
STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR PROPOSED CONSTRUCTION OF NEW DWELLING, ATTACHED
GARAGE AND ASSOCIATED LANDSCAPING ON PROPOSED LOT 3**

LOCATED AT

7 TRENTWOOD PARK, AVALON BEACH

FOR

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**Prepared
April 2019**

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1.0 Introduction

This Statement of Environmental Effects accompanies plans prepared by Gartner Trovato Architects, Project Number 1711, Issue J, dated 12 March 2019 to detail proposed construction of a new dwelling, attached garage and associated landscaping at on proposed Lot 3 at **7 Trentwood Park, Avalon Beach**.

The list of drawings prepared by Gartner Trovato Architects includes the following:

- DA-00 COVER PAGE
- DA-01 SITE PLAN & SITE ANALYSIS
- DA-02 FLOOR PLANS
- DA-03 ELEVATIONS
- DA-04 SECTIONS
- DA-05 EXTERNAL FINISHES / PHOTOMONTAGE
- DA-06 LANDSCAPE PLAN
- DA-07 SHADOW DIAGRAMS

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.

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 No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

Development Application No. N0530/15 was approved by the Court on 10 November 2017 for subdivision of one lot into three, and demolition of existing detached garage and new access road to provide access to new lots. The subject development application seeks to provide for the construction of a new dwelling, attached garage and associated landscaping at on Lot 3 within the approved subdivision.

2.0 Property Description

The subject allotment is described as No. 7 Trentwood Park, Avalon Beach, being Lot 1 within Deposited Plan 202857. The proposal relates to the approved Lot 3 within the westernmost portion of the site. The property is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is not listed as a heritage item, nor is it within a conservation area. However, the site is within the vicinity of the Ruskin Rowe Heritage Conservation Area. This matter will be discussed in further detail within this report.

The site is identified by Council as being affected by Geotechnical Hazard H1 and as such, a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J1457, dated 31 January 2019, and accompanies the DA submission. This will be discussed further within this submission.

The site has been identified as Bushfire Prone Land, as such a Bushfire Protection Assessment has been prepared by Australian Bushfire Protection Planners Pty Limited, dated 11 February 2019, and accompanies this submission. This matter will be discussed in further detail within this report.

The site has been identified on Council's Biodiversity Map. A Flora & Fauna Assessment has been prepared by Cumberland Ecology, dated 4 March 2019. This will be discussed in detail further within this submission.

The site is within the Class 5 Acid Sulfate Soils Area. This matter will be discussed in further detail within this report.

3.0 Site Description

The property is located on the western side of Trentwood Park and is irregular in shape.

The site has an access driveway from Trentwood Park, with an arc-shaped street frontage of 12.84m to Trentwood Park. The total existing site area is 5418m². The property has a fall of 38.4m towards the east, with stormwater from the site directed to the street gutter in Trentwood Park.

The land is currently developed with an existing two storey weatherboard dwelling, with a metal roof and detached single garage. The existing driveway provides vehicular access to the site from Trentwood Park.

The proposed Lot 3 has a total site area of 1620m², with an area of 1390m² excluding the access handle.

The details of the existing site levels are indicated within the Survey Plan prepared by Adam Clerke Surveyors Pty Ltd, Reference No. 11713_5, dated 18 May 2015.

