

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Alterations and additions to an existing dwelling to create a  
courtyard dwelling**



**214 Hudson Parade, Clareville  
Lot 41 in DP 13760**

**21 September 2021**

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# 1. INTRODUCTION

Tomasy Pty. Ltd. has been engaged to prepare a Statement of Environmental Effects on behalf of the applicant, Patrick and Nicole Heller, to accompany a Development Application for the alterations and additions to an existing dwelling house to create a courtyard dwelling. This Statement is to be read in conjunction with the submitted architectural plans prepared by the project architects, *Utz Sanby*.

In preparing this document, consideration has been given to the following legislative requirements including:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2000*;
- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*;
- *State Environmental Planning Policy (Coastal Management) 2018*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *Pittwater Local Environmental Plan 2014*;
- *Pittwater 21 Development Control Plan*;
- Architectural drawings prepared by Utz Sanby and include the following:
  - DA 00: Site Plan
  - DA 01: DA Plans
  - DA 02: DA Section
  - DA 03: DA Elevations
- Survey plan prepared by CMS Surveyors dated 17 February 2021;
- Stormwater Management Concept Design prepared by Partridge Hydraulic Services dated 20 September 2021;
- Geotech report prepared by Douglas Partners dated 9 July 2021;
- Landscape plan, prepared by Utz Sanby;
- BASIX Statement Certificate No A427961, dated 24 August 2021;
- QS report, prepared by Real Est Pty Ltd, May 2021;
- Waste Management report, prepared by Utz Sanby, Architects, dated August 2021;
- Estuarine Risk Management Report prepared by Total Earth Care dated 20 September 2021;

This Statement of Environmental Effects describes the proposed development, having particular regard to the Provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, and examines the potential environmental impacts with regards to the relevant sections of the Act, State Policies and relevant requirements of Council's DCP.

The conclusions of the Statement of Environmental Effects are that the proposed development for the alterations and additions to an existing residence is permissible with Council consent and is consistent with the Aims and Objectives of Pittwater LEP 2014 and other relevant controls and policies of Northern Beaches Council.

Accordingly, the proposal represents a development compatible with the Clareville-Avalon precinct and succeeds on its merits. The Development Application should be approved by Northern Beaches Council, subject to conditions as deemed appropriate.

## 2. SITE PROFILE

The subject property is described as 214 Hudson Parade, Clareville, being Lot 41 in DP 13760 with an area of 739.8sqm. The property is located on the southern side of Hudson Parade and has a frontage of 15.24m to Hudson Parade with a varying depth of 52.12m on the western side and 47.245m on the eastern boundary. The parcel of land is regular in shape and the rear part of the property abuts Pittwater.

Erected on the land is a single detached residential dwelling with car parking accommodation located to the Hudson Parade frontage. A boatshed and jetty are located at the rear of the property. The property has a Foreshore Building Line however there are no new works proposed in the foreshore building line area or any alterations to the structures that are located within the foreshore building line.

This precinct is dominated by single detached dwellings of varying ages. Some of the sites have been the subject of redevelopment with alterations and additions to the existing dwellings. Other dwelling houses have been constructed on sites on the higher side Hudson Parade of significant mass and scale.

### Locality Plans



Subject Property

Source: <https://maps.six.nsw.gov.au/>



Subject Property

Source: <https://maps.six.nsw.gov.au/>



Subject property when viewed from Hudson Parade

Source: Tomasy Planning





Subject property

Source: UTZ Sanby Architects



Subject property

Source: UTZ Sanby Architects



Adjoining property

Source: UTZ Sanby Architects



Adjoining property

Source: UTZ Sanby Architects





Property on the elevated side of Hudson Parade

Source: Tomasy Planning



Rear of the property

Source: UTZ Sanby Architects





Rear of the property

Source: UTZ Sanby Architects



Property on the elevated side of Hudson Parade – immediate proximity

Source: UTZ Sanby Architects



View of the property from Pittwater

Source: UTZ Sanby Architects

### 3. THE PROPOSAL

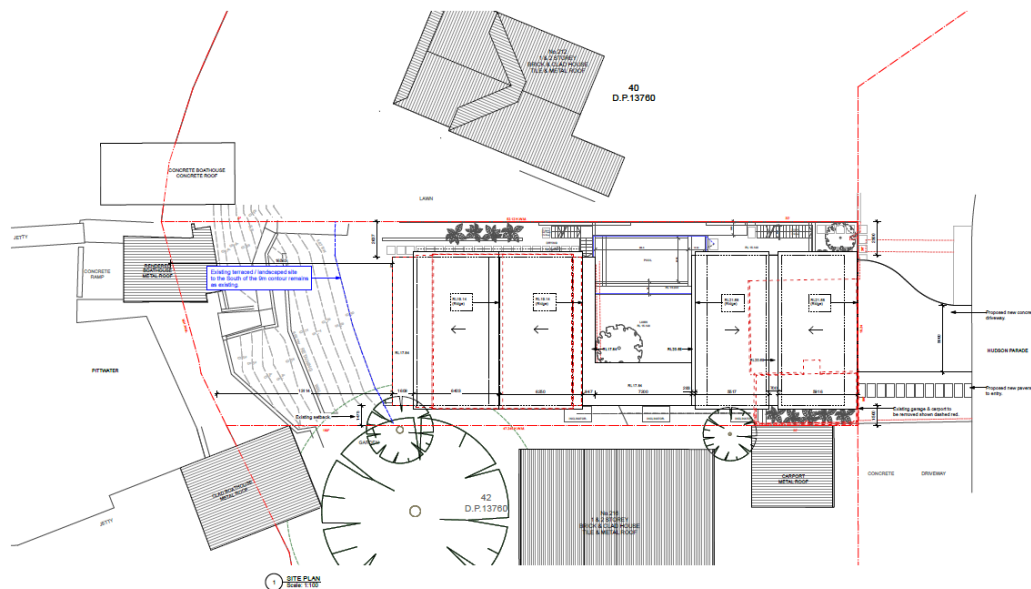
All new works associated with the alterations and additions to the existing dwelling house are shown in yellow in the architectural drawings prepared by Utz Sanby Architects. The purpose of the alterations and additions to the existing dwelling house and associated garaging facilities and other buildings that abut Hudson Parade are to create what the architect describes as a “courtyard dwelling.”

The project architect has described the proposed works as follows:

- Level 1 – Parents’ level
- Level 2 - Bedroom Level
- Level 3 – Main living level
- Level 4 – Garage level.

**Note:** The development includes the re-use of the existing inclinator which is located adjacent to the eastern boundary of the subject dwelling. This inclinator will provide access to the connecting hallway on level 3 together access to level 2 which comprises bedrooms, games room and music room. The proposal does not change the alignment or configuration of the existing inclinator.

The drawings shown below is a site plan which shows the finished footprint of the proposal including the alterations and additions, the subject of the application. It is important to note there is no intention to seek approval to carry out any works to the foreshore area or to the existing structures that are shown on the survey plan and described as ‘rendered boat house with metal roof’. The associated concrete ramp and jetty remain as per the existing structures.



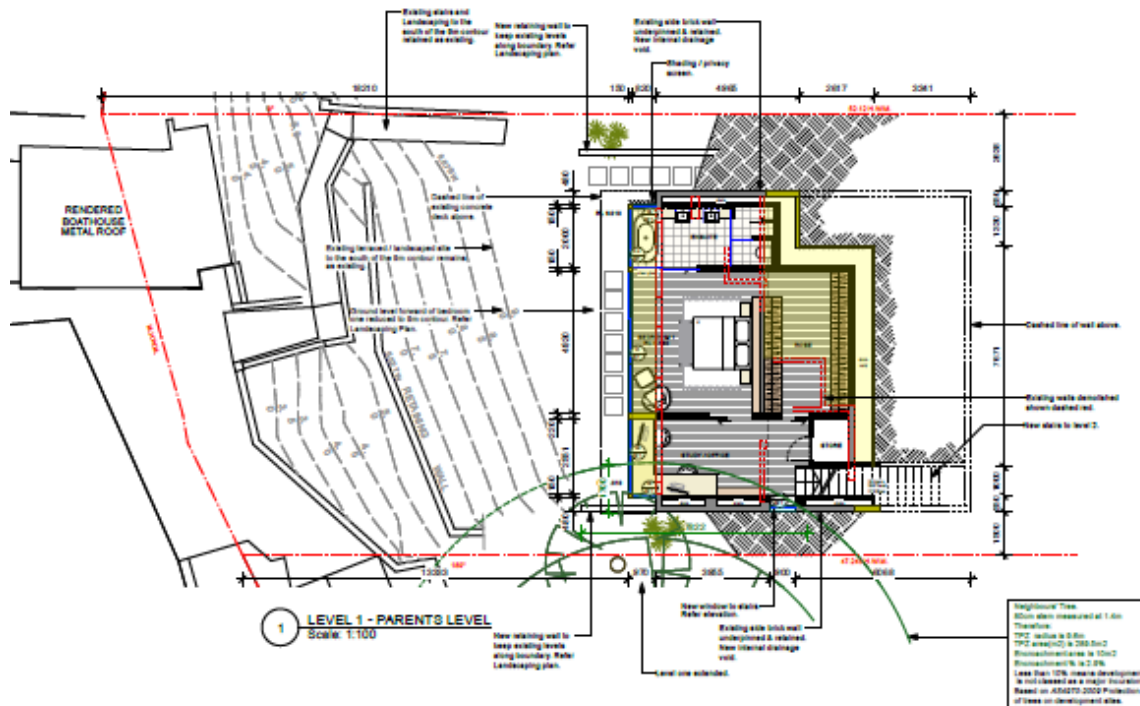
Source: UTZ Sanby drawing – Site Plan – DA-00



## Level 1 – Parents level

The proposed alterations and additions are shown in yellow. The parents level comprises the following:

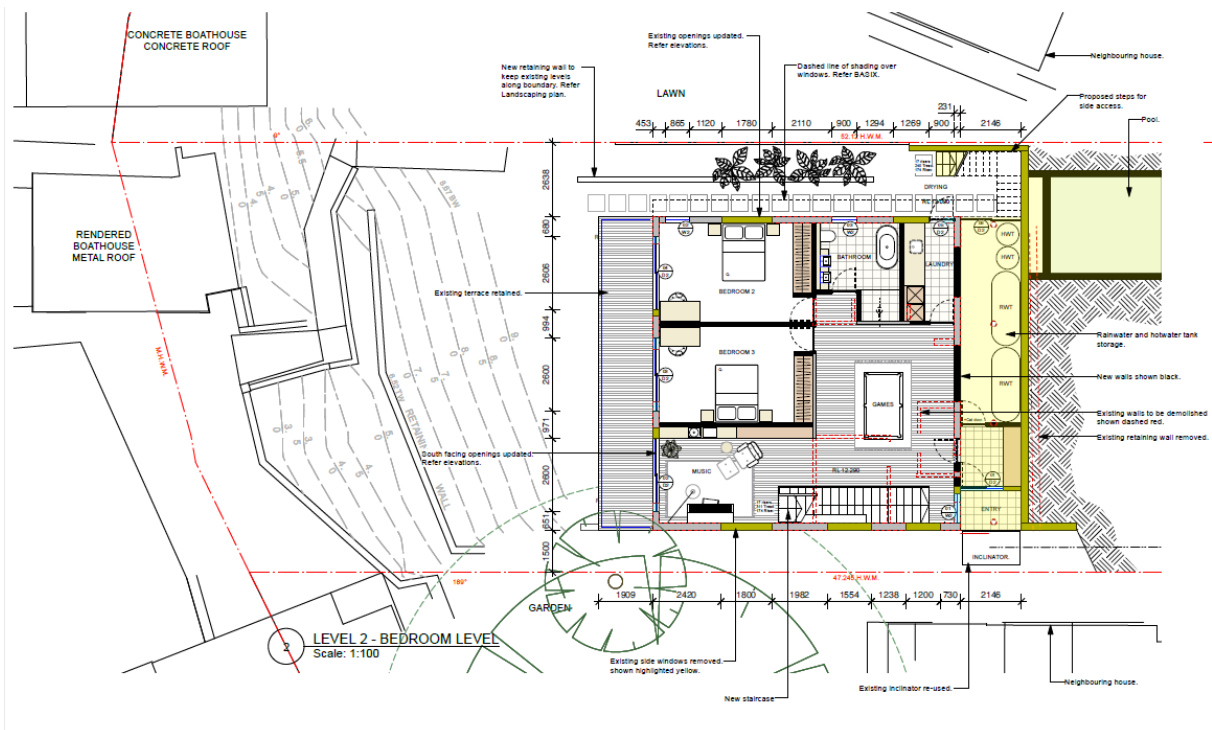
- Master bedroom with walk-in robe
- Ensuite
- Storeroom and
- study/office.



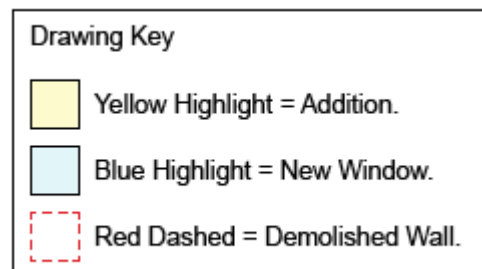
## Level 2 – Bedroom Level

The works include the following:

- Demolition of internal room configuration to create a new games room
- New entry facilities together with rainwater storage tanks
- Existing windows on southern elevation to be changed
- This level will also comprise:
  - Two bedrooms,
  - Music room
  - Bathroom
  - Laundry



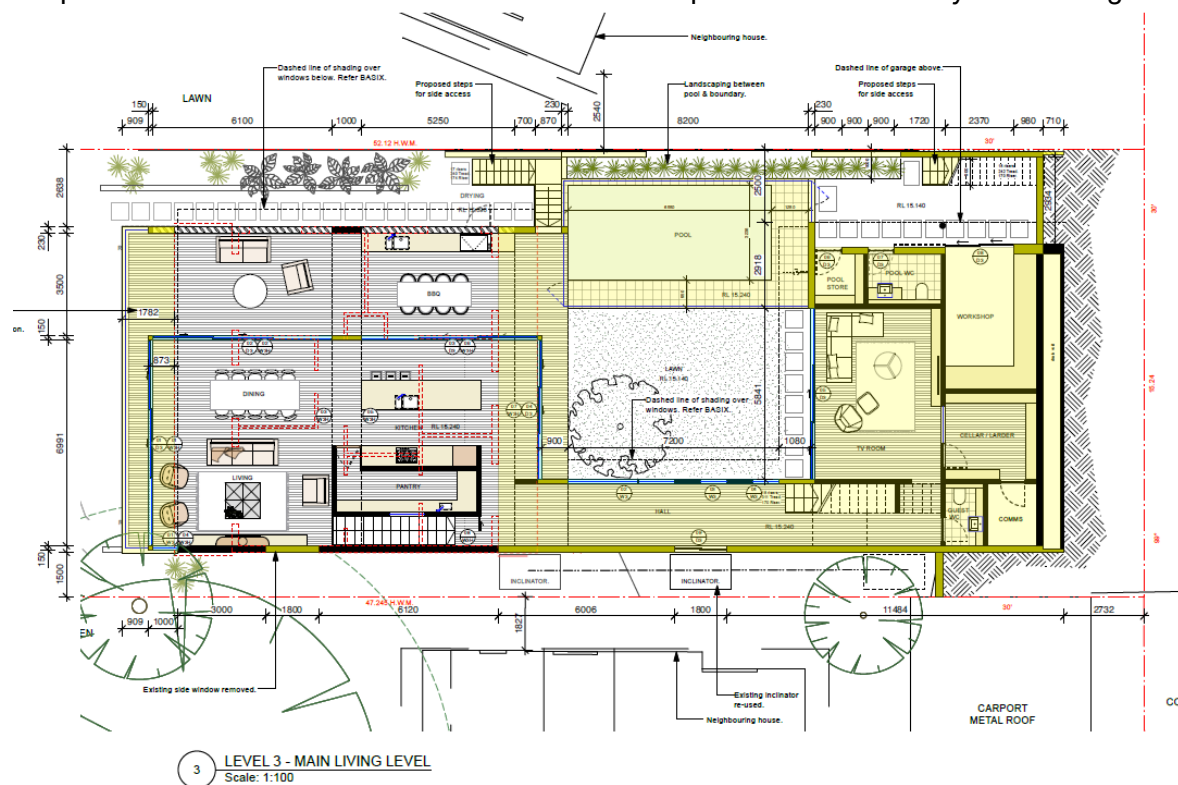
Source: UTZ Sanby drawing– DA-01



### Level 3 – Main Living Area

This level comprises a substantial degree of new works as defined in yellow shading below:

- Existing internal room arrangement to be demolished and replaced with a new kitchen, living dining and outdoor verandah areas
- The southern component of the courtyard dwelling is linked by a hallway which leads to the northern component of the courtyard dwelling. This component of works comprises the following:
  - TV room
  - Cellar room
  - Bathrooms
  - Workshop
  - Pool store and pool storage area
- In the central courtyard this area will be a partly lawned area together with a swimming pool which abuts the southern and northern components of the courtyard dwelling.



#### Drawing Key

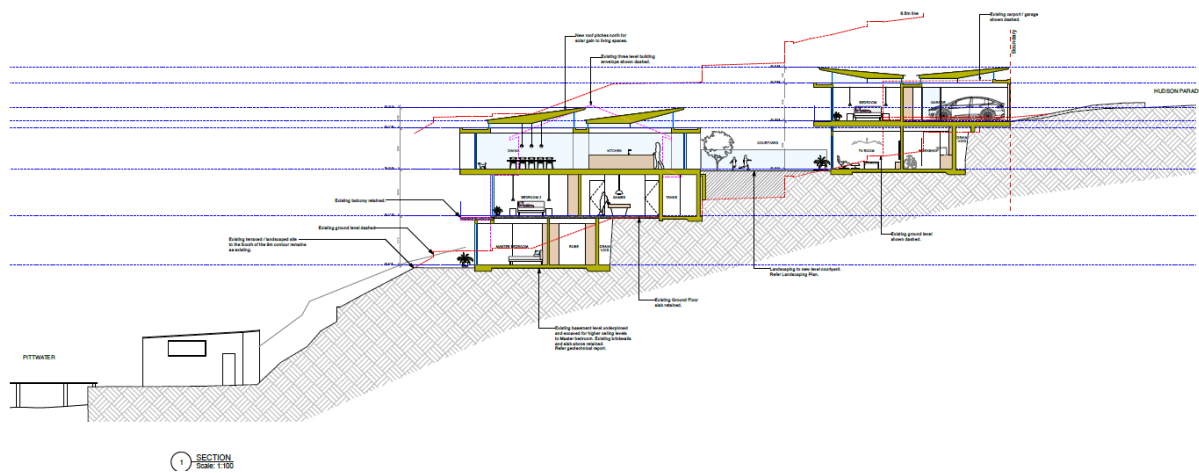
- Yellow Highlight = Addition.
- Blue Highlight = New Window.
- Red Dashed = Demolished Wall.

Source: UTZ Sanby drawing – DA-01



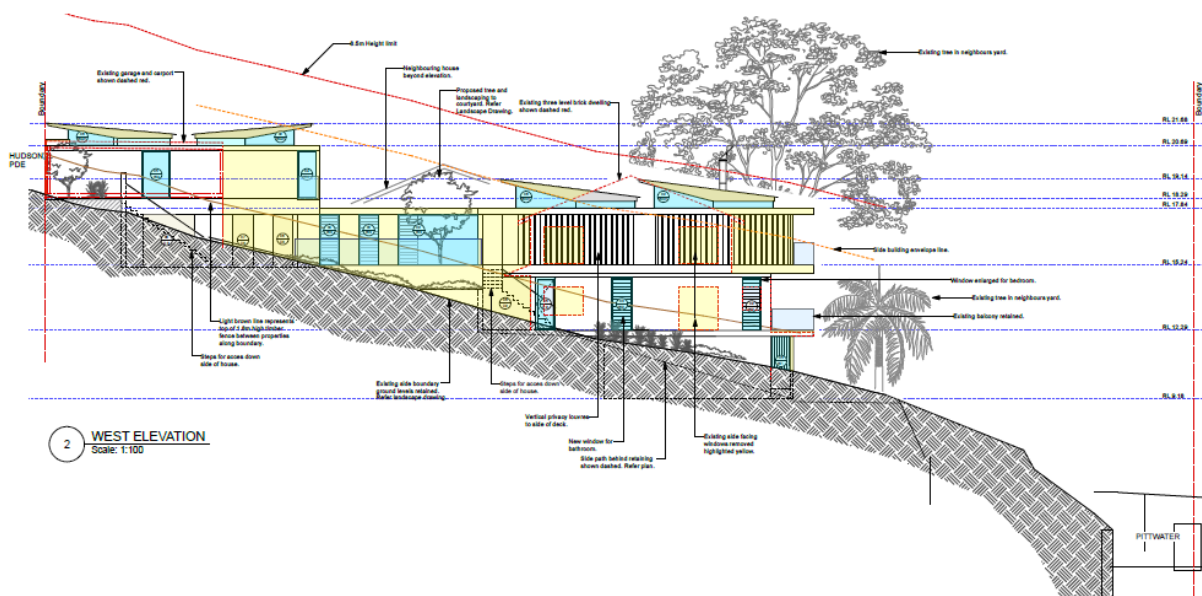


The section below clearly depicts the layout of the courtyard house and how each component of the residence is integrated into one dwelling which takes into consideration the topography of the site and steps down the land in the most sensitive manner in an endeavour to reduce any bulk and scale and to stay within the 8.5m height of building limitation.

