



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed New
Dwelling

189 Riverview Road
Avalon Beach

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Statement of Environmental Effects

Proposed New Dwelling

189 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 and environmental value of the land with the dwelling stepping down the steep slope. 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 design has also been guided via a pre-lodgement meeting (PLM2021/0118) held with Council which identified potential issues. These issues have been considered and addressed within the design to reduce the overall bulk and scale and ensure amenity is maintained to adjoining sites.

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 (Coastal Management) 2018
- 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, construction management plans, schedule of finishes 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 C in DP 381427, 189 Riverview Road, Avalon Beach. A location map is included as **Figure 1**.



Figure 1: Site Location (Source: Six Maps)

Number 189 Riverview Road is a generally rectangular shaped allotment comprising a total site area of 1071m², with a primary frontage of 18.29m to Riverview Road and a depth of between 59.131m to 60.35m down to the mean high watermark. The site is currently occupied by a 1 & 2 storey single dwelling with stone jetty to the waterfront.

The topography of the site slopes down steeply from street level with a number of trees located on or adjacent to the site. 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. Boat sheds are also common along the waterfront.

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:

Ground Floor:

- 2 car garage
- Entry lobby

Level - 1:

- Music room with lounge area. Access to courtyard areas.

Level - 2:

- Open plan kitchen/living/dining room with butler's pantry. This level opens out to a terrace with swimming pool.
- Laundry

Level - 3:

- 4 bedrooms including the master suite. The master suite will include 2 ensuites and 2 walkin-robos
- The master suite will open out to a terrace
- Kids play area
- Linen/storage space
- bathroom

Level - 4:

- Gym/exercise space

Level - 5

- 2 bedrooms
- Rumpus
- Bathroom

The design is innovative, sympathetic and responsive to the topography of the site and has been designed as a family home.

This application is also accompanied by a landscape plan and stormwater management plans. The landscaping on the site and to the dwelling is a key feature of the development and will be

present at ground level as well as extensive roof gardens and landscape treatments to the facades.

The works will require the removal of some trees which are detailed in the ecology report provided.

4 Statutory Planning Framework

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

4.1 Pittwater Local Environmental Plan 2014

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

4.1.1 Zoning and Permissibility

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

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

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values;*
- *To ensure that residential development does not 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.*

The proposal is compliant with the 10m height plane control with only minor sections of the dwelling breaching the 8.5m height limit. Both 8.5m and a 10m height plane drawings have been prepared and are also shown below.