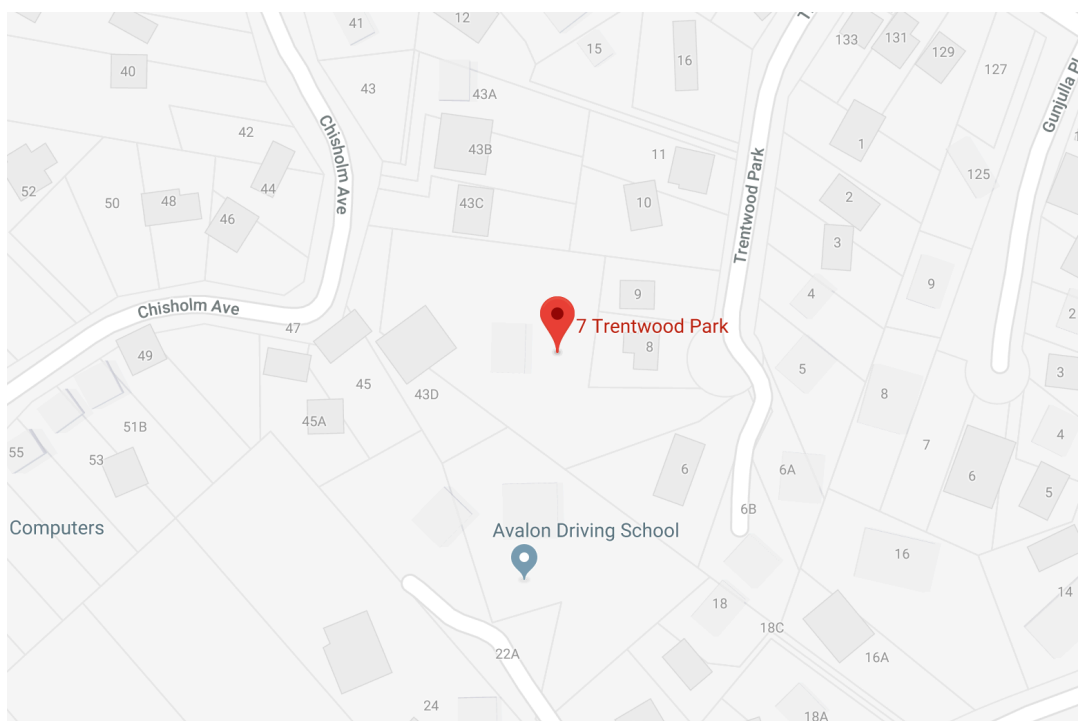


Fig 1: Location of subject site
(Source: Google Maps)

4.0 The Surrounding Environment

The general vicinity of the site is characterised by residential developments between one and three storeys in height within landscaped settings. The surrounding dwellings enjoy district views towards Avalon Beach.

The area is undergoing change and renewal, with newer, larger contemporary dwellings and additions being constructed in the immediate vicinity.

The form of the dwellings and associated structures is influenced by the sloping terrain and existing tree cover within the vicinity.

