

STATEMENT OF ENVIRONMENTAL EFFECTS

ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE

**163 RIVERVIEW ROAD
AVALON BEACH**

NOVEMBER 2018

statement of environmental effects

Submission to

NORTHERN BEACHES COUNCIL

**ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
HOUSE**

163 RIVERVIEW ROAD AVALON BEACH

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

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1.0 INTRODUCTION

This document has been prepared in order to provide information and an assessment in respect of a development application (the 'development application') seeking consent for alterations and additions to the existing dwelling house (the 'proposed development') on the land known as No 163 Riverview Road, Avalon Beach (the 'site').

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

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

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

2.0 SITE LOCATION AND DESCRIPTION

2.1 Location

The waterfront site is located on the lower, western-facing side of Riverview Road in the Avalon locality.

Access is provided from Riverview Road.

The site is only a short driving distance from Avalon Beach Village.

The surrounding area consists of a low-density residential neighbourhood. The area has been settled

and used for residential development for a considerable period of time.

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

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

2.2 The Site

The site is legally described as Lot 1 in Deposited Plan 19396 and has an area of approximately 942 sqm.

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

Currently, the site is occupied by a multi-level brick veneer dwelling house with a detached double carport to which there is level access from Riverview Road.

The site has a desirable west-north-west aspect, enjoys stunning views over Pittwater, and is naturally landscaped which assists in ensuring privacy from adjoining properties.

The site has the benefit of a substantial deep-water jetty and pontoon.

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

3.0 DEVELOPMENT PROPOSAL

The proposed development involves alterations and additions to the existing dwelling house situated on the site. Specifically, the proposal involves

- the construction of:
 - a new 'butterfly' roof (to replace the existing pitched roof) on the dwelling house;
 - new balconies; and
 - a swimming pool;
- the installation of two lifts and an inclinor;
- an internal reconfiguration of the dwelling house; and
- the carrying out of extensive landscaping.

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

4.0 STATUTORY PLANNING FRAMEWORK

4.1 Pittwater Local Environment Plan 2014

4.1.1 General

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

4.1.2 Aims

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

4.1.3 Zoning and Permissibility

The site is zoned E4 Environmental Living under PLEP.

Development for the purpose of a dwelling house is nominately permissible, with development consent, on land zoned E4.

The carrying out of alterations and additions to an existing building is development for the purpose of the erection of a building: see, in that regard, the definition of 'development' in section 1.5(1) of the EPAA, and paragraph (a) of the definition of 'erection' [of a building] in section 1.4(1) of the EPAA.

The other components and aspects of the proposed development are ancillary or purely incidental to the carrying out of development for the purpose of a dwelling house.

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

4.1.4 Zone Objectives

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

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for residential development of a low density and scale integrated with the landform and landscape.
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

In our opinion, the proposed development is consistent with such of the zone objectives as are of relevance (especially, the first three dot point objectives).

4.1.5 Height of Buildings

Clause 4.3 of PLEP ('Height of buildings') is a principal development standard of PLEP and controls the height of buildings.

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

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,
- (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (c) to minimise any overshadowing of neighbouring properties,
- (d) to allow for the reasonable sharing of views,
- (e) to encourage buildings that are designed to respond sensitively to the natural topography,
- (f) to minimise the adverse visual impact of development on the natural environment,



heritage conservation areas and heritage items.

By virtue of clause 4.3(2) of PLEP and the relevantly applicable Height of Buildings Map (see tile HOB 015), the maximum permissible height of a building on the site is 8.5 metres.

However, despite clause 4.3(2), development on land that has a maximum building height of 8.5m shown for that land on the Height of Buildings Map may exceed a height of 8.5m, but not be more than 10.0 metres, if (refer clause 4.3(2D)):

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and
- (b) the objectives of [clause 4.3] are achieved, and
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.

Thus, provided all of the requirements of clause 4.3(2D) are satisfied—in that regard, see below—the development may exceed a height of 8.5m, but is not to be more than 10.0m.

In other words, provided all of the requirements of clause 4.3(2D) are satisfied, the relevantly applicable maximum height development standard is, for all intents and purposes, **10.0m**, subject to the application and operation of clause 4.6 of PLEP.

The height of the dwelling house after the carrying out of the alterations and additions (relevantly, as a result of the proposed new butterfly roof) will exceed 10 metres. However, although there will be a height exceedance of the development control, the exceedance will be less than that which is presently the case in in



absolute terms. The reduction in the extent of height exceedance is the result of the proposed replacement of the present pitched roof with a butterfly roof.

Furthermore, the proposed development is, in our opinion, consistent with the objectives of the height of buildings development standard.

Please refer to the architectural drawings, as well as the clause 4.6 written request, accompanying the development application for more specific detail.

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

4.1.6 Acid Sulfate Soils

The site is identified as being partly within 'Class 1' and partly within 'Class 5' on the Acid Sulfate Soils Map.

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

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

Accordingly, an acid sulfate soils management plan (ASSMP) (refer clause 7.1 (6), PLEP) has not been prepared in the present circumstances.

4.1.7 Geotechnical Hazard

Clause 7.7 of PLEP relates to development on land that is subject to geotechnical hazards.

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

- (a) matches the underlying geotechnical conditions of the land, and
- (b) is restricted on unsuitable land, and
- (c) does not endanger life or property.

