

**STATEMENT OF ENVIRONMENTAL EFFECTS**

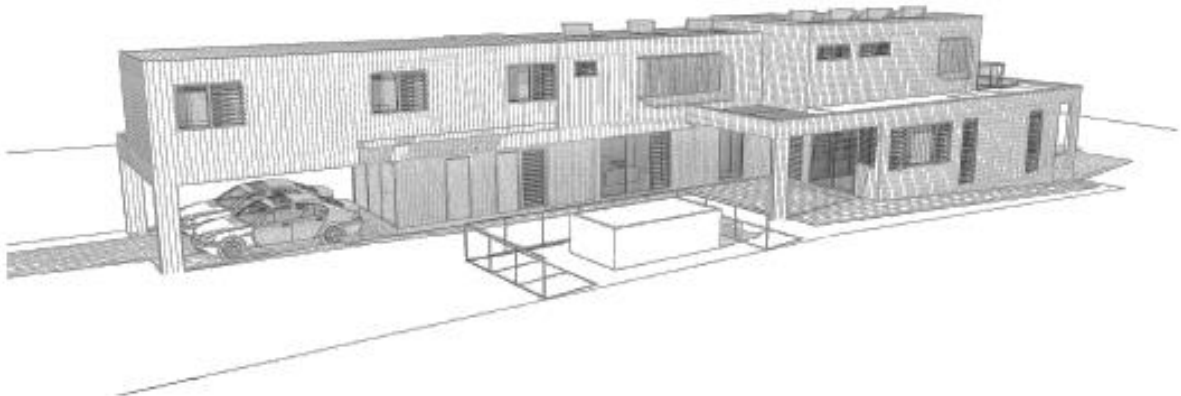
**FOR PROPOSED ADDITIONS & ALTERATIONS TO  
THE EXISTING DWELLING INCLUDING NEW STUDIO AND CARPORT**

**LOCATED AT**

**24 DELECTA AVENUE, CLAREVILLE**

**FOR**

**CLAIRE CAVANAUGH**



**Prepared  
May 2022**

## **Table of Contents**

1.0	Introduction .....	3
2.0	Property Description .....	3
3.0	Site Description .....	4
4.0	The Surrounding Environment .....	7
5.0	Proposed Development .....	8
6.0	Zoning and Development Controls .....	9
6.1	State Environmental Planning Policy (Resilience and Hazards) 2021 .....	9
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 .....	12
6.3	Pittwater Local Environmental Plan 2014 .....	13
6.4	Pittwater 21 Development Control Plan 2014 .....	16
6.5.1	Shaping Development – Desired Character .....	16
6.5.2	Section B General Controls .....	17
6.5.3	Section C Design Criteria .....	23
6.5.4	Section D Design Criteria .....	27
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979 .. .....	32
7.1	The provisions of any environmental planning instrument .....	32
7.2	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and .....	32
7.3	Any development control plan .....	32
7.4	Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and .....	33
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), ..	33
7.6	The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality. ....	33
7.7	The suitability of the site for the development .....	33
7.8	Any submissions made in accordance with this Act or the regulations .....	33
7.9	The public interest .....	33
8.0	Conclusion .....	34
Appendix: Foreshore Building Line Map Extract		

## 1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Ms Claire Cavanaugh by Sketch Arc, Project No. 1531, Drawings No's. DA1 – DA14, dated 12 May 2022, to detail proposed additions and alterations to the existing dwelling including new studio and carport and the demolition of an existing cabin at **24 Delecta Avenue, Clareville**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

The site has been the subject of Development Consents - N0409/15, N0301/16 & N0451/17 (as modified) and more recently, DA2018/1863. The subject works seek consent for further additions to the existing dwelling, with the new works to be located wholly at the first floor level. An existing detached cabin located towards the front boundary of the site will be removed.

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

## 2.0 Property Description

The subject allotment is described as 24 Delecta Avenue, Clareville, being Lot 12 within Deposited Plan 13291. The property is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site has been identified by Council as being affected by affected by Estuarine Hazard and Flood Prone Land on Council's Mapping. These issues are addressed further within this submission.

The site is affected by the Foreshore Building Line (See Appendix for Foreshore Building Line Mapping extract). This will be discussed further within this submission.

The site is noted as being within the Class 1, 3 and 5 Acid Sulfate Soils areas. This will be discussed further within this submission.