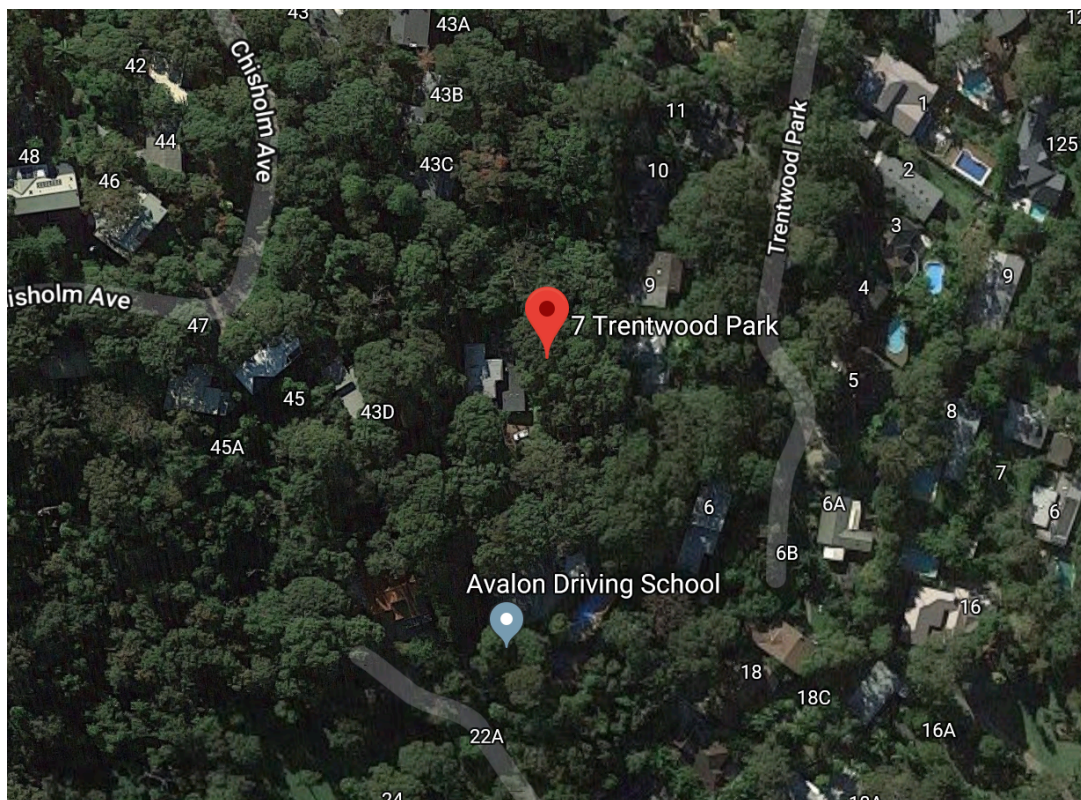


Fig 2: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

The proposal seeks to the construction of a new dwelling, attached garage and associated landscaping.

The development will comprise:

Ground Floor Plan

- Proposed new ground floor level to provide for double garage and separate car space, entry, studio, bathroom and deck, internal access stairs

First Floor Plan

- Proposed new first floor level to provide for two bedrooms, bathroom, WC, internal access stairs and lift shaft

Second Floor Plan

- Proposed new second floor level to provide for three bedrooms including master with walk-in robe and ensuite, bathroom, laundry, TV room, open plan living, dining and kitchen with pantry, and front and rear decks

Landscaping and External Works

- New driveway on the western end of the battle-axe, providing access to proposed garage
- Turning bay
- Landscaping

The proposal provides for a low profile development, which complements the extent and character of existing dwellings within the neighbourhood and follows the sloping topography of the site.

The external finishes of the dwelling will comprise a mix of weatherboard, FC and timber cladding with metal roof sheeting.

Consent was granted under Development Application No. N0530/15 for the removal of a number of trees to accommodate the future development of the site, in accordance with the Arboricultural Impact Assessment prepared by Tree Wise Men, dated August 2017. The subject proposal will not require the removal of any additional vegetation to accommodate the new dwelling.

The site will maintain a generous area of soft landscaping, with new plantings to be provided throughout the site as detailed on the submitted Landscape Concept Plan prepared by Gartner Trovato Architects, Job No. 1711, dated 12 March 2019.

The indices for the development are as follows:

Site Area: 1390m² (excluding access handle)

Required Landscaped Area: 60% or 834m²

Proposed Landscaped Area: 74% or 1213m²

6.0 ZONING AND DEVELOPMENT CONTROLS

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) 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 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Pittwater Local Environmental Plan 2014.

The aims of the SEPP are detailed in Clause 3 and note:

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

An Arboricultural Impact Assessment has been prepared by Urban Forestry Australia, dated 5 March 2019, which confirms that no additional trees are to be removed as part of the subject development application.

The site will maintain a generous area of soft landscaping, with new plantings to be provided throughout the site as detailed on the submitted Landscape Concept Plan prepared by Gartner Trovato Architects, Job No. 1711, dated 12 March 2019.

In this instance, the proposal seeks to retain and protect the majority of substantial vegetation on the site and is therefore considered to be consistent with the aims of the SEPP.

6.4 Pittwater Local Environmental Plan 2014

Clause 2.3 Zone Objectives and Land Use Table

The subject site is zoned E4 Environmental Living under the Pittwater LEP 2014.