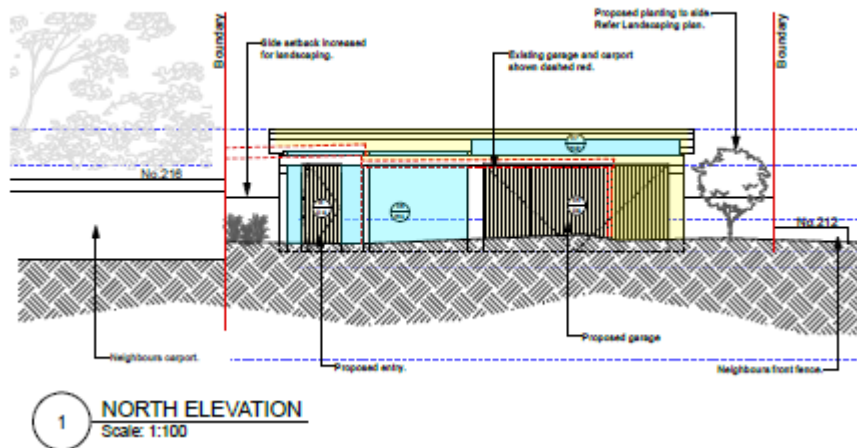


Source: UTZ Sanby drawing– DA Section DA-02

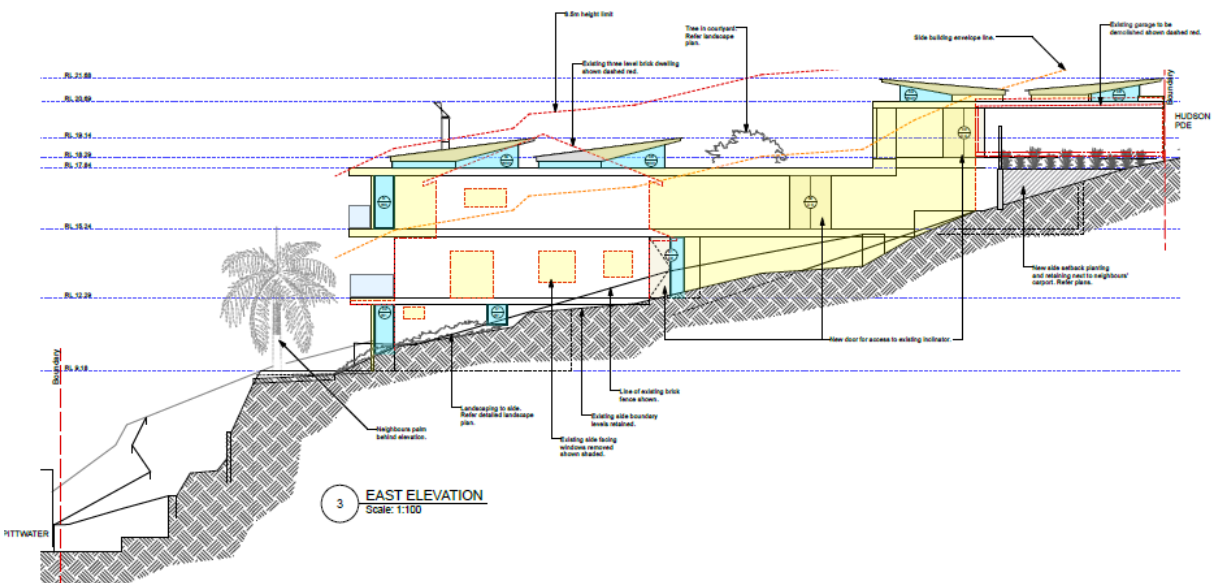
The elevations displaying the building are set out in the following drawings:



Source: UTZ Sanby drawing – DA Elevations DA-03

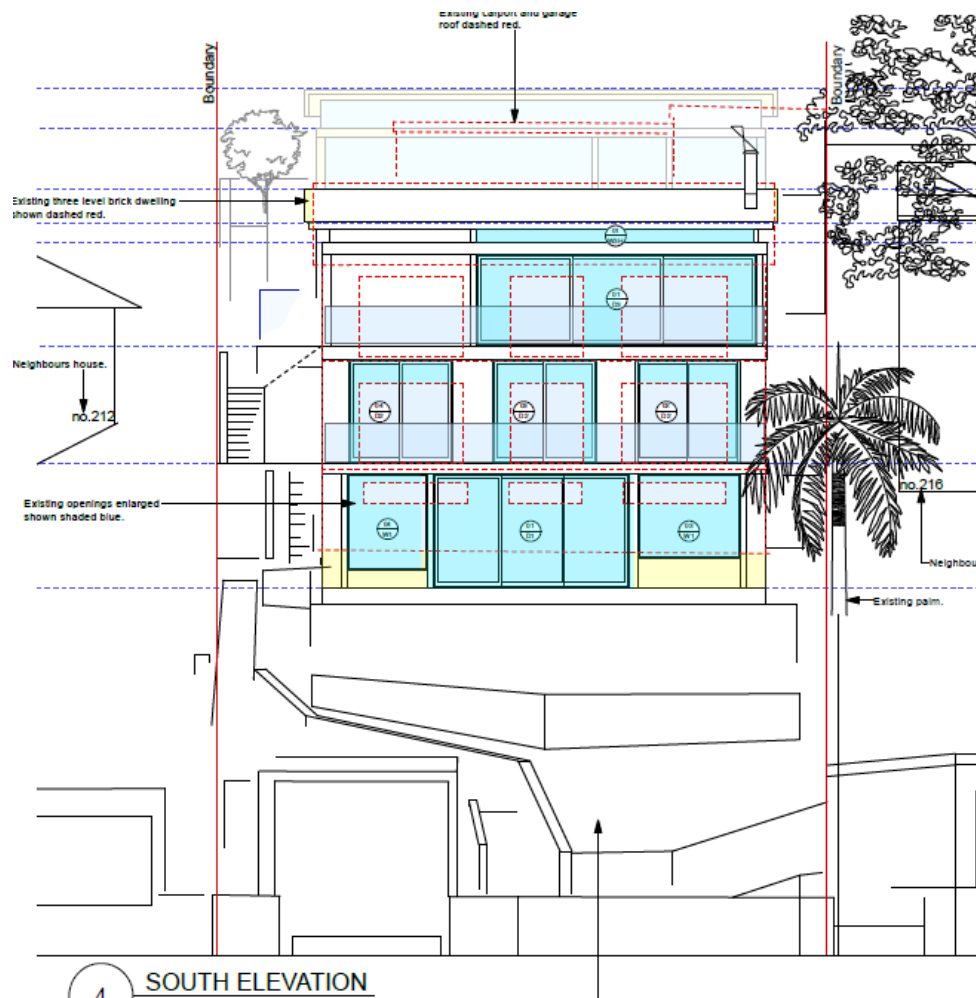


Source: UTZ Sanby drawing – DA Elevations DA-03



Source: UTZ Sanby drawing – DA Elevations DA-03








Source: UTZ Sanby drawing – DA Elevations DA-03

**Note:** In respect to level 1, parents' level, a note regarding the neighbours tree is shown on the architectural drawing. This note is important for Council to appreciate that the proposed development does not have any adverse impacts due to the comments that are reflected below:




Neighbours' Tree.  
80cm stem measured at 1.4m  
Therefore:  
TPZ radius is 9.6m  
TPZ area(m<sup>2</sup>) is 289.5m<sup>2</sup>  
Encroachment area is 10m<sup>2</sup>  
Encroachment % is 2.9%  
Less than 10% means development  
is not classed as a major incursion.  
Based on AS4970-2009 Protection  
of trees on development sites.

## BUILT FORM CONTROLS

### EXISTING CALCULATIONS

TOTAL AREA: 739.8m <sup>2</sup>		
	EXISTING BUILT	208.6m <sup>2</sup> / 28.2%
	EXISTING LANDSCAPED	320.1m <sup>2</sup> / 43.2%
	EX. IMPERVIOUS LANDSCAPED	211.1m <sup>2</sup> / 28.6%

### PROPOSED CALCULATIONS

TOTAL AREA: 739.8m <sup>2</sup>		
	BUILT	298m <sup>2</sup> / 40.28%
	LANDSCAPED	397.8m <sup>2</sup> / 53.77%
	IMPERVIOUS LANDSCAPED	44m <sup>2</sup> / 5.95%

Total Area = 739.8m<sup>2</sup>  
Max B.U.A = 40% / 295.92m<sup>2</sup>  
Min Landscaping = 60% / 443.88m<sup>2</sup>  
Max Imperv L'scaped = 6% / 44.38m<sup>2</sup>

## RENDERS FROM THE STREET VIEW AND PITTWATER





## 4 STATUTORY PLANNING REQUIREMENTS

The statutory planning controls relevant to the proposed development are as follows:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Coastal Management) 2018;
- Pittwater Local Environmental Plan 2014;
- Pittwater 21 Development Control Plan.

### 4.1 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land is applicable to all land within NSW and aims to promote the remediation of contaminated land and to reduce risk of harm to human health and the environment. Clause 7 of the SEPP Provisions prescribes that the consent authority must consider whether the land is contaminated; if the land is contaminated, it should be satisfied that the land is suitable in its contaminated state and/or if suitable remediation processes are required before the land can be used for any proposed purpose.

The subject land has been used for residential purposes for many decades as the existing dwelling appears to have been erected in the 1960-70s. Given the history of residential use of the land the site is not considered to be the subject of contamination and further investigation is not required at this stage.

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

The SEPP Building Sustainability Index (BASIX) 2004 is applicable to the subject site. Clause 6 of the SEPP Provisions prescribe that the proposal is deemed to be a 'BASIX affected development' under the *Environmental Planning and Assessment Act 1979* and a BASIX certificate is required to accompany any prospective Development Application for the proposed works.

A BASIX Certificate has been prepared, number A427961, dated 24 August 2021, which indicates that the proposed development will satisfy the relevant water and energy reducing targets.

### 4.3 State Environmental Planning Policy (Infrastructure) 2007

This application does not require a referral to the electricity supply authority as the proposal is not affected by any of the defined clauses within the SEPP.

### 4.4 Coastal Management Act 2016

The [Coastal Management Act 2016](#) establishes the framework and overarching objects for coastal management in New South Wales.

The purpose of the CM Act is to manage the use and development of the coastal environment in an ecologically sustainable way, for the social, cultural and economic well-being of the people of New South Wales.

The CM Act also supports the aims of the *Marine Estate Management Act 2014*, as the coastal zone forms part of the marine estate.

The CM Act defines the coastal zone, comprising of four coastal management areas:

1. coastal wetlands and littoral rainforests area
2. coastal vulnerability area
3. coastal environment area
4. coastal use area.

A review of the legislation and associated maps has identified the site as being within the Coastal Environment Area and Coastal Use Area and therefore the SEPP (Coastal Management) 2018 applies. Set out below is the relevant provisions that affect land that falls within the classification of Division 3 - Coastal Environment Area and Division 4 - Coastal Use area and Division 5 – General (Development in a coastal zone generally).

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) *to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) *to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) *to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) *to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) *to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) *to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) *to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) *to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) *to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) *to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) *to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) *to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) *to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggest that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018 as set out in Clause 3 of the Coastal Management Act 2016.

