

# untapped **PLANNING**

## **Statement of Environmental Effects**

“Secondary Dwelling”

58 Marine Parade, Avalon Beach

Lot 42 DP 8394

Prepared for: Arclab

Date: August 2021

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# **1. Executive Summary**

## **1.1 Introduction**

Untapped Planning has been commissioned by Arclab to prepare a Statement of Environmental Effects for a proposed secondary dwelling on Lot 42 DP 8394 at 58 Marine Parade, Avalon Beach.

## **1.2 Site Details**

The subject site comprises Lot 42 DP 8394 with a street address of 58 Marine Parade, Avalon Beach.

The site has a total combined area of approximately 987m<sup>2</sup>, with a dual street frontage of 47.4m to Marine Parade and 20.9m to Urara Road.

The site is zoned E4 – Environmental Living under the Pittwater Local Environmental Plan (LEP) 2014.

Development for the purposes of a Secondary Dwelling is permissible within the zone, with the consent of Council.

The following plan shows the site location in the context of the local area.



Figure 1: Locality of the subject site.

### 1.3 Purpose of the Report

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act and accompanying Regulation.

Its purpose is to:

- describe the proposed development;
- identify and summarise the relevant controls which guide assessment of the proposal;
- provide information on the site and its context; and
- review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to the Council's guidelines in preparing this Statement of Environmental Effects as well as the full range of other relevant legislation and development guidelines.

## **2. Proposed Development**

### **2.1 Proposal Objectives**

The objective of the proposed development is to seek approval for the construction of a secondary dwelling on the subject allotment.

### **2.2 Summary of Development**

The development includes;

- Demolition of existing shed.

Construction of a Secondary Dwelling including;

- Bedroom
- Kitchen/Living Room
- Bathroom/Laundry

New parking space of a porous pavement off the existing drive.



### **3. Characteristics of the Site and Locality**

#### **3.1 The Site**

The subject site comprises Lot 42 DP 8394, and is known as 58 Marine Parade, Avalon Beach.

The site has a combined total area of approximately 987m<sup>2</sup>, with a dual street frontage of 47.4m to Marine Parade and 20.9m to Urara Road.

Existing on the site is a single storey dwelling and a shed. The shed is to be demolished to make way for the secondary dwelling.

The site falls to the west away from the Marine Parade frontage. The Marine Parade frontage varies between 30m and 31m AHD. This falls to the west to an RL on the western boundary of approximately 25.5m.

The site contains scattered vegetation mostly contained within the streets front setbacks.



Figure 3: Marine Parade Frontage



Figure 4: Urara Road Frontage and site access

### 3.2 The Locality

The subject site is located on the south-western corner of Marine Parade and Urara Road.

The immediate area has a gentle fall to the west.

The immediate locality is characterised by a mix of new and older single dwellings with the occasional secondary dwelling. Given the proposed Secondary Dwelling is located amongst existing vegetation, it is considered that from a street scape perspective the development will not impact on the existing neighborhood character and that the existing leafy character will be retained.

The following figure shows the location of the subject site within its immediate local context.





Figure 5: Aerial View of Subject Site.

### 3.3 Land Uses

The subject site currently contains a single storey brick residence and associated garage. To the rear of this dwelling stands the garden shed converted to a Secondary Dwelling that is the subject of this application and building certificate BC0123/16

Vegetation on site is largely confined to its dual street setbacks. It is considered that the existing vegetation will not be impacted by the development.

### 3.4 Topography

The site falls to the west away from Marine Parade. The Marine Parade frontage varies between 31m and 30m AHD. This falls to the west to an RL on the western boundary of approximately 25.5m.

The fall along the site is generally uniform and consistent.

## **3.5 Contamination and Geotechnical Considerations**

### **3.5.1 Contamination**

The site is not known to have any past contaminating uses.