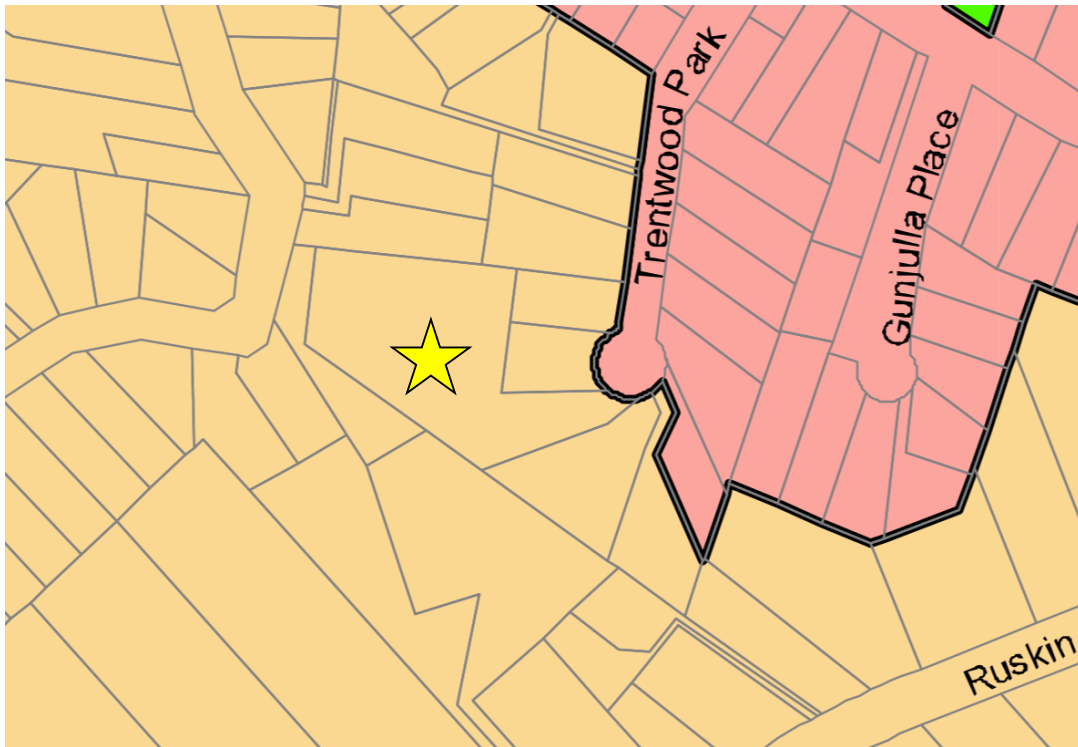


Fig 3: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The development of and use of the land for residential purposes within the E4 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 additions to the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons (over):

-
- The proposal will see the construction of a new dwelling that will have low impact on the ecological and aesthetic values of the area.
 - The proposed dwelling 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 the retention of existing significant vegetation to retain and enhance riparian vegetation and wildlife corridors.
 - 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 Avalon Beach is 8.5m. The proposal presents a maximum height of 7.7m and therefore readily complies with this control.

Clause 5.10 – Heritage Conservation

The site is not listed as a heritage item, nor is it within a conservation area. However, the site is within the vicinity of the Ruskin Rowe Heritage Conservation Area (Area No. C5).

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Pittwater,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

