

# untapped **PLANNING**

## **Statement of Environmental Effects**

“Secondary Dwelling”

25 Kevin Avenue, Avalon Beach

Lot 10 DP 12435

Prepared for: D & S Hancock

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## **Document Control**

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# **1. Executive Summary**

## **1.1 Introduction**

Untapped Planning has been commissioned by D & S Hancock to prepare a Development Application (DA) and accompanying Statement of Environmental Effects for a proposed secondary dwelling on Lot 10 DP 12435 at 25 Kevin Avenue, Avalon Beach.

## **1.2 Site Details**

The subject site comprises Lot 10 DP 12435 with a street address of 25 Kevin Avenue, Avalon Beach.

The site has a total combined area of approximately 1393m<sup>2</sup>, with a street frontage of 18.29m to Kevin Avenue.

The site is zoned R2 – Low Density Residential under the Pittwater Local Environmental Plan (LEP) 2014.

Development for the purposes of a Secondary Dwelling is permissible within the zone, with the consent of Council.

The following plan shows the site location in the context of the local area.

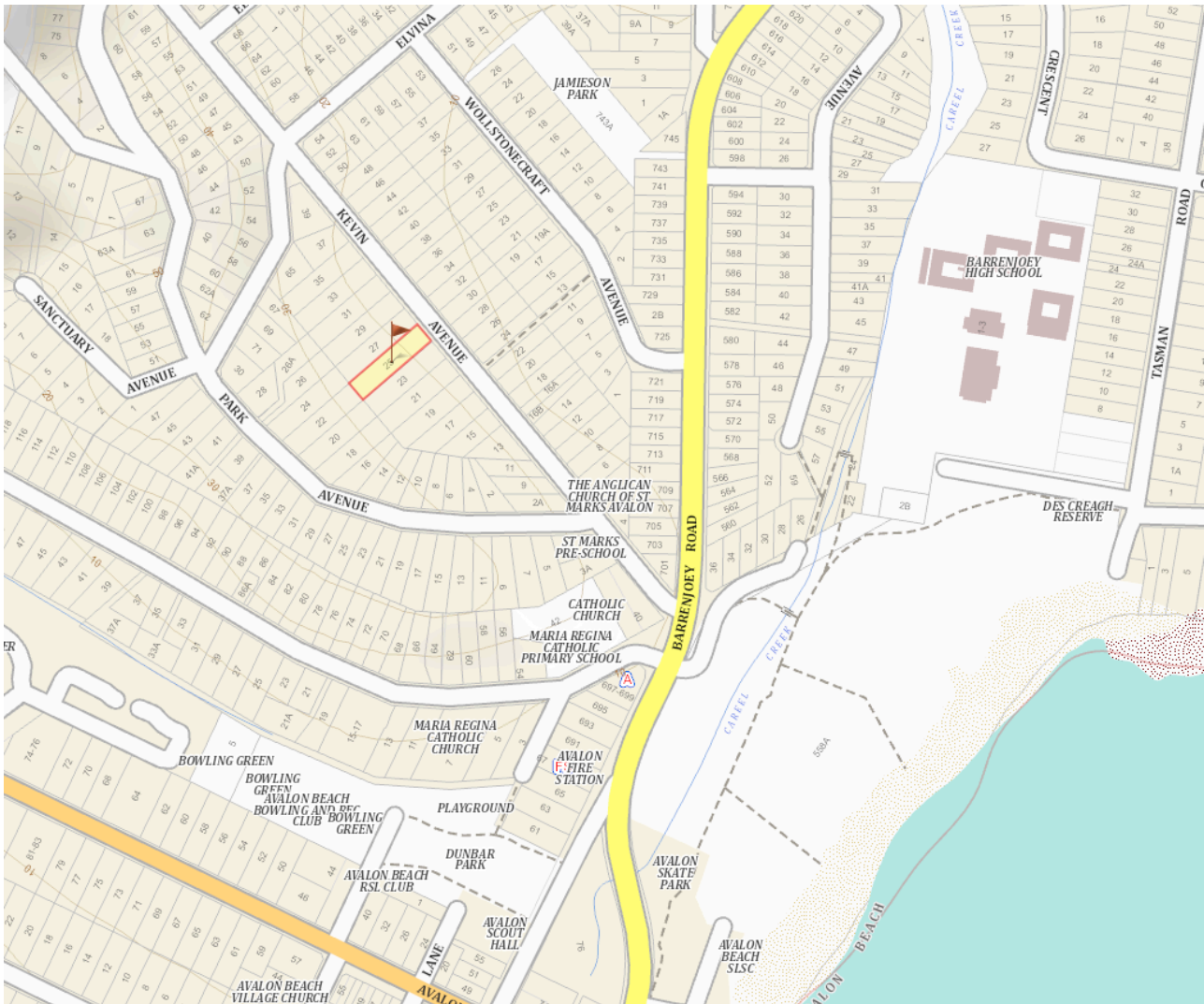


Figure 1: Locality of the subject site.

### 1.3 Purpose of the Report

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 78A(9) of the Environmental Planning and Assessment Act and accompanying Regulation.

Its purpose is to:

- describe the proposed development;
- identify and summarise the relevant controls which guide assessment of the proposal;
- provide information on the site and its context; and
- review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to the Council's guidelines in preparing this Statement of Environmental Effects as well as the full range of other relevant legislation and development guidelines.

## **2. Proposed Development**

### **2.1 Proposal Objectives**

The objective of the proposed development is to seek approval for the construction of a secondary dwelling on the subject allotment.