### **3.5.2 Acid Sulfate Soils**

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

### **3.5.3 Land Slip**

The development site is not identified on identified in the Geotechnical Hazard Map – Sheet GTH\_016 as being within either the H1 or H2 Geotechnical Hazard Zones.

No further analysis of Geotechnical Risk is required by this development.

## **3.6 Vegetation**

The site contains scattered vegetation of various sizes across the property.

The bulk of the vegetation is medium sized shrubs and trees along the street frontages. This vegetation is to be retained.

## **3.7 Bushfire**

The development site is not noted as being bushfire prone.

No further Bushfire Assessment is required.

## **3.8 European and Aboriginal Archaeological Heritage**

The site is not known to contain any items of European heritage significance, nor is it located within a heritage conservation area.

The site is not known to contain any items of Aboriginal archaeological significance. Though again, given that the proposal is for the purpose of a boundary adjustment it is considered that any possible Aboriginal relics located on the site will not be affected.

### **3.9 Traffic, Access and Road Network**

The site is located with a dual frontage to both Marine Parade and Urara Road.

The existing site vehicular access is off Urara Road with a paved driveway to the existing dwelling.

Given the minor scale of the development and the fact that no modification to the existing site access is required, it is not anticipated that there will be any adverse impacts to traffic levels in the locality as a result of the proposal.

### **3.10 Coastal Zone**

The development site is not subject to the provisions of the NSW Coastal Policy.

### **3.11 Services and Utilities**

The site is currently serviced with both reticulated water and sewer.

## **4. Planning Controls**

### **4.1 State Planning Controls**

#### **Environmental Planning and Assessment Act 1979**

Section 91

The development is not considered to constitute integrated development under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979.

#### **State Environmental Planning Policies**

The development is not reliant upon any State Environmental Planning Policy. While State Environmental Planning Policy (Affordable Rental Housing) 2009 is applicable, the development has not relied upon the provisions of the SEPP.



## 4.2 Local Planning Controls

The development site is currently controlled by the provisions of the Pittwater Local Environmental Plan 2014.

### Pittwater Local Environmental Plan 2014

Under the Pittwater Local Environmental Plan 2014, the site is zoned E4 – Environmental Living. An excerpt of the Pittwater Local Environmental Plan 2014 zoning map is shown in Figure 6.