## 4.5 State Environmental Planning Policy (Coastal Management) 2018

The subject site has been identified as being within the Coastal Environment Area and Coastal Use Area and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

*The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:*

- (a) *managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) *establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) *mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The matters for consideration under Part 2, Development Controls for Coastal Management Areas:

### Division 3 – Coastal Environment Area

#### 13 Development on land within the coastal environment area

- (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.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).

**Comment – the subject site has been used for residential purposes for many decades. The works associated with this DA are located within that part of the site that has already been disturbed for residential and private recreation purposes. Any discharge of stormwater will be in accordance with a stormwater management plan and in the main, comprise run off from roof water and accordingly it is not considered that water quality in any way would be impacted upon from the subject proposal.**

**The proposed development does not result in any adverse impacts upon marine life, vegetation or native flora or fauna.**

**The subject proposal will not result in any adverse impacts or loss of public access to the beach area that adjoins the subject property adjacent to Pittwater.**



**Subject property**

Source: Coastal Environment Area Map <https://webmap.environment.nsw.gov.au>



## PART 2 – DEVELOPMENT CONTROLS FOR COASTAL MANAGEMENT AREAS

### 14 Development on land within the coastal use area

- (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.
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).

**Source: State Environmental Planning Policy (Coastal Management) 2018  
NSW Department of Planning and Environment.**



**Subject property**

**Coastal Use Area Map**

**Comment on Section (a) of Clause 14 of the SEPP (Coastal Management):**

- The subject proposal will not result in any adverse impacts on the existing safe access to and along the beach foreshore.
- The proposal does not result in overshadowing, wind funnelling or the loss of any views from a public place to the foreshore.
- The visual amenity and scenic qualities of the coastline in this immediate locality are not impacted in any way by the proposed development.
- The proposal does not result in any impacts upon Aboriginal cultural heritage, practices or places.
- The cultural and built environmental heritage in this locality is not impacted by the proposed alterations and additions to an existing dwelling.

**Comment Section (b) of the SEPP:**

- The proposed alterations and additions have been designed to avoid any adverse impacts referred to in Section (a) above;
- The development does not have any adverse impacts that need to be minimised to be compliant with section (a) above;

**Comment on section (c) of the SEPP:**

- The development has been sensitively designed taking into account the surrounding coastal and built environment and the bulk, size and scale of the development is appropriate for the site and considered to be a 'good fit' for the neighbourhood and surrounding environment.

**PART 2 – DEVELOPMENT CONTROLS FOR COASTAL MANAGEMENT AREAS (SEPP)**

**Division 5 General**

***15 Development in coastal zone generally—development not to increase risk of coastal hazards***

*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.*

**Comment:** The proposal provides for alterations and additions to an existing dwelling. The nature of the work intended to be undertaken is not considered to result in any increase to the risk of coastal hazard to the subject property or adjoining land.

Based on the assessments that have been undertaken of the relevant sections of the Coastal Management Act 2016 and SEPP (Coastal Management) 2018, it is evident that the proposed development is considered to be consistent with the matters that are required to be assessed under SEPP (Coastal Management) 2018.

## 4.6 PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

### 4.6.1 PLEP 2014 – LAND USE

Under PLEP 2014 the property is zoned E4 Environmental Living as per the map below:



Source: WLEP2011

#### Subject Site

The zone objectives and permissible land uses are set out below:

#### Zone E4 Environmental Living

##### 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.

##### 2 Permitted without consent

Home businesses; Home occupations

### **3 Permitted with consent**

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

### **4 Prohibited**

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

**Comment: Dwellings houses are a permissible land use under the E4 Environmental Living zoning under PLEP 2014 therefore the alterations and additions to a permissible land use (dwelling house) and consistent with the objectives of this zone as per the comments below.**

Objectives:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

**Comment: The proposal comprises alterations and additions to an existing residence which represents low impact residential development in an area that does have special environmental values such as coastal area, water views and aesthetic values.**

- *To ensure that residential development does not have an adverse effect on those values.*

**Comment: The proposal does not result in any adverse impacts on areas which would fall within a category of special ecological, scientific or aesthetic values**

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*

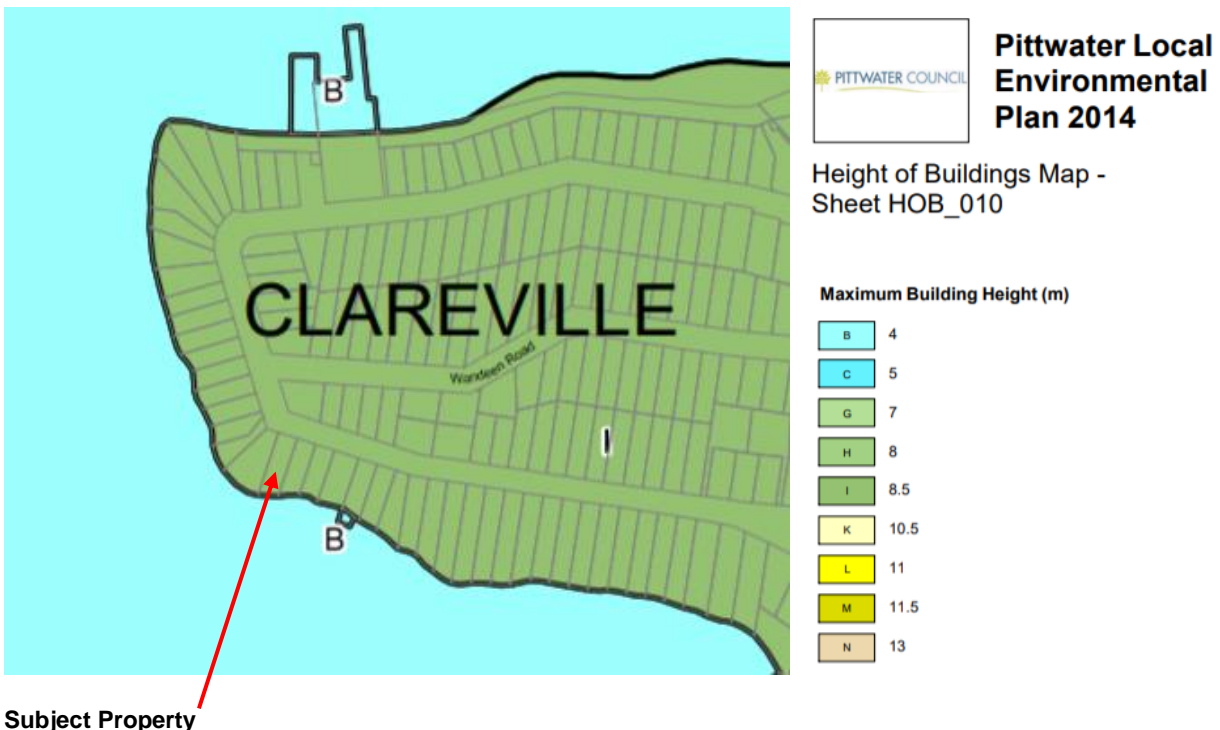
**Comment: The scale of the development is of a low density single detached residential dwelling which has been specifically designed to be integrated with the land form and existing landscape.**

- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

**Comment: The proposal does not have any impact upon foreshore vegetation or wildlife corridors.**



#### 4.6.2 PLEP 2014 – CLAUSE 4.3 - HEIGHT OF BUILDINGS



**Comment:** The height of buildings map defines an 8.5m height limitation for the subject property. The proposed development is compliant with this development standard.

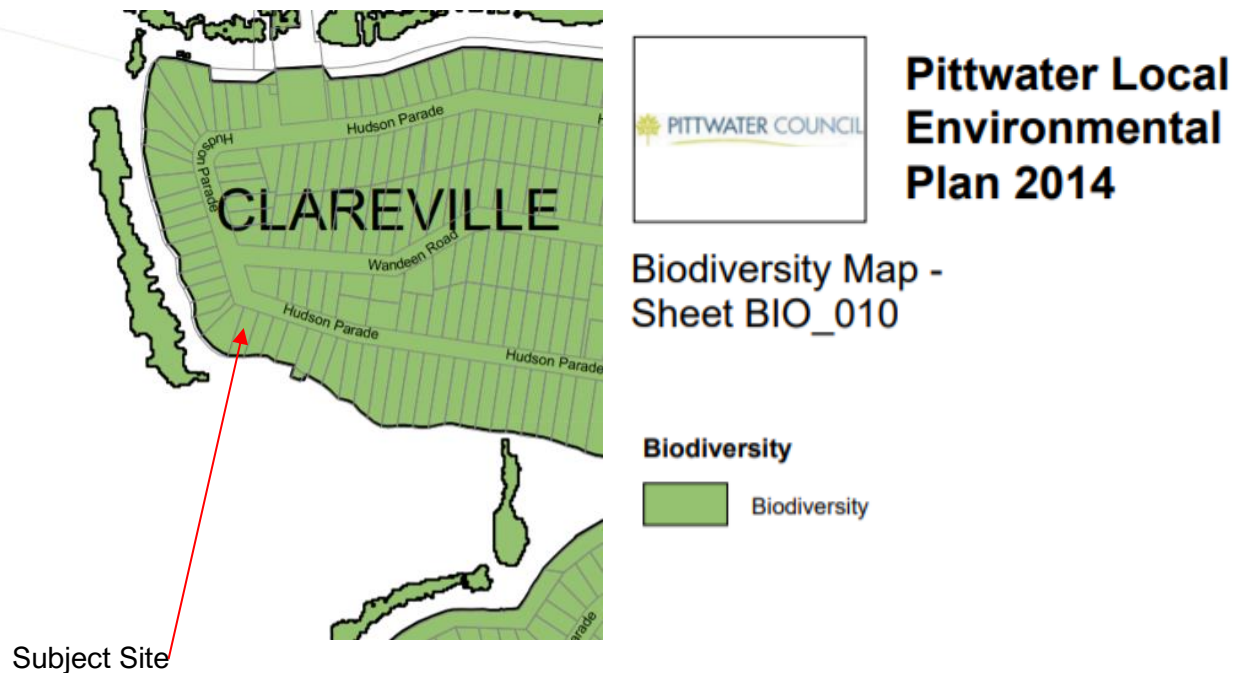
#### 4.6.3 RELEVANT CLAUSES FROM PLEP2014

**Clause 7.1** relates to acid sulfate soils. The site has been identified as Class 5. The proposal does not involve any substantial excavation of the site and as such, it is not anticipated that any acid sulfate soils will be disturbed.

**Clause 7.2** relates to earthworks. Douglas Partners Geotech Engineers have carried out a comprehensive geotechnical assessment which includes consideration of excavation and retaining structures. Refer to Section 5.3 of Douglas Partners report which addresses earthworks associated with the subject proposal.

**Clause 7.3** relates to flood planning. The site is NOT identified as on NBC Flood Hazard Map.

#### 4.6.4 PLEP 2014 – CLAUSE 7.6 BIODIVERSITY PROTECTION



The land is noted within Council's Biodiversity mapped area.

- (1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.

