

STATEMENT OF ENVIRONMENTAL EFFECTS

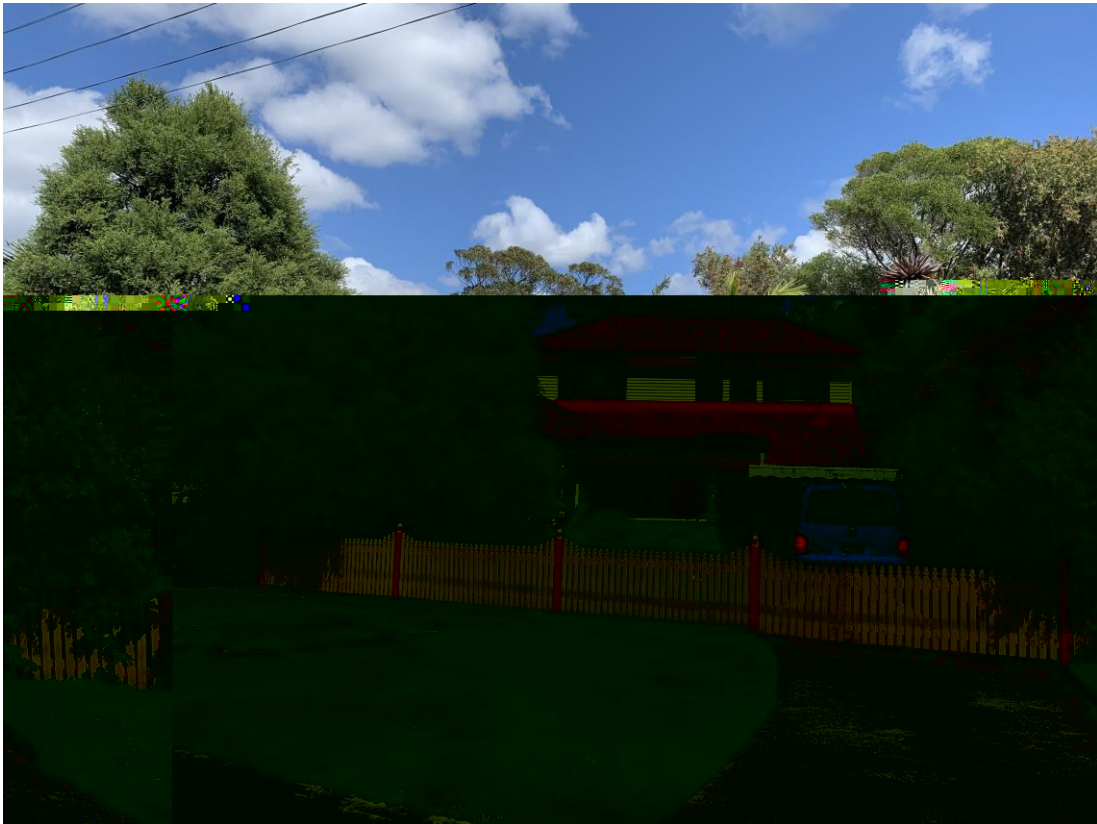
**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING
DWELLING INCLUDING NEW CARPORT AND SWIMMING POOL**

LOCATED AT

36 ALBERT ROAD, AVALON BEACH

FOR

STEVEN EDWARDS & GABRIELLE WRIGHT



**Prepared
December 2019**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Gabrielle Wright & Steven Edwards by Farrugia Design & Sammy Fedele Architectural Drafting, Job No. 20/19, Drawing No. DA01 – DA09, dated 24 October 2019, to detail the proposed construction of alterations and additions to an existing dwelling on land at **36 Albert Road, Avalon Beach**.

A similar application for alterations and additions to a dwelling house including new double carport was submitted to Council on 14 April 2018 and later withdrawn on 31 August 2018.

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*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan*

2.0 Property Description

The subject allotment is described as 36 Albert Road, Avalon Beach, being Lot 23 within Deposited Plan 17189 and is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site is noted as being within a Low and Medium Risk Flood Zone and Land within Risk to Life H3 Flood Category. A flood evaluation has been prepared by Barrenjoey Consulting Engineers Pty Ltd, dated 21 November 2019 and will be discussed in further detail within this submission.

The site is also identified as being Class 5 Acid Sulfate Soils, and this will be discussed in further detail within the report.