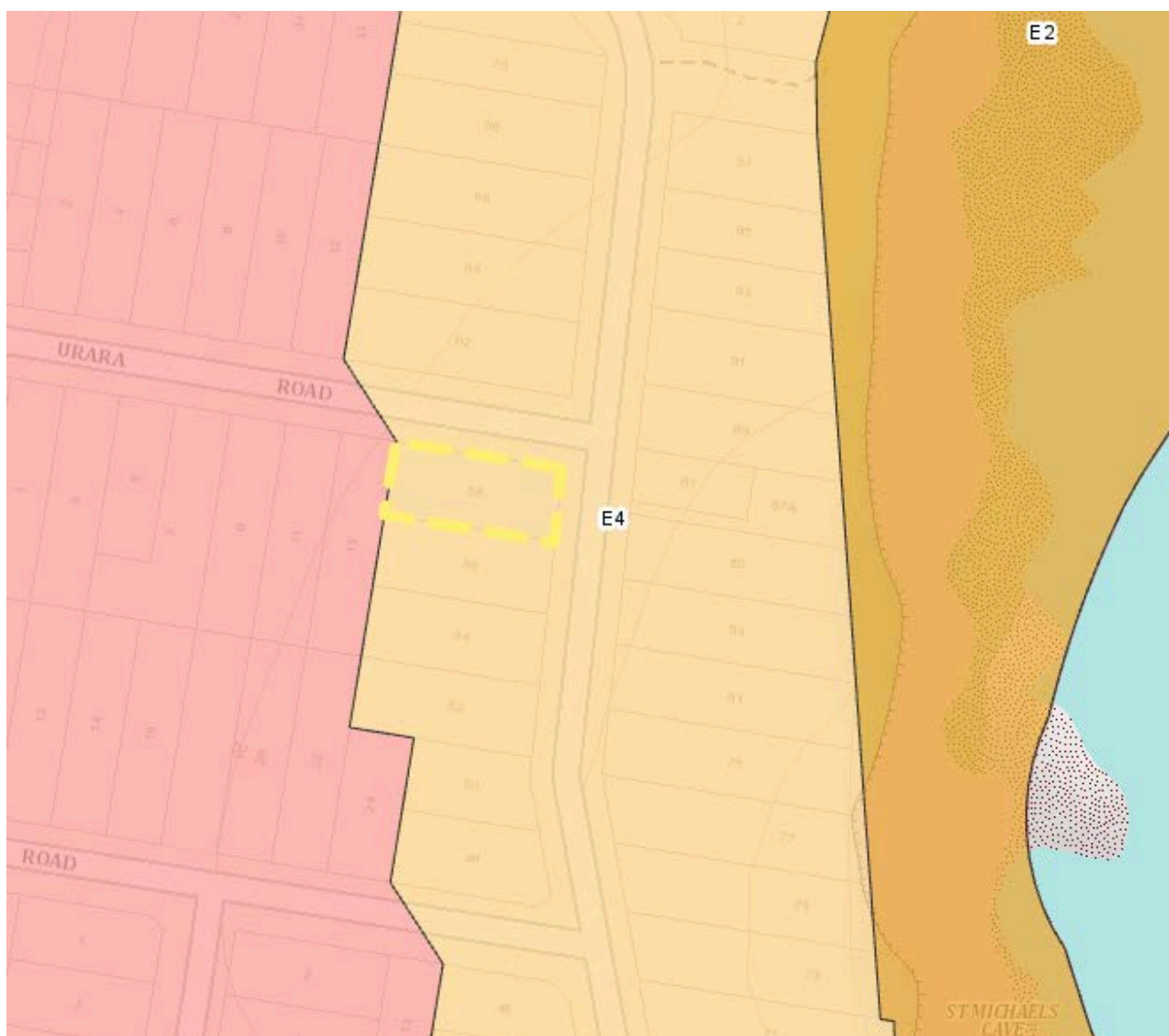


Figure 6: Site Zoning under Pittwater Local Environmental Plan 2014

The provisions for the E4 zone state;

#### 1 Objectives of zone

- 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.*

**Comment:** The proposed Secondary Dwelling is considered to be consistent with the objectives of the E4 – Environmental Living.

The proposal constitutes low impact housing and will meeting the housing needs of the community through an increase the stock of low impact, low cost residential housing in the locality while being at a suitably small scale that it will not adversely impact upon the areas aesthetic, ecological or scientific values.

Other examples of secondary dwellings are present in the area and the secondary dwelling on the subject site is consistent with these.

The scale of the development and its siting is integrated with the landform which enables the existing character and landscape to be maintained.

## **2 Permitted without consent**

*Home businesses; Home occupations*

## **3 Permitted with consent**

*Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Water recreation structures*

## **4 Prohibited**

*Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3*

**Comment:** Under subclause 3, Secondary Dwellings are permissible with Consent.

## **Part 4 - Principal Development Standards**

### **Clause 4.3 Height of Buildings.**

The subject site is mapped as having a maximum building height of 8.5m. The proposed single storey secondary dwelling complies with this requirement having a maximum height of approximately 4.8m at the centre of the roof ridge.

### **Clause 4.4 Floor Space Ratio**

While the Floor Space Ratio Maps do not identify a Floor Space Ratio for the subject site, the development is consistent with the objectives of this clause. The objectives of clause 4.4 state;

- (1) *The objectives of this clause are as follows:*
  - (a) *to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
  - (b) *to minimise adverse environmental effects on the use and enjoyment of adjoining properties and the public domain,*

- (c) to minimise any overshadowing and loss of privacy to neighboring properties and to reduce the visual impact of any development,*
- (d) to maximise solar access and amenity for public places,*
- (e) to minimise the adverse impact of development on the natural environment, heritage conservation areas and heritage items,*
- (f) to manage the visual impact of development when viewed from public places, including waterways,*
- (g) to allow for the reasonable sharing of views.*

The minor scale and footprint of the development will ensure that the character of the locality is not compromised. The siting of the proposal also ensures that minimal vegetation was removed.

