

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR A PROPOSED SECONDARY DWELLING INCLUDING A NEW DECK

LOCATED AT

2 OLD BARRENJOEY ROAD, AVALON BEACH

FOR

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**Prepared
November 2016**

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1.0 Introduction

This Statement of Environmental Effects accompanies plans prepared by Multidwell Group Pty Ltd, Project No. XX, Sheets No. 001-007, Issue C, dated 14 October 2016, on behalf of Richard Tugwell Geeves & Rina Chhoeun to detail the construction of a new secondary dwelling including a new deck at **2 Old Barrenjoey Road, Avalon Beach.**

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 (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 2 Old Barrenjoey Road, Avalon Beach, being Lot 15 within Deposited Plan 27698.

The property is zoned R2 Low Density Residential and SP2 Infrastructure under the Pittwater Local Environmental Plan 2014.

The site is not listed as a Heritage Item nor is it within a Conservation Area, however it is noted as being in the vicinity of a heritage item.

The site is listed as being within a Class 5 zone on the Acid Sulfate Soils Map.

The site is identified by Council as being affected by a landslip hazard and as such, a Geotechnical Risk Analysis and Management Report has been prepared and accompanies the DA submission and is discussed further within this submission.

3.0 Site Description

The property is located on the north-eastern side of Old Barrenjoey Road. The site falls towards the north-western corner, with a total fall of approximately 8.6m over the site.

The land is rectangular in shape with a width to Old Barrenjoey Road of 18.29m and north-western and south-eastern boundaries of 48.77m and 48.775m respectively. The site has a total area of 906.7m².

The proposed secondary dwelling is to be located to the rear (north-eastern) portion of the lot.

The site is currently developed with a two storey weatherboard dwelling with a tile roof.

The details of the site are included on the survey plan prepared by Adam Clerke Surveyors Pty Ltd, Reference No. 7516, dated 7 June 2016, which accompanies the DA submission.