### **2.2 Summary of Development**

The proposed development involves the erection of a secondary dwelling on the North Eastern portion of the subject allotment fronting Kevin Avenue..

The secondary dwelling is single storey in nature requiring minimal cut and fill to be sited on a single level. The secondary dwelling has a footprint of 96m<sup>2</sup>, comprising 60m<sup>2</sup> floor space and 36m<sup>2</sup> of decked open space.

The secondary dwelling is proposed to be of weatherboard cladding and sandstone construction with a color bond roof.

Internally the dwelling will consist of two bedrooms, an open kitchen/living/dinning area, a bathroom and laundry.

Vehicular access will be via the existing driveway requiring realignment to site the secondary dwelling.

### **2.3 Schedule of Plans and Documentation**

The following Plans and Documentation have been relied upon in preparing the Statement of Environmental Effects.

- Development Plans Prepared by arclab, Job No: 0132/15 dated: 09/02/16
  - Sheet 01-DA – Site Plan
  - Sheet 02-DA – Roof Plan
  - Sheet 03-DA – Ground Floor Plan
  - Sheet – Elevations
  - Sheet 01 – Floor Plan
  - Sheet 04 – Perspectives 1
  - Sheet 05 – Perspectives 2



### **3. Characteristics of the Site and Locality**

#### **3.1 The Site**

The subject site comprises Lot 10 DP 12435, and is known as 25 Kevin Avenue, Avalon Beach.

The site has a combined total area of approximately 1393m<sup>2</sup>, with a frontage of 18,29m to Kevin Avenue.

Existing on the site is a One, two and three storey brick and weatherboard house with a tile roof. Vehicle parking is provided by a garage access to Kevin Avenue.

The site falls approximately 9m from the rear of the allotment towards the street frontage with Kevin Avenue. The site contains scattered vegetation with the bulk of the vegetation occurring along the street frontage.

The siting of the proposed secondary dwelling is generally cleared of vegetation. Vegetation removal to site the proposed the secondary dwelling will be minimal.



Figure 3: 25 Kevin Avenue Street Frontage

#### **3.2 The Locality**

The subject site is located on the Kevin Avenue a within walking distance of the Avalon town centre and Beach to the east.

Kevin Avenue is generally flat in the vicinity of the subject site, however falls towards the east, toward the town centre.

The immediate locality is characterised by a mix of new and older single dwellings. Given the proposed Secondary Dwelling will be located amongst existing vegetation, it is considered that from a street scape perspective the development will not impact on the existing neighborhood character and that the existing leafy character will be retained.



The following figure shows the location of the subject site within its immediate local context.



Figure 4: Aerial View of Subject Site.

### 3.3 Land Uses

The subject site currently contains a one, two and three storey brick and weatherboard residence and associated garage.

Vegetation on site is largely scattered with a concentration of larger vegetation within the properties building setback area. It is considered that the existing vegetation will largely not be impacted by the development.

### 3.4 Topography

The site falls to the northeast towards Kevin Avenue. The sites lowest point is on the Northwestern corner of Kevin Avenue, some 9m lower than the sites high point. The fall is consistent across the site and in the area proposed for the secondary dwelling there will be an elevation change of approximately 1.3m

The site contains some large trees and scattered smaller vegetation located for the most part with in the sites setback from Kevin Avenue. The site is generally cleared of significant vegetation in the area proposed to site the secondary dwelling.



Figure 5 shows the topography of the site.