There are no other identified hazards affecting the land.

3.0 Site Description

The property is located on the western side of Albert Road, south of the intersection with Careel Head Road.

The site is rectangular in shape with a width of 15.24m, and a depth of 50.29m. The total site area is 670.6m².

The land has a gentle slope towards the rear yard, with stormwater dispersed within the rear yard.

The land is currently developed with an existing one and two storey clad dwelling. The site is accessed via an existing brick paved driveway from Albert Road. The rear yard contains a detached outbuilding.

The details of the existing site levels are indicated within the Survey Plan prepared by DP Surveying, Reference No. 2467, dated 11 October 2017.

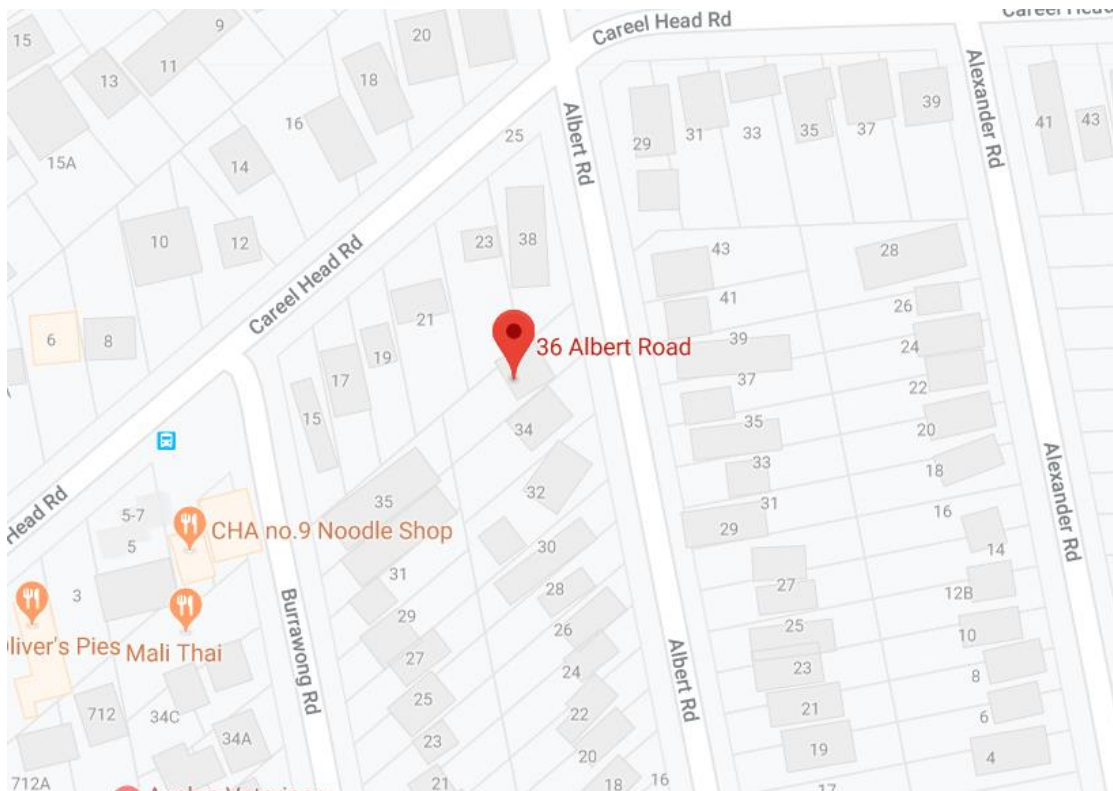


Fig 1: Location of Subject Site
(Source: Google Maps)