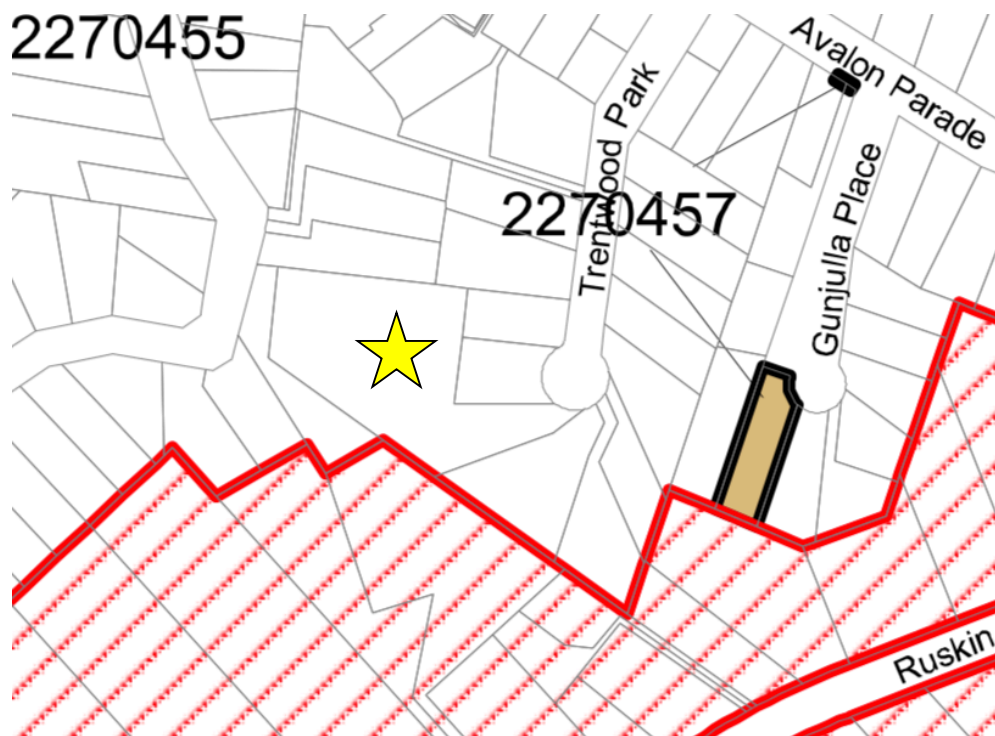


Fig 4: Extract of Pittwater Local Environmental Plan 2014 Heritage Map

A Heritage Impact Statement was prepared by John Oultram Heritage & Design, dated April 2016, in relation to the approved subdivision, which concluded the following:

Overall we consider that there are no heritage considerations that would preclude the proposal proceeding and that the subdivision does not seek to overdevelop the site. The lots sizes remain generous and in line with the general pattern of the area and previous divisions.

The central lot provides a good curtilage to the existing house that will maintain its setting and pay due regard to its orientation, aspect and outdoor areas.

The proposal is unlikely to have any impact on the conservation area provided that tree removal is limited and the scale of the house lots is not large. In heritage terms, we would recommend that the proposals be approved.

The proposal provides for the construction of a modest two storey dwelling, which will not detract from the significance of the adjoining Ruskin Rowe Heritage Conservation Area, and is therefore considered to be in keeping with the provisions of this clause.

Clause 7.1 – Acid Sulfate Soils

The site is within the Class 5 Acid Sulfate Soils area. The residential nature of the works will not see any substantial change to the water table, and no further investigation is deemed necessary in this instance.

Clause 7.2 – Earthworks

This clause relates to earthworks. The proposal will require some excavation of the site to accommodate the proposed new dwelling. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J1457A, dated 31 January 2019, and accompanies the DA submission.

The report provides the following conclusion:

The original report was comprehensively written to detail the construction of the proposed house on lot 1. The changes do not alter the recommendations or the risk assessment in the report carried out by this firm numbered J1457 and dated the 15th September, 2017.

All new works will be carried out in accordance with the advice of the consulting Structural and Geotechnical Engineers, and the proposal will therefore satisfy the provisions of this clause.

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 not see any substantial disturbance to the existing flora, with no significant trees or natural vegetation to be removed as part of the subject proposal.

A Flora & Fauna Assessment was carried out by Cumberland Ecology, dated October 2017, to identify the impact of the previous subdivision and building footprints on the biodiversity of the locality and detail mitigative measures to be taken. An updated report was prepared by Cumberland Ecology, dated 4 March 2019, which concludes that the proposed development will not increase impacts on biodiversity values. Subject to compliance with recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

Clause 7.7 – Geotechnical Hazards

The site is identified by Council as being affected by Geotechnical Hazard H1 and as such, a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J1457A, dated 31 January 2019.

The report concludes that the proposed development is suitable for the site and the site can achieve the Acceptable Risk Management Criteria of Council's Geotechnical Risk Policy.