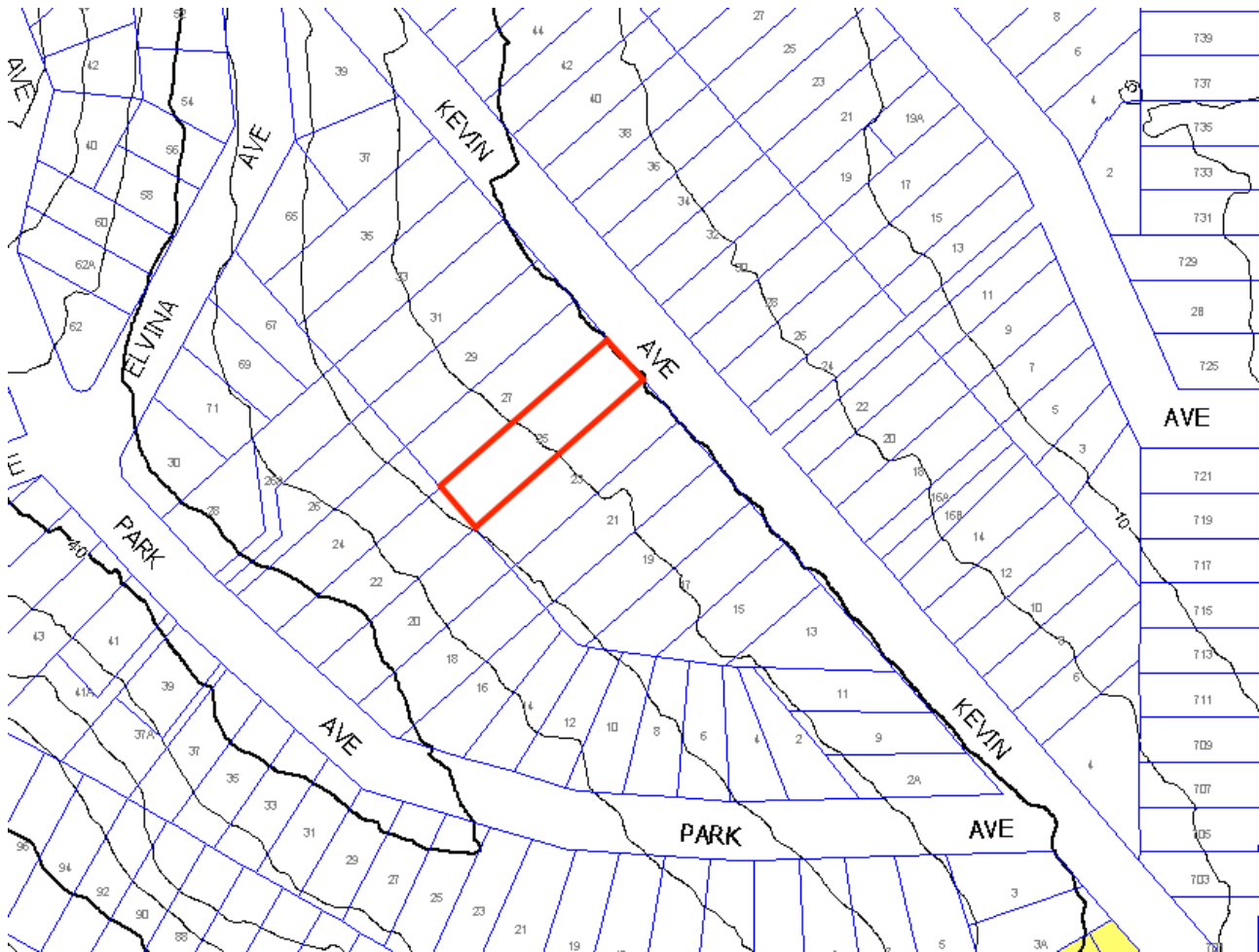


Figure 5: Site Topography.

### 3.5 Contamination and Geotechnical Considerations

#### 3.5.1 Contamination

The site is not known to have any past contaminating uses.

#### 3.5.2 Acid Sulfate Soils

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

#### 3.5.3 Land Slip

The development site is not identified on identified in the Geotechnical Hazard Map – Sheet GTH\_016 as being within either the H1 or H2 Geotechnical Hazard Zones.

No further analysis of Geotechnical Risk is required by this development.

### 3.6 Vegetation

An Arborist report has been prepared for the development by Naturally Trees Arboricultural Consulting.

The report has concluded that the development will result in the loss of two low category trees. It is considered that these trees as diseased and show severe structural defects.

It is further recommended that precautions be taken to protect four high category trees. If these precautions are implemented it is considered that the development will have no impact on the trees.

With reference to Drawing TMP01 contained in the Arborist Report, the report details the following impacts on vegetation.

#### **High Category Trees that could potentially be impacted upon.**

- *Trees 2, 4 and 5: These are important trees with a high potential to contribute to amenity so any adverse impacts on them should be minimised. The installation of a new driveway and the construction of the new dwelling within the TPZ's of these trees is necessary under this proposed design. The current design requires the encroachment into the TPZ's of trees 2, 4 and 5 by 21%, 16% and 17% respectively. This is considered to have a moderate level of impact on the trees. In the case of Tree's 5 and 4 an existing driveway slab already covers a percentage of this encroachment. These changes may cause harm if not carried out with care. I have reviewed the situation carefully and my experience is that these trees could be successfully retained with moderate effects if appropriate protective measures are properly specified and controlled through a detailed arboricultural method statement.*

*AS 4970-2009 identifies that encroachment of greater than 10% of a TPZ are major encroachments. To assist in identifying the extent of impacts to the trees I use the following guideline:*

*0% of root zone impacted – no impact of significance  
0 to 10% of TPZ impacted – low level of impact  
10 to 15% of TPZ impacted – low to moderate level of impact  
15 to 20% of TPZ impacted – moderate level of impact  
20 to 25% of TPZ impacted – moderate to high level of impact  
25 to 35% of TPZ impacted – high level of impact  
>35% of TPZ impacted – significant level of impact*

- *Trees 2 and 7: The installation of a new stormwater pipe through the TPZ's of these trees. These changes may cause harm if not carried out with care. I have reviewed the situation carefully and my experience is that these trees could be successfully retained without any adverse effects if appropriate protective measures are properly specified and controlled through a detailed arboricultural method statement.*

*In regards to the digging of the trench for the new storm water pipe, tree sensitive construction measures must be implemented if works are to proceed within the TPZ as prescribed by the Australian Standard AS4970- 2009 Protection of trees on development sites. Excavation works required to be undertaken within the TPZ should be performed by hand under the supervision of the project arborist.*

### **Low Category Trees to be Retained**

- *Tree number 6 can be successfully retained under this current design as the proposed development is outside of its TPZ.*

### **Low Category Trees to be Removed**

- *The proposed development will necessitate the removal of two trees (1 and 3) of low and very low retention value. Neither of these trees are considered significant or worthy of special measures to ensure their preservation.. In any event, it is proposed to mitigate their loss with new planting around the site.*

With the implementation of the Arboricultural Method Statement contained in Section 4 of the Arborist Report, it is considered that the vegetation as noted can be protected and retained.

## **3.7 Bushfire**

The development site is not noted as being bushfire prone.

No further Bushfire Assessment is required.

## **3.8 European and Aboriginal Archaeological Heritage**

The site is not known to contain any items of European heritage significance, nor is it located within a heritage conservation area.

The site is not known to contain any items of Aboriginal archaeological significance. Though again, given that the proposal is for the purpose of a boundary adjustment it is considered that any possible Aboriginal relics located on the site will not be affected.

## **3.9 Traffic, Access and Road Network**

The site is located on Kevin Avenue, Avalon. Access to the site is via an existing driveway off Kevin Avenue.