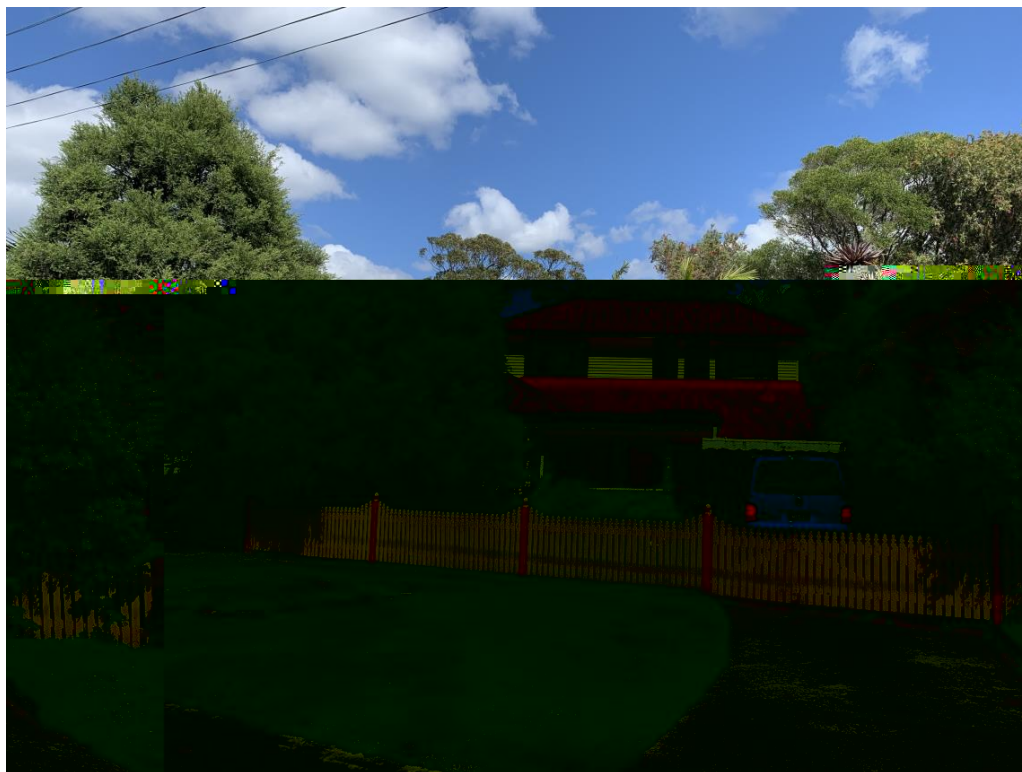


Fig 2: View of subject site, looking south-west from Albert Road



Fig 3: View of rear yard and rear elevation of the subject dwelling, looking north-east from Albert Road



Fig 4: View of rear yard of site, looking south-west



Fig 5: View of adjoining property and existing carport within front setback at No 34 Albert Road

4.0 The Surrounding Environment

The general vicinity of the site is characterised by one and two storey residential developments within landscaped settings. The surrounding dwellings enjoy views towards Pittwater.

Surrounding the sites are single residences, with a variety of styles and scales of development. As indicated on the aerial photograph, a number of properties in the locality have similar footprints and recreational structures such as pools in their rear yards.