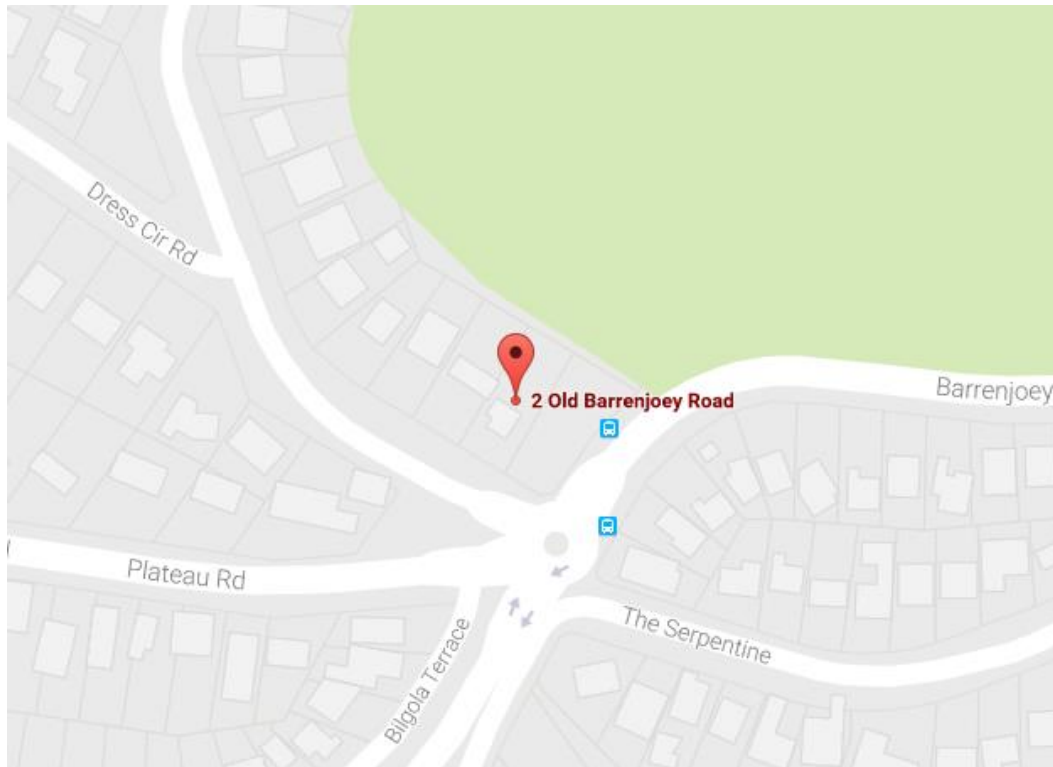


Fig 1: Location of subject site
(Source: Google Maps)



Fig 2: View of subject site from Old Barrenjoey Road, looking north-east



Fig 3: View of rear yard subject site, looking north-west



Fig 4: View of existing rear deck of subject dwelling, looking west



Fig 5: View of neighbouring property to west, No. 4 Old Barrenjoey Road

4.0 The Surrounding Environment

The general vicinity of the site is characterised by large lot residential and low density residential development of typically one to two storey dwellings of a variety of styles and scales of development.

The neighbouring properties comprise a mix of one and two storey dwellings with ancillary structures such as outbuildings and swimming pools within the rear yard.

The site enjoys a general local outlook towards Avalon Golf Course.



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

5.0 Proposed Development

The new works will provide for a new detached secondary dwelling at the rear of the site.

The proposed secondary dwelling will comprise the following:

- New secondary dwelling to provide for two bedrooms, bathroom and laundry, open plan kitchen and living/dining area.
- New attached deck with timber handrails with stainless steel wire

The secondary dwelling will have a floor area of 60m².

The proposed secondary dwelling presents a modest height and scale, with the articulated form of the development further reducing the visual impact of the proposal.

The proposal does not seek the removal of any significant protected vegetation, and will retain generous areas of soft landscaping.

The proposed works will utilise timber wall and roof framing, weatherboard cladding and metal roof sheeting.

The new secondary dwelling will be finished in recessive colours in accordance with Council's controls and to complement the existing dwelling.

The proposal results in the following indices:

Site Area:	906.7m ²
Required Landscaped Area:	453.35m ² or 50%
Proposed Soft Landscaped Area:	542m ² or 59.7%

6.0 Zoning and Development Controls

6.1 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.

6.2 Pittwater Local Environmental Plan 2014

The site is zoned R2 Low Density Residential under the provisions of the PLEP 2014.