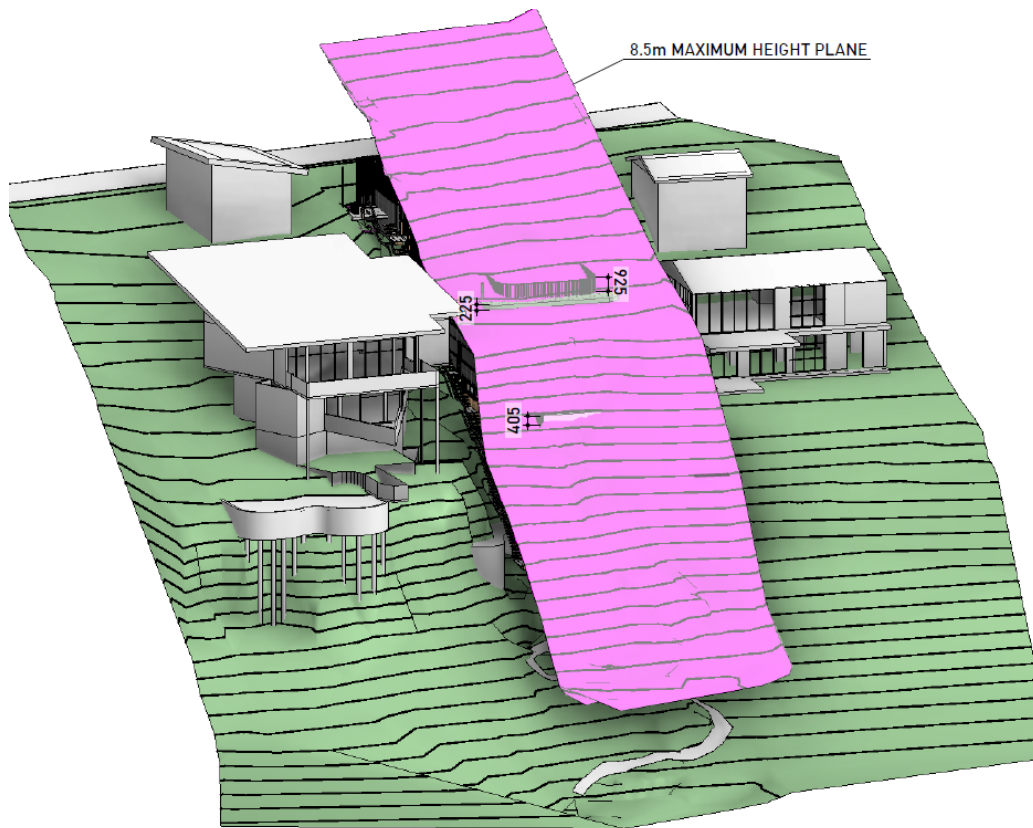


Figure 2: 8.5m height plane drawing detailing the minor breaches

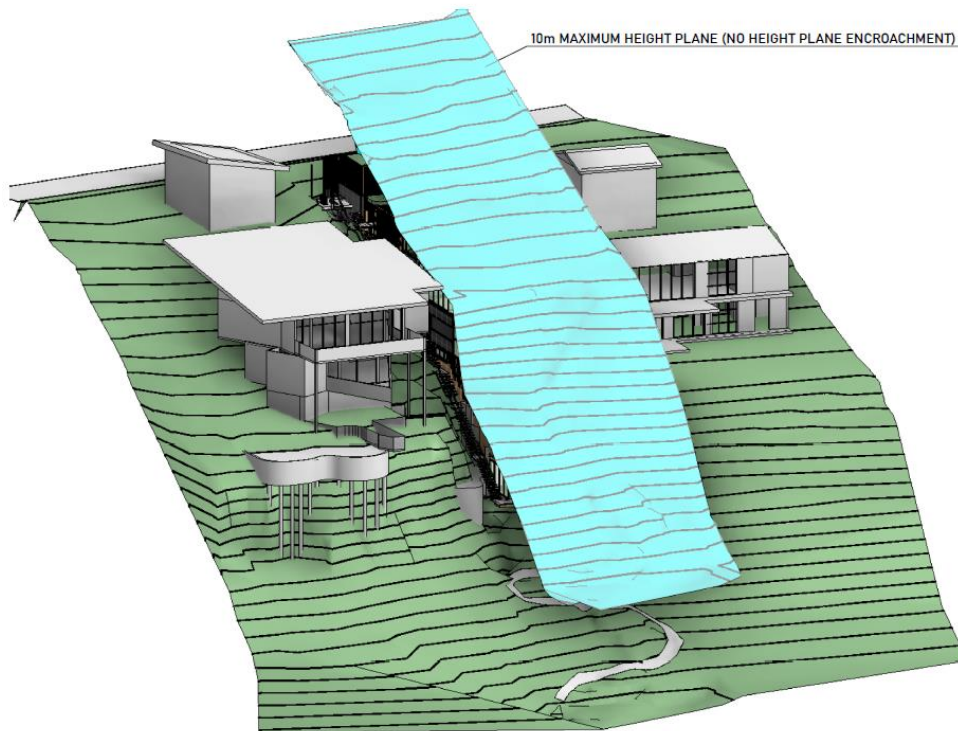


Figure 3: 10m height plane drawing demonstrating compliance with the development standard

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 subject site includes a number of prescribed trees which will be required to be removed to facilitate the orderly and economic use of the site. An ecology report has been prepared by ACS Environmental which details the biodiversity present on the land and the potential offset requirements applicable.

4.1.6 Geotechnical Hazards (Clause 7.7)

The site is identified as a geotechnical hazard area. A geotechnical report has been prepared and provided with this application.

4.1.7 Limited Development on Foreshore Area

There are no works proposed within the foreshore building line.