The site is not listed as a heritage item, nor is it within a conservation zone.

### 3.0 Site Description

The property is generally rectangular in shape and located on the north-western side of Delecta Avenue, with a frontage to Delecta Avenue of 12.625m, north-eastern and south-western boundaries of 46.74m and 43.84m respectively. The rear boundary to the Clareville Beach Reserve and Pittwater has a width of 12.495m. The site has an area of 599.2m<sup>2</sup>.

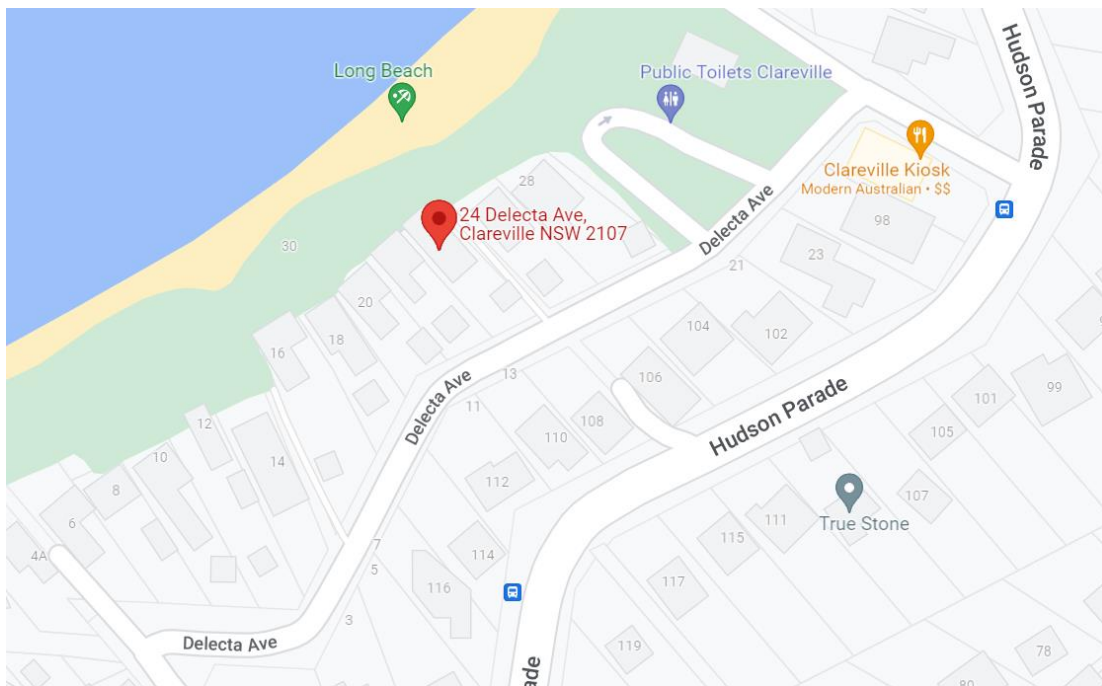
The land falls has a slight fall towards the rear boundary. Stormwater from the site is currently dispersed within the rear of the site.

The site is currently developed with an existing one and two storey clad dwelling with a metal roof.

Driveway access to the existing carport is available from Delecta Avenue, with parking provided within an attached carport.

An existing public pathway adjoins the north-eastern (side) boundary of the site.

The details of the site are included on the survey plan prepared by Adam Clerke Surveyors Pty Ltd, Reference No. 9015, dated 28 May 2015, which accompanies the DA submission.



**Fig 1: Location of subject site**  
(Source: Google Maps)



**Fig 2: View of subject dwelling as viewed from Delecta Avenue, looking north-west**



**Fig 3: View of the subject site and existing cabin to be demolished, looking north-west**





**Fig 4: View of the adjacent neighbouring property at No 22 Delecta Avenue, looking north-west**



**Fig 5: View of the public access pathway adjoining site and neighbouring dwelling at No 26 Delecta Avenue, looking west**



#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by low density residential development of typically one and two storeys.

The site and surrounding properties are orientated towards Clareville Beach to maximise views and solar access.



**Fig 6: Aerial view of locality**  
(Source: Google Maps)

## 5.0 Proposed Development

The new works will provide for alterations and additions to the first floor level of the existing dwelling including a new studio and carport.