**Comment: Total Earth Care have carried out an Estuarine Risk Management report. A copy of their document will form part of the DA package. The conclusion reached by Total Earth Care is set out below:**

*"The proposal may cause moderate sedimentation through run off during high rainfall events. Overall, with the mitigation measures listed above, the proposal has a low risk of adversely impacting the coastal environment area. As such, the requirements of the Coastal Management SEPP are satisfied and the proposal can proceed."*

#### 4.6.5 PLEP 2014 – CLAUSE 7.8 LIMITED DEVELOPMENT ON FORESHORE AREA

The site is noted as being affected by Council's Foreshore Building Line Map.

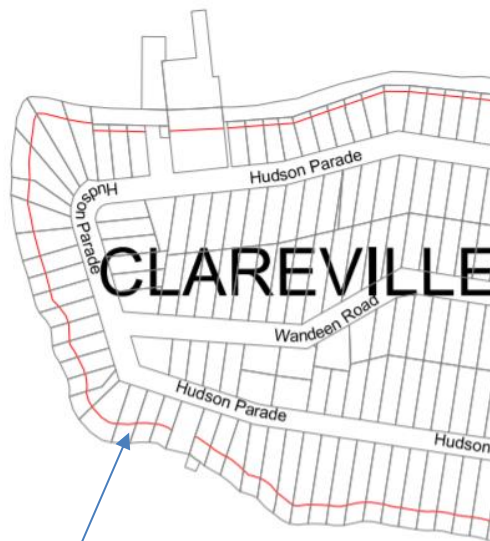
- (1) The objectives of this clause are as follows—
  - (a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,
  - (b) to ensure continuous public access along the foreshore area and to the waterway.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,
  - (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (3) Development consent must not be granted under this clause unless the consent authority is satisfied that—
- (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
  - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
  - (c) the development will not cause environmental harm such as—
    - (i) pollution or siltation of the waterway, or
    - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
    - (iii) an adverse effect on drainage patterns, or
    - (iv) the removal or disturbance of remnant riparian vegetation, and
  - (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and
  - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
  - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
  - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
  - (h) sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.
- (4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following—
- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,
  - (b) public access to link with existing or proposed open space,
  - (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,
  - (d) public access to be located above mean high water mark,
  - (e) the reinforcing of the foreshore character and respect for existing environmental conditions.
- (5) In this clause—

**foreshore area** means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the [Foreshore Building Line Map](#).

**foreshore building line** means the line shown as the foreshore building line on the [Foreshore Building Line Map](#).





## Pittwater Local Environmental Plan 2014

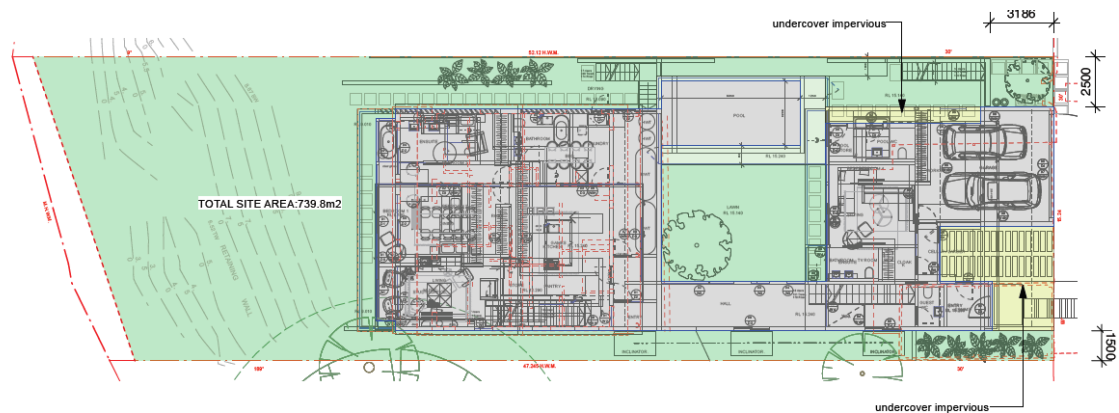
### Foreshore Building Line Map - Sheet FBL\_010

#### Foreshore Building Line

— Foreshore Building Line

**Subject property**

**Comment:** The subject proposal which involves alterations and additions to an existing dwelling, all of which are located above the foreshore building line area. The proposal does not involve any works below the 9m contour as shown on the DA Landscape Concept Plan drawing SK-8. Accordingly, it is submitted that, in light of the fact that no works will be carried out within the Foreshore Building Line, no further investigation or comments are required.



2

**Proposed Site Area Calculations**  
Scale: 1:200

Source: Utz Sanby drawing No. Sk-8

#### 4.6.6 Pittwater 21 Development Control Plan 2014

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D Avalon Beach Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

#### Section A - Shaping development in Pittwater

*"Pittwater's bush, beach and water character is retained with high quality development and functional land uses which are in harmony with the community's needs and aspirations".*

The desired outcomes for the Avalon Beach Locality, in which this site falls, are as follows:

##### A4.1 Avalon Beach Locality

*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. Vehicular and pedestrian access into and through the locality is good. Pedestrian links, joining the major areas of open space (Angophora Reserve, Stapleton Park and Hitchcock Park) and along the foreshores, should be enhanced and upgraded. Similarly, cycle routes need to be provided through the locality. Carparking should be provided on site and where possible integrally designed into the building.*

*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 natural landscape of Careel Bay, including seagrasses and mangroves, will be conserved. Heritage items and conservation areas indicative of early settlement in the locality will be conserved, including the early subdivision pattern of Ruskin Rowe.*

*Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.*

**Comment:** The proposal which involves alterations and additions to an existing residence is deemed to be consistent with the desired future character of the Avalon Locality in terms of the following:

- The proposal will continue to provide an informal, relaxed, casual seaside environment;
- The development maintains a building height which is consistent with the existing built form that prevails in this locality and does not change the overall bulk and scale of the building that is currently erected on the site;
- The building utilizes façade modulation and incorporates shade elements including balconies, all centred around an internal courtyard;
- Building colours and materials have been designed to harmonize with the natural environment;
- A balance is achieved between maintaining the landforms, landscapes and other features of the natural environment and development of the land;
- The proposal provides for an exceptionally high standard of residential amenity for the future residents and is considered to be the right neighbourhood fit for the Avalon Beach locality;
- The proposal does not have any adverse impact upon the existing vehicular, pedestrian and cycle access within and through the locality;
- The proposal has been designed to reflect boundary side boundary setbacks which enhance view corridors from the public road towards Pittwater;
- The scale and bulk of the built form are designed to effectively moderate the scale of the building when perceived from the street and surrounding locations;
- The elevations are varied in expression and designed primary to respond to significant views, setbacks and the site;
- The building has a modern and clean aesthetic tempered by environmental control, site response and landscape elements.

## Section B General Controls - PDCP

The General Controls applicable to the proposed alterations and additions are summarised as:

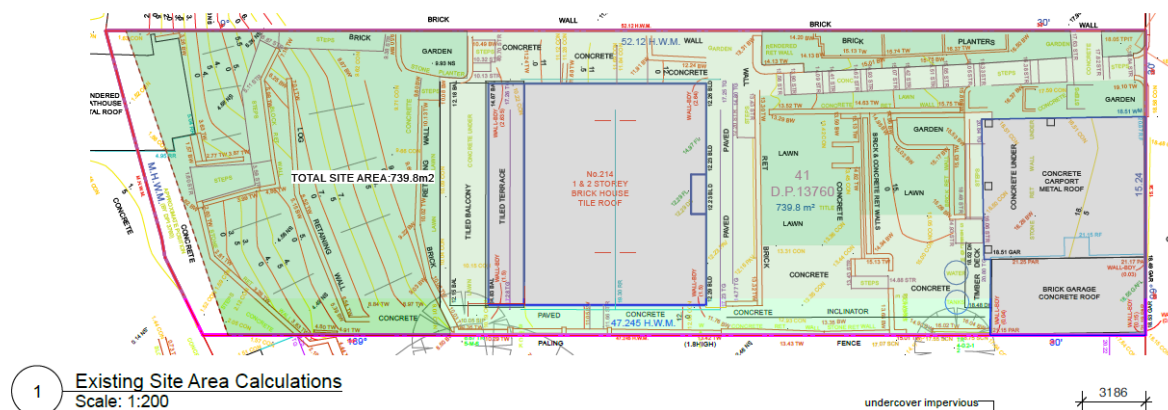
Section B: General Controls	
B3 – Hazard Controls	
B3.1 Landslip Hazard	
Control/Requirement	Proposed Development
<p>All development on land to which this control applies must comply with the requirements of the <u>Geotechnical Risk Management Policy for Pittwater</u> (see Appendix 5).</p> <p>Development 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 <u>Geotechnical Risk Management Policy for Pittwater</u> (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 site is located within a geotechnical hazard H1 area. A geotechnical report has been prepared by Douglas Partners. All works will be carried out in accordance with the recommendations contained in the Geotech document.</p>
B3.7 Estuarine Hazard – Low Density Residential	
Control/Requirement	Proposed Development
<p>The following applies to all development:</p> <p>All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes; and,</p> <p>All structural elements below the Estuarine Planning Level shall be constructed from flood compatible materials; and,</p> <p>All structures must be designed and constructed so that they will have a low risk of damage and instability due to wave action and tidal inundation;</p>	<p>The proposal is supported by a biodiversity study and there is no evidence of any adverse impacts associated with this low-density residential development noting that there are no works proposed to be carried out on the foreshore area.</p>