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 | | | |
| B3.1 Landslip Risk | Protection of people. Protection of the natural environment. Protection of private and public infrastructure and assets | A geotechnical report has been provided with this application. | Yes |
| B4 Controls Relating to the Natural Environment | The long-term viability of locally native flora and fauna and their habitats and the retention and enhancement of wildlife corridors in the Pittwater LGA. | As previously mentioned, a detailed ecology report and arborist report has been provided with this application. The report details the trees to be removed and recommendations for tree protection for those to be retained. | Yes |

| Control | Requirement | Proposed | Compliance |
|--|---|--|------------|
| <p>B5.15</p> <p>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> |
| <p>B6.3</p> <p>Off-street Parking Requirements</p> | <p>2 spaces</p> | <p>The proposal provides for 2 car spaces within the proposed garage.</p> | <p>Yes</p> |
| <p>B8</p> <p>Site works Management</p> | <p>Site disturbance is minimised. (En)</p> <p>Excavation, landfill and construction not to have an adverse impact. (En)</p> <p>Excavation and landfill operations not to cause damage on the development or adjoining property.</p> | <p>In accordance with the control appropriate measures are to be undertaken to address the issues of construction and demolition impacts, erosion and sedimentation management, waste minimisation, site fencing and security, works in the public domain and traffic management where required.</p> <p>Normal site management practices will be adopted to prevent public access during demolition and construction and to prevent erosion and sedimentation. As the site is of adequate size, it is envisaged that all construction materials will be stored on site</p> | <p>Yes</p> |

| Control | Requirement | Proposed | Compliance |
|--|--|---|------------|
| | | <p>throughout the construction processes.</p> <p>A waste management and construction management plan has been provided with this application.</p> | |
| Development Type Controls | | | |
| <p>C1.1</p> <p>Landscaping</p> | <p>A built form softened and complemented by landscaping. (En)</p> <p>Landscaping reflects the scale and form of development. (En)</p> <p>Retention of canopy trees by encouraging the use of pier and beam footings. (En)</p> <p>Development results in retention of existing native vegetation. (En)</p> <p>Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)</p> <p>Landscaping retains and enhances Pittwater's biodiversity by using</p> | <p>A landscape plan by Durie Design 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. Roof areas are also utilised for landscaping treatments to both soften and screen the dwelling and provide visual interest when viewed from the public domain.</p> <p>The rooftop gardens on slab will not only provide thermal insulation resulting in a more energy efficient home by avoiding the 'heat island effect' but they will also provide additional native habitat with the extensive use of local native plantings.</p> <p>The perimeter hardens on all levels are native spill over plantings in habit which are</p> | <p>Yes</p> |

| Control | Requirement | Proposed | Compliance |
|---|---|--|------------|
| | <p>locally native plant species (En)</p> <p>Landscaping enhances habitat and amenity value. (En, S)</p> <p>Landscaping results in reduced risk of landslip. (En, Ec)</p> <p>Landscaping results in low watering requirement. (En)</p> | <p>used to both soften the architecture, blend into the native surrounding landscape and reduce solar heat into the dwelling supporting the energy conservation of the home.</p> <p>A schedule of plants and trees is shown on the landscape plan.</p> | |
| <p>C1.3</p> <p>View Sharing</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>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.</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>Yes</p> |

| Control | Requirement | Proposed | Compliance |
|---|--|--|------------|
| | | <p>All properties in this locality are oriented to the west to capture the water views and those westerly views will not be impacted. Some views across side boundaries will be impacted from adjoining properties however it is considered that retaining these views cannot be reasonably anticipated in this instance.</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 9am and 3pm on June 21st to at least 50% of the glazed area.</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>187 Riverview Road will continue to receive sufficient and compliant levels of solar access to their private open space areas. Some additional overshadowing will occur to the dwelling at 187 Riverview Road however will still be able to receive compliant levels of solar access to their primary habitable spaces in mid-winter.</p> | <p>Yes</p> |
| <p>C1.5 Visual Privacy</p> | <p>Habitable rooms and outdoor living areas of dwellings optimise visual privacy</p> | <p>The development has been carefully designed through detailed site analysis to ensure that appropriate levels</p> | <p>Yes</p> |

| Control | Requirement | Proposed | Compliance |
|--|---|--|------------|
| | <p>through good design. (S)</p> <p>A sense of territory and safety is provided for residents</p> | <p>of visual privacy are maintained between properties it being noted that there is always a trade-off between view sharing and absolute privacy where all adjoining properties are orientated towards a particular view.</p> <p>Window treatments have been minimised to side facing walls with balconies and windows including privacy attenuation measures where appropriate.</p> | |
| <p>C1.6</p> <p>Acoustic Privacy</p> | <p>Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S)</p> <p>Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas</p> | <p>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.</p> | <p>Yes</p> |
| <p>Private Open Space</p> <p>Clause C1.7</p> | <p>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</p> | <p><80m²</p> | <p>Yes</p> |

