maintained.

The swimming pool and private open area receive sufficient privacy. Further, privacy screens are proposed on both sides of the dwelling house where appropriate, including next to the swimming pool, as an additional privacy measure.

The pool equipment room is located below the pool. All bedrooms are located at separate levels, and away from noise sources from living areas and recreation areas, thus assisting in the maintenance of acoustic privacy levels. The adjoining dwelling is also well separated from the proposed pool.

We are, therefore, of the opinion that the proposal maintains visual and aural privacy both for the dwelling occupants and the neighbours.

#### 4.2.18 Private Open Space

The proposed alterations and additions will result in a significant improvement to the existing private open space in terms of size and usability at all levels of the dwelling. Development includes private open space exceeding the minimum 80.0 sqm in area at the ground level and 3.0m width as provided for in Part C1.7(a) of PDCP. The private open space is located at the rear with direct access from the living area.

#### 4.2.19 Waste Minimisation and Recycling Facilities

Any waste generated through excavation and construction works on the site will be minimised and disposed of at an appropriate waste facility. The waste bins will be located in the proposed carport. The location of waste and recycling bins, these are provided consistent with Part C1.12 of PDCP.

Please refer to waste management plan which forms part of this application.

#### 4.2.20 Swimming Pools

The proposed swimming pool is located on the north-eastern side of the dwelling house. Access to the pool is from level two. Permanent glass fencing is provided for the pool, and the pool will be constructed in accord with the *Swimming Pools Act 1992* and Regulation.

#### 4.2.21 Eaves

The proposed alterations and additions incorporate eaves into the design of the dwelling house, consistent with the controls outlined in Part C1.23 of PDCP.

Please also refer to the architectural plans and elevations accompanying the development application.

#### 4.2.22 Colours and Materials

A colours and materials scheme accompanies the development application.

The proposed colours and materials are consistent with Part D1.5 of PDCP.

#### 4.2.23 Setbacks

The relevant side boundary setbacks are 2.54m to one side and 1.0m for the other side. The front setback requirement is 6.5m. The rear setback requirement is 6.0m.

The proposal increases north eastern side boundary setbacks to 1.0m while on the other side the proposal maintains the existing boundary setback. Even though the setback on the south western boundary is a little less than that which is specified in control D1.9, the proposal meeting the outcomes of the control. The proposed pool is set back more than 1.0m from the north east side boundary.

The proposed carport is located within the side setback area. However, the slope of the site and the driveway location restrict the siting of the proposed parking spaces. This notwithstanding the garage accords with outcomes of the control. The carport will cause minimal visual impact when viewed from the street and neighboring properties. The minor non-compliance is acceptable on the merits for the reasons and on the grounds, set out above.

#### 4.2.24 Building Envelope

This control seeks to ensures that new development responds to, reinforces and relates to the spatial characteristics of the existing natural environment in regard to streetscape, bulk and scale or form and in terms of existing vegetation.

The existing property already sits outside the building envelope. The proposed development results in breaches of the building envelope control contained in Part D1.11 of PDCP. The breaches are, justifiable in that they are to a very minor portion of the upper level on the north western elevation. In our opinion, this will not have any untoward planning consequences or adverse amenity impacts.

The design of the proposed alteration and addition responds to the slope of the land as well as the natural environment. Amenity to adjoining properties is maintained. The bulk and scale of the dwelling house respects the natural fall of the land and given that the building footprint is situated on a slope, the non-compliance is considered acceptable on the merits for the reasons, and on the grounds, set out above.

## **5.0 KEY ISSUES**

### **5.1 Setbacks**

The proposed development complies front and rear setback controls. There is a minor departure as respects one of the side boundary setbacks. However, as mentioned in the previous section, the proposed alterations comply with this generous existing side boundary setback for the most part and this small departure does not prevent the proposal from meeting the objectives of the relevant PDCP controls.

### **5.2 Bulk and Scale**

In our opinion, the proposed development is consistent with the bulk and scale of newer built elements in the locality. As mentioned previously, the departure from the building envelope is acceptable, given that the building footprint is situated on a steep slope and complete compliance is virtually impossible from a design perspective.

### **5.3 Amenity**

The dwelling house will provide occupant amenity without causing material environmental impacts to neighbours.