Given the minor scale of the development and the fact that no modification to the existing site access is required, it is not anticipated that there will be any adverse impacts to traffic levels in the locality as a result of the proposal.

## **3.10 Coastal Zone**

The development site is not subject to the provisions of the NSW Coastal Policy.

## **3.11 Services and Utilities**

The site is currently serviced with both reticulated water and sewer.

## **4. Planning Controls**

### **4.1 State Planning Controls**

#### **Environmental Planning and Assessment Act 1979**

Section 91

The development is not considered to constitute integrated development under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979.

#### **State Environmental Planning Policies**

The development is not reliant upon any State Environmental Planning Policy

## 4.2 Local Planning Controls

The development site is currently controlled by the provisions of the Pittwater Local Environmental Plan 2014.

Despite the application relying on SEPP (Affordable Rental Housing) 2009, an assessment of the developments compliance against DCP 21 has been included in Appendix 1.

### Pittwater Local Environmental Plan 2014

Under the Pittwater Local Environmental Plan 2014, the site is zoned R2 – Low Density Residential. An excerpt of the Pittwater Local Environmental Plan 2014 zoning map is shown in Figure 7.

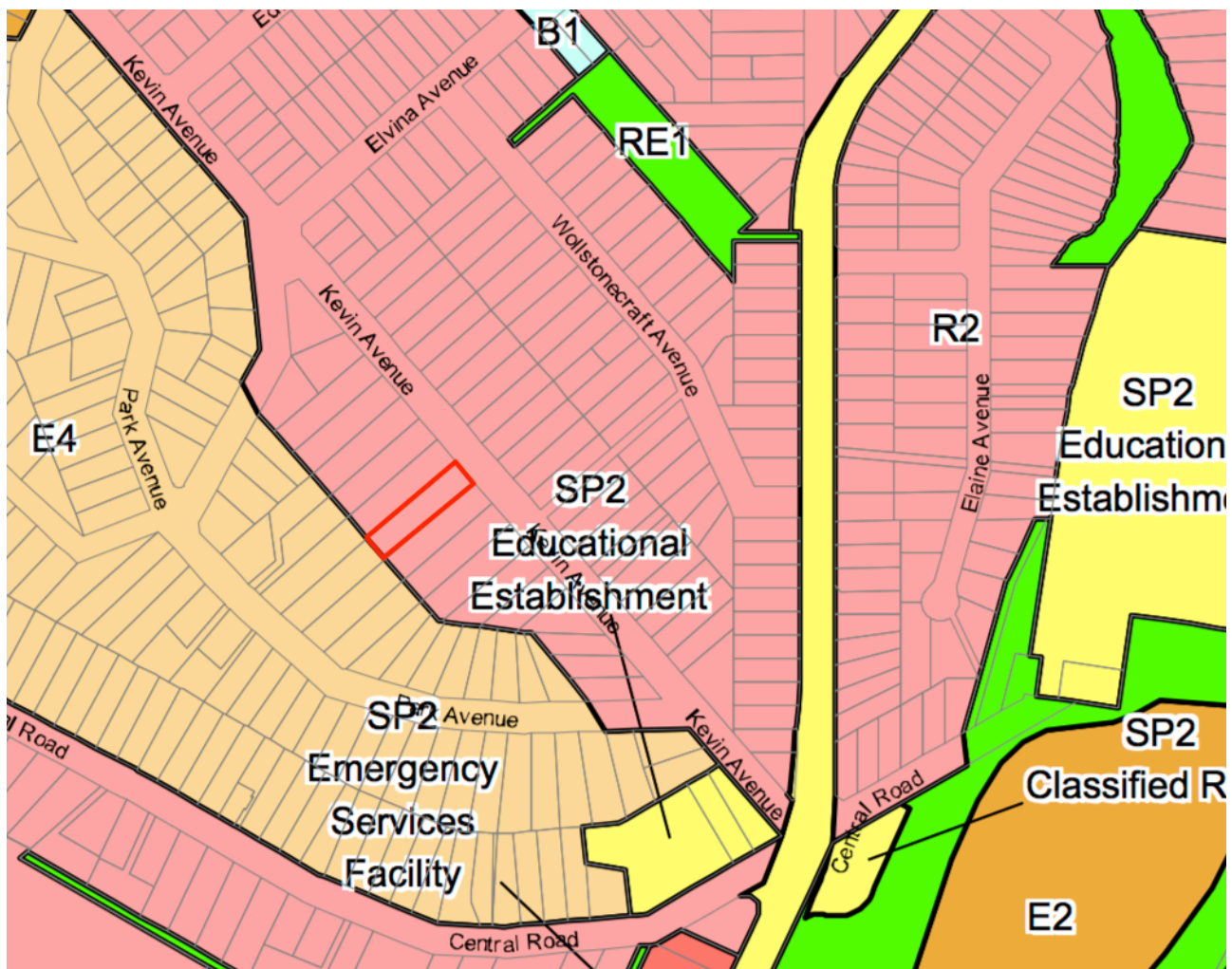


Figure 7: Site Zoning under Pittwater Local Environmental Plan 2014

The provisions for the R2 zone state;

#### 1 Objectives of zone

- 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.



**Comment:** The proposed Secondary Dwelling is considered to be consistent with the objectives of the R2 – Low Density Residential Zone.

The proposal will meeting the housing needs of the community through an increase the stock of low impact, low cost residential housing in the locality while being at a suitably small scale that it will not adversely impact upon the areas aesthetic, ecological or scientific values.

The scale of the development and its siting is integrated with the landform which enables the existing character and landscape to be maintained.