The site is identified as being Geotechnical Hazard H1.

A geotechnical risk assessment report accompanies the development application.

Minimal excavation is proposed (indeed, less than one metre in depth). The development proposal complies with Council's *Geotechnical Risk Management Policy for Pittwater* (2009).

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

4.1.8 Earthworks

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

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

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

4.1.9 Essentials Services

The site currently enjoys the services of water, electricity, and stormwater drainage as well as vehicular access.

4.1.10 Biodiversity Protection

The site is within a biodiversity area. Accordingly, clause 7.6 ('Biodiversity') of PLEP applies to the development proposal.

Landscaping and associated biodiversity components are expected to be enhanced as a result of the development. An arboricultural impact assessment providing detailed information about the flora on the site forms part of the development application. The report confirms that no proscribed trees require removal to accommodate the development proposal.

Please refer to the arboricultural impact assessment for more specific details.

An extract from the Biodiversity Map is provided at **Annexure 7**.

4.1.11 Aboriginal Heritage

The site has not been identified as a potential Aboriginal Place or as containing an Aboriginal Object and is not listed in Schedule 5 to PLEP or within the NSW Atlas of Aboriginal Places.

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

4.2 SEPP (Building Sustainability Index: BASIX) 2004

SEPP (BASIX) encourages the sustainable development of dwelling-type development.

The development proposal involves the carrying out of alterations and additions to an existing dwelling house, which is therefore a BASIX affected building (see, in that regard, the definition of 'BASIX affected building' in SEPP (BASIX)) and thus a type of BASIX affected development. Accordingly, the provisions of SEPP (BASIX), as well as the BASIX provisions of the EPAA and EPAR, apply to the proposed development.

A BASIX certificate, less than three months old, accompanies the development application.

4.3 SEPP (Coastal Management) 2018

4.3.1 Objectives

State Environmental Planning Policy (Coastal Management) 2018 ('Coastal Management SEPP') applies to the site.

The primary objective of the Coastal Management SEPP is the management of the coastal environment of New South Wales in an ecologically sustainable manner for the social, cultural and economic wellbeing of the people.

The relevant clauses in the Coastal Management SEPP relating to the development proposal are referred to and discussed below, to the extent to which they are relevant to the proposed development.

4.3.2 Coastal Environment Area

The site is identified as being within the coastal environmental area.

The provisions of clause 13(1) of the Coastal Management SEPP are as follows:

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- (b) coastal environmental values and natural coastal processes,
- (c) the water quality of the marine estate (within the meaning of the *Marine Estate Management Act 2014*), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,



- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (f) Aboriginal cultural heritage, practices and places,
- (g) the use of the surf zone.

The proposed alterations and additions are primarily to be carried out within the existing building footprint which has already been affected by the construction of an existing dwelling house. A pool and decking are proposed as well as the inclinator extending to the waterfront.

The development will not create adverse impacts on the biophysical, hydrological and ecological environment nor to the natural coastal process.

Pittwater is not a turbid water location, and the development does not alter, change or otherwise impact the safe access to and along the foreshore for members of the public.

The proposed development complies with clause 13(1) of the Coastal Management SEPP as the development is designed and sited to avoid any adverse impact of the kind referred to in such of the provisions in the subclause as are relevant to the proposal.

A Coastal Management SEPP coastal environment area extract depicting the site is provided at **Annexure 8**.

4.3.3 Coastal Use Area

The site is identified as being within the coastal use area.

The provisions of clause 14(1) of the Coastal Management SEPP are as follows:

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
- (iv) Aboriginal cultural heritage, practices and places,
- (v) cultural and built environment heritage, and

(b) is satisfied that:

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The proposed development sits primarily within the existing building footprint. Accordingly, it does not impact existing access to the Pittwater foreshore. Shadow diagrams of the proposed development which accompany the development application demonstrate that no significant overshadowing is created.

The development sits below the tree canopy. Accordingly, the development does not create a wind funnelling effect.

As discussed in section 4.4.11 ('View Sharing') of this document, the proposal will not result in any significant changes to existing views and thus will not, in our opinion, cause any significant view loss.

The development will not have any impact on the conservation of any known Aboriginal cultural heritage, practices and places because the site has not been identified as a potential Aboriginal Place or as containing an Aboriginal Object and is not listed in Schedule 5 to PLEP or within the NSW Atlas of Aboriginal Places.

As discussed in section 4.1.6 ('Environmental Heritage') of this document, the proposal will not affect heritage items located in the vicinity.

Great care and effort have been made during the design process to ensure visual bulk is reduced through facade articulation and alteration of roof form.

In our opinion, the development proposal is consistent with such of the provisions of clause 14 of the Coastal Management SEPP as are of relevance to the subject-matter of the proposal.

A Coastal Management SEPP coastal use area extract, depicting the site is provided at **Annexure 9**.

4.4 Pittwater Development Control Plan

4.4.1 Objectives

Pittwater Development Control Plan (PDCP) applies to the carrying out of development on the site.

The key aims of PDCP include aims relating to ecologically sustainable development as well as environmental, social and economic objectives.

The principal controls in PDCP relating to the development proposal are referred to and discussed below, to the extent to which they are relevant to the proposed development.