## **6.0 CONCLUSION**

This document addresses the statutory planning regime applicable to the development application and demonstrates that the proposed development, involving the carrying out of alterations and additions to the existing dwelling house is permissible, mostly compliant with the relevantly applicable development standards and other planning controls, generally consistent with the relevant guideline controls contained in PDCP, and appropriate in all the circumstances.

The proposed development will not dominate the natural environment, being built to a scale that respects the existing



precinct. Further, it will improve landscaped area and result in the construction of a high-quality dwelling house which will be integrated into the environment and will enjoy a unique character. In addition, the proposal will provide occupant amenity without adverse environmental impacts to neighbours.

The heads of consideration contained in section 4.15 of the EPAA have been examined and considered to the extent to which they are relevantly applicable to the proposed development and, in our opinion, there are no matters which would prevent Council from granting consent to the proposed development in this instance, subject to the imposition of appropriate and reasonable conditions of consent.

In our opinion, the development proposal merits support from the consent authority and a grant of conditional development consent.

# ANNEXURE 1

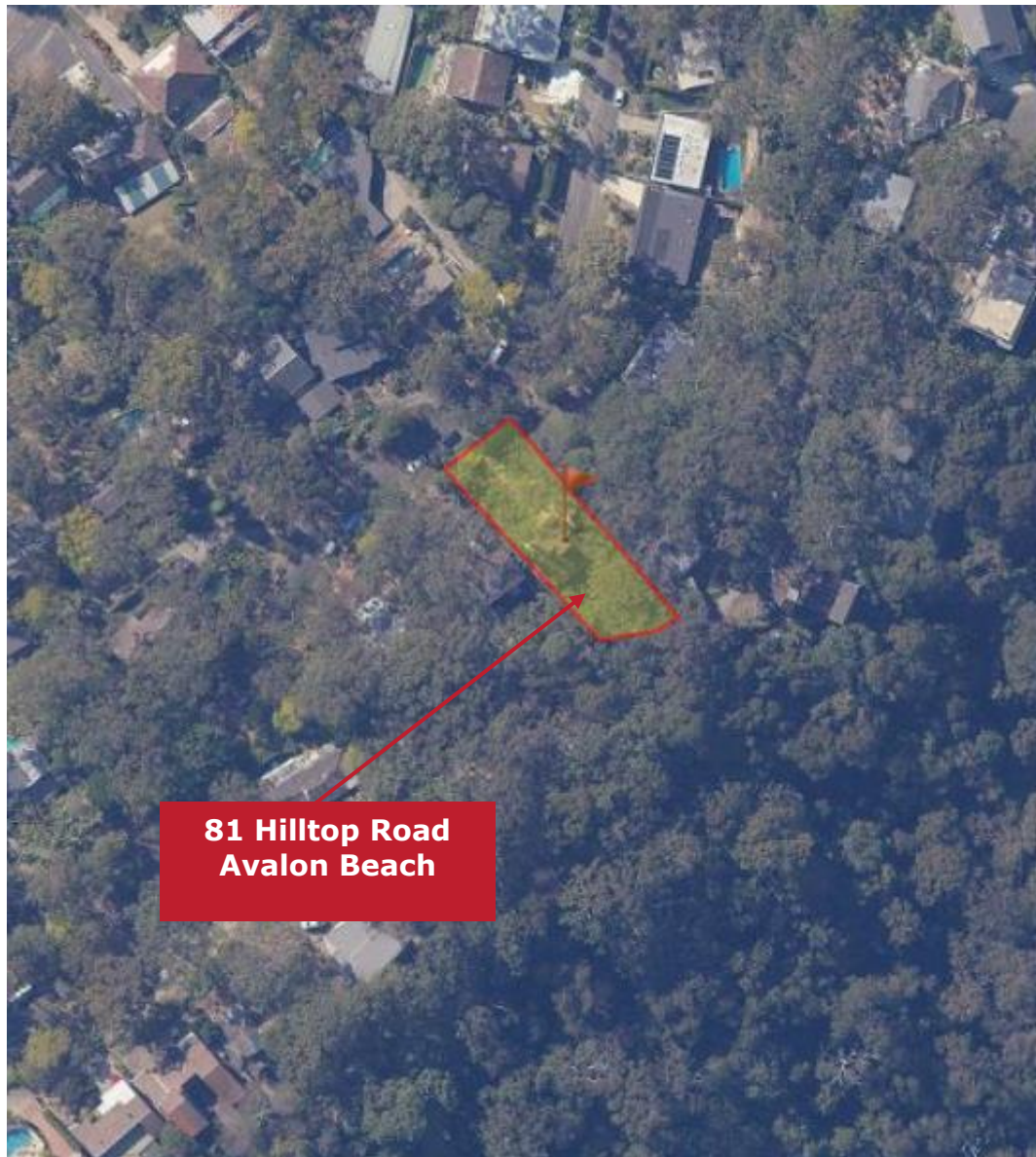
LOCALITY MAP



## ANNEXURE 2

AERIAL PHOTOGRAPH

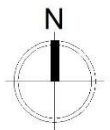




**81 Hilltop Road  
Avalon Beach**

## AERIAL PHOTOGRAPH

Courtesy Six Maps



## ANNEXURE 3

PHOTOGRAPHIC PALETTE





**PHOTOGRAPH 1** – proposed new garage position

**PHOTOGRAPH 2** – shows existing balcony to be extended







**PHOTOGRAPH 3** – showing where proposed workshop is to be located

**PHOTOGRAPH 4** – view of the south western boundary and adjoining property (83 Hilltop Road Avalon)







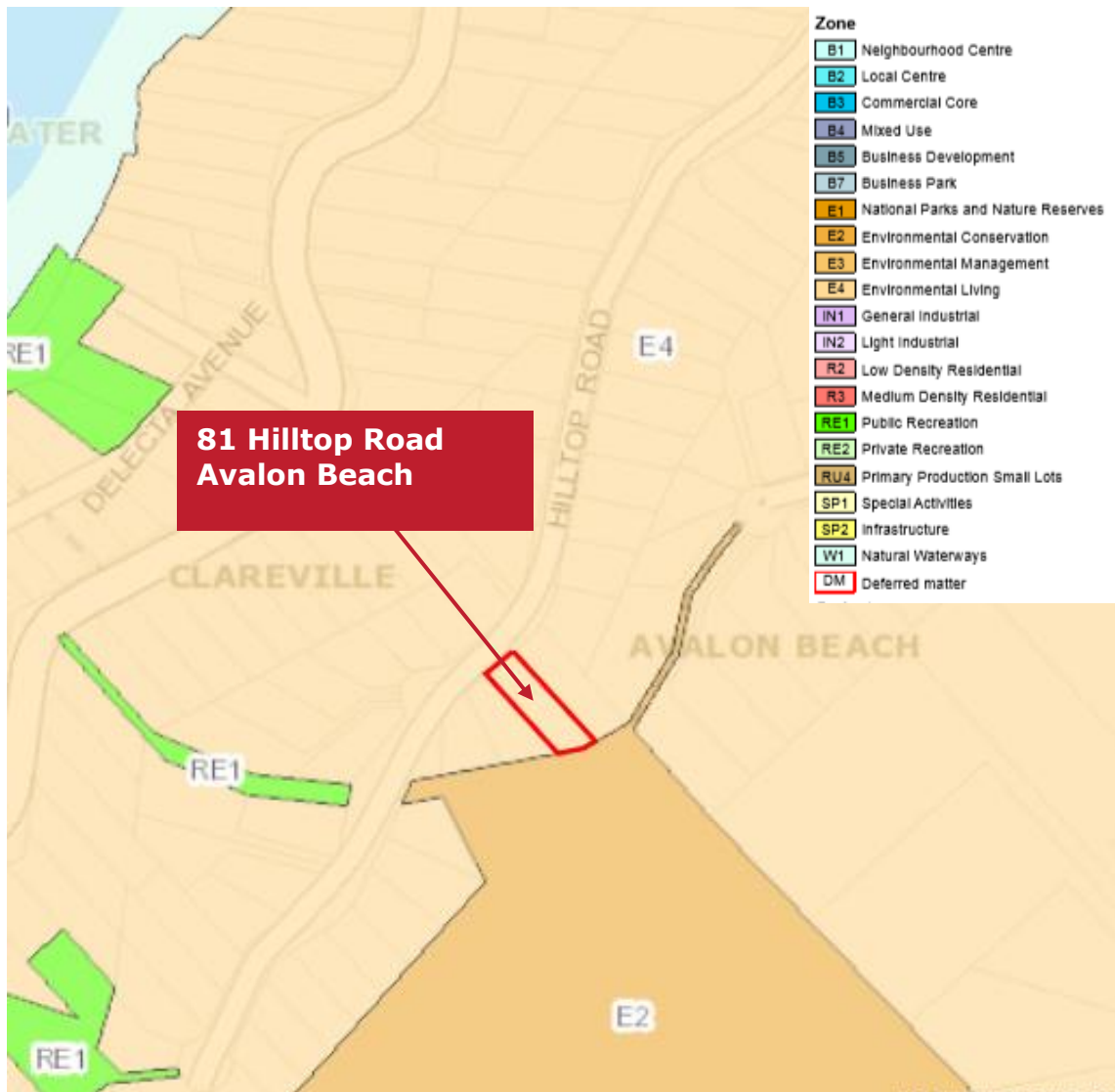
**PHOTOGRAPH 5** –view from North Eastern boundary looking towards the front of the site