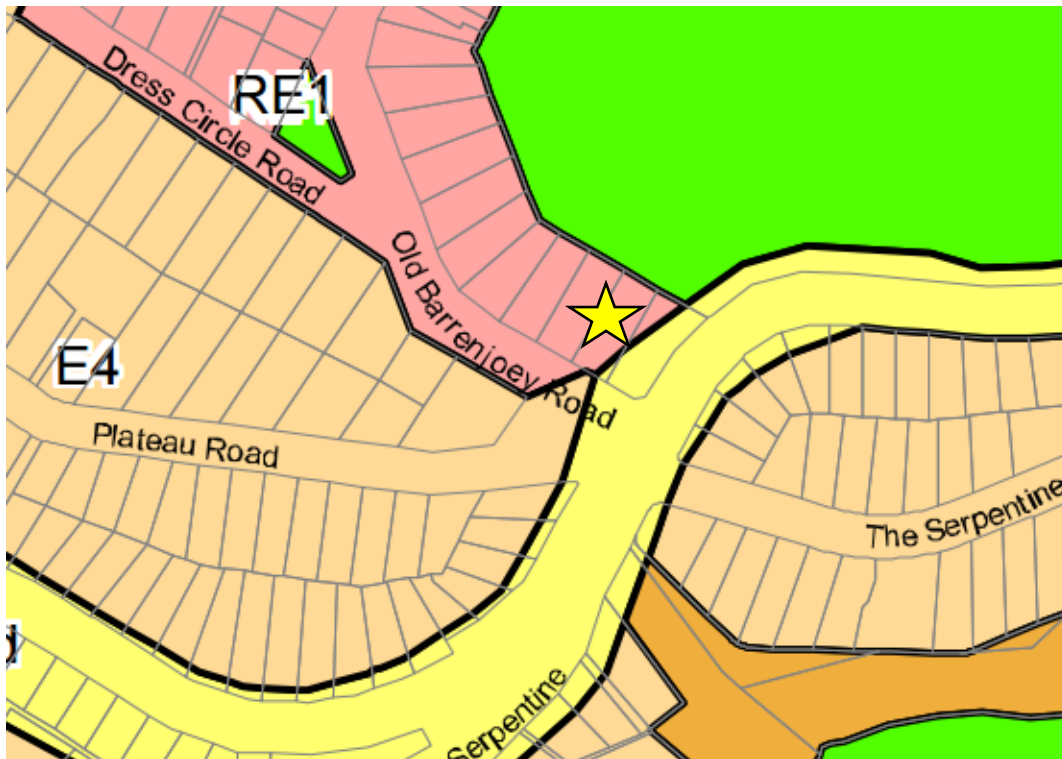


Fig 7: Extract from Pittwater LEP Zoning Map

The development of and use of the land for residential purposes within the R2 Low Density Residential Zone is consistent with the zone objectives, which are noted as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

It is considered that the proposed secondary dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality, which is characterised by lots with dwellings and ancillary structures in a landscaped setting.
- The proposal maintains the modest scale of the development and therefore respects the scale and form of other new development in the vicinity and complements the locality.
- The proposal provides for a new detached secondary dwelling, which is well separated from adjoining dwellings and will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.
- The works will not compromise the residential character of the locality.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Avalon Beach is 8.5m. The secondary dwelling presents a maximum height of 4.4m. Accordingly, the proposal complies with the maximum permissible building height.

Clause 5.4 – Miscellaneous permissible uses

The controls state:

- *If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:*
 - 60 square metres,
 - 25% of the total floor area of the principal dwelling.

The proposed works to the provide for the secondary will provide for a maximum floor area of 60m² and complies with the control.

Clause 5.9 – Preservation of trees or vegetation

The proposal does not seek to remove any significant trees or vegetation.

Clause 5.10 – Heritage conservation

The subject site does not contain any heritage items, nor is it located within a heritage conservation area. However the site is within the vicinity of Item No. 2270055, comprising the golf club house, former kiosk and green road keeper's cottage, noted within Schedule 5 of PLEP 2014 as items of local significance.



Fig 8: Extract from Pittwater LEP Heritage Map

The objectives of this clause read 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.*

Given the modest height and scale of the proposed secondary dwelling, and the existing landscaping within the rear yard, the proposal is not anticipated to have any impact on the significance of the adjoining heritage item.

Clause 7.1 – Acid sulfate soils

The site has been identified on Council’s zoning maps as being in a Class 5 zone. The works will not require any significant excavation or disturbance of acid sulfate soils.

Clause 7.2 – Earthworks

The proposed new secondary dwelling is to be constructed on piers and therefore will not require any significant excavation of the site.

Clause 7.7 – Geotechnical Hazards

The Geotechnical Investigation prepared by White Geotechnical Group, Reference No. J0988, dated 2 November 2016 has been provided to address the provisions of this Clause.

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

Clause 7.10 – Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- *the supply of water,*
- *the supply of electricity,*
- *the disposal and management of sewage,*
- *stormwater drainage or on-site conservation,*
- *suitable vehicular access.*

The site will retain the normal services which are available for the existing dwelling.