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

6.3 Pittwater 21 Development Control Plan 2014

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

6.3.1 Shaping Development – Desired Character

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

A4.10 Avalon Beach Locality

The Avalon Beach locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural 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 occupancy dwellings will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. 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.

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.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

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 the construction of a new dwelling, which is modest in bulk and scale, and respects Council's statutory building height control

The proposal will not have any impact on the existing tree canopy and will retain an appropriate area of soft landscaping. Additional plantings are to be provided throughout the site to soften and screen the built form of the development, as detailed in the submitted Landscape Plan.

The proposal has been designed to reflect the existing setbacks provided to all boundaries existing in the immediate area. The new dwelling has been designed to reflect the sloping topography of the site and will be suitably integrated with the landform and landscape.

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

6.3.2 Part B General Controls

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

B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites

The controls seek to achieve the outcomes:

Conservation of the environmental heritage of Pittwater LGA in accordance with the principles contained in the Burra Charter.

Enhancement of the identified heritage values and significant character of the heritage conservation areas and encourage contemporary design that responds appropriately to their character.

Development respectful of environmental heritage, undertaken in a manner that is sympathetic to, and does not detract from, any heritage significance.

The site is identified as being within the vicinity of the Ruskin Rowe Heritage Conservation Area. The proposal seeks to provide for the construction of a modest two storey dwelling, which is in keeping with the character of the locality and is not considered to detract from the significance of the nearby Conservation Area.

The proposed dwelling generally complies with Council's built form controls, and will maintain a suitable portion of the site as soft landscaping. The proposal is therefore in keeping with the objectives of this clause.

B1.3 Heritage Conservation - General

The controls seek to achieve the outcomes:

Conservation of the environmental heritage across Pittwater LGA in accordance with the principles contained in the Burra Charter.

Enhancement of the existing heritage values and encouragement of contemporary design that responds appropriately to their context.

Development respectful of environmental heritage undertaken in a manner that is sympathetic to, and does not detract from, any heritage significance.

As discussed above, the site is identified as being within the vicinity of the Ruskin Rowe Heritage Conservation Area. The proposal seeks to provide for the construction of a modest two storey dwelling, which is in keeping with the character of the locality and is not considered to detract from the significance of the nearby Conservation Area.

The proposed dwelling generally complies with Council's built form controls, and will maintain a suitable portion of the site as soft landscaping. The proposal is therefore in keeping with the objectives of this clause.

B1.4 *Aboriginal Heritage Significance*

The controls seek to achieve the outcomes:

Provide protection for Aboriginal place of heritage significance or Aboriginal object. (S)
Potential Aboriginal places of heritage significance and Aboriginal objects are identified and protected. (S)

The site is not identified as being in the vicinity of a potential Aboriginal place of heritage significance or Aboriginal object. If any items of significance are encountered during construction, work will be ceased and appropriate action taken.

B3.1 *Landslip Hazard*

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)

The site is identified by Council as being affected by Geotechnical Hazard H1 and as such, a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J1457, dated 31 January 2019.

The report concludes that the proposed development is suitable for the site and the site can achieve the Acceptable Risk Management Criteria of Council's Geotechnical Risk Policy.

B3.2 *Bushfire Hazard*

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. (Ec)

The site has been identified as within Bushfire Prone Land, and accordingly a Bushfire Protection Assessment has been prepared by Australian Bushfire Protection Planners Pty Limited, dated 11 February 2019. Subject to compliance with the recommendations contained within this report, the proposal will satisfy the provisions of this clause.

B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor

The controls seek to achieve the outcomes:

Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species.
Development shall provide wildlife corridors via creation, restoration, and / or regeneration of habitat.
Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees.
Development shall ensure that at least 80% of any new planting incorporates native vegetation.
Landscaping is to be outside areas of existing bushland and should not include environmental weeds.
Development shall provide an adequate buffer to wildlife corridors.
Caretakers of domestic animals shall prevent them from entering wildlife habitat areas.
Fencing, where permitted, shall be passable by native wildlife.