**PHOTOGRAPH 6** – photo showing rear of property

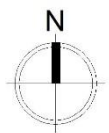
## ANNEXURE 4

ZONING MAP (EXTRACT FROM PLEP)



## ZONING MAP

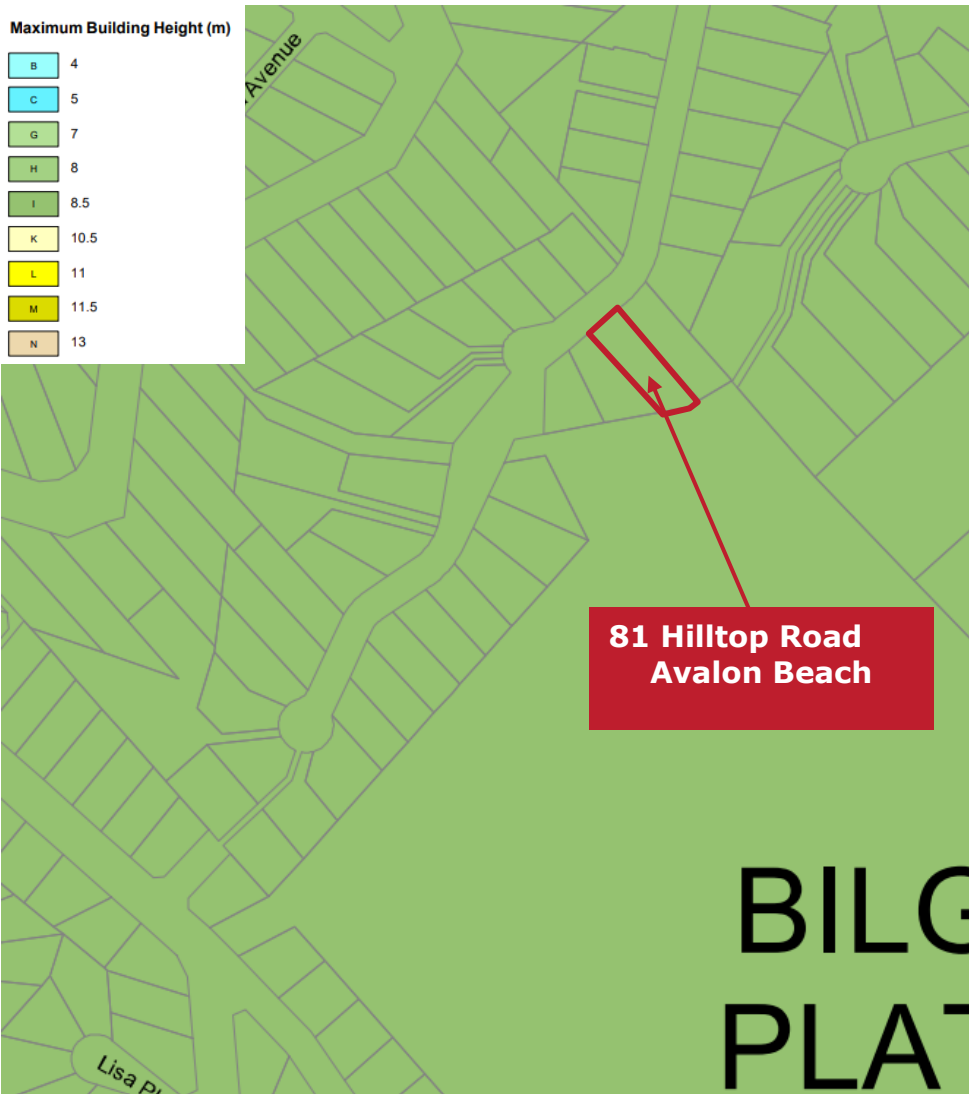
(Extract From PLEP)