Development control plans contain **guideline** controls at best: see *Zhang v Canterbury City Council* (1999) 105 LGERA 18. This is enshrined in sections 3.42 and 4.15(3A) of the *Environmental Planning and Assessment Act 1979* (NSW), which are as follows:

3.42 Purpose and status of development control plans

(cf previous s 74BA)

(1) The principal purpose of a development control plan is to provide *guidance* on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:

- (a) giving effect to the aims of any environmental planning instrument that applies to the development,
- (b) facilitating development that is permissible under any such instrument,
- (c) achieving the objectives of land zones under any such instrument.

The provisions of a development control plan made for that purpose are not statutory requirements.

(2) The other purpose of a development control plan is to make provisions of the kind referred to in section 3.43 (1) (b)–(e).

(3) Subsection (1) does not affect any requirement under Division 4.5 in relation to complying development. *[Our emphasis]*

4.15 Evaluation

(cf previous s 79C)

... ..

(3A) **Development control plans** If a development control plan contains provisions that

relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be ***flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development***, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, ***standards*** include performance criteria. *[Our emphasis]*

Thus, any purported 'requirement' in PDCP is only a guideline and must be construed as such. It is **not** a statutory requirement.

4.4.2 Locality

The site is located in the Avalon Beach Locality.

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

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

The site is located on a sloping block, with the existing multi-level dwelling house being located below street level for the most part (other than as respects the existing pitched roof which is proposed to be replaced by a butterfly roof). The proposed alterations and additions will be



located at the rear of the site for the most part, as well as internally, and will not be visibly discernible from Riverview Road.

4.4.3 Aboriginal Heritage

Please refer to section 4.1.11 ('Aboriginal Heritage') of this document.

4.4.4 Stormwater Management

The proposed development will rely upon a newly installed stormwater management system.

Despite the proposal resulting in some (but not an appreciable amount of) additional hard surface area, the current stormwater collection system and dispersal into Pittwater will be maintained as part of the development. Please refer to the stormwater plans for further details.

4.4.5 Access Parking and Traffic

The existing dwelling house has provision for two off-street car parking spaces in the carport which has level access to Riverview Road.

Off-street parking as required by Part B6.3 of PDCP is two spaces per dwelling (*not* being a secondary dwelling) with two bedrooms or more.

The current parking arrangement is compliant, functional and workable.

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

4.4.6 Excavation and Landslip Hazard

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

A geotechnical risk assessment report accompanies the development application and addresses the effects of excavation and landfill

operations as a result of the carrying out of the proposed development.

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

4.4.7 Erosion and Sediment Management

Appropriate erosion and sedimentation management measures, so as to ensure that there is low impact in terms of runoff with a view to meeting the controls contained in Part B8.2 of PDCP, are included as part of the development application.

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

4.4.8 Waste Minimisation

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

Please refer to the waste management plan for further information.

4.4.9 Site Fencing and Security

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

4.4.10 Landscaped Area

Control D1.14 of PDCP requires the total landscaped area on land zoned E4 Environmental Living to be 60% of the site area. The proposed alterations and additions to the

existing dwelling house will result in a landscaped area equal to the control.

The overall design intent and sought-after outcome is to preserve as many of the existing trees on the site as possible as well as minimise any impact on the established gardens and native trees, in particular, at the rear of the site.

The proposed alterations and additions to the existing dwelling house, as well as the carrying out of the ancillary and incidental aspects of the development (including the construction of the swimming pool and the proposed landscaping works), achieve the needs of the occupants, without additionally disturbing the site itself. Indeed, as a result of the carrying out of the proposed landscaping works, the existing natural landscaping of the site will be further enhanced appreciably.

Please refer to the landscape plans accompanying the development application for further details.

4.4.11 View Sharing

The proposed development will not materially affect views from any neighbouring properties.

The nature of the sloping site, as well as the existing natural landscaping (which is to be further enhanced), ensures that existing views from adjoining properties are maintained.

4.4.12 Acoustic and Visual Privacy

The proposed alterations and additions to the existing dwelling house are located away from the street, thus assisting in maintaining acoustic and visual privacy.

Given the topography of the site and the existing vegetation on the site, the proposed development does not result in any privacy impacts to nearby neighbours.

Please refer to the photographs of the site and the surrounding streetscape provided at **Annexure 3**.

4.4.13 Solar Access

Glazing to the northern facade provides for appropriate access to sunlight to living spaces (refer Part C1.4, PDCP).

The main private open space area at the rear of the existing dwelling house and the proposed new balconies will receive adequate solar access during the winter solstice.

Shadow diagrams accompanying the development application demonstrate that there will be no significant impact in terms of increased shadow to adjoining residences. Shadowing is incremental/redistributed only.

4.4.14 Natural Environment

Native vegetation on the site will not be adversely affected by the proposed development when the proposed new landscaping is taken into account. The development proposal does not involve the construction of any permanent fencing on the site, in compliance with the controls contained in Part B4.7 of PDCP.

As required by Parts B4.7(b) and B4.22 of PDCP, an arborist report is submitted. An arboricultural impact assessment providing detailed information about flora on the site accompanies the development application. The arboricultural impact assessment supports the proposed development.

Please refer to the arboricultural impact assessment for more specific detail.

4.4.15 Eaves

The dwelling house as modified incorporates eaves into its design, in compliance with the

controls contained in Part C1.23 of PDCP. Eaves are to be retained.