The development will not see any substantial disturbance to the existing flora, with no significant trees or natural vegetation to be removed as part of the subject proposal.

A Flora & Fauna Assessment was carried out by Cumberland Ecology, dated October 2017, to identify the impact of the previous subdivision and building footprints on the biodiversity of the locality and detail mitigative measures to be taken. An updated report was prepared by Cumberland Ecology, dated 4 March 2019, which concludes that the proposed development will not increase impacts on biodiversity values. Subject to compliance with recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The controls seek to achieve the outcomes:

Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats. (En)

A Flora & Fauna Assessment was carried out by Cumberland Ecology, dated October 2017, to identify the impact of the previous subdivision and building footprints on the biodiversity of the locality and detail mitigative measures to be taken. An updated report was prepared by Cumberland Ecology, dated 4 March 2019, which concludes that the proposed new dwelling will not increase impacts on biodiversity values within the site. Subject to compliance with recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

B5.7 On-Site Stormwater Detention

The controls seek to achieve the outcomes:

Rates of stormwater discharged into receiving environment maintained or reduced. (Ec, S)

On-site stormwater detention is provided on site as detailed in the Stormwater Management Plan prepared by Barrenjoey Consulting Engineers Pty Ltd, Job No. 171001L3, dated 19 December 2018.

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)

The proposal is accompanied by a Stormwater Management Plan prepared by Barrenjoey Consulting Engineers Pty Ltd, Job No. 171001L3, dated 19 December 2018. The proposal provides for on-site detention, with overflow directed to the street gutter in Trentwood Park.

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 provides for a new driveway to accommodate suitable access to the proposed garage and car space. The proposed driveway has been designed to comply with Council's requirements.

B6.3 Off-Street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

An adequate number of parking and service spaces that meets the demands generated by the development.
Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.

Safe and convenient parking.

The controls require a minimum of 2 parking spaces for each dwelling. The proposal will provide for a double garage and single car space which will meet the parking needs of the dwelling.

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)

This clause relates to earthworks. The proposal will require some excavation of the site to accommodate the proposed new dwelling. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J1457A, dated 31 January 2019, and accompanies the DA submission.

All new works will be carried out in accordance with the advice of the consulting Structural and Geotechnical Engineers, and the proposal will therefore satisfy the provisions of this clause.

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 to Trentwood Park.

6.3.3 Part 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 retains a suitable area of soft landscaping on the site. The site will maintain its contribution to the landscaped character of the locality.

An Arboricultural Impact Assessment has been prepared by Urban Forestry Australia, dated 5 March 2019. No additional trees are to be removed as part of the subject development application.

The site will maintain a generous area of soft landscaping, with new plantings to be provided throughout the site as detailed on the submitted Landscape Plan prepared by Gartner Trovato Architects, Job No. 1711, dated 12 March 2019.

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 proposed dwelling will suitably address the site's entry to maximise safety and security.

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 district outlook to the east.

The proposed new dwelling is modest in height and scale, and is not considered to result in any unreasonable loss of views for neighbouring properties. Uphill properties will maintain views over and along the side boundaries of the proposed dwelling.

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.

The proposal is accompanied by shadow diagrams which demonstrate that the proposed dwelling will largely maintain the existing solar access currently received by the subject and neighbouring properties.

In addition, the subject property will receive suitable solar access throughout the day. The proposal therefore complies with the provisions of this clause.

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 window openings to the side elevations are limited, and the proposed decks are well separated from the side boundaries. The proposed dwelling is well separated from neighbouring properties, and the existing vegetation will assist with maintaining ample privacy for occupants of the subject site and neighbouring properties.

The proposal is therefore considered to maintain suitable visual privacy for occupants of the subject site and neighbouring properties.

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 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 provides a generous area of private open space within the rear yard of the site, with excellent access to the northern sun.

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 suitable storage available within the designated bit storage area, with the waste removed by Council contractors via the household garbage service.