## **2 Permitted without consent**

*Home businesses; Home occupations*

## **3 Permitted with consent**

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals; Water recreation structures*

## **4 Prohibited**

*Any development not specified in item 2 or 3*

**Comment:** Under subclause 3, Secondary Dwellings are permissible with Consent.

## **Part 4 - Principal Development Standards**

### **Clause 4.3 Height of Buildings.**

The subject site is mapped as having a maximum building height of 8.5m. The proposed single storey dwelling complies with this requirement having a maximum height of approximately 4.634m at the centre of the roof ridge.

### **Clause 4.4 Floor Space Ratio**

While the Floor Space Ratio Maps do not identify a Floor Space Ratio for the subject site, the development is consistent with the objectives of this clause. The objectives of clause 4.4 state;

- (1) *The objectives of this clause are as follows:*
  - (a) *to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
  - (b) *to minimise adverse environmental effects on the use and enjoyment of adjoining properties and the public domain,*
  - (c) *to minimise any overshadowing and loss of privacy to neighboring properties and to reduce the visual impact of any development,*
  - (d) *to maximise solar access and amenity for public places,*
  - (e) *to minimise the adverse impact of development on the natural environment, heritage conservation areas and heritage items,*
  - (f) *to manage the visual impact of development when viewed from public places, including waterways,*
  - (g) *to allow for the reasonable sharing of views.*

The minor scale of the development will ensure that the character of the locality is not compromised. The siting of the proposal also ensures that no vegetation will be removed.

Given the development is sited behind existing vegetation at the street front, it is envisaged that there will be no adverse changes to the localities streetscape.

Being single storey the development will not overshadow adjoining properties, nor will it adversely impact upon existing view corridors. The development as proposed is of a smaller vertical scale than surrounding development.

## **Part 7 - Additional Local Provisions**

### **Clause 7.1 Acid Sulfate Soils**

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

### **Clause 7.7 Geotechnical Hazards**

The development site is not identified on identified in the Geotechnical Hazard Map – Sheet GTH\_016 as being within either the H1 or H2 Geotechnical Hazard Zones.

No further analysis of Geotechnical Risk is required by this development.

### **Clause 7.10 Essential Services**

The subject site is serviced by reticulated water and sewer.

## **Pittwater Development Control Plan 21**

The following relevant controls have been considered in the preparation of the subject application.

The development is considered to be generally compliant with the DCP controls with the exception of D1.9 – Side and Rear Building Setbacks. Relevant discussion with relation to this variation request is within the table.

### **B3 - Hazard Controls**

<b>Controls</b>	<b>Response</b>
<p><b>B3.1 Landslip Hazard</b></p> <p>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</p> <p>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</p> <p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	<p>The development site is not identified on identified in the Geotechnical Hazard Map – Sheet GTH_016 as being within either the H1 or H2 Geotechnical Hazard Zones.</p> <p>No further analysis of Geotechnical Risk is required by this development.</p>
<p><b>B3.2 Bushfire Hazard</b></p> <p>All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.</p> <p>Development land to which this control applies must comply with the requirements of:</p> <ul style="list-style-type: none"><li>- Planning for Bushfire Protection (2006)</li><li>- AS 3959 - Construction of a Building in a Bushfire Prone Area</li></ul>	<p>The development site is not noted as being bushfire prone.</p> <p>No further Bushfire Assessment is required.</p>

### B3.5 Acid Sulfate Soils

Works involving the disturbance of soil or the change of groundwater levels, as described in the following table, shall not be carried out on land of the class specified for those works, unless it has been determined whether acid sulphate soils are present and whether the proposed works are likely to disturb these soils.

If it is determined that acid sulphate soils are present or are likely to be present on the land, consideration must be given to:

- the likelihood of the proposed development resulting in the discharge of acid water; and
- any comments from the Department of Planning.

Consent for development to be carried out by Councils or drainage utilities is required despite:

- clause 35, and items 2 and 11 of Schedule 1, to the Environmental Planning and Assessment Model Provisions 1980, as adopted by Pittwater LEP 1993; and
- clause 10 of SEPP No 4 Development Without Consent and Miscellaneous Complying Development.

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

## **B5 Water Management**

<b>Controls</b>	<b>Response</b>
<p><b>B5.2 Wastewater Disposal</b></p> <p>All premises must be connected to the Sydney Water centralised sewerage waste disposal system where available.</p>	<p>The subject site is connected to the Sydney Water reticulated sewer and water system and connections will be made to the proposed secondary dwelling.</p>
<p><b>B5.3 Greywater Reuse</b></p> <p>Blackwater reuse and on-site disposal is not permitted on sewered lands.</p> <p>Council will only consider approval of on-site treatment, disposal and/or reuse of greywater subject to demonstration of scheme feasibility and compliance with all relevant State and Federal regulatory requirements and the referenced guidelines.</p> <p>The greywater treatment and reuse system shall have a current NSW Health Accreditation (where accreditation is necessary).</p> <p>All premises must maintain a connection to the Sydney Water centralised sewerage waste disposal system.</p>	<p>As the site is fully serviced there will be no requirement to dispose of grey water.</p>



### **B5.7 Stormwater Management - On-Site Stormwater Detention**

An On-Site Detention (OSD) facility is to be installed where the development results in additional hard (impervious) surface area of greater than 50m<sup>2</sup> (on a cumulative basis since February 1996) and on land designated through mapping as requiring OSD facility.

OSD facilities are to be designed and installed to temporarily detain stormwater on a site to limit the discharge leaving the property to ensure that the development does not increase stormwater discharge downstream of the land over and above that of the existing stormwater discharge conditions up to the 1% AEP storm event.