The proposed studio will be used as an ancillary area to the main dwelling and is not intended for use for any form of separate self-contained accommodation.

In summary, the new works will provide for:

### Ground Floor

- Proposed alterations and additions to existing dwelling to provide for storage, internal access stairs and carport

### First Floor

- Proposed new attached studio comprising landing, wet bar, sitting, bathroom and bedroom

### External Works

- Demolition of the existing detached cabin

The new works will provide for colours and finishes to match the existing development, comprising weatherboard cladding and metal roofing.

New aluminium windows and doors will be provided to the new floor areas.

The proposal results in the following indices:

<b>Site Area:</b>	599.2m <sup>2</sup>
<b>Required soft landscaped area:</b>	60% or 359.52m <sup>2</sup>
<b>Existing soft landscaped area:</b>	43.06% or 258.06m <sup>2</sup>
<b>Proposed soft landscaped area:</b>	45.6% or 273.36m <sup>2</sup> (excluding any permissible 6% variation)



## **6.0 Zoning and Development Controls**

### **6.1 State Environmental Planning Policy (Resilience and Hazards) 2021**

#### **Chapter 2 – Coastal management**

The subject site is identified as being within the coastal zone and therefore SEPP (Resilience and Hazards) 2021 is applicable to the proposed development.

The stated Aim of the Chapter is noted in Clause 2.1:

*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 SEPP (Resilience and Hazards) 2021 are addressed as follows:

#### **Division 3 Coastal environment area**

##### **2.10 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 proposal provides for alterations and additions to an existing dwelling. The works will continue to be carried out in accordance with the recommendations of the consulting Structural Engineer, which will ensure that appropriate structural integrity for the site will be maintained.

The existing stormwater arrangements will remain unchanged, and are not considered to result in any adverse impacts within the coastal locality.

Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

**Division 4 Coastal use area**

**2.11 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.*

### **Comment**

The modified proposal will not result in the removal of any existing public access along the foreshore, nor result in any additional overshadowing to the foreshore area.

The proposed new development is modest in height and scale, and will not result in any loss of views to the foreshore area.

The site does not contain any heritage items, nor is it within a conservation area. The site has been previously cleared, and it is not anticipated that any items of Aboriginal heritage will be encountered.

### **Division 5 General**

#### **2.12 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 as modified provides amendments to the approved alterations and additions to an existing dwelling. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

#### **2.13 Development in coastal zone generally—coastal management programs to be considered**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.*

**Comment:** No coastal management programs have been identified.

#### **2.14 Other development controls not affected**

*Subject to clause 7, for the avoidance of doubt, nothing in this Part:*

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

**Comment:** Noted

#### **2.15 Hierarchy of development controls if overlapping**

*If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:*



- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

**Comment**

Noted

**Chapter 4 – Remediation of Land**

Chapter 4 – Remediation of Land and in particular Clause 4.6 suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

### 6.3 Pittwater Local Environmental Plan 2014

The subject site is zoned C4 Environmental Living under the Pittwater LEP 2014.



Fig 7: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The development of and use of the land for residential purposes within the C4 Environmental Living Zone is consistent with the zone objectives, which are noted as:

- *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.*

It is considered that the proposed alterations and additions to the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The proposal provides for alterations and additions to the dwelling, which will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.