6.3.4 Part 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 suitable views and amenity for 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 the construction of a new dwelling, which provides a modest bulk and scale, and readily complies with Council's statutory height limit.

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 new dwelling is considered to be consistent in terms of bulk and scale to the existing surrounding development, which generally comprises two and three storey dwellings that are orientated to take advantage of the district outlook. The setbacks provided reflect the setbacks of the adjoining properties.

The proposal will not require the removal of any significant vegetation, and a suitable area of soft landscaping will be maintained.

D1.4 Scenic Protection – General

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)*

The proposal provides for a new dwelling which will maintain a bulk and scale which is compatible to neighbouring development. Perimeter plantings are to be provided throughout the site to soften the built form of the development and retain the existing bushland character of the area when viewed from a distance.

D1.5 Building colours and materials

The controls seek to achieve the outcomes:

*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 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 recessive finishes and colours which are compatible with the DCP and surrounding properties.

D1.8 Front Building Line

The controls seek to achieve the outcomes:

To 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 manoeuvring 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 deck and dwelling will stand a minimum of 4.38m and 6.6m from the internal battleaxe boundary respectively. The proposed eastern setback is in keeping with the approved subdivision footprint, and is therefore considered appropriate. In addition, the development is in keeping with the desired outcomes of this clause.

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)

A landscaped buffer between commercial and residential zones is achieved. (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 min 1.0m setback for the other side.

The proposed dwelling will stand a minimum of 14.0m and 17.4m from the northern and southern side boundaries respectively, and therefore complies with the side setback control.

The proposed dwelling will stand a minimum of 6.4m from the rear boundary, and therefore presents a minor variation to the rear setback control. The variation comprises a minor portion

of the dwelling only, with the substantial majority of the dwelling to readily comply with the rear setback control. The proposed dwelling provides suitable separation from adjoining properties.

The overall bulk and scale of the development is in keeping with surrounding development. The proposal maintains suitable privacy, amenity and solar access for neighbouring properties. Notwithstanding the minor variation to the rear boundary setback control, the proposal will meet the desired objectives of this clause and is considered worthy of support on merit.

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 proposed dwelling is well set back from the side boundaries and readily complies with the building envelope control.

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 will maintain a landscaped area of or 1213m² or 74% of the site area and therefore readily complies with this control.

D1.16 Fences – Flora and Fauna Conservation Areas

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- An open streetscape that allows casual surveillance of the street. (S)*
- Fences, where provided, are suitably screened from view from a public place. (S)*
- Safe and unhindered travel for native animals. (En)*
- To ensure fences compliment and conserve the visual character of the street and neighbourhood*
- To define the boundaries and edges between public and private land and between areas of different function.*
- To contribute positively to the public domain.*
- To enhance safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)*
- To ensure heritage significance is protected and enhanced. (S)*
- To ensure an open view to and from the waterway is maintained. (S)*
- To ensure native vegetation is retained (En).*
- To ensure any fencing provides for the safe and unhindered travel of native animals. (En)*

New colorbond fencing is to be provided to the side boundaries up to a height of 1.7m, and therefore complies with the provisions of this clause.

D1.17 Construction, retaining walls, terracing and undercroft areas

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To protect and minimise disturbance to natural landforms.*
- To encourage building design to respond sensitively to natural topography.*

The proposal satisfactorily responds to the topography of the site. The works will not see any significant excavation of the site.

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 draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

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 rear setback control is a reasonable alternative solution to compliance as the development is constrained by the lot's irregular configuration, and the development maintains suitable privacy and amenity for the surrounding neighbours.

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.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

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 will provide a cohesive and sympathetic addition to the site and which will make a positive contribution to the area.

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.

The application has been prepared having regard to the requirements of Part B, Part C and Part D of the Pittwater 21 DCP.

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

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

7.5 Any matter prescribed by the regulations that apply to the land to which the development relates.

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 new dwelling, attached garage and associated landscaping, 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 E4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 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 a new dwelling, attached garage and associated landscaping, which respect and complement the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complimenting 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.



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