All additional roof surface area of the development is to be drained initially to the rainwater tank which is to be fitted with an overflow pipework system connected to the OSD facility.

All additional ground surface hard stand (impervious) areas are to be drained via a stormwater tank/pit to the OSD facility.

Surface stormwater runoff from properties upstream of the land is to be independently managed to that of the additional ground surface stormwater collection and OSD system and is required to bypass the OSD system.

Rainwater tanks and OSD facilities may also be combined in an integrated system and may be either above or below ground. Should an oversized rainwater tank be used, then 25% of the excess storage volume can be credited towards the OSD tank capacity.

The development will result in an impervious area greater than 50m<sup>2</sup> being created.

The management of stormwater runoff from the dwelling is proposed to consist of a combination of rainwater tank and OSD for overflow from the tank.

Details pertaining to water tank and OSD volumes can be provided prior to issue of the Construction Certificate.

**B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings**

The control is applicable when the development results in an additional hard (impervious) area of more than 50 square metres.

Development shall incorporate the installation of the following stormwater quality improvement measures:

- Pre-screening of organic matter (eg leaf litter) prior to the collection of rainwater in the rainwater tank
- A water quality filtration basket or equivalent primary treatment Stormwater Quality Improvement Device (SQID) to collect leaf litter and coarse sediments is to be installed prior to the discharge of stormwater from the land.

All Stormwater Quality Improvement Devices (SQIDs) must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

Applicants are also encouraged to apply advanced water quality techniques through primary and secondary treatment techniques to reach and/or exceed the following objectives:

- Primary treatment (eg. physical screening, rapid sedimentation techniques) of stormwater to collect and retain gross pollutants (i.e. litter and organic matter) and coarse sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.
- Secondary treatment (eg. fine particle sedimentation and filtration techniques) of stormwater to collect and retain medium to fine sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.

Details of the devices used can be provided prior to issue of Construction Certificate.

## **B6 Access and Parking**

<b>Controls</b>	<b>Response</b>
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy	<p>No modification is proposed to the existing site access and no works are proposed within the public road reserve.</p> <p>The new garage proposed for the site will benefit the existing dwelling.</p>
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy	<p>No modification of the existing driveway access is proposed. The existing arrangement is considered to be adequate to cater for both the principle and secondary dwelling.</p>
<p>B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy</p> <p>On-Site Car Parking Requirements The minimum number of vehicle parking spaces to be provided for off-street parking is as follows:</p> <p>Small dwelling (1 bedroom) - 1 space Large dwelling (2 bedrooms or more) 2 spaces</p> <p>For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling.</p>	<p>Two parking spaces have been provided for the existing dwelling.</p> <p>A single parking space for the secondary dwelling is available to the rear of the new structure.</p>

## **B8 Site Works Management**

<b>Control</b>	<b>Response</b>
<p><b>B8.1 Construction and Demolition - Excavation and Landfill</b></p> <p>Excavated and landfill areas must be constructed to have no adverse impact on any structures, bushland or significant trees to be retained on the site.</p> <p>Excavation and landfill must be constructed to have no adverse impact on any adjoining public or private lands due to settlement or structural instability.</p> <p>Excavation and landfill areas must be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties so as to cause a nuisance.</p> <p>Excavation and landfill on any site that includes the following:</p> <ul style="list-style-type: none"><li>- Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation, and/or;</li><li>- Any excavation greater than 1.5 metres deep below the existing surface, and/or;</li><li>- Any excavation that has the potential to destabilise a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property, and/or;</li><li>- Any landfill greater than 1.0 metres in height, and/or;</li><li>- Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils,</li></ul> <p>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council.</p>	<p>The development has been designed so as to minimise the amounts of cut and fill to be undertaken.</p> <p>It is not considered that any excavation required would have any adverse impacts or present any adverse risks to adjacent properties.</p> <p>The site is not noted as being within a Geotechnical Hazard Zone.</p>

<p><b>B8.2 Construction and Demolition - Erosion and Sediment Management</b></p> <p>Erosion and sedimentation prevention measures must be installed on all sites to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.</p> <p>Erosion and sedimentation prevention measures must be installed in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) on the downstream side of any works undertaken on the boundary of the site or on public lands adjoining the site to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.</p> <p>Appropriate devices are to be in place at all times to prevent the migration of sediment off the site.</p>	<p>Erosion and Sedimentation controls will be in place during the construction process in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004), particularly during the excavation period and while exposed earth is being stabilised.</p>
<p><b>B8.3 Construction and Demolition - Waste Minimisation</b></p> <p>Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.</p>	<p>Waste will be managed through the construction process.</p>
<p><b>B8.4 Construction and Demolition - Site Fencing and Security</b></p> <p>All sites are to be protected by site fencing for the duration of the works.</p> <p>Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the Roads Act.</p>	<p>Appropriate site fencing will be implemented during construction.</p> <p>Due to the siting of the secondary dwelling to the rear of the subject allotment, the potential for public access onto the work site is limited.</p>



<p><b>B8.6 Construction and Demolition - Traffic Management Plan</b></p> <p>All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.</p> <p>All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance.</p> <p>All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.</p>	<p>No works are proposed to be undertaken within the public road reserve.</p> <p>Sufficient off street manoeuvring space exists to ensure that no public nuisance is caused during the construction period.</p>
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## C1 Design Criteria for Residential Development