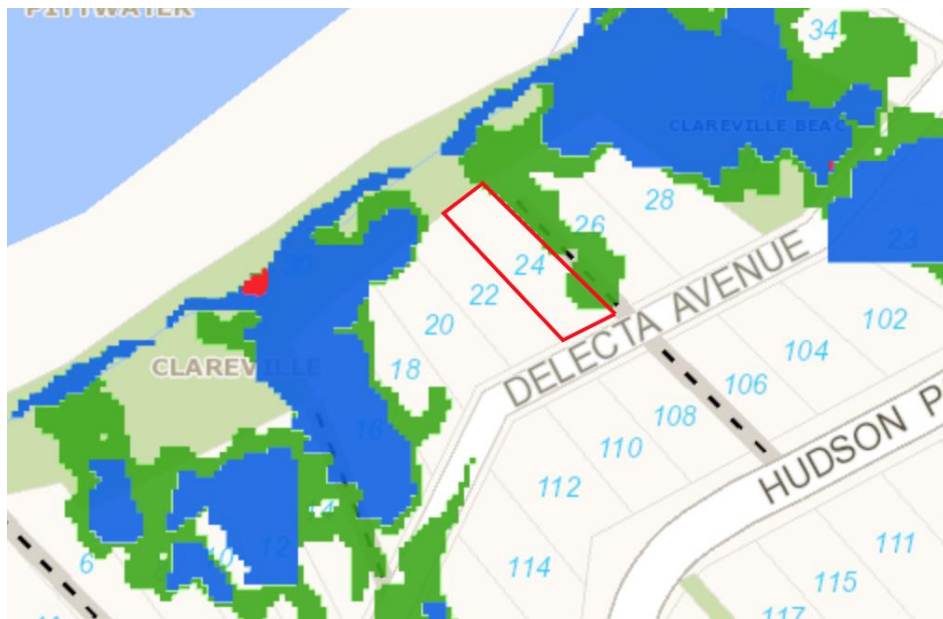
### Clause 4.3 – Height of Buildings

The maximum building height in this portion of Clareville is 8.5m.

The maximum height of the proposed new works to the dwelling is 6.3m which will comply with the height requirement stipulated by the LEP.

**Clause 5.21** relates to flood planning.

A small portion of the site is identified as Low Risk Flood Prone Land. The proposed new works are wholly contained to the first floor level of the dwelling and clear of the portion of the site which has been noted as flood prone land.



**Fig 8: Extract of Flood Hazard Map**

**Clause 7.1** relates to acid sulfate soils. The site has been identified as Class 1, 3 and 5. The proposal will not see any 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. The proposal will not require any significant excavation of the site and the proposal therefore complies with this control.

### 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.

The development will maintain a number of trees on the site, along with generous areas of soft landscaping.

As the works will increase the available landscaped area, and the proposal will not have an adverse impact on the terrain of the site nor introduce any new works to the seabed of Pittwater, the objectives of Clause 7.6 will be achieved.

#### **Clause 7.8 – Limited development on foreshore area**

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

The foreshore area is defined as:

*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.*



**Fig 8: Extract of Pittwater Local Environmental Plan 2014 Foreshore Building Line Map**

The proposed new works are located to the south-east of the existing dwelling and will not encroach on the foreshore area. The proposal will therefore comply with this control.

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

## **6.4 Pittwater 21 Development Control Plan 2014**

Council's Pittwater 21 DCP Section B (General Controls), Section C (Design Criteria) 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.

### **6.5.1 Shaping Development – Desired Character**

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.*

It is considered that the proposal is consistent with the desired character of the locality by providing for alterations and additions to the dwelling, which are consistent with the scale and style of the newer development in the vicinity.

The proposal will not have any impact on the existing tree canopy and will maintain an appropriate area of soft landscaping.

The proposal has been designed to reflect the existing setbacks provided to all boundaries existing in the immediate area.

The building materials and colours will harmonise with the natural environment and will not detract from the existing locality.

#### **6.5.2 Section B General Controls**

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

##### ***B3.7 Estuarine Hazard – Low density residential***

The controls seek to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

*Protection of private and public infrastructure and assets. (S)*

Advice from Council was received on 23 June 2016 regarding the estuarine hazard affecting the site. An extract from the advice reads as follows:



*Based upon the survey prepared by Adam Clerke Surveyors Pty Ltd (dated 28/05/15), as well as images of the foreshore you have provided, the foreshore edge treatment type appears to be a grassed or sandy slope with a crest height at or about RL 2.0m AHD. As such, in accordance with Council's Estuarine Hazard Mapping for Pittwater (2015), an estuarine planning level (EPL) of RL 2.73m AHD would apply at the subject site. A reduction factor (RF) to the EPL based upon the distance of proposed development from the foreshore edge may also apply.*

The proposed works are located wholly at first floor of the site and are sited above the Estuarine Planning Level of 2.73m AHD and observe the PMF Level (RL 5.74m). The proposed works therefore comply with this control.

#### **B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community**

The controls seek to achieve the outcomes:

*Conservation of intact Pittwater Spotted Gum Forest EEC. (En)*  
*Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC. (En)*  
*Reinstatement of Pittwater Spotted Gum Forest to link remnants. (En)*  
*Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)*

The proposal is wholly over the existing built footprint and will not result in any further impacts to the tree canopy. The site will continue to accommodate a number of canopy trees, and generous areas of soft landscaping will be maintained.