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

Council's Pittwater 21 DCP Section B (General Controls), Section C (Design Criteria) and Section D1 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 Section A Introduction

A4.1 Avalon Beach Locality

Desired Character

"The Avalon Locality will remain primarily a low-density residential area characterised by one and two storey residences in a natural landscaped setting, interspersed by compatible land uses where appropriate. Dual occupancy development will generally be located on the valley floor and lower slopes, subject to environmental and other constraints. Medium-density housing will concentrate within and adjoining the Avalon Commercial Centre, neighbourhood retail centres, and transport nodes where appropriate. The locality will continue to be serviced by flexible retail, commercial, community and recreational facilities.

Future development in the locality will be consistent with public infrastructure capacity and environmental constraints.

Future development will maintain a distinct height limit below the tree canopy, and reflect the predominant scale and setbacks of existing development. Buildings will be designed to address the street and/or waterway, integrate with the public domain, and be at a human scale. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandas and the like. Building colours and materials will harmonise with the natural and beach environment and not dominate it. Development on hillsides and in the vicinity of ridge tops will integrate with the natural landscape and topography.

Future development within the Avalon Commercial Centre will reflect the seaside-village character of the retail areas, while recognising its casual lifestyle.

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

The indigenous tree canopy vegetation will be retained and enhanced to assist development blending into the natural environment, to provide Koala feed trees and undergrowth for smaller animals, and to enhance wildlife corridors. The natural landscape, including wetlands, rock outcrops, remnant bushland and natural watercourses, will be preserved. The natural landscape of Careel Bay, including seagrasses and mangroves, will also be conserved.

Existing and new development will be made safe from natural hazards.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded where appropriate. In addition, roads will manage local traffic needs and ensure the

safety of people and fauna; and facilitate co-location of services and utilities, and accommodate stormwater drainage.”

The proposal will have no impact on the existing protected tree canopy and will retain an appropriate area of soft landscaping.

The proposal has been designed to reflect the predominant setbacks provided to the side boundaries in the immediate area.

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

6.3.2 Section B General Controls

The General Controls applicable to the proposed secondary dwelling are summarised as:

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 controls seek to ensure that all development complies with Council’s Interim Geotechnical Risk Management Policy for Pittwater. A report has been provided for Council’s consideration, prepared by White Geotechnical Group, Reference No. J0988, dated 2 November 2016 which concludes that the site is stable subject to the recommendations contained within the report.

The works will be constructed in accordance with the recommendations contained within the Geotechnical Investigation.

B4.3 Landscape and Flora and Fauna Enhancement Category 2 Land

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)

The proposal does not seek to remove any significant protected trees. Suitable area is retained within the yard for further screen planting and additional trees planting as required.

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 stormwater from the new roof areas will be directed to the existing system, which disperses stormwater within the rear of the site.

As the stormwater is direct run off from the roof and paved areas, there will not be any significant issue in terms of water quality.

A Stormwater Concept Plan has been prepared by Michal Korecky to accompany the DA submission.

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 existing driveway access and parking arrangements will remain unchanged.

B6.5 Off-street Vehicle Parking Requirements – Low Density Residential

The controls seek to achieve the outcomes:

Safe and convenient parking (En, S)

The existing driveway access and parking arrangements will remain unchanged. Council's controls seek the inclusion of an additional car space where possible for a secondary dwelling. In this instance the existing car parking is to be retained. Given the existing siting of the, the available area for an additional space is limited. There is ample opportunity for additional parking on the street as required for visitor car parking.

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)

The works seek to provide a new secondary dwelling which will not require any significant excavation of the site or disturbance to the exterior ground levels as the structure will be elevated.

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)

Appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties. The site landscaping will be maintained to prevent ongoing erosion.

6.3.3 Section C Design Criteria

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

C1.1 Landscaping

The controls seek to achieve the outcome:

A built form dominated and complemented by landscaping. (En)

Landscaping that 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 generous areas of soft landscaping on site which will retain the landscaped character of the locality.

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 applicant's 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 works to the secondary dwelling will not impact on the existing safety or security of the site.

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 limited local views. The proposed new works will allow for appropriate view corridors to be retained for the properties surrounding the site.