## ANNEXURE 5

HEIGHT OF BUILDINGS MAP (EXTRACT FROM PLEP)





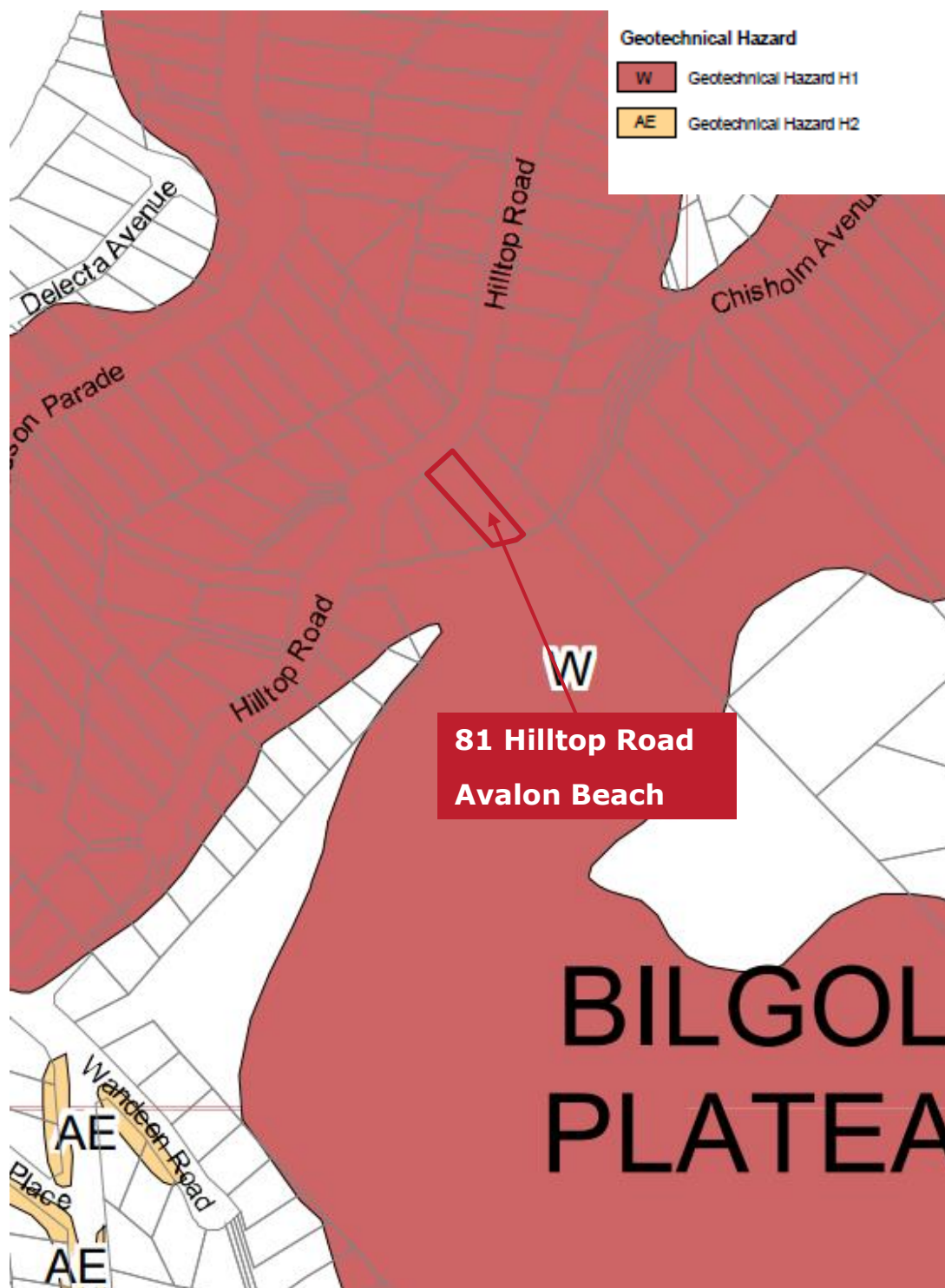
## HEIGHT OF BUILDINGS MAP

(Extract from PLEP)