The proposal is not considered to impact on the Pittwater Spotted Gum Forest Ecological Community and meets the objectives of this clause.

#### **B4.15 Saltmarsh Endangered Ecological Community**

The controls seek to achieve the outcomes:

*To conserve and enhance saltmarsh vegetation. (En)*

The works are wholly within the property boundaries. The proposed works are outside the foreshore area and are not considered to have any implications on saltmarsh vegetation.

#### **B4.16 Seagrass Conservation**

The controls seek to achieve the outcomes:

*The conservation of seagrass beds in Pittwater. (En)*  
*The replacement of lost/damaged seagrass beds. (En)*

The works are wholly within the property boundaries. The proposed works will not encroach on

the foreshore building line and the proposal is not considered to have any implications on any seagrass beds.

#### **B4.19 Estuarine Habitat**

The controls seek to achieve the outcomes:

*To protect and enhance the mangroves, saltmarsh, seagrasses, intertidal sand/mud flats and other foreshore habitats that comprise the estuarine habitat of Pittwater. (En)*

*Development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development. (En)*

*The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)*

*The social and cultural values of estuarine habitats are conserved and enhanced. (S)*

*Biodiversity, ecological processes and other estuarine habitat values are conserved. (En)*

The works are wholly within the property boundaries. The proposed works will not encroach on the foreshore building line and the proposal is not considered to have any implications on the estuarine habitat within Pittwater.

#### **B4.20 Protection of Estuarine Water Quality**

The controls seek to achieve the outcomes:

*To ensure that water quality is not adversely affected by pollutants including increased nutrient levels, pathogens, and siltation. (En)*

*To protect the mangroves, seagrasses, intertidal sand/mud flats and other habitats that comprise the estuarine habitat of Pittwater. (En)*

*Development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development. (En)*

*The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)*

*The social and cultural values of estuarine habitats are conserved and enhanced. (S)*

*Biodiversity, ecological processes and other estuarine habitat values are conserved. (En)*

Roofwater from the new roof areas will be connected to the existing system and as the low density residential nature of the site is maintained, the proposal is not considered to result in any substantial change to the runoff characteristics of the site.

#### **B5.8 Stormwater Management - Water Quality – Low Density Residential**

The controls seek to achieve the outcomes:

*No increase in pollutants discharged with stormwater into the environment. (En)*

*Development is compatible with Water Sensitive Urban Design principles. (En)*

Roofwater from the new roof areas will be connected to the existing system and as there is no

substantial change to the runoff characteristics of the site, the retention of the existing arrangements is reasonable in this instance.

**B5.10 Stormwater Discharge into Public Drainage System**

The controls seek to achieve the outcomes:

*All new development to have no adverse environmental impact at the discharge location  
(En, S)*

The stormwater from the roof areas will be connected to the existing system which disperses stormwater within the rear yard and ultimately to Pittwater.

As such, there will not be any substantial change to the existing stormwater discharge arrangements.

**B5.11 Stormwater Discharge into Waterways and Coastal Areas**

The controls seek to achieve the outcomes:

*All new development to have no adverse environmental impact at the discharge location  
(En, S)*

The stormwater from the roof areas will be connected to the existing system which disperses stormwater within the rear yard and is naturally directed to Pittwater.

As such, there will not be any substantial change to the existing stormwater discharge arrangements.

**B5.13 Development on Waterfront Land**

The controls seek to achieve the outcomes:

*Protection of waterways and improved riparian health (En)  
Stormwater and creek flows are safely managed. (S)  
Appropriate setback between waterways and development (En)*

The proposed alterations and additions will maintain the stability and stormwater flows of the site. The proposal will therefore comply with this control.

**B6.1 Access driveways and works on the Public Road Reserve – Low Density Residential**

The controls seek to achieve the outcomes:

*Safe and convenient access. (S)  
Adverse visual impact of driveways is reduced. (En)  
Pedestrian safety. (S)*

*An effective road drainage system. (En, S)*

*Maximise the retention of trees and native vegetation in the road reserve. (En, S)*

The proposal will provide a new double carport over the existing driveway from Delecta Avenue.

The current driveway crossing arrangements will continue to provide suitable access to the property in accordance with these controls.