The development as viewed from the street does not detract from the existing streetscape and character.

Being single storey the development will not overshadow adjoining properties, nor will it adversely impact upon existing view corridors.

## **Part 7 - Additional Local Provisions**

### **Clause 7.1 Acid Sulfate Soils**

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

### **Clause 7.7 Geotechnical Hazards**

The development site is not identified on identified in the Geotechnical Hazard Map – Sheet GTH\_016 as being within either the H1 or H2 Geotechnical Hazard Zones.

No further analysis of Geotechnical Risk is required by this development.

### **Clause 7.10 Essential Services**

The subject site is serviced by reticulated water and sewer.

## **Pittwater Development Control Plan 21**

The following relevant controls have been considered in the preparation of the subject application.

The development is considered to be generally compliant with the DCP controls with the exception of D1.9 – Side and Rear Building Setbacks. Relevant discussion with relation to this variation request is within the table.

### **B3 - Hazard Controls**

<b>Controls</b>	<b>Response</b>
<p><b>B3.1 Landslip Hazard</b></p> <p>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</p> <p>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</p> <p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	<p>The development site is not identified on Geotechnical Hazard Map – Sheet GTH_016 as being within either the H1 or H2 Geotechnical Hazard Zones.</p> <p>No further analysis of Geotechnical Risk is required by this development.</p>
<p><b>B3.2 Bushfire Hazard</b></p> <p>All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.</p> <p>Development land to which this control applies must comply with the requirements of:</p> <ul style="list-style-type: none"><li>- Planning for Bushfire Protection (2006)</li><li>- AS 3959 - Construction of a Building in a Bushfire Prone Area</li></ul>	<p>The development site is not noted as being bushfire prone.</p> <p>No further Bushfire Assessment is required.</p>



### **B3.5 Acid Sulfate Soils**

Works involving the disturbance of soil or the change of groundwater levels, as described in the following table, shall not be carried out on land of the class specified for those works, unless it has been determined whether acid sulphate soils are present and whether the proposed works are likely to disturb these soils.

If it is determined that acid sulphate soils are present or are likely to be present on the land, consideration must be given to:

- the likelihood of the proposed development resulting in the discharge of acid water; and
- any comments from the Department of Planning.

Consent for development to be carried out by Councils or drainage utilities is required despite:

- clause 35, and items 2 and 11 of Schedule 1, to the Environmental Planning and Assessment Model Provisions 1980, as adopted by Pittwater LEP 1993; and
- clause 10 of SEPP No 4 Development Without Consent and Miscellaneous Complying Development.

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

## **B5 Water Management**

<b>Controls</b>	<b>Response</b>
<p><b>B5.2 Wastewater Disposal</b></p> <p>All premises must be connected to the Sydney Water centralised sewerage waste disposal system where available.</p>	<p>The subject site is connected to the Sydney Water reticulated sewer and water system and connections will be made to the proposed secondary dwelling.</p>
<p><b>B5.3 Greywater Reuse</b></p> <p>Blackwater reuse and on-site disposal is not permitted on sewered lands.</p> <p>Council will only consider approval of on-site treatment, disposal and/or reuse of greywater subject to demonstration of scheme feasibility and compliance with all relevant State and Federal regulatory requirements and the referenced guidelines.</p> <p>The greywater treatment and reuse system shall have a current NSW Health Accreditation (where accreditation is necessary).</p> <p>All premises must maintain a connection to the Sydney Water centralised sewerage waste disposal system.</p>	<p>As the site is fully serviced there will be no requirement to dispose of grey water.</p>

### **B5.7 Stormwater Management - On-Site Stormwater Detention**

An On-Site Detention (OSD) facility is to be installed where the development results in additional hard (impervious) surface area of greater than 50m<sup>2</sup> (on a cumulative basis since February 1996) and on land designated through mapping as requiring OSD facility.