Control	Response
<b>Section C1.1 – Landscaping</b>	
<p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community.</p> <p>Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</p>	<p>The majority of trees on site, including canopy trees, are proposed for retention.</p> <p>It is not considered that this proposal will impact on the existing canopy cover in the locality.</p> <p>An Arborist report has been submitted with the application and is discussed in Section 3.6 of this report.</p>
In all development a range of low lying shrubs, medium high shrubs and canopy trees shall be retained or provided to soften the built form.	With the exception of two trees, all vegetation on site, both ornamental and indigenous, will be retained.
<p>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the longterm.</p> <p>Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</p>	<p>The required canopy trees currently exist on site and will be retained.</p> <p>It is not considered that any supplemental plantings will be required by the development due to its minimal impact on the existing vegetated state and appearance.</p>
Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m <sup>3</sup> within this area to ensure growth is not restricted.	N/A
<p>The following soil depths are required in order to be counted as landscaping:</p> <ul style="list-style-type: none"> <li>• 300mm for lawn</li> <li>• 600mm for shrubs</li> <li>• 1metre for trees</li> </ul>	The site provides for the required soil depths.
<p>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</p> <ul style="list-style-type: none"> <li>• A planter or landscaped area with minimum dimensions of 4m<sup>2</sup> for shop top housing developments,</li> <li>• 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and</li> <li>• 50% for all other forms of residential development.</li> </ul>	Existing vegetation in the front building setback is proposed for retention with the exception of two minor trees.
Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto	No screening is proposed.

the site.	
In bushfire prone areas, species shall be appropriate to the bushfire hazard.	The site is not constrained by bushfire.
Landscaping shall not unreasonably obstruct driver and pedestrian visibility.	No landscaping will obstruct driver or pedestrian visibility.
Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.	The bulk of vegetation on site shall be retained.
Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.	No new canopy trees are proposed to be introduced to supplement the existing vegetation and canopy trees.
Noxious and undesirable plants must be removed from the site	No noxious plants have been identified on site.
<b>Section C1.2 – Safety and Security</b>	
<p>1. Surveillance</p> <p>Building design should allow visitors who approach the front door to be seen without the need to open the door.</p> <p>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</p> <p>Development design and design of the public domain (including landscaping) is to minimize opportunities for concealment and avoid blind corners.</p> <p>Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 42821997: Control of the obtrusive effects of outdoor lighting.</p> <p>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbors.</p> <p>Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</p>	<p>Street surveillance will be improved through the secondary dwelling being sited in front of the existing dwelling. The dwellings entrance and habitable windows at the front of the building all serve to provide passive surveillance of the street.</p> <p>No landscaping is being introduced that will limit or hinder the current levels of street surveillance, nor is it seen that the development will provide any new opportunities for vandalism or anti-social behaviour.</p>
2. Access Control	

<p>Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</p> <p>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</p> <p>Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</p> <p>The street number of the property is to be clearly identifiable.</p> <p>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</p>	<p>The development does not have a shared entry.</p> <p>Both the current dwelling access and the proposed walkway to the secondary access are clearly visible from the street without hidden areas out of view.</p>
<p>3. Territorial reinforcement</p> <p>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</p> <p>Blank walls along all public places (streets, open space etc) shall be minimised.</p>	<p>Walkways within the site clearly delineate the entries to the two dwellings and direct people to the correct entrance.</p> <p>No blank walls facing public places are proposed.</p>
<b>C1.3 – View Sharing</b>	
<p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p>	<p>The development is single storey and located at a level below surrounding dwellings. It is not considered that any views will be obscured by this proposal.</p>
<p>The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</p>	<p>As no obstruction of views is envisaged, and assessment against the Land and Environment Courts planning principles for view sharing is not required.</p>
<p>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</p>	N/A
<p>Views are not to be obtained at the expense of native vegetation.</p>	N/A

<b>C1.4 Solar Access</b>	
The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	Due to the height of the proposed secondary dwelling, the orientation of the site and location of adjoining dwellings and principle private open space, it is considered that the proposal will not adversely impact in terms of solar access.
Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).	The development will not impact upon windows of adjoining residences.
The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	The planning principles resulting from <i>Parsonage v Ku-ring-gai Council</i> [2004] NSWLEC 347 have been taken into account and it is considered that the development is not contrary to any of these planning principles.
<b>C1.5 – Visual Privacy</b>	
Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).	<p>No private open space or living area has direct views into adjoining properties.</p> <p>Privacy screens and narrow/high windows that let in light have been employed to mitigate against any potential privacy impacts.</p>
Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.	The development does not contain any elevated decks, pools, verandahs or balconies.
Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.	The development is single storey and as such will not have views from an upper storey.
<b>C1.6 – Acoustic Privacy</b>	
Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.	<p>The development is compliant with this control and noise impacts to and from the proposed secondary dwelling as envisaged to be negligible.</p> <p>It should also be noted that as a single bedroom dwelling, the development is unlikely to attract</p>



	young families that would be likely to generate higher levels of noise.
Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).	The development will be compliant with the Building Code of Australia.
Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.	The development does not have any noise generating elements.
Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.	The development does not proposed any elements that would breach the Protection of the Environment Operations Act 1997
<b>C1.7 – Private Open Space</b>	
<p>b) Secondary Dwellings:</p> <p>For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.</p>	<p>The development contains private open space in the form of a 36m<sup>2</sup> deck that opens out directly from the secondary dwellings Living/Dining/Kitchen area.</p> <p>This open space will serve as an extension of the internal space and is considered adequate for the proposal.</p>
<b>Section C.11 – Secondary Dwelling</b>	
The development of a secondary dwelling will result in not more than two (2) dwellings being erected on an allotment of land.	The development will not result in more than two dwellings being erected on the subject site.
A secondary dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.	The proposed secondary dwelling contains one bedrooms and a single laundry/bathroom and is consistent with this control.
A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.	The proposed dwelling is not adjacent to a driveway, nor is a new driveway proposed to be constructed.