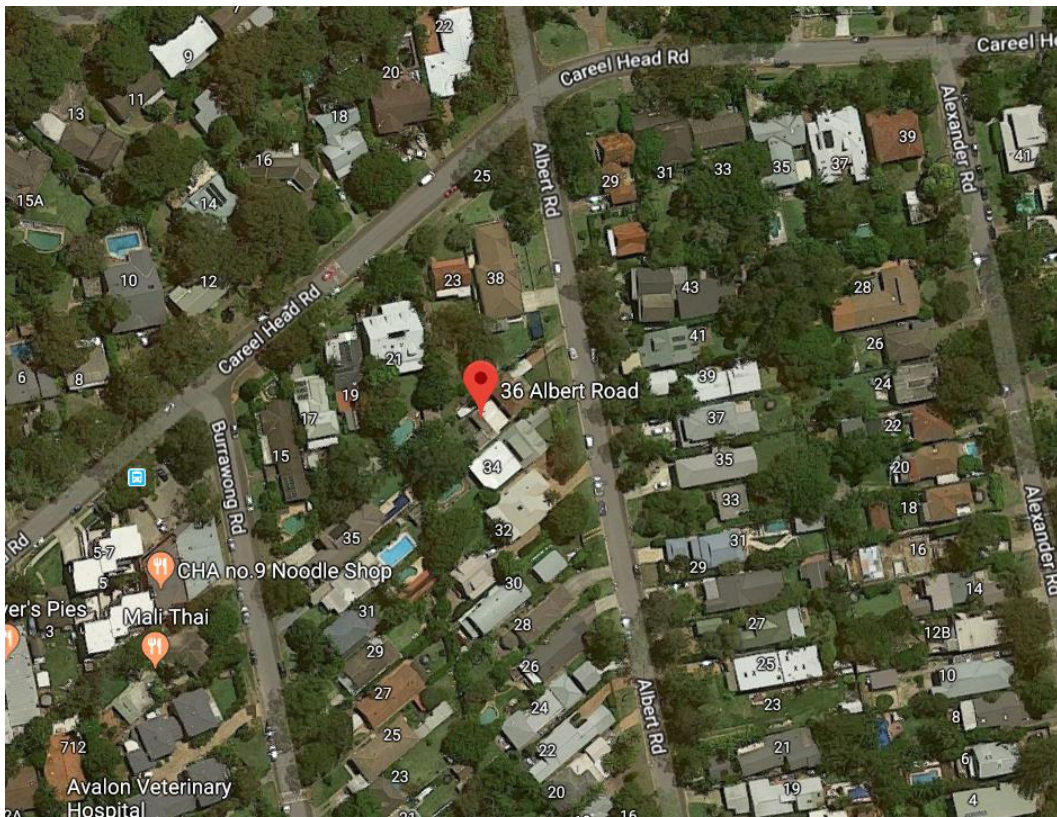


Fig 6: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, it is proposed to provide for the construction of alterations and additions to an existing dwelling, including a new carport and swimming pool.

The new works comprise:

Ground Floor Level

- Alterations and additions to existing ground floor level to provide for new front patio, new front deck, ensuite and walk in robe to existing bedroom 1, extension of existing study, bathroom, new bedroom, open plan family and kitchen with pantry/laundry and extension of rear deck

First Floor Level

- Minor alterations and additions to existing first floor level to provide for new louvres to stairwell and various window changes
-

External Works

- Demolition of existing carport and construction of new carport, utilising the existing driveway access point to Albert Road
- New swimming pool

The new works will utilise existing materials and finishes which complement the existing dwelling.

The existing plantings throughout the site will be maintained which will continue to add to the visual amenity.

The development indices for the proposal are summarised as:

Site Area:	670.6m ²
Required soft landscaped area:	50% or 335.3m ²
Existing soft landscaped area:	52.64% or 353m ²
Proposed soft landscaped area:	50.70% or 340m ²

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 Pittwater Local Environmental Plan 2014

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

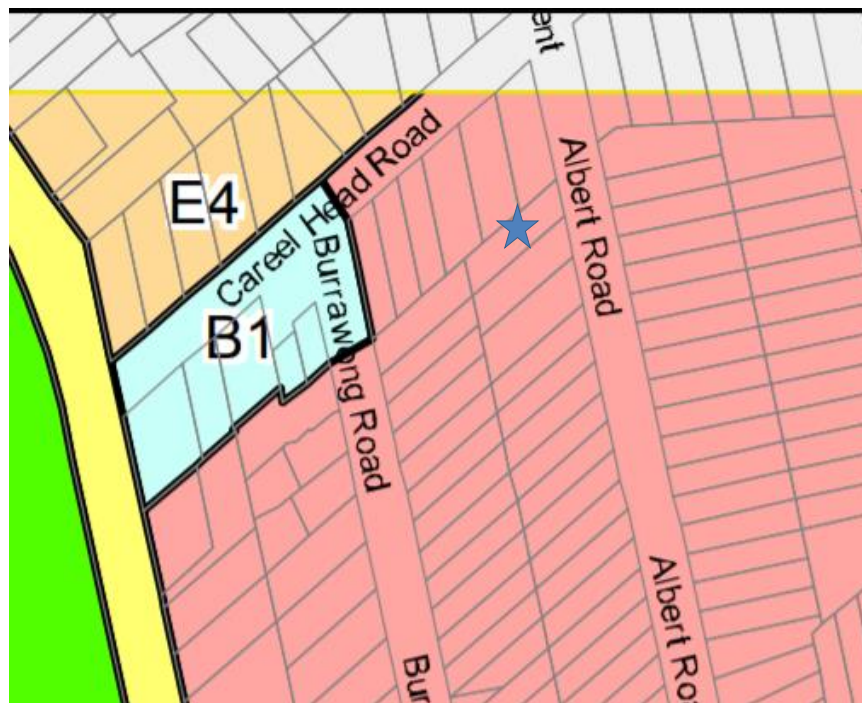


Fig 7: Zoning extract – Pittwater LEP 2014

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

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

Clause 4.3 related to building height.