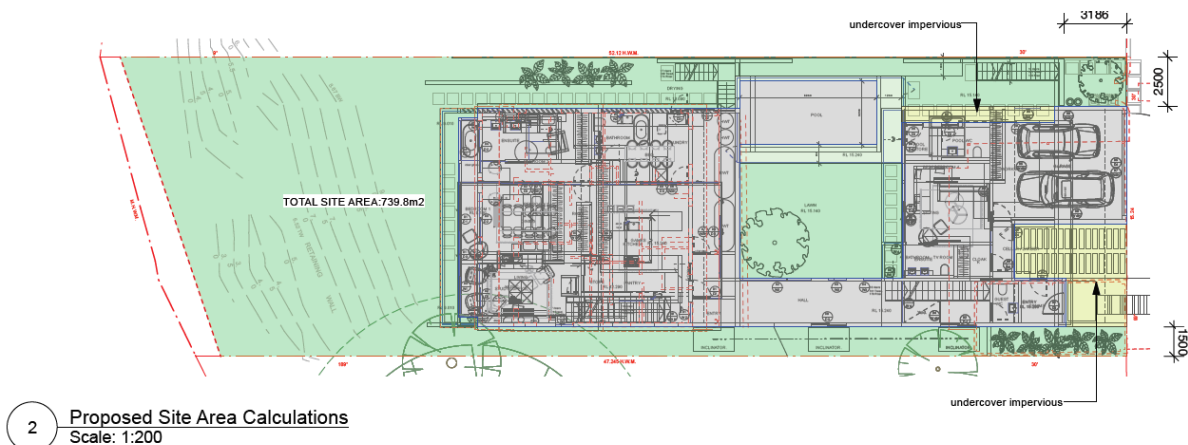


Section B: General Controls	
B3 – Hazard Controls	
B3.11 Flood Prone Land	
Control/Requirement	Proposed Development
Applies to land as being affected by flooding on the Flood Risk Precinct Map or as otherwise determined	The site is not located within flood prone land.
B5 – Waste Management	
B5.13 Development on Waterfront Land	
Control/Requirement	Proposed Development
<p><b>Outcomes:</b>  <i>Protection of waterways and improved riparian health (En)</i>  <i>Stormwater and creek flows are safely managed. (S)</i>  <i>Appropriate setback between waterways and development (En)</i></p> <p><b>Control:</b>  <i>Any waterfront land (as defined in the Water Management Act 2000) on a the property shall be retained in their natural state to: carry stormwater/flood flows, maintain aquifers, retain stability, and provide habitat functions.</i></p> <p><i>Development adjoining waterfront land is to be landscaped with local native plants.</i></p>	<p>The subject site has a frontage to Pittwater however no works are proposed to be carried out within the foreshore building line and accordingly there is no risk to the waterways.</p> <p>There is no intention to change the existing landscape environment that currently prevails between Pittwater and the current foreshore building line.</p>
B5.15 Stormwater	
Control/Requirement	Proposed Development
<p><i>Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, <a href="#">riparian</a> areas and <a href="#">bushland</a>;</i></p> <p><i>Minimise the <a href="#">risk</a> to public health and safety;</i></p> <p><i>Reduce the <a href="#">risk</a> to life and property from any flooding and groundwater damage; Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.</i></p> <p><i>Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle Reduce the consumption of <a href="#">potable water</a> by encouraging water efficiency, the reuse of water and use of alternative water sources</i></p> <p><i>Protect <a href="#">Council</a>'s stormwater <a href="#">drainage</a> assets during development works and to ensure <a href="#">Council</a>'s <a href="#">drainage</a> rights are not compromised by development activities.</i></p>	<p>Refer to the stormwater management plan prepared by Partridge Hydraulic Services which forms part of the supporting documentation to the subject application. Reference is also made to the comments on Stormwater in the Geotech report prepared by Douglas Partners. The BASIX statement also addresses stormwater management. It is evident from the relevant documents that have been prepared that the roof water from the new roof areas will be connected to the existing stormwater system. There is no substantial change to the run-off characteristics of the site and therefore the retention of the existing arrangements for stormwater disposal are deemed reasonable in this instance.</p>

<b>B6 – Access and Parking</b>	
<b>B6.1 Access driveways and works on the Public Road Reserve</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p>The controls seek to achieve the outcomes:</p> <p><i>Safe and convenient access. (S)</i>  <i>Adverse visual impact of driveways is reduced. (En)</i>  <i>Pedestrian safety. (S)</i>  <i>An effective road drainage system. (En, S)</i>  <i>Maximise the retention of trees and native vegetation in the road reserve. (En, S)</i></p>	<p>At present there is driveway access directly off Hudson Parade which gives direct vehicular access to the double carport and the garage structure. The existing driveway is to be removed with a new driveway constructed. The new drive is as shown on drawing DA-00 – Site Plan. The new driveway will utilise the area that is currently defined as vehicular crossing onto Hudson Parade. The driveway crossing arrangements have been designed to provide suitable vehicle access to the premises with separate pedestrian access on the eastern side of the property alignment. In accordance with the existing vehicular access arrangements they meet the necessary controls in providing for safe and convenient access facilities and do not in any way represent a hazard to pedestrian safety.</p>
<b>B6.2 Internal Driveways – Low Density Residential</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p>The controls seek to achieve the outcomes:</p> <p><i>Safe and convenient access. (S)</i> <i>Reduce visual impact of driveways. (S)</i>  <i>Pedestrian safety. (S)</i>  <i>An effective road drainage system. (En, S)</i>  <i>Maximise the retention of trees and native vegetation. Reduce contaminate run-off from driveways.</i></p>	<p>The garage facility is built on the property boundary in accordance with the existing structure double car port and garage structure. There is no internal driveway facilities associated with the proposed development. It is reasonable to conclude that the proposed garage facilities which are identical in location to the existing arrangements and provide for safe and convenient vehicular and pedestrian access. The development does not require the removal of any trees or native vegetation.</p>
<b>B6.3 Off-street Vehicle Parking Requirements</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p>The controls seek to achieve the outcomes:</p> <p><i>Safe and convenient parking (En,S)</i></p>	<p>The DCP controls require a minimum of 2 onsite parking spaces for a dwelling with 2 bedrooms or more. The site will retain two off street parking spaces within the proposed new garage, which will satisfy this control.</p>
<b>B8 SITE WORKS MANAGEMENT</b>	
<b>B8.1 Construction and Demolition – Excavation and Landfill</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p>The controls seek to achieve the outcomes:</p> <p><i>Site disturbance is minimised. (En)</i>  <i>Excavation and construction not to have an adverse impact. (En)</i>  <i>Excavation operations not to cause damage on the development or adjoining property. (S)</i></p>	<p>Refer to the Geotech report prepared by Douglas Partners.</p>

<b>B8.2 Construction and Demolition – Waste Minimisation</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p>The controls seek to achieve the outcomes:</p> <p><i>Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)</i></p>	<p>Refer to the waste management plan prepared by the project architects.</p>
<b>SECTION C – DEVELOPMENT TYPE CONTROLS</b>	
<b>C1.1 Landscaping</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p>The controls seek to achieve the outcomes:</p> <p><i>A built form softened and complemented by landscaping. (En)</i></p> <p><i>Landscaping reflects the scale and form of development. (En)</i></p> <p><i>Retention of canopy trees by encouraging the use of pier and beam footings. (En)</i></p> <p><i>Development results in retention of existing native vegetation. (En)</i></p> <p><i>Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)</i></p> <p><i>Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)</i></p> <p><i>Landscaping enhances habitat and amenity value. (En, S)</i></p> <p><i>Landscaping results in reduced risk of landslip. (En, Ec)</i></p> <p><i>Landscaping results in low watering requirement. (En)</i></p>	<p>The proposal retains the generous areas of soft landscaping on site and will not require the removal of any significant vegetation. The site will maintain its contribution to the landscaped character of the locality.</p> <p>Refer to the landscape plans set out below which show the comparison between the existing and proposed landscaping. It is noted that the proposed landscaped area has increased significantly with a major increase to the existing landscaped area from 43.2% to 53.77%.</p>





<b>C1.2 Security and Safety</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p><i>On-going safety and security of the Pittwater community. (S) Opportunities for vandalism are minimised. (S, Ec)</i></p> <p><i>Inform applicants of Council's requirements for crime and safety management for new development. (S)</i></p> <p><i>Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)</i></p> <p><i>Identify crime and safety priority areas in Pittwater LGA (S, Ec)</i></p> <p><i>Improve community safety and reduce the fear of crime in the Pittwater LGA (S)</i></p> <p><i>Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)</i></p>	<p>The site will retain the opportunity to view the driveway and street area with casual surveillance of the immediate area available.</p>
<b>C1.3 View Sharing</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p>The controls seek to achieve the outcomes:</p> <p><i>A reasonable sharing of views amongst dwellings. (S)</i></p> <p><i>Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)</i></p> <p><i>Canopy trees take priority over views. (En, S)</i></p>	<p>See comments below relating to view sharing.</p>



**Comment:** A number of inspections have taken place of the subject site and the immediate locality along both Hudson Parade and the foreshore area. It is submitted that due to the topography of the land to which the application relates, which is identical to other properties along this side of Hudson Parade, there is no evidence of adverse view loss from the proposal as the existing house is located in the rear section of the site that abuts the foreshore area and the overall height of the existing building does not change as a result of the proposed works. The existing garaging accommodation at the front of the property in Hudson Parade will be demolished and replaced with a new modern and contemporary garage and entry facility. The proposed works do not impact upon any view corridors that currently prevail from the two adjoining residential dwellings as their sites have similar topographical features with homes located at the rear of the property towards the foreshore. In respect to those dwellings located on the high side of Hudson Parade immediately opposite the subject property, they overlook the existing garaging facilities and the same will apply to the new garaging facilities.

To ensure that the position has been formed by Tomasy Planning that there has been no adverse impacts upon neighbouring properties and to make sure there is reasonable sharing of views amongst dwellings, the following view loss assessment takes into account the planning principles of *Tenacity Consulting vs. Warringah City Council [2004] NSWLEC 140*. The four-step assessment for view loss is as follows:

- *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
- *The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
- *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe, or devastating.*
- *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.*

*If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

**Comment:** The proposal will not adversely impact views within the public domain and the neighbouring properties or the dwellings that are located immediately opposite site on the high side of Hudson Parade. The adjoining residential development currently enjoys views directly towards Pittwater and beyond and these views will not be impacted upon in any way because

of the subject proposal. The project architects in conjunction with Tomasy Planning have provided photographs to assist in their assessment of the view impact with the steps outlined in *Tenacity vs Warringah Council {2004} NSWLEC140*.

### **Step 1 – Assessment of views to be affected**

- Water views are valued more highly than land views.
- Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons.
- Whole views are valued more highly than partial views, e.g. water view, in which the interface between land and water is visible is more than valuable that one in which it is obscured.

**Comment:** The dwellings at No 212 and 216 Hudson Parade have existing water views in a southerly direction over Pittwater and beyond. These views do not embrace any iconic views such as the Opera House, Harbour Bridge or North Head but are considered to be highly valued water views. The proposal, the subject of this application seeks alterations and additions to the existing dwelling together with new works associated with the existing car parking facilities on Hudson Parade. The views that are currently enjoyed by the neighbouring properties are not affected in any way as all their principal views are towards Pittwater and such views are maintained. In respect to properties located on the high side of Hudson Parade directly opposite the subject property, views from these premises look directly over the existing garaging facilities and the same would apply to the proposed development as it relates to the works to be carried out along the Hudson Parade frontage.



Property on the elevated side of Hudson Parade



Property on the elevated side of Hudson Parade – immediate proximity

## **Step 2 – Consider from what part the property the views are obtained**

The second step is to consider from where the views are obtained.

- Protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.
- View is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views.
- The expectation to retain side views and sitting views is often unrealistic.

**Comment:** Refer to comment above for step 1.

## **Step 3 – To assess the extent of the impact**

- This should be done for the whole of the property, not just for the view that is affected.
- The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them).
- The impact may be assessed quantitatively, but in many cases this can be meaningless.

**Comment:** In our opinion there is no impact under this step that would need to be assessed.



### **Public views obtained from Hudson Parade**

It is important to assess and acknowledge that there is a view corridor from Hudson Parade through to Pittwater which is located between the existing dwelling and their western boundary. This view is shown on the following photograph.



Existing view corridor towards Pittwater for a pedestrian walking along Hudson Parade

This view corridor has been enhanced as a result of the proposed development as shown on the render below. The proposal has a far greater aesthetic appeal with the type of construction and materials to be used in the building and has been purposely designed to enhance the view corridor along the western boundary along the subject site towards Pittwater.