#### **B6.2 Internal Driveways – Low Density Residential**

The controls seek to achieve the outcomes:

*Safe and convenient access. (S)*

*Reduce visual impact of driveways. (S)*

*Pedestrian safety. (S)*

*An effective road drainage system. (En, S)*

*Maximise the retention of trees and native vegetation.*

*Reduce contaminate run-off from driveways.*

The existing driveway will be retained and provides suitable access to the proposed carport.

#### **B6.3 Off-street Vehicle Parking Requirements**

The controls seek to achieve the outcomes:

*Safe and convenient parking (En, S)*

The controls require a minimum of 2 parking spaces for a dwelling with 2 bedrooms or more. The site will provide two off street parking spaces within the proposed carport, which will satisfy the control.

#### **B8.1 Construction & Demolition – Excavation and Landfill**

The controls seek to achieve the outcomes:

*Site disturbance is minimised. (En)*

*Excavation and construction not to have an adverse impact. (En)*

*Excavation operations not to cause damage on the development or adjoining property. (S)*

There will not be any excavation of the site or disturbance to the exterior ground levels and meets the objectives of this provision.

#### **B8.2 Construction & Demolition – Erosion and Sediment Management**

The controls seek to achieve the outcomes:

*Waterways, coastal areas, watercourses, drainage systems and the public domain are*



*protected from the transportation of sedimentation from development sites. (En)*

*Reduction of waste throughout all phases of development. (En)*

*Public safety is ensured. (S)*

*Protection of the public domain. (S, En)*

As required, appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties and Pittwater.

### **B8.3 Construction & Demolition – Waste Minimisation**

The controls seek to achieve the outcomes:

*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)*

As required, appropriate waste management controls will be implemented throughout construction.

### 6.5.3 Section C Design Criteria

The Design Criteria applicable to the proposed development and are summarised as:

#### **C1.1 Landscaping**

The controls seek to achieve the outcome:

- A built form softened and complemented by landscaping. (En)*
- Landscaping reflects the scale and form of development. (En)*
- Retention of canopy trees by encouraging the use of pier and beam footings. (En)*
- Development results in retention of existing native vegetation. (En)*
- Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*
- Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*
- Landscaping enhances habitat and amenity value. (En, S)*
- Landscaping results in reduced risk of landslip. (En, Ec)*
- Landscaping results in low watering requirement. (En)*

The proposal will increase the available area of soft landscaping. The proposal will not require the removal of any significant vegetation, and increases the available area of soft landscaping.

The site will maintain its contribution to the landscaped character of the locality and is in keeping with the desired outcomes of this control.

#### **C1.2 Safety and Security**

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (S, Ec)*
- Inform applicants of Council's requirements for crime and safety management for new development. (S)*
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*
- Identify crime and safety priority areas in Pittwater LGA (S, Ec)*
- Improve community safety and reduce the fear of crime in the Pittwater LGA (S)*
- Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)*

The site will retain the opportunity to view the driveway and street area with casual surveillance of the immediate area available.

### **C1.3 View Sharing**

The controls seek to achieve the outcomes:

*A reasonable sharing of views amongst dwellings. (S)*  
*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)*  
*Canopy trees take priority over views. (En, S)*

The subject and adjoining properties currently enjoy a substantial outlook to Pittwater to the north-west. The proposal alterations and additions maintain the modest scale of the dwelling by following the ridge height of the existing dwelling, and neighbouring properties will retain their primary views towards the north-west.

### **C1.4 Solar Access**

The controls seek to achieve the outcomes:

*Residential development is sited and designed to maximise solar access during mid-winter. (En)*  
*A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)*  
*Reduce usage and/dependence for artificial lighting. (En)*

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

Given the north-westerly orientation of the subject and neighbouring properties, together with the modest scale of the proposed alterations and additions, the new works will not unreasonably remove solar access to the primary living spaces or private open space areas of any neighbouring properties.

The additional shadow cast by the additions falls largely over the garage and driveway area of the adjacent property at number 22 Delecta Avenue from the mid-morning to the afternoon hours.

### **C1.5 Visual Privacy**

The controls seek to achieve the outcomes:

*Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)*  
*A sense of territory and safety is provided for residents. (S)*

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The new works to the dwelling will not unreasonably overlook the neighbours, with the existing levels of amenity enjoyed by the neighbours to be largely maintained.