## ANNEXURE 6

GEOTECHNICAL HAZARD MAP (EXTRACT FROM  
PLEP)



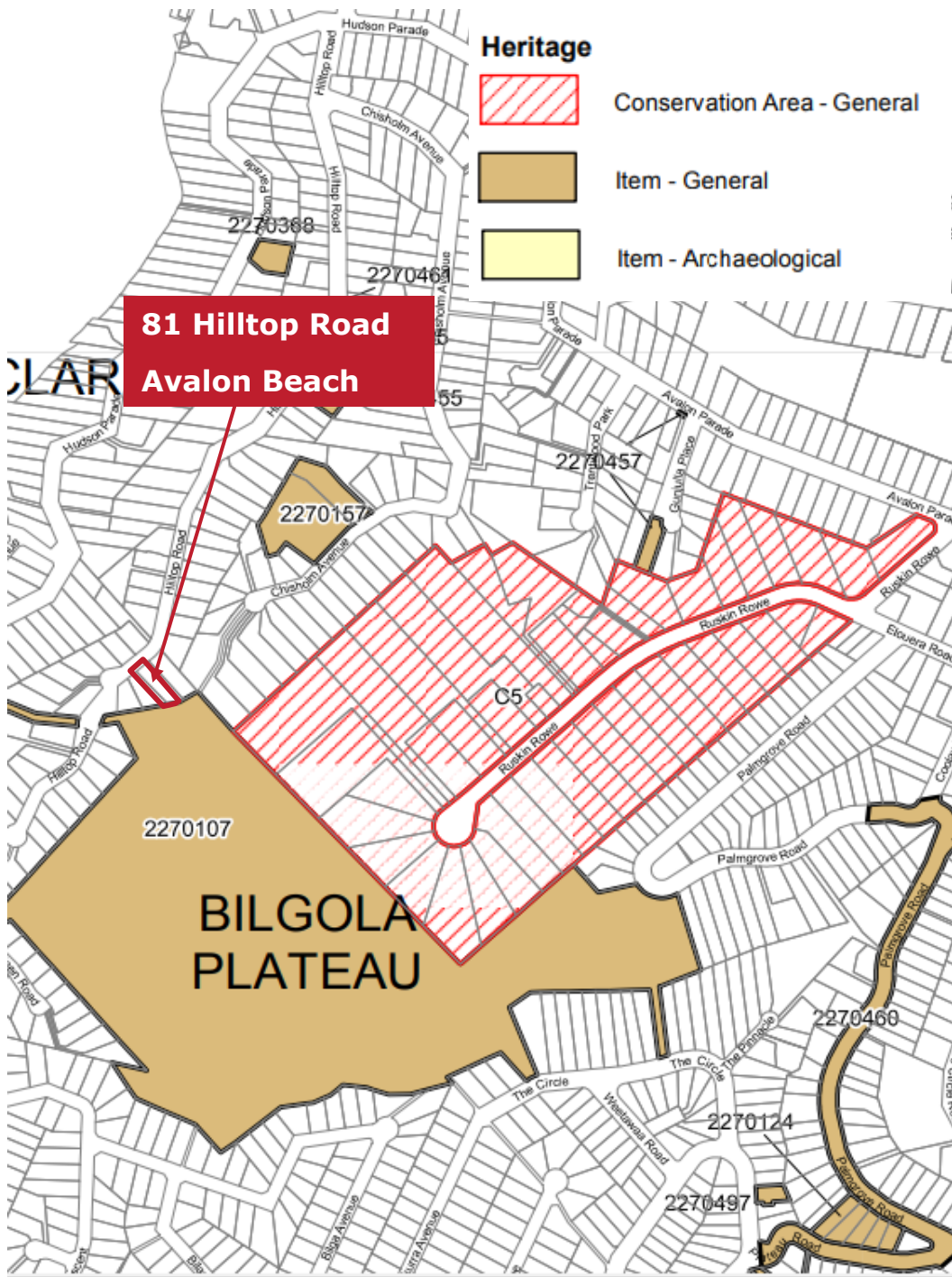
## GEOTECHNICAL HAZARD MAP

(Extract From PLEP)



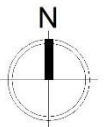
## ANNEXURE 7

HERITAGE MAP (EXTRACT FROM PLEP)



## HERITAGE MAP

(Extract From PLEP)