#### **Step 4 – To assess the reasonableness of the proposal that is causing the impact**

- Development that complies with all planning controls would be considered more reasonable than one that breaches them.
- Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.
- With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

**Comment:** The proposed development complies with the relevant DCP requirements in terms of the following:

- Deep Soil Planting
- site landscaping
- Visual privacy
- Car parking requirements
- Solar access
- Natural ventilation
- Private open space and balconies
- Acoustic privacy
- Landscape design
- Energy efficiency
- Waste management
- Front and rear building line setbacks as per existing
- Side boundary setbacks as per existing
- Character of area as viewed from a public space.

The proposed development does not breach any of the Pittwater LEP development standards and in particular the height of building, Clause 4.3 provisions and Clause 7.8, limited development on foreshore area.

The proposed alterations and additions, represent a contemporary form and design which will contribute to the immediate context in the form of a development that is the right fit for the neighbourhood and is consistent with the streetscape of this precinct.

It is therefore respectfully submitted that this assessment of views has demonstrated that this proposal has been considered from a view-sharing perspective, and the principles of view sharing have been maintained.

<b>C1.4 Solar Access</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p><b>Outcomes</b></p> <p>Residential development is sited and designed to maximise solar access during mid-winter. (En)</p> <p>A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)</p> <p>Reduce usage and/dependence for artificial lighting. (En)</p> <p><b>Controls</b></p> <p>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.</p> <p>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).</p> <p>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.</p> <p>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</p> <p>The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</p>	<p>Refer to the architects solar access diagrams which demonstrate that there is compliance with both the objectives and controls. The proposal ensures that the private open spaces of the subject site and adjoining dwellings maintain a minimum of 3hrs of solar access in mid-winter. The new works will not unreasonably remove solar access to the primary living areas or primary open spaces of adjoining neighbouring properties.</p>
<b>C1.5 Visual Privacy</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p>The controls seek to achieve the outcomes:</p> <p><i>Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)</i></p> <p><i>A sense of territory and safety is provided for residents. (S)</i></p>	<p>The subject proposal achieves the desired outcomes to ensure that private open space recreation areas and principal living areas have been designed to protect the amenity of privacy of both the occupants of the subject dwelling and adjoining neighbours. In respect to the western elevation, level 3, screens have been added to the verandah and barbecue area to provide adequate privacy to both parties. These measures are also reflected on the western elevation (vertical privacy louvres to side of deck).</p>
<b>C1.6 Acoustic Privacy</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
	<p>The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms</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 <i>Protection of the Environment Operations Act 1997</i>, including noise from plant, equipment and communal or private open space areas (S)</p>	<p>are located away from major noise sources.</p> <p>Given the residential nature of the works, there will not be any significant Impact on the surrounding locality in terms of acoustic privacy. The works will maintain the current ample separation to living areas of adjoining properties, thereby maintaining existing levels of acoustic privacy.</p>
<b>C1.7 Private Open Space</b>	
Control/Requirement	Proposed Development
<p><b>Outcomes</b></p> <p>Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)</p> <p>Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)</p> <p>Private open space receives sufficient solar access and privacy. (En, S)</p> <p><b>Controls</b></p> <p>Private open space shall be provided as follows:-</p> <p><u>a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-</u></p> <p>Minimum 80m<sup>2</sup> of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</p> <p>Within the private open space area, a minimum principal area of 16m<sup>2</sup> with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</p> <p>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</p> <p>Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</p>	<p>The architects have diligently designed the alterations and additions to the existing residence to create a courtyard dwelling. The principal private open space is centrally located around the courtyard which will act as a place of recreation in conjunction with the swimming pool. This area of private open space meets and exceeds the requirements for private open space under the DCP. In addition to this area the southern section of the site provides additional area for private open space as the southern boundary abuts Pittwater and there is a significant distance between the property boundary and the exiting dwelling. This area is ideal for private recreation purposes and is closely aligned with the jetty and boat shed which are integral components of the subject site.</p>

<b>C1.10 Building Facades</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p><b>Outcomes</b> Improved visual aesthetics for building facades. (S)</p> <p><b>Controls</b> Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.</p>	<p>The existing building that is aligned to the front boundary comprises a dilapidated car port and 1960's garage. These will be replaced with modern contemporary building elements which will substantially enhance the streetscape in this immediate locality. The elevation of the proposed alterations and additions to the existing building at the rear when viewed from Pittwater will result in a significant enhancement of the façade of this building when viewed from a public place. It is submitted that the proposal has significant merit from a visual perspective, and this is achieved by the way the architects have designed the buildings when viewed from a public place to be modern and contemporary but at the same time complementary to the landscape and desired future character of this locality.</p>
<b>C1.12 Waste and Recycling Facilities</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p>The controls seek to achieve the outcomes:</p> <p><i>Waste facilities are accessible and convenient and integrate with the development. (En)</i></p> <p><i>Waste facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment. (En, S)</i></p>	<p>The required controls have been met and the proposal achieves the outcomes which ensures the adequate storage of waste and recyclable materials without adversely impacting upon the amenity of the neighbourhood.</p>
<b>C1.15 Storage Facilities</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p><b>Outcomes</b> Provision of convenient storage with the development. (S)</p> <p><b>Controls</b> A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.</p>	<p>The proposal provides for adequate storage facilities on level 3 and also level 1, parents level.</p>
<b>C1.17 Swimming Pool Safety</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p><b>Outcomes</b> The promotion of personal safety. (S) Compliance with Swimming Pools Act 1992 and Regulations (En, S)</p> <p><b>Controls</b> Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the <a href="#">Swimming Pools Act 1992</a> and</p>	<p>The swimming pool will meet the Australian Standards for fencing and the Act.</p>



<p><u>regulations</u>. The fencing and warning notices (resuscitation chart) shall be permanent structures.</p>	
<p><b><i>C1.19 Incline Passenger Lifts and Stairways</i></b></p>	
<p><b><i>Control/Requirement</i></b></p>	<p><b><i>Proposed Development</i></b></p>
<p><b><i>Outcomes</i></b> Incline passenger lifts and stairways that cause minimal visual and acoustic disturbance to the environment and neighbours. (En, S)</p> <p><b><i>Controls</i></b> Incline passenger lifts and stairways shall:</p> <ul style="list-style-type: none"> <li>i. be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees, and</li> <li>ii. be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures, and</li> <li>iii. be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and</li> <li>iv. be painted to blend in with surrounding vegetation and screened by landscaping and</li> <li>v. be set back two (2) metres from the side boundary to the outer face of the carriage</li> <li>vi. be located wholly on private land, and</li> <li>vii. have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling.</li> </ul> <p>On steeply sloping existing lots, incline passenger lifts are preferred to driveways where the required driveway grade may be difficult to achieve and would have an adverse impact on the landform, appearance, vegetation and species habitat. In such cases, a proposal will be subject to assessment based on merits, and should be no more than 1 metre above the existing ground level.</p>	<p>The existing inclinor will be re-used with a new access point into the hallway which connects the main living area and also to the bedroom on level 2. This is an existing inclinor with no changes to the alignment or location of the inclinor facilities which has been changed to allow for additional access points as part of the courtyard designed residence.</p>

## SECTION D – LOCALITY SPECIFIC DEVELOPMENT CONTROLS

### D1 Avalon Beach Locality

#### D1.1 Character as viewed from a public place

Control/Requirement	Proposed Development
<p><b>Outcomes</b></p> <p>To achieve the desired future character of the Locality.</p> <p>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)</p> <p>To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.</p> <p>The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)</p> <p>High quality buildings designed and built for the natural context and any natural hazards. (En, S)</p> <p>Buildings do not dominate the streetscape and are at 'human scale'.</p> <p>To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.</p> <p><b>Controls</b></p> <p>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> <p>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</p> <p>Any building facade to a public place must incorporate at least two of the following design features:</p> <ol 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> </ol>	<p>The Avalon Beach locality statement has been adequately addressed under Section 6.1</p> <p>The comments that are contained in section 6.1 as they adequately address the desired outcomes and controls including the character as viewed from a public place.</p> <p>The proposal will continue to provide an informal, relaxed, casual seaside environment;</p> <p>The development maintains a building height which is consistent with the existing built form that prevails in this locality and does not change the overall bulk and scale of the building that is currently erected on the site;</p> <p>The building utilizes façade modulation and incorporates shade elements including balconies, all centred around an internal courtyard;</p> <p>Building colours and materials have been designed to harmonize with the natural environment;</p> <p>A balance is achieved between maintaining the landforms, landscapes and other features of the natural environment and development of the land;</p> <p>The proposal provides for an exceptionally high standard of residential amenity for the future residents and is considered to be the right neighbourhood fit for the Avalon Beach locality;</p> <p>The proposal does not have any adverse impact upon the existing vehicular, pedestrian and cycle access within and through the locality;</p> <p>The proposal has been designed to reflect boundary side boundary setbacks which enhance view corridors from the public road towards Pittwater;</p> <p>The scale and bulk of the built form are designed to effectively moderate the scale of the building when perceived from the street and surrounding locations;</p> <p>The elevations are varied in expression and designed primarily to respond to significant views, setbacks and the site;</p> <p>The building has a modern and clean aesthetic tempered by environmental control, site response and landscape elements.</p>

<p>The bulk and scale of buildings must be minimised.</p> <p>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</p> <p>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.</p> <p>Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.</p> <p>General service facilities must be located underground.</p> <p>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.</p>	<p>It is also important to note that the proposal maintains the principal view corridors from Hudson Parade to Pittwater along the side boundary setbacks which are achieved by way of the alterations and additions to the existing dwelling. Views over and to the side of the dwelling will be retained from neighbouring dwellings noting that a number of the dwellings along Hudson Parade are located uphill of the proposal and overlook the existing development on the subject site. At present there is no view corridor on the eastern boundary of the subject development due to the location of the brick garage. This structure will be removed with a direct result of a 1.5m setback to the boundary which will create an additional view corridor between Hudson Parade and Pittwater.</p> <p>Views from Pittwater in a northerly direction towards the dwelling are unimpeded as a result of the proposed alterations and additions. In fact, the proposed modernisation to the southern elevation significantly enhances the built form of the existing dwelling when viewed from the Pittwater waterway. The same would prevail for any member of the public walking along the foreshore.</p>
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#### ***D1.4 Scenic Protection - General***

<b><i>Control/Requirement</i></b>	<b><i>Proposed Development</i></b>
<p><b><i>Outcomes</i></b> Achieve the desired future character of the Locality. Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)</p> <p><b><i>Controls</i></b> Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</p>	<p>Refer to the comments under section – character as viewed from a public place.</p>