OSD facilities are to be designed and installed to temporarily detain stormwater on a site to limit the discharge leaving the property to ensure that the development does not increase stormwater discharge downstream of the land over and above that of the existing stormwater discharge conditions up to the 1% AEP storm event.

All additional roof surface area of the development is to be drained initially to the rainwater tank which is to be fitted with an overflow pipework system connected to the OSD facility.

All additional ground surface hard stand (impervious) areas are to be drained via a stormwater tank/pit to the OSD facility.

Surface stormwater runoff from properties upstream of the land is to be independently managed to that of the additional ground surface stormwater collection and OSD system and is required to bypass the OSD system.

Rainwater tanks and OSD facilities may also be combined in an integrated system and may be either above or below ground. Should an oversized rainwater tank be used, then 25% of the excess storage volume can be credited towards the OSD tank capacity.

The development will not result in an impervious area greater than 50m<sup>2</sup> being created.

The Secondary Dwelling (60m<sup>2</sup>) is replacing an existing shed of 34.5m<sup>2</sup>.

No augmentation of the existing stormwater system is required.

**B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings**

The control is applicable when the development results in an additional hard (impervious) area of more than 50 square metres.

Development shall incorporate the installation of the following stormwater quality improvement measures:

- Pre-screening of organic matter (eg leaf litter) prior to the collection of rainwater in the rainwater tank
- A water quality filtration basket or equivalent primary treatment Stormwater Quality Improvement Device (SQID) to collect leaf litter and coarse sediments is to be installed prior to the discharge of stormwater from the land.

All Stormwater Quality Improvement Devices (SQIDs) must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

Applicants are also encouraged to apply advanced water quality techniques through primary and secondary treatment techniques to reach and/or exceed the following objectives:

- Primary treatment (eg. physical screening, rapid sedimentation techniques) of stormwater to collect and retain gross pollutants (i.e. litter and organic matter) and coarse sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.
- Secondary treatment (eg. fine particle sedimentation and filtration techniques) of stormwater to collect and retain medium to fine sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.

The development will not result in an impervious area greater than 50m<sup>2</sup> being created.



## **B6 Access and Parking**

<b>Controls</b>	<b>Response</b>
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy	No modification is proposed to the existing site access and no works are proposed within the public road reserve.  Existing site access from Urara Road was utilised.
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy	No modification of the existing driveway access is proposed. The existing arrangement of a paved driveway to the dwelling's garage and gravel drive to the secondary dwelling is considered to be adequate to cater for both the principle and secondary dwelling.
<p>B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy</p> <p>On-Site Car Parking Requirements The minimum number of vehicle parking spaces to be provided for off-street parking is as follows:</p> <p>Small dwelling (1 bedroom) - 1 space Large dwelling (2 bedrooms or more) 2 spaces</p> <p>For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling.</p>	<p>No change has been proposed for the parking to the existing dwelling.</p> <p>A single new space has been provided for the secondary dwelling.</p>

## **B8 Site Works Management**

<b>Control</b>	<b>Response</b>
<p><b>B8.1 Construction and Demolition - Excavation and Landfill</b></p> <p>Excavated and landfill areas must be constructed to have no adverse impact on any structures, bushland or significant trees to be retained on the site.</p> <p>Excavation and landfill must be constructed to have no adverse impact on any adjoining public or private lands due to settlement or structural instability.</p> <p>Excavation and landfill areas must be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties so as to cause a nuisance.</p> <p>Excavation and landfill on any site that includes the following:</p> <ul style="list-style-type: none"><li>- Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation, and/or;</li><li>- Any excavation greater than 1.5 metres deep below the existing surface, and/or;</li><li>- Any excavation that has the potential to destabilise a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property, and/or;</li><li>- Any landfill greater than 1.0 metres in height, and/or;</li><li>- Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils,</li></ul> <p>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council.</p>	<p>No excavation is proposed as a part of this change of use.</p> <p>The site is not noted as being within a Geotechnical Hazard Zone.</p>