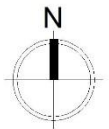


## ANNEXURE 8

BIODIVERSITY MAP (EXTRACT FROM PLEP)



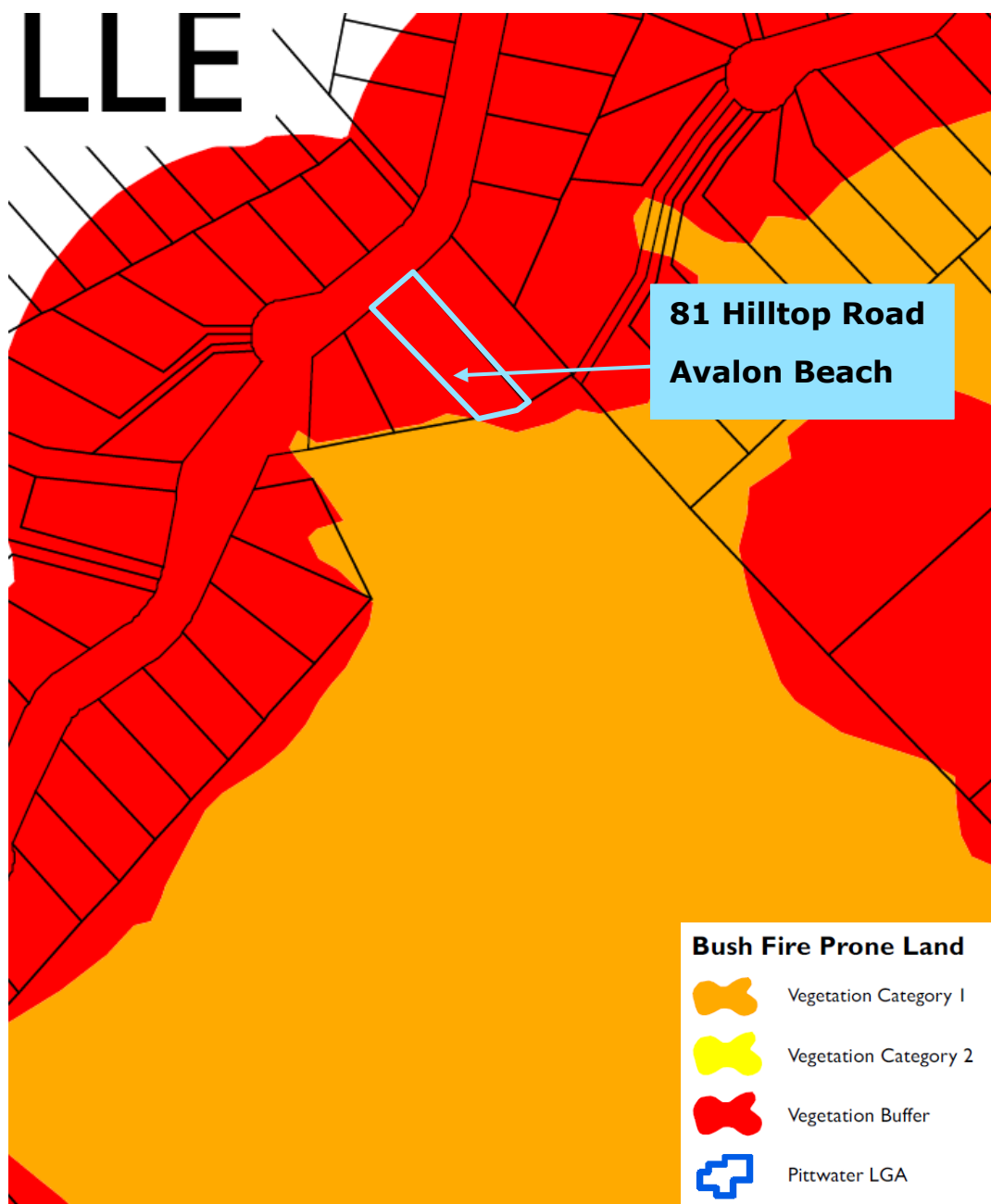
**BIODIVERSITY MAP**  
(Extract From PLEP)



## ANNEXURE 9

BUSHFIRE PRONE LAND MAP





## BUSHFIRE MAP

(EXTRACT FROM PITTWATER BUSHFIRE LAND MAP 2013)