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

4.4.16 Private Open Space

The proposed development includes private open space which exceeds the minimum requirements of 80 sqm in area and 3m in width (refer Part C1.7, PDCP).

The proposed development involves, among other things, the construction of new balconies and a swimming pool. As respects the use of the deck and the swimming pool and the likely impacts resulting therefrom, the topography of the site and the existing vegetation on the site will limit overlooking and assist in the maintenance of the privacy of adjoining residential properties.

Please refer to the plans accompanying the development application.

4.4.17 Setbacks and Building Line

Part D1.8 of PDCP provides for a minimum front building line of 6.5m or the established building line, whichever is the greater.

The proposed new garage will replace the existing carport. The location of the garage results in a nil setback to the front boundary and therefore will result in a non-compliant front setback. Glazing has been utilised on the eastern and western elevations of the garage to maintain the existing view corridor from the street. As the existing dwelling house is set back from the street, the proposed alterations and additions will, in our opinion, have virtually no impact in terms of streetscape.

Part D1.9 of PDCP provides for a minimum side building line setback of 2.5m to one side and

1.0m to the other side, and a minimum rear building line setback of 6.5m (other than where the foreshore building line applies).

The proposal seeks to maintain the existing side boundary setbacks of over 1.0m to the northern boundary and 1.6m to the southern boundary.

The neighbouring property is also heavily vegetated, and there are no buildings located directly opposite the proposed addition from the southern side boundary. Therefore, the minor departure from the side setback requirements does not, in our opinion, prevent the proposal from achieving the objectives of Part D1.9 of PDCP, such as privacy, solar access and amenity.

We note the location of the foreshore building line on the site plan and that there are no built structures proposed beyond this point towards the waterfront.

4.4.18 Building Envelope

Part D1.11 of PDCP seeks to ensure that new development responds to, reinforces and relates to the spatial characteristics of the existing natural environment with respect to streetscape, bulk, scale and form, and existing vegetation.

The proposed development is consistent with the desired outcomes of this control. A breach of the building envelope occurs on the southern and northern elevations of the dwelling house. This is shown on the architectural plans which accompany the development application. Be that as it may, the non-compliance is primarily a result of the slope of the land being in excess of 30%. There is minimal new works proposed which will breach the building envelope. In fact, the design elements will provide for modulation of the built form and a reduction in overall bulk and scale.

In our opinion, the non-compliance does not impact upon the ability of the development to

achieve the desired outcomes of this control of PDCP.

4.4.19 Building Facades

There are no service pipes external to the proposed building facades which are visible to any public places (refer Part C1.10 of PDCP).

Elevation plans of the proposed development accompany the development application.

4.4.20 Colours and Materials

A colours and materials scheme accompanies the development application.

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

4.4.21 Private Open Space

The proposed development includes private open space exceeding the minimum 80.0 sqm in area and 5.0m width as provided for in Part C1.7 of PDCP.

The private open space is located with direct access from living areas and receives adequate solar access.

4.4.22 Visual and Acoustic Privacy

The living and deck areas are located so as to ensure that visual privacy is maintained from areas of private open space and the living areas of adjoining properties.

In our opinion, dwelling house as proposed to be altered is consistent with the controls contained in Part D8 of PDCP.

5.0 KEY ISSUES

5.1 Height of Buildings

The proposed development exceeds the height control under clause 4.3 of PLEP. The maximum permissible

height of a building on the site is ordinarily 8.5 metres. The height of the dwelling house after the carrying out of the alterations and additions (relevantly, as a result of the proposed new butterfly roof) will exceed the maximum 10.0 metre height exception.

However, despite the 8.5m height control, development on land that has a maximum building height of 8.5m may exceed a height of 8.5m, but not be more than 10.0 metres, if certain conditions are satisfied. In our opinion, those conditions are satisfied as respects the proposed development.

The proposed height exceedance will be in absolute terms less than that which is presently the case. The reduction in the height is the result of the proposed replacement of the present pitched roof with a visually more attractive butterfly roof. Furthermore, the proposed development is, in our opinion, consistent with the objectives of the height of buildings development standard. Please refer to the architectural drawings, as well as the clause 4.6 written request, accompanying the development application for more specific detail.

5.2 Natural Resources

Native vegetation on the site will not be adversely affected by the proposed development when the proposed new landscaping is taken into account. An arborist report is submitted. An Arboricultural impact assessment providing detailed information about flora on the site accompanies the development application. The assessment supports the proposed development.

5.3 Setbacks

The proposed development seeks to maintain the existing setbacks. As a result, there will be non-compliances with the side and front setback controls. However, as mentioned in the previous section, this departure does not prevent the proposal from meeting the objectives of the relevant PDCP controls.

5.4 Bulk and Scale

The bulk and scale of the existing dwelling house will not change appreciably as a result of the carrying out of the proposed development. In addition, the proposed development is consistent with the bulk and scale of newer built elements in the locality.