<p><b>B8.2 Construction and Demolition - Erosion and Sediment Management</b></p> <p>Erosion and sedimentation prevention measures must be installed on all sites to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.</p> <p>Erosion and sedimentation prevention measures must be installed in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) on the downstream side of any works undertaken on the boundary of the site or on public lands adjoining the site to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.</p> <p>Appropriate devices are to be in place at all times to prevent the migration of sediment off the site.</p>	<p>Erosion and sediment control will be implemented during construction.</p>
<p><b>B8.3 Construction and Demolition - Waste Minimisation</b></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>Noted.</p>
<p><b>B8.4 Construction and Demolition - Site Fencing and Security</b></p> <p>All sites are to be protected by site fencing for the duration of the works.</p> <p>Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the Roads Act.</p>	<p>Site fencing will be implemented during construction.</p>

#### **B8.6 Construction and Demolition - Traffic Management Plan**

All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.

All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance.

All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.

No works are proposed to be undertaken within the public road reserve.

Sufficient off street manoeuvring space exists to ensure that no public nuisance is caused during the construction period.

## **C1 Design Criteria for Residential Development**

<b>Control</b>	<b>Response</b>
<b>Section C1.1 – Landscaping</b>	
<p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community.</p> <p>Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</p>	<p>The major of trees on site, including canopy trees, have been retained.</p> <p>It is considered that this proposal has not impacted on the existing canopy cover in the locality.</p>
In all development a range of low lying shrubs, medium high shrubs and canopy trees shall be retained or provided to soften the built form.	Low lying shrubs along the street frontages have been retained.
<p>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the longterm.</p> <p>Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</p>	<p>The required canopy trees currently exist on site and will be retained.</p> <p>It is not considered that any supplemental plantings will be required by the development due to its minimal impact on the existing vegetated state and appearance.</p> <p>The siting of the secondary dwelling is such that it has taken into account existing vegetation and minimised potential impacts.</p>
Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m <sup>3</sup> within this area to ensure growth is not restricted.	N/A
<p>The following soil depths are required in order to be counted as landscaping:</p> <ul style="list-style-type: none"> <li>• 300mm for lawn</li> <li>• 600mm for shrubs</li> <li>• 1metre for trees</li> </ul>	The site provides for the required soil depths.
<p>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</p> <ul style="list-style-type: none"> <li>• A planter or landscaped area with minimum dimensions of 4m<sup>2</sup> for shop top housing developments,</li> <li>• 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and</li> <li>• 50% for all other forms of residential development.</li> </ul>	Existing vegetation in the front building setback has been retained.



Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.	No screening is required or proposed.
In bushfire prone areas, species shall be appropriate to the bushfire hazard.	The site is not constrained by bushfire.
Landscaping shall not unreasonably obstruct driver and pedestrian visibility.	No landscaping will obstruct driver or pedestrian visibility.
Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.	The bulk of vegetation on site has been retained.
Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.	No new canopy trees are proposed to be introduced to supplement the existing vegetation and canopy trees.
Noxious and undesirable plants must be removed from the site	No noxious plants have been identified on site.
<b>Section C1.2 – Safety and Security</b>	
<p>1. Surveillance</p> <p>Building design should allow visitors who approach the front door to be seen without the need to open the door.</p> <p>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</p> <p>Development design and design of the public domain (including landscaping) is to minimize opportunities for concealment and avoid blind corners.</p> <p>Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 42821997: Control of the obtrusive effects of outdoor lighting.</p> <p>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbors.</p> <p>Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</p>	<p>Street surveillance will be improved through the secondary dwelling being sited with direct frontage to Urara Road. The dwellings entrance and habitable windows at the front of the building all serve to provide passive surveillance of the street.</p> <p>No landscaping is being introduced that will limit or hinder the current levels of street surveillance, nor is it seen that the development will provide any new opportunities for vandalism or anti-social behaviour.</p>