| Control | Requirement | Proposed | Compliance |
|---|--|--|------------|
| | private open space is to be provided in the front yard | | |
| <p>C1.17</p> <p>Swimming Pool Safety</p> | <p>Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.</p> | <p>Can be achieved</p> | <p>Yes</p> |
| <p>Avalon Beach Locality Specific Development Controls</p> | | | |
| <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.</p> <p>Natural local Sydney Sandstone Cladding will be utilised to match the natural bedrock on site mixed with a natural dark slate grey textured cladding to blend into the landscape. The Garage facade will all be Sydney Sandstone blended with timber architectural slats.</p> | <p>Yes</p> |

| Control | Requirement | Proposed | Compliance |
|--|--|---|-----------------------------|
| <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>The steep topography dictates the siting of garages and carports along the low side of Riverview Road. Garages and carports with a nil or minimal front setback are common to be able to facilitate off-street parking.</p> <p>The development proposes a garage within the front setback, at street level, to service the parking requirement of the dwelling. In this regard, the variation to the front setback control is considered reasonable as there is no other viable area to provide car parking.</p> | <p>No – worthy on merit</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>Northern side boundary setback: 2.58m</p> <p>Southern Side Boundary setback: 1.58m – 2.96m</p> <p>Foreshore building line applies – no work proposed within the foreshore building line</p> <p>There is a minor non-compliance with regard to the floating timber external staircase proposed along the northern boundary. This is considered to be a minor breach and not give rise to any significant amenity impacts. The side boundaries will include extensive</p> | <p>Yes</p> <p>Yes</p> |

| Control | Requirement | Proposed | Compliance |
|--|---|---|-------------------------------------|
| | | <p>landscaping treatments to provide softening and screening of the dwelling and additional privacy measures.</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 boundaries to the maximum building height.</p> | <p>Due to the topography it is considered that strict compliance with the building envelope control is unreasonable in this instance. The building will continue to sit below surrounding tree canopy level and predominantly 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. Considered effort has been undertaken to limit the dwellings overall height with only minor breaches to the 8.5m and strict compliance achieved with the 10m development standard. In this regard, the breaches to building envelope are not indicative of unreasonable bulk and scale.</p> | <p>*No minor variation required</p> |

| Control | Requirement | Proposed | Compliance |
|---------|-------------|--|------------|
| | | <p>The southern elevation has varying compliant 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, lush landscaping treatments to the built form will also soften and screen the dwelling.</p> <p>The northern elevation envelope breaches are considered to be minor also, with the same varying setbacks, wall articulation and landscaping treatments allowing the dwelling to be softened and providing privacy mitigation.</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</p> | |

| Control | Requirement | Proposed | Compliance |
|--|--|--|------------|
| | | control and accordingly strict compliance is both unreasonable and unnecessary under the circumstances. Drawing 001-270 rev(J) identifies the breaches to the building envelope. | |
| Landscaped Area Environmentally Sensitive Land D12.10 | Total Landscaped Area is 60% of the total site area. | 60.2% achieved. We also note that landscaped areas provided on the dwelling total an area of 304.65m ² which will also contribute to habitat and the biodiversity of the local area. | Yes |

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

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

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

4.4 State Environmental Planning Policy (Coastal Management) 2018

The site is identified on the SEPP Coastal Management 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 the façade 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 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

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

(i) The provision of any planning instrument

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

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

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to

the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

Pittwater DCP applies

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

N/A

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

N/A

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

N/A

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

N/A

Context and Setting

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

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

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

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

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

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

Access, transport and traffic:

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

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

The proposal will result in an improved driveway arrangement to ensure the safe access and egress of cars from the site.

Public Domain

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

Utilities

Existing utility services will continue to service the dwelling house.

Flora and Fauna

The application is accompanied by a landscape plan and ecology report

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

The application is accompanied by a geotechnical report.

Economic Impact in the locality

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

Site Design and Internal Design

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

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

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

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

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*

- *likely compliance with the Building Code of Australia*

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

Construction

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

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

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

(c) The suitability of the site for the development

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

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

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

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

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

(e) The public interest

The architect has responded to the client brief to provide for a dwelling of design merit that provides a high level of amenity for the future occupants whilst appropriately addressing the

sites setting and maintaining the amenity of the nearby residential properties. The development will provide a quality built form outcome on the site.

5 Conclusion

The proposed dwelling and associated works are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposal, given the constraints imposed by the sites typography and environmental characteristics. The minor breaches to the building envelope control have been justified and considered to be worthy on merit due to the topographical constraints of the site and the resultant minimal amenity impacts to adjoining properties.

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

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

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

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