6.0 CONCLUSION

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

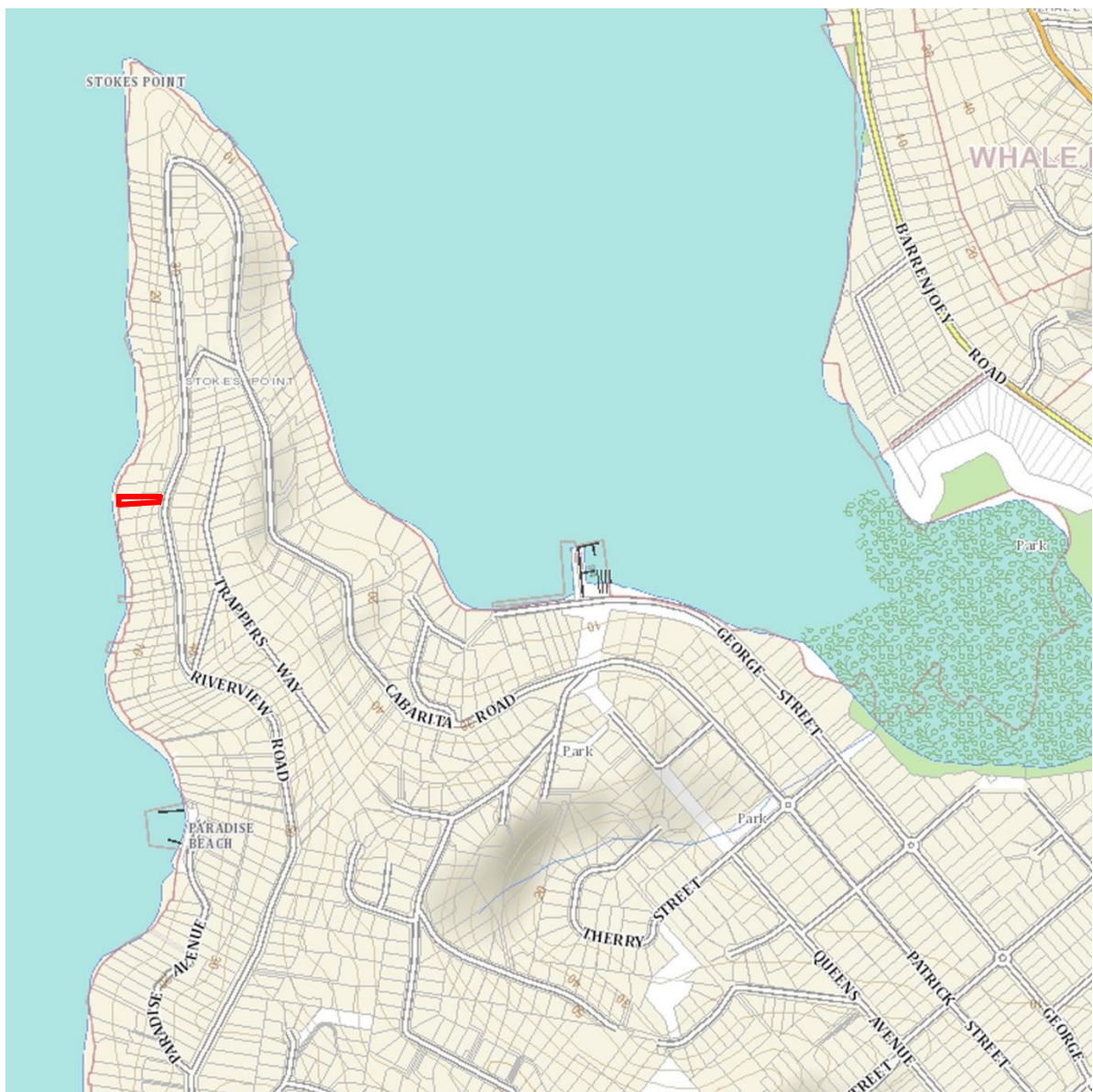
The development will result in a significant aesthetic improvement to the built structures and as well will cater to disabled and older persons. Maintenance of views from the public domain has been considered.

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

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

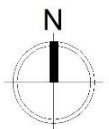
ANNEXURE 1

LOCATION PLAN



LOCATION PLAN

Courtesy Six Maps



ANNEXURE 2

AERIAL PHOTOGRAPH



AERIAL PHOTOGRAPH

Courtesy Six Maps



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September 2018
Ref: lee.riv163a

DRAWN: mh

Annexure 2

163 Riverview Road
Avalon Beach

ANNEXURE 3

PHOTOGRAPHIC PALETTE



PHOTOGRAPH 1 – View of the carport and roof of the dwelling house, with Pittwater in the background



PHOTOGRAPH 2 – View of the path to the dwelling house, with Pittwater in the background