<p><b>2. Access Control</b></p> <p>Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</p> <p>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</p> <p>Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</p> <p>The street number of the property is to be clearly identifiable.</p> <p>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</p>	<p>The development does not have a shared entry.</p> <p>Both the current dwelling access and the proposed walkway to the secondary access are clearly visible from the street without hidden areas out of view.</p>
<p><b>3. Territorial reinforcement</b></p> <p>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</p> <p>Blank walls along all public places (streets, open space etc) shall be minimised.</p>	<p>Walkways within the site clearly delineate the entries to the two dwellings and direct people to the correct entrance.</p> <p>No blank walls facing public places are proposed.</p>
<p><b>C1.3 – View Sharing</b></p>	
<p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p>	<p>The development is single storey and located at a level consistent with surrounding dwellings. It is not considered that any views will be obscured by this proposal.</p>
<p>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>	<p>As no obstruction of views is envisaged, and assessment against the Land and Environment Courts planning principles for view sharing is not required.</p>
<p>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</p>	<p>N/A</p>
<p>Views are not to be obtained at the expense of native vegetation.</p>	<p>N/A</p>

<b>C1.4 Solar Access</b>	
The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	Due to the height of the proposed secondary dwelling, the orientation of the site and location of adjoining dwellings and principle private open space, it is considered that the proposal will not adversely impact in terms of solar access.
Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).	The development will not impact upon windows of adjoining residences.
The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	The planning principles resulting from <i>Parsonage v Ku-ring-gai Council</i> [2004] NSWLEC 347 have been taken into account and it is considered that the development is not contrary to any of these planning principles.
<b>C1.5 – Visual Privacy</b>	
Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).	No private open space or living area has direct views into adjoining properties.
Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.	The development does not contain any elevated decks, pools, verandahs or balconies.
Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.	The development is single storey and as such will not have views from an upper storey.
<b>C1.6 – Acoustic Privacy</b>	
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.	<p>The development is compliant with this control and noise impacts to and from the proposed secondary dwelling as envisaged to be negligible.</p> <p>It should also be noted that as a single bedroom dwelling, the development is unlikely to attract</p>

	young families that would be likely to generate higher levels of noise.
Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).	The development will be compliant with the Building Code of Australia.
Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.	The development does not have any noise generating elements.
Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.	The development does not proposed any elements that would breach the Protection of the Environment Operations Act 1997
<b>C1.7 – Private Open Space</b>	
<p>b) Secondary Dwellings:</p> <p>For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.</p>	<p>The development contains private open space in the form of shared space between the primary and secondary dwelling.</p> <p>These open space areas will serve as an extension of the internal space and is considered adequate for the proposal. Existing vegetation at the front of the site provides screening to the street.</p>
<b>Section C.11 – Secondary Dwelling</b>	
The development of a secondary dwelling will result in not more than two (2) dwellings being erected on an allotment of land.	The development will not result in more than two dwellings being erected on the subject site.
A secondary dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.	The proposed secondary dwelling contains one bedroom and a single bathroom and is consistent with this control.
A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.	The proposed dwelling is not adjacent to a driveway, nor is a new driveway proposed to be constructed.

Where the secondary dwelling is separate from the principal dwelling the maximum height shall be 3.6 metres (to the ceiling of the topmost floor).	The development does not contain a height exceeding 3.6m to the ceiling of the topmost floor.
Where the secondary dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum height is to be in accordance with the height controls contained within Pittwater 21 DCP.	The development is not located within or attached to the principle dwelling, however it is in accordance with the height controls of the Pittwater 21 DCP.
A secondary dwelling above a detached garage is not supported	The dwelling is not located above a detached garage.