The maximum building height in this portion of Avalon is 8.5m. The proposal provides for a maximum building height of approximately 7.8m above the existing ground level and therefore complies with this control.

Clause 7.1 relates to acid sulfate soils. The site has been identified as being within the Class 5 Area. The proposal will require some minor excavation of the site for the new swimming pool and the works will be supervised by the Consulting Structural Engineer. Appropriate erosion and sediment control measures will be put in place for the construction of the swimming pool.

Clause 7.2 relates to earthworks. The proposal will require some minor excavation for the construction of the proposed swimming pool. All works will be carried out under the guidance of a qualified structural engineer.

Clause 7.3 relates to flood planning. The site has been identified as being within a Low and Medium Risk Flood Zone and Land within Risk to Life H3 Flood Category. A flood evaluation has been prepared by Barrenjoey Consulting Engineers Pty Ltd, dated 21 November 2019 and is attached to this submission. The report concludes the following:

It is our opinion the current DA proposal should be assessed and approved in a similar manner to the earlier and that the proposed development can be construction in accordance with the intention of Council's Pittwater 21 DCP Section B3.11 Flood Prone Land.

The proposal will therefore satisfy the provisions of this clause.

There are no other provisions of the Pittwater LEP 2014 that are relevant to the proposed works.

6.4 Pittwater 21 Development Control Plan 2014

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D Avalon Beach Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

6.4.1 Shaping Development – Desired Character

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

A4.1 Avalon Beach Locality

The most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment. The locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity, fewer hazards and other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, commercial, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. Vehicular and pedestrian access into and through the locality is good. Pedestrian links, joining the major areas of open space (Angophora Reserve, Stapleton Park and Hitchcock Park) and along the foreshores, should be enhanced and upgraded. Similarly, cycle routes need to be provided through the locality. Carparking should be provided on site and where possible integrally designed into the building.

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with development. The objective is that there will be houses amongst the trees and not trees amongst the houses.

Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

Most houses are set back from the street with low or no fencing and vegetation is used extensively to delineate boundary lines. Special front building line setbacks have been implemented along Avalon Parade to maintain the unique character of this street. This, coupled with the extensive street planting of canopy trees, gives the locality a leafy character that should be maintained and enhanced.

The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect principles of good urban design. External materials and finishes shall be natural with smooth shiny surfaces avoided. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors. The natural landscape of Careel Bay, including seagrasses and mangroves, will be conserved. Heritage items and conservation areas indicative of early settlement in the locality will be conserved, including the early subdivision pattern of Ruskin Rowe.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of alterations and additions to an existing dwelling including a new swimming pool, which are consistent with the scale and style of the newer development in the vicinity.

The proposal will see the retention of the existing significant trees within the site, and will retain an appropriate level of soft landscaping for the site.

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

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

6.4.2 Section B General Controls

The General Controls applicable to the proposed construction of additions and alterations to the existing dwelling and landscaping are summarised as:

B3.6 Contaminated Land and Potentially Contaminated Land

The controls seek to achieve the outcomes:

Protection of public health. (S)

Protection of the natural environment. (En)

Successful remediation of contaminated land. (En, S)

The proposal will see the site continue maintain its residential use. Given its residential history, previous contamination of the land is not expected.

B3.11 Flood Prone Land

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 has been identified as being within a Low and Medium Risk Flood Zone and Land within Risk to Life H3 Flood Category. A flood evaluation has been prepared by Barrenjoey Consulting Engineers Pty Ltd, dated 21 November 2019 and is attached to this submission. Appropriate measures have been implemented into the design process to ensure flood risk is minimised.

B3.13 Flood Hazard – Flood Emergency Response Planning

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 has been identified as being within a Low and Medium Risk Flood Zone and Land within Risk to Life H3 Flood Category. A flood evaluation has been prepared by Barrenjoey Consulting Engineers Pty Ltd, dated 21 November 2019 and is attached to this submission. The report concludes the following:

It is our opinion the current DA proposal should be assessed and approved in a similar manner to the earlier and that the proposed development can be construction in accordance with the intention of Council's Pittwater 21 DCP Section B3.11 Flood Prone Land