PHOTOGRAPH 3 – View of the rear of the dwelling house



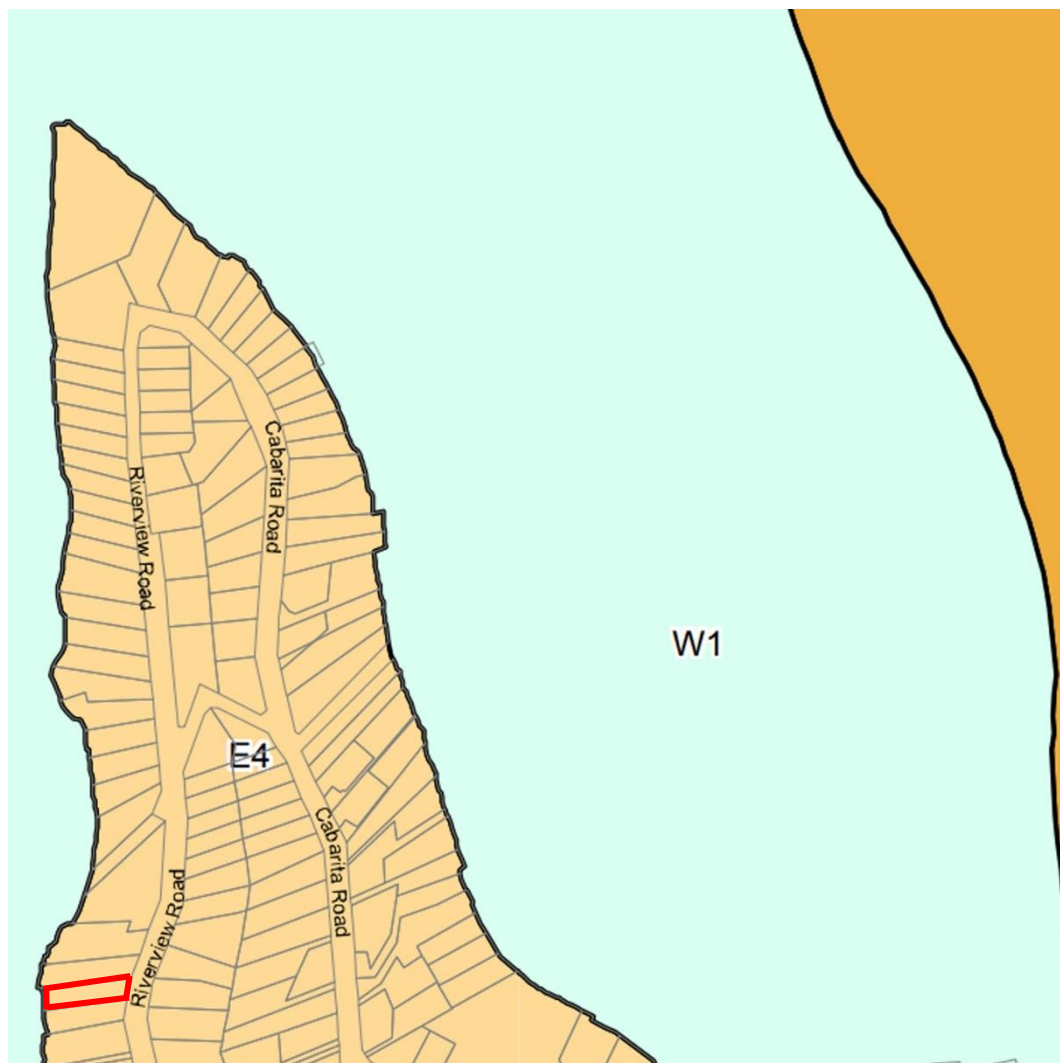
PHOTOGRAPH 4 – View of the northern elevation of the dwelling house, taken at the rear

ANNEXURE 4

ZONING MAP (EXTRACT FROM PLEP)

Zone

B1	Neighbourhood Centre
B2	Local Centre
B4	Mixed Use
B6	Enterprise Corridor
B7	Business Park
E1	National Parks and Nature Reserves
E2	Environment Conservation
E3	Environmental Management
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU2	Rural Landscape
SP1	Special Activities
SP2	Infrastructure
SP3	Tourist
W1	Natural Waterways
W2	Recreational Waterways