## Section D1 – Avalon Beach Locality

Control	Comment
<b>D1.1 – Character as viewed from a public place</b>	
Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	<p>The development will as viewed from the street will appear as a modern dwelling.</p> <p>Due to the site topography, dual street frontage and siting of the secondary dwelling behind the existing dwelling, the development will read as a small scale secondary dwelling fronting dwelling Urara Road.</p>
Walls without articulation shall not have a length greater than 8 metres to any street frontage.	No walls greater than 8m in length face the street frontage
<p>Any building facade to a public place must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> <li>• entry feature or portico;</li> <li>• awnings or other features over windows;</li> <li>• verandahs, balconies or window box treatment to any first floor element;</li> <li>• recessing or projecting architectural elements;</li> <li>• open, deep verandahs; or</li> <li>• verandahs, pergolas or similar features above garage doors.</li> </ul>	<p>The design of the secondary dwelling incorporates the following features.</p> <ul style="list-style-type: none"> <li>• entry feature or portico;</li> <li>• awnings or other features over windows;</li> <li>• recessing or projecting architectural elements;</li> </ul>
The bulk and scale of buildings must be minimised.	The proposed secondary dwelling is small in scale and largely screened by existing vegetation.
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>No modification is proposed to the parking which supports the existing dwelling.</p> <p>Parking for the secondary dwelling is proposed on a permeable paved parking spot accessed from the main driveway.</p>
Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	The development is incorporating existing landscaping on site which is a mix of ornamental and indigenous trees and shrubs.
Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.	Television antennas will be hidden from view.

General service facilities must be located underground.	General Service facilities will be in accordance with existing service provisions.
Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.	No plumbing is proposed for the public facades of the structure.  Where possible all electrical cabling will be hidden.
<b>D1.4 – Scenic Protection</b>	
Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	It is not considered that when viewed from any waterway, road or public reserve that the development will have any adverse visual impacts.
<b>D1.5 – Building Colours and materials</b>	
External colours and materials shall be dark and earthy tones as shown below  Finishes are to be of a low reflectivity.	External colours are considered to be suitable for the locality.  Colours are dark and consistent with this clause.
<b>D1.8 – Front Building Line</b>	
All other land zoned R2 Low Density Residential, R3 medium Density Residential or E4 Environmental Living – 6.5m or established building line, whichever is greater.	The setback of the secondary dwelling is 4.2m. This is consistent with the set back of the shed to be demolished.  The setback on Urara Road is varied, however the proposal is consistent in terms of setback. The existing street vegetation further masks development from the street.  Siting the development with a greater setback will necessitate the removal of vegetation along the rear boundary and minimise the available open space.
<b>D1.9 – Side and Rear Building Line</b>	
Secondary Dwelling 2.5 to at least one side; 1.0 for other side 6.5m to the rear.	The development is compliant having side/rear setbacks of 3.03m and 8.2m to the side and rear boundaries respectively.
<b>D1.11 – Building Envelope</b>	
Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).	The development is consistent with the required building envelope.
<b>D1.13 – Landscaped Area General</b>	
The total landscaped area on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living shall be 60% of the site area.	The development provides for the required 60% landscaped area and utilises porous pavement for the proposed parking space.

The use of porous materials and finishes is encouraged where appropriate.	N/A
Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped Area.	The development is not an alteration or addition to the existing dwelling.

## **5. Conclusion**

This proposal is for the change of use of an existing shed to a Secondary Dwelling on an E4 – Environmental Living zoned parcel of land.

The proposal is considered to be consistent with the provisions of the Pittwater Local Environmental Plan 2014 and Development Control Plan 21.

Furthermore, the proposal is considered to have no adverse impacts upon the environment or the general locality or surrounding properties.

Councils support to the proposal is therefore requested.