C1.4 Solar Access

The controls seek to achieve the outcomes:

Residential development is sited and designed to maximise solar access during mid-winter. (En)

A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)

Reduce usage and/dependence for artificial lighting. (En)

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

Given the northerly aspect enjoyed by the subject and neighbouring properties, together with the modest overall height of the proposed works and substantial separation from any neighbouring dwellings, the new works are not considered to unreasonably remove solar access to the primary living spaces of any neighbouring properties.

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 proposed deck is well separated from the dwelling and principal private open space areas of the adjoining property to the north-west, No. 4 Old Barrenjoey Road, and therefore will not directly overlook the neighbours.

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 private open space 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.

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 will maintain suitable areas of private open space, whilst providing additional functional recreation areas for the enjoyment of occupants of the secondary dwelling.

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

Housing for Seniors or People with a Disability are accessible, adaptable and safe. (S)

Equitable access in the public domain. (S)

Single dwellings are not required to provide access in accordance with AS4299-1995.

C1.11 Secondary Dwellings and Rural Worker's Dwelling

The controls seek to achieve the outcomes:

Limitation of the visual bulk and scale of development. (En, S)

Provision of design flexibility for second storey development.

Restriction of the footprint of development site. (En)

Retention of natural vegetation and facilitation planting of additional landscaping. (En)

Provision of rental accommodation. (S)

The proposed works see the construction of a new secondary dwelling, which will maintain compliance with the provisions of this clause.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

Waste and recycling facilities are located such that they do not adversely impact upon amenity of the 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. Sufficient area is maintained within the site for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

6.3.4 Section D Design Criteria

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

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

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

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

D1.1 Character As Viewed From A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

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

To enhance the existing streetscapes and promote a scale and density that is in scale 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, spatial separation, landscaping etc.

The elevations provided with the DA submission confirm that the articulated form of the secondary dwelling and the modest overall height will be complimentary in terms of bulk and scale to the existing surrounding development.

The setbacks provided generally reflect the setbacks of the nearby properties.

D1.5 Building Colours, Materials and Construction

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 it is intended to utilise recessive tones and finishes to match the surrounding development.

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 secondary dwelling is sited within the rear yard and will not see any change to the existing front building line of the dwelling.

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 setback of 2.5m for one side and minimum 1.0m setback for the other side. The site is constrained by the location of the existing dwelling. A rear setback of 6.5m applies.

The proposed secondary dwelling will provide south-eastern and north-western setbacks of 3m and 3.94m respectively.

The proposal will stand 3m from the rear boundary, which does not comply with the minimum 6.5m metre setback control. As the site adjoins Avalon Gold Course to the rear, the proposed variation to the rear setback control will not result in any impacts to any neighbouring properties.

Given the modest overall height and two storey scale, the setbacks are considered to be suitable in this instance and will retain appropriate amenity for the adjoining properties.

The articulated form of the design and the varying side setbacks are considered to be adequate in this instance and will achieve the outcomes of Clause D1.9.

D1.11 Building Envelope

The controls seek to achieve the outcomes:

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

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 neighbouring 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 new works will comply with the building envelope control.

The proposed low scale secondary dwelling is well set back from the site boundaries and complies with the building envelope control.

D1.13 Landscaped Area – General

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 ensure that residential development maintains a minimum of 50% of the site as landscaped area.

The site will retain up to 542m² or 59.7% of the site as landscaping, without the application of the 6% concession for functional outdoor recreation space.

As this site will retain a modest single footprint and substantial areas of open space, the perimeter of the site will retain substantial soft landscaping and opportunity for screen planting which will also assist in softening the built form.

7.0 Matters for Consideration under Section 79c 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.

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

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 74BA 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 79C(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 requirements is a reasonable alternative solution to compliance where a substantial improvement on the existing situation is proposed.

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.

7.4 Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

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 Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

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

7.7 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 construction of a new secondary dwelling, 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.

7.8 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.9 Submissions made in accordance with this Act or the regulations

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

7.10 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 construction of a new detached single storey secondary dwelling, which respects and compliments 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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