Highlight windows are provided within the south-western elevation, which minimises opportunities for overlooking to the south-western neighbour.

#### **C1.6 Acoustic Privacy**

The controls seek to achieve the outcomes:

*Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)*

*Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or recreation areas (S)*

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

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.

#### **C1.7 Private Open Space**

The controls seek to achieve the outcomes:

*Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)*

*Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)*

*Private open space receives sufficient solar access and privacy (En, S).*

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation. The proposal retains the existing areas of private open space which enjoy good solar access.

#### **C1.12 Waste and Recycling Facilities**

The controls seek to achieve the outcomes:

*Waste facilities are accessible and convenient, and integrate with the development. (En)*

*Waste facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment. (En, S)*

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials.

There is sufficient area surrounding the carport for on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

**C1.14 Separately Accessible Structures**

The controls seek to achieve the outcomes:

*Separately accessible structures that provide a recreational or office function for residents.  
(S)*

The proposed studio is ancillary to the existing dwelling, and is intended to serve as carer & guest accommodation in conjunction with the primary dwelling. Cooking facilities are not provided, and the proposal therefore complies with the provisions of this control.



#### 6.5.4 Section D Design Criteria

The **D1 Avalon Beach Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D1 Avalon Beach Locality** is provided below:

##### **D1.1 Character as Viewed from A Public Place**

The control seeks to achieve the outcomes:

*To achieve the desired future character of the Locality.*

*To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)*

*To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

*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)*

*High quality buildings designed and built for the natural context and any natural hazards. (En, S)*

*Buildings do not dominate the streetscape and are at 'human scale'.*

*To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.*

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows, modulation of wall and roof planes, spatial separation, landscaping etc.

The proposal will provide for alterations and additions to the existing dwelling which will maintain a complementary two storey height and scale, and follow the ridgeline of the existing dwelling.

Views over and to the side of the dwelling will be retained for the neighbouring dwellings which are located uphill of the proposal.

The proposed alterations and addition to the dwelling are considered to be consistent in terms of bulk and scale to the existing surrounding development, which generally comprises one and two storey dwellings that are orientated towards Pittwater. The setbacks provided reflect the setbacks of the adjoining properties.

The proposed additions to the dwelling are well articulated to provide visual interest and reduce bulk when viewed from Pittwater. In addition, the existing landscaping will ensure that the proposed works will be interspersed with the natural landscape setting.

#### **D1.5 Building Colours, Materials and Construction**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.*

*The development enhances the visual quality and identity of the streetscape. (S)*

*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 and its location with the natural landscapes of Pittwater.*

*The colours and materials of the development harmonise with the natural environment. (En, S)*

*The visual prominence of the development is minimised. (S)*

*Damage to existing native vegetation and habitat is minimised. (En)*

*An informal beachside appearance of the Avalon Beach Village. (S, Ec)*

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

It is considered that the development is appropriate as the proposal will utilise finishes and colours which are compatible with the DCP, existing building finish and the surrounding properties.

#### **D1.8 Front Building Line**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)*

*The amenity of residential development adjoining a main road is maintained. (S)*

*Vegetation is retained and enhanced to visually reduce the built form. (En)*

*Vehicle maneuvering in a forward direction is facilitated. (S)*

*To encourage attractive street frontages and improve pedestrian amenity.*

*To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment*

The control to achieve this outcome is to provide a setback of 6.5m, or the established building line to the street frontage.

The proposed additions will stand a minimum of 6.17m to Delecta Avenue and therefore present a minor variation to the front setback control.

Compliance with this control is constrained by the angled nature of the front setback.

The proposed new works are modest in bulk and scale, and will not be visually prominent within the Delecta Avenue streetscape. The proposed new works are in keeping with the character of existing surrounding development.

The site will improve the available area of soft landscaping.

Accordingly, the proposal is considered to satisfy the objectives of this clause and is worthy of support.

#### **D1.9 Side and rear building line**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality. (S)*

*The bulk and scale of the built form is minimised. (En, S)*

*Equitable preservation of views and vistas to and/or from public/private places. (S)*

*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*

*Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

*Flexibility in the siting of buildings and access. (En, S)*

*Vegetation is retained and enhanced to visually reduce the built form. (En)*

*To ensure a landscaped buffer between commercial and residential zones is established. (En, S)*

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m for at least one side and a minimum of 1.0m setback for the other side.