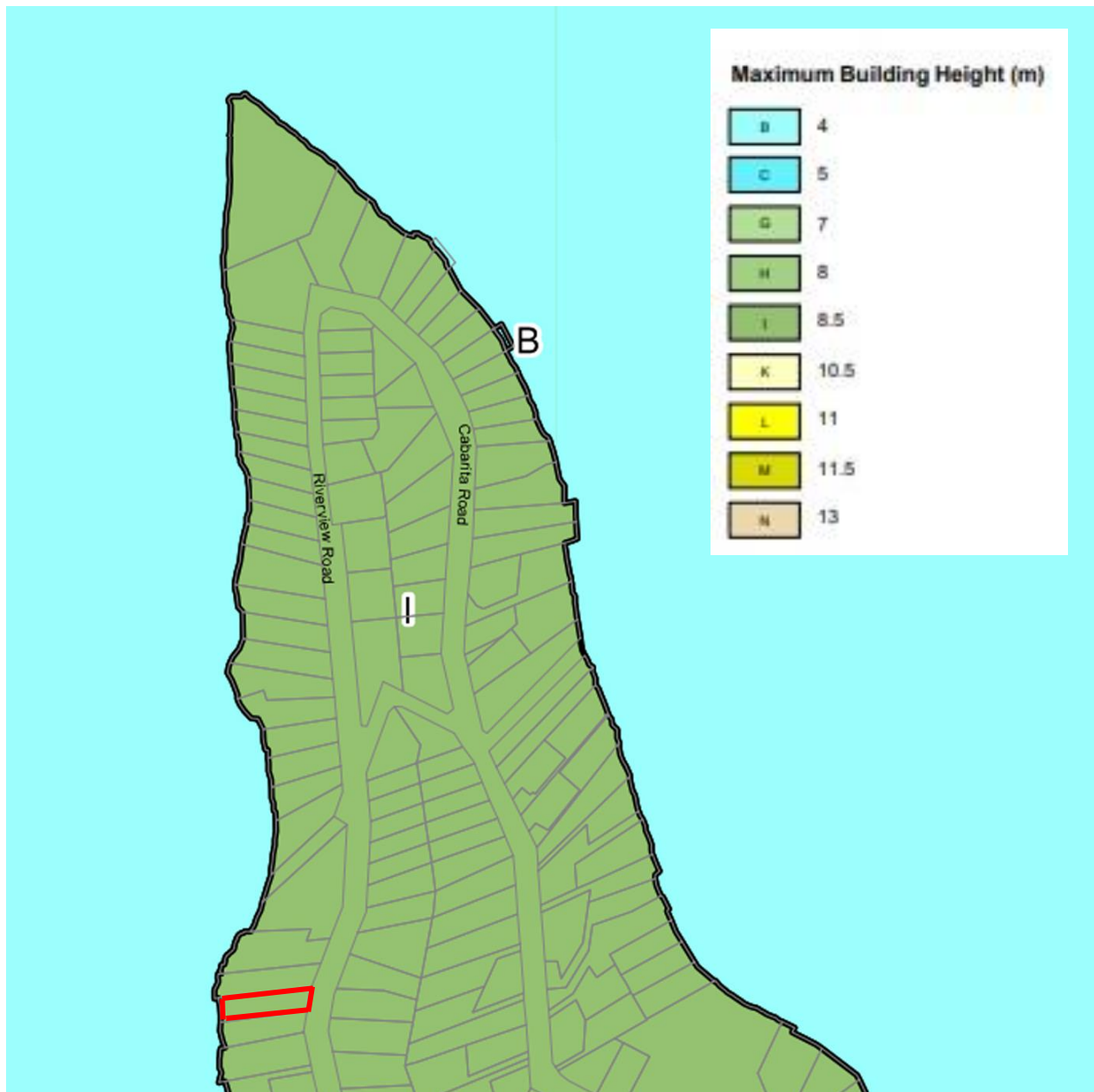
ZONING MAP

(Extract From PLEP)



ANNEXURE 5

HEIGHT OF BUILDINGS MAP (EXTRACT FROM PLEP)



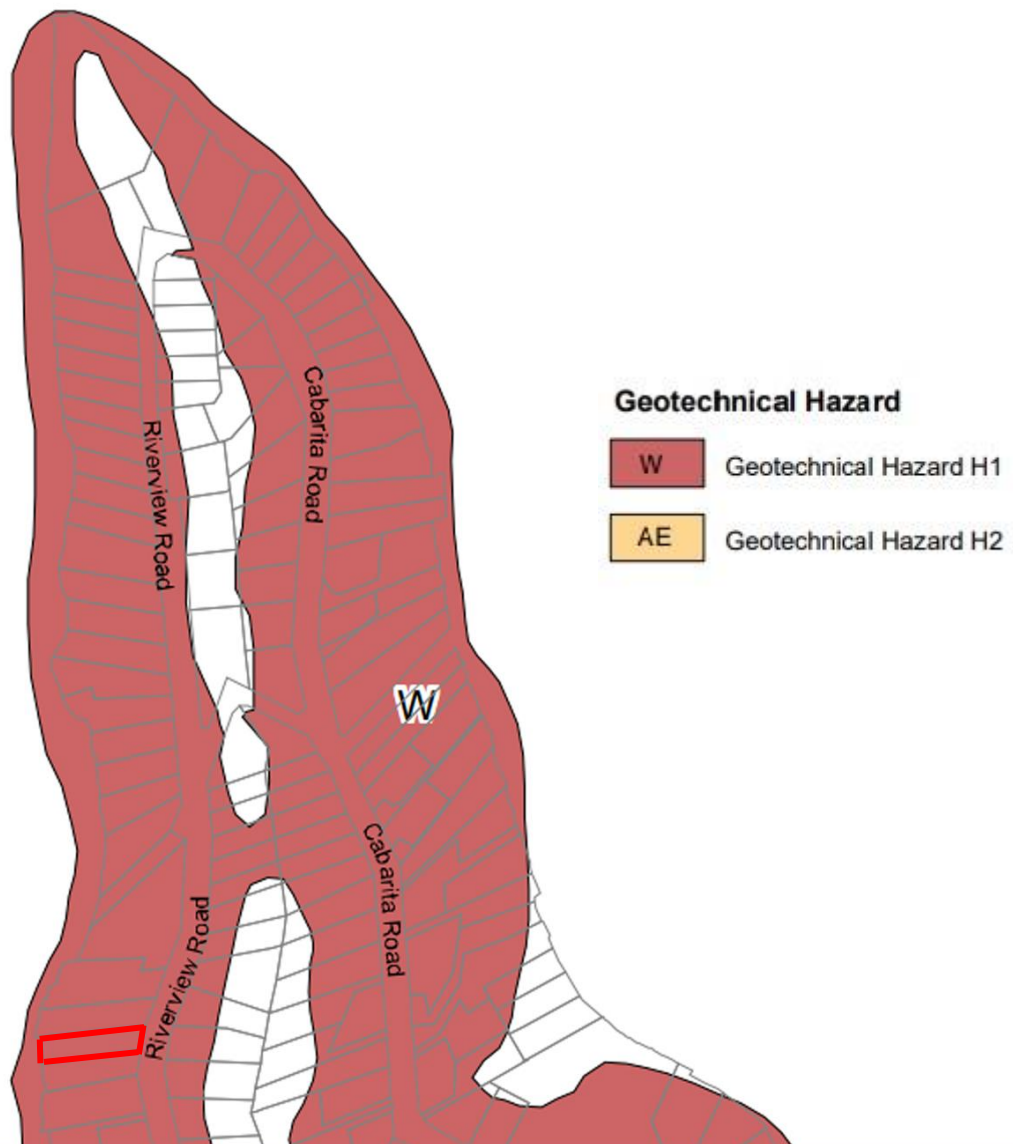
HEIGHT OF BUILDINGS MAP

(Extract from PLEP)