#### ***D1.5 Buildings colours and materials***

<b><i>Control/Requirement</i></b>	<b><i>Proposed Development</i></b>
<p><b><i>Outcomes</i></b> The development enhances the visual quality and identity of the streetscape. (S)</p> <p>To provide attractive building facades which establish identity and contribute to the streetscape. To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater. The colours and materials of the development harmonise with the natural environment. (En, S)</p> <p>The visual prominence of the development is minimised. (S)</p>	<p>The project architect will be required to submit a materials schedule including building colours as part of the DA documentation. It is considered that the development is appropriate as the proposal will utilise finishes and colours which are compatible with the DCP controls along with the existing built form and character that prevails in this immediate locality.</p>

<p>Damage to existing native vegetation and habitat is minimised. (En)</p> <p>An informal beachside appearance of the Avalon Beach Village. (S, Ec)</p>	
<b>D1.8 Front building line</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p><b>Outcomes</b></p> <p>To achieve the desired future character of the Locality. (S)</p> <p>The amenity of residential development adjoining a main road is maintained. (S)</p> <p>Vegetation is retained and enhanced to visually reduce the built form. (En)</p> <p>Vehicle manoeuvring in a forward direction is facilitated. (S)</p> <p>To encourage attractive street frontages and improve pedestrian amenity.</p> <p>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.</p> <p><b>Controls</b></p> <p>Land zoned E4 - 6.5m or established building line, whichever is the greater</p>	<p>The existing car port and garaging facilities are built on boundary on the front boundary with no setback. The proposal comprises alterations and additions to these existing facilities and will be located on the same front building line being the property boundary.</p> <p>Other developments in this immediate locality include garaging facilities built on the property boundary due to the topography of the land and the ability to achieve access from Hudson Parade into garaging facilities at a level grade. The proposal will substantially enhance the built form that currently prevails at the street frontage of the existing development. The proposal results in a far more attractive street frontage that responds to the topography and steepness of the land.</p> <p>Vehicles entering the site will by way of a forward direction with adequate provisions to enter and leave in a safe manner.</p>
<b>D1.9 Side and rear building line</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p><b>Outcomes</b></p> <p>To achieve the desired future character of the Locality. (S)</p> <p>The bulk and scale of the built form is minimised. (En, S)</p> <p>Equitable preservation of views and vistas to and/or from public/private places. (S)</p> <p>To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.</p> <p>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)</p> <p>Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)</p> <p>Flexibility in the siting of buildings and access. (En, S)</p> <p>Vegetation is retained and enhanced to visually reduce the built form. (En)</p>	<p>The proposed development will achieve side boundary setback to the western boundary of 2.63m which is in excess of the minimum standard of 2.5m. The eastern boundary is setback 1.5m from the property boundary which is in excess from the 1.m set back requirement. In respect to the rear building line, the proposed alterations and additions align with the existing main residence which is set back well in excess of the prescribed requirement and does not impinge upon the foreshore building line.</p> <p>The increase in side boundary setbacks adequately achieves the outcomes prescribed under Clause D1.9.</p>

A landscaped buffer between commercial and residential zones is achieved. (En,S)	
<b>D1.11 Building Envelope</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p><b>Outcomes</b></p> <p>To achieve the desired future character of the Locality. (S)</p> <p>To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.</p> <p>To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment. The bulk and scale of the built form is minimised. (En, S)</p> <p>Equitable preservation of views and vistas to and/or from public/private places. (S)</p> <p>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)</p> <p>Vegetation is retained and enhanced to visually reduce the built form. (En)</p>	<p>The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45degrees. It is important for Council to appreciate that this development comprises alterations and additions to an existing dwelling. The main residence, which consists of a two-storey brick structure with tiled roof forms the footprint and framework to which the alterations are to be carried out. Accordingly, the development does not meet Council's building envelope requirements as this would require the demolition of the first floor of the existing residence and this would be both impractical and unreasonable in the circumstances that currently prevail. It is not uncommon for Council to recognise that this building envelope is more applicable to new development as opposed to existing development that is being renovated, upgraded and bought into the modern era.</p>
<b>D1.13 Landscaped Area – General</b>	
<b>Control/Requirement</b>	<b>Proposed Development</b>
<p><b>Outcomes</b></p> <p>Achieve the desired future character of the Locality. (S)</p> <p>The bulk and scale of the built form is minimised. (En, S)</p> <p>A reasonable level of amenity and solar access is provided and maintained. (En, S)</p> <p>Vegetation is retained and enhanced to visually reduce the built form. (En)</p> <p>Conservation of natural vegetation and biodiversity. (En)</p> <p>Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)</p> <p>To preserve and enhance the rural and bushland character of the area. (En, S)</p> <p>Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.(En, S)</p>	<p>The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 60% of the site area. The existing landscaped area on the subject site is 320sqm (43%) with an impervious landscaped area of 211sqm representing 28.6% of the site.</p> <p>The proposed development increases the landscaped area with 397.8sqm (53.77%) with an impervious area of 44sqm or 6%.</p> <p>It is evident that the proposed development substantially increases the soft landscaping component of the site and reduces hardstand from 211sqm to 44sqm. The amount of soft landscaping to be created by the proposed development is consistent with the desired future character of the locality. It allows for infiltration of water which minimises run-off and assists with stormwater management. The proposal preserves and enhances the coastal setting when viewed from a public place and in particular from Pittwater and the foreshore land. The development does not involve</p>



<p><b>Controls</b></p> <p>The use of porous materials and finishes is encouraged where appropriate.</p> <p>Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area.</p>	<p>the removal of any natural vegetation between the property boundary and the 9m contour line as there are no works proposed within the foreshore building line. It is submitted that the proposed level of landscaping associated with the alterations and additions being 53.77% of the site achieves the relevant objectives and controls of this clause.</p>
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## **5. OTHER MATTERS UNDER SECTION 4.15 C (1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15(c) of the *Environmental Planning and Assessment Act 1979 (as amended)*.

### **5.1 Matters for Consideration – General (Section 4.15 (1))**

In determining a Development Application, a Consent Authority should take into consideration such of the following matters as are relevant to the development, the subject of the Development Application:

- (a) the provisions of:
  - (i) any environmental planning instrument;
  - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority;
  - (iii) any development control plan;
  - (iv) any matters prescribed by the regulations that apply to the land to which the development application relates.

**Comment:** The proposed development for alterations and additions to an existing residence at 214 Hudson Parade, Clareville, is considered to be consistent with the relevant Planning Objectives of Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan. The site is zoned E4 Environmental Living under Pittwater LEP 2014 and, accordingly, dwelling houses are a permissible land use. The assessment that was carried out as part of the Statement of Environmental Effects has given due consideration to the relevant Provisions of the State Environmental Planning Policies and both Pittwater LEP 2014 and Pittwater 21 DCP.

The proposal is considered to be consistent with the fundamental objectives and provisions of the governing instruments and, accordingly, the proposal represents a development type and use facilitated by such instruments.

### **5.2 Likely Impacts of the Development (Section 4.15(1) (b))**

An assessment of the likely impacts of this development, including environmental impacts on both the natural and built environment and social economic impacts in the locality, has been made as follows.

**Comment:** The proposal is unlikely to have any environmental impacts on the natural and built environment. The proposal would also have no adverse social impacts on this locality. The proposal is consistent with the statutory planning controls as they currently exist and, taken individually, will have a negligible economic impact on other similar developments in this locality. However, the proposal will provide an economic benefit to the community during the construction phase. The project architect has skilfully designed the proposed alterations and additions to complement the character of the area, which has undergone change in recent times with some houses being

demolished and new dwellings erected and others the subject of major alterations and additions to existing dwellings.

### **5.3 Suitability of the Site (Section 4.15(1) (c))**

The built form is consistent with the planning principles and controls of this Avalon Beach locality and does not significantly impact upon the built or natural environments. The size and shape of the parcel of land are considered adequate to accommodate the proposed alterations and additions. The end result is the construction of a “courtyard dwelling” set within a landscaped environment that is compliant with Council’s DCP.

The development is aesthetically pleasing and has been designed to be compatible with other land uses and developments both adjoining and in the immediate locality. The proposal achieves a high-quality design through consideration of the amenity of the street, Pittwater waterways, and neighbours developments. The characteristics of the site are such that the development has been designed with a successful arrangement of massing, so as to allow the balance between maximising orientation for day-lighting and passive thermal benefits, accessibility, and maintaining privacy to both the future occupants and adjoining dwellings.

The proposal would have no adverse impact on the streetscape and in fact represents a potential to substantially enhance the streetscape. The building the subject of alterations additions, when viewed from Pittwater waterways, presents a structure which blends in with the natural and built environments and reflects a superior, visually enhanced development.

### **5.4 Submissions (Section 4.15 (1) (d))**

No submissions are available at this time.

### **5.5 The Public Interest (Section 4.15 (1) (e))**

The proposal will have no adverse impacts on the natural or built environments and the existing amenity of this precinct within the Avalon Beach locality will be maintained.

The public perception of the finished product will be a dwelling house with swimming pool and landscaping that is the “right fit” for this locality, consistent with other dwellings that have been erected or altered within this immediate locality.

Approval is within the public interest.

## 6. CONCLUSIONS

- The proposed Development Application for alterations and additions to an existing residence, including a swimming pool and associated landscaping, is permissible development under the Provisions of Pittwater LEP 2014 as the land is zoned E4 Environmental Living.
- The merits of the application have been assessed in accordance with the Provisions of the relevant requirements of Pittwater LEP 2014 and the Provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979*. There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal.
- The proposal has also given due consideration to the relevant State Environmental Planning Policies, including:
  - State Environmental Planning Policy No. 55 – Remediation of Land;
  - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
  - State Environmental Planning Policy (Infrastructure) 2007;
  - State Environmental Planning Policy (Coastal Management) 2018.

An assessment of the relevant Provisions of the above SEPPs has revealed that the development satisfies the requirements of each of the statutory documents.

- The merits of the proposal include the following compliant elements:
  - Context and neighbourhood character and, in particular, the Avalon Beach Locality Statement;
  - Built form and scale including compliance in height with the LEP's 8.5m Height of Building Requirement;
  - Substantial increase in the amount of soft landscaping centred on the courtyard design of the dwelling house;
  - Protection of amenity and privacy to adjoining residents and, in particular, the neighbouring property to the west;
  - Adequate off-street carparking, with a double garage with direct access from Hudson Parade;
  - Solar access and ventilation;
  - Private recreation areas – in particular, the central courtyard area together with the private open space area that abuts the Pittwater foreshore area.
- The key design drivers for the development are taken from Northern Beaches Council's relevant DCP and LEP. The development is a significant improvement to the existing building and other structures erected on the land. The development will display a high-quality finish and the overall proposal will have a positive impact on the streetscape, neighbouring properties and Pittwater waterways.
- The proposal results in a modern, contemporary courtyard dwelling which embraces a beach house set against a backdrop of the Pittwater waterways. The proposal will allow the occupants to enjoy the site to its full potential through clever and thoughtful design. The development has been designed to maximise

views of the Pittwater waterways and to complement the existing marine infrastructure comprising a boathouse, jetty and pontoon.

- Accordingly, the proposed alterations and additions to an existing residence including a swimming pool and associated landscaping at 214 Hudson Parade, Clareville, are acceptable from environmental, social and planning perspectives and approval should therefore be granted by Northern Beaches Council.