The proposed new works will stand from 1m to the south-western boundary and in excess of 7.9m to the north-eastern side boundary, which complies with this control.

The proposed carport follows the siting of the existing carport, which is considered appropriate as the open carport is modest in bulk and scale and will not result in any adverse impacts to the south-western neighbour.

The proposed works to the first floor level will stand from 1.524 m to 2.175 m from the south western side boundary and from 7.435 m to the north-eastern boundary adjoining adjacent to the public pathway.

The proposal will therefore comply with the provisions of this clause.

### **D1.11 Building Envelope**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality.*  
*To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*  
*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)*  
*Equitable preservation of views and vistas to and/or from public/private places. (S)*  
*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*  
*Vegetation is retained and enhanced to visually reduce the built form. (En)*

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 45°.

The south-western wall exhibits a minor breach of Council's building envelope control, however this is largely as a result of the parapet style roof. A traditional pitched roof/extended eave design would be comfortably compliant with the control.

The proposed new works generally comply with Council's controls and the building will continue to maintain appropriate access to the available views and levels of solar access in accordance with Council's policy for the primary living and outdoor recreation spaces for both the neighbouring and subject dwellings.

The minor building envelope non-compliance does not result in excessive or unreasonable impacts on the neighbouring dwellings in terms of overshadowing, bulk or overlooking.

### **D1.14 Landscaped Area – Environmentally Sensitive Land**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)*  
*The bulk and scale of the built form is minimised. (En, S)*  
*A reasonable level of amenity and solar access is provided and maintained. (En, S)*  
*Vegetation is retained and enhanced to visually reduce the built form. (En)*  
*Conservation of natural vegetation and biodiversity. (En)*  
*Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*  
*To preserve and enhance the rural and bushland character of the area. (En, S)*  
*Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)*

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 proposal increases the available area of soft landscaping on site from 43.06% to 45.6% as a result of the demolition of an existing detached cabin. With Council's 6% allowance for functional open space, a soft landscaped area of 51.6% is provided.

Compliance with this control is constrained by the existing development on site. The proposal will not require the removal of any significant vegetation, and increases the available area of soft landscaping. The site will maintain its contribution to the landscaped character of the locality and is in keeping with the desired outcomes of this control.

The proposed landscaped area is considered worthy of support on merit.

#### **D1.20 Scenic Protection Category One Areas**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality.*

*Achieve the desired future character of the Locality. (En, S)*

*To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En, S).*

*Maintenance and enhancement of the tree canopy. (En, S)*

*Colours and materials recede into a well vegetated natural environment. (En, S)*

*To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component (En, S)*

*To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.*

*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

*To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.*

*Development shall minimise visual impacts on the natural environment when viewed from any waterway, road or public reserve.*

The proposal does not seek to remove any vegetation within the foreshore area of the site. The proposal will not see any new works within the rear elevation of the site, and will largely maintain the existing presentation of the site to the foreshore.

The proposed new works are modest in bulk and scale and will maintain consistency with the extent and character of existing surrounding development.

The proposal will not require the removal of any significant vegetation, and maintains the dominance of landscaping over the built form.

The proposed development is considered appropriate within the scenic protection area.



## **7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979**

### **7.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

### **7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

There are no draft instruments applying to the land.

### **7.3 Any development control plan**

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the front setback, building envelope and landscaped area controls is a reasonable

alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the landscaped area criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

**7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and**

No matters of relevance are raised in regard to the proposed development.

**7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),**

No matters of relevance are raised in regard to the proposed development.

**7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.**

It is considered that the proposal, which seeks consent for additions and alterations to the existing dwelling including new studio and carport, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP 2014 and the Avalon Beach Locality Statement.

**7.7 The suitability of the site for the development**

The subject land is currently zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

**7.8 Any submissions made in accordance with this Act or the regulations**

This is a matter for Council in the consideration of this proposal.

**7.9 The public interest**

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

## **8.0 Conclusion**

The principal objective of this development is to provide for the construction of additions and alterations to the existing dwelling including new studio and carport, which respects and complements the site's location.

An existing detached cabin will be removed which will allow for an increase in soft landscaped ratio within the site.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbours amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

### **VAUGHAN MILLIGAN**

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)

APPENDIX – FORESHORE BUILDING LINE MAP EXTRACT