ANNEXURE 6

GEOTECHNICAL HAZARD MAP



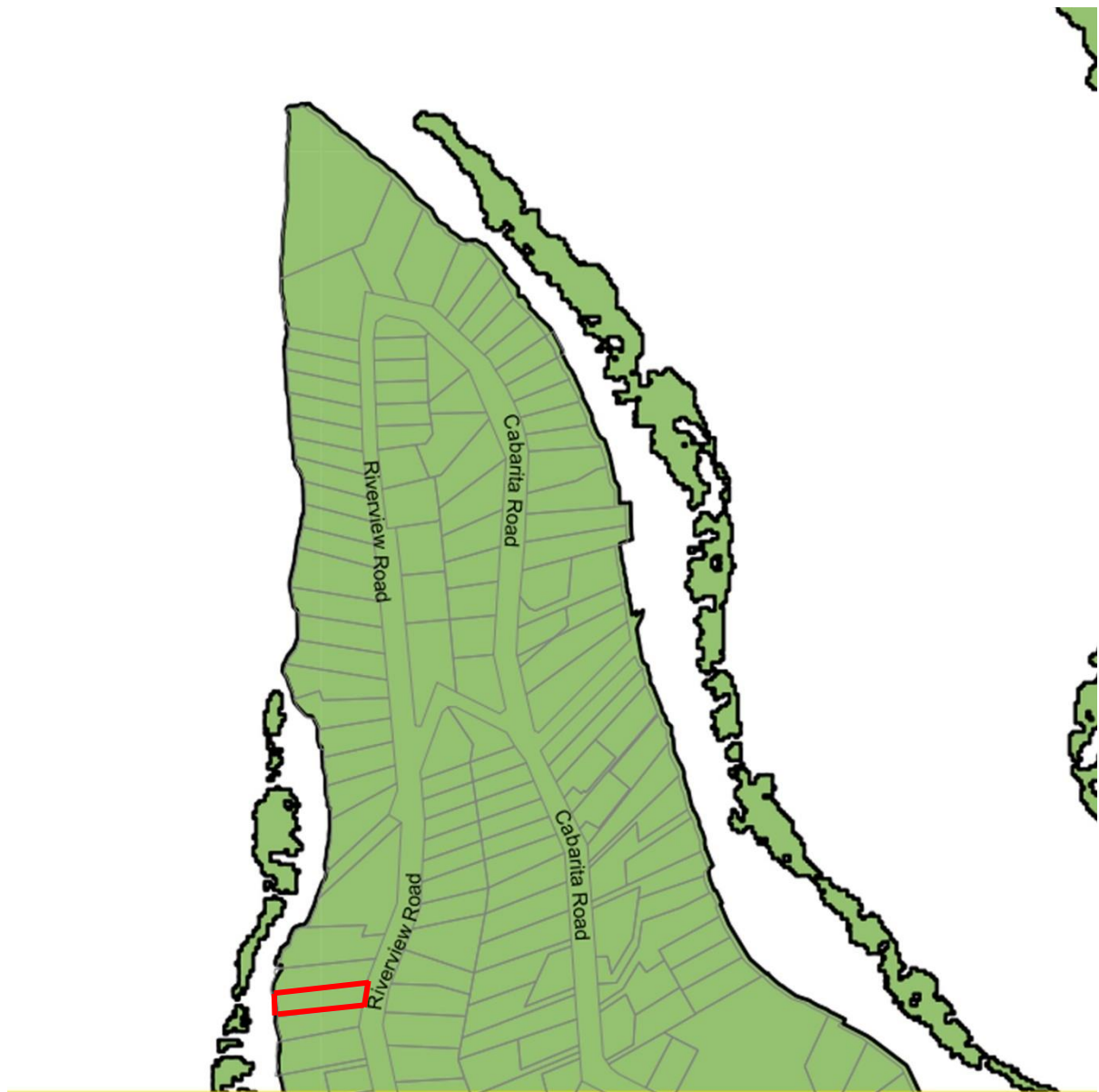
GEOTECHNICAL HAZARD MAP

(Extract From PLEP)



ANNEXURE 7

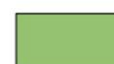
BIODIVERSITY MAP (EXTRACT FROM PLEP)



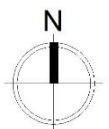
BIODIVERSITY MAP

(Extract From PLEP)

Biodiversity



Biodiversity



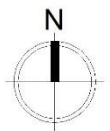
ANNEXURE 8

COASTAL ENVIRONMENT AREA MAP
(EXTRACT FROM COASTAL MANAGEMENT SEPP)



COASTAL ENVIRONMENT AREA MAP

(EXTRACT FROM COASTAL MANAGEMENT SEPP)



ANNEXURE 9

COASTAL USE AREA MAP
(EXTRACT FROM COASTAL MANAGEMENT SEPP)