Where the secondary dwelling is separate from the principal dwelling the maximum height shall be 3.6 metres (to the ceiling of the topmost floor).	The development does not contain a height exceeding 3.6m to the ceiling of the topmost floor.
Where the secondary dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum height is to be in accordance with the height controls contained within Pittwater 21 DCP.	The development is not located within or attached to the principle dwelling, however it is in accordance with the height controls of the Pittwater 21 DCP.
A secondary dwelling above a detached garage is not supported	The dwelling is not located above a detached garage.

## Section D1 – Avalon Beach Locality

Control	Comment
<b>D1.1 – Character as viewed from a public place</b>	
Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	<p>The development will as viewed from the street will appear as a modern dwelling.</p> <p>Due to the site topography and siting of the secondary dwelling in front of the existing dwelling, the development will read as a single dwelling at the front of the allotment.</p>
Walls without articulation shall not have a length greater than 8 metres to any street frontage.	No walls greater than 8m in length face the street frontage
<p>Any building facade to a public place must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> <li>• entry feature or portico;</li> <li>• awnings or other features over windows;</li> <li>• verandahs, balconies or window box treatment to any first floor element;</li> <li>• recessing or projecting architectural elements;</li> <li>• open, deep verandahs; or</li> <li>• verandahs, pergolas or similar features above garage doors.</li> </ul>	<p>The design of the existing and secondary dwelling and garage incorporates the following features.</p> <ul style="list-style-type: none"> <li>• Entry feature being the walkway to the secondary dwelling.</li> <li>• Open veranda on the existing dwelling.</li> </ul>
The bulk and scale of buildings must be minimised.	<p>As viewed from the street the whole development will appear as a single dwelling and detached garage.</p> <p>The proposed secondary dwelling located behind the garage will be largely hidden from the street.</p>
Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.	No modification is proposed to the existing garage. The garage will be obscured from the street by the proposed secondary dwelling.
Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	<p>The development is incorporating existing landscaping on site which is a mix of ornamental and indigenous trees and shrubs.</p> <p>Given the scale of this vegetation, it is not considered that supplementary plantings are required.</p>

Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.	Television antennas will be hidden from view.
General service facilities must be located underground.	General Service facilities will be in accordance with existing service provisions.
Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.	No plumbing is proposed for the public facades of the structure.  Where possible all electrical cabling will be hidden.
<b>D1.4 –Scenic Protection</b>	
Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	It is not considered that when viewed from any waterway, road or public reserve that the development will have any adverse visual impacts.
<b>D1.5 – Building Colours and materials</b>	
External colours and materials shall be dark and earthy tones as shown below  Finishes are to be of a low reflectivity.	External colours can be designated during the Construction Certificate process. It is considered that the development can
<b>D1.8 – Front Building Line</b>	
All other land zoned R2 Low Density Residential, R3 medium Density Residential or E4 Environmental Living – 6.5m or established building line, whichever is greater.	The proposed setback is 6.5m in accordance with this clause.
<b>D1.9 – Side and Rear Building Line</b>	
Secondary Dwelling 2.5 to at least one side; 1.0 for other side 6.5m to the rear.	The development is compliant having side setbacks of 1.5m and 7.103m with a rear setback well in excess of 6.5m.
<b>D1.11 – Building Envelope</b>	
Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).	The maximum height at the side boundary from ground level is 2.4m. No additional setbacks are required due to wall height. This high point is located at the centre of the dwelling at the roof ridge. This height rapidly reduces as points away from the roof centre.
<b>D1.13 – Landscaped Area General</b>	
The total landscaped area on land zoned R2 Low Density Residential or R3 Medium Density Residential shall be 50% of the site area.	The total landscaped area of the site is 43.8%. Due to vegetation and existing setbacks, it is considered that this landscaped area is adequate for the allotment and that the minor variation will not result in any adverse impacts.
The use of porous materials and finishes is encouraged where appropriate.	N/A

Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped Area.	The development is not an alteration or addition to the existing dwelling.
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## **5. Development Issues**

### **5.1 Permissibility, Zone Objectives and Land Use**

The development site is currently controlled by the provisions of the Pittwater Local Environmental Plan 2014 and State environmental planning Policy (Affordable Rental Housing) 2009.

This Statement of Environmental Effects has regard to both instruments and demonstrates the developments permissibility under SEPP (Affordable Rental Housing) 2009.

#### **Pittwater LEP 2014**

Under the Pittwater LEP 2014 the site is zoned R2 – Low Density Residential. Under this zoning, development for the purposes of secondary dwelling is permissible with consent.

### **5.2 Vehicular Access**

Minor modification of the existing site vehicular access will be required by this development. This modification will be internal to the site with no changes to the existing vehicular crossing.

The existing garage will continue to service the existing dwelling on site.

Further, the sites proximity , within walking distance of the Avalon Town Centre and public transport will further reduce any vehicular dependence on residents.

### **5.3 Utilities and Services**

The site is serviced by reticulated water and sewer services.

## **6. Conclusion**

This proposal is for a Secondary Dwelling on an R2 – Low Density Residential zoned parcel of land.

The proposal is considered to be consistent with the provisions of the Pittwater Local Environmental Plan 2014 and Development Control Plan 21.

Furthermore, the proposal is considered to have no adverse impacts upon the environment or the general locality or surrounding properties.

Councils support to the proposal is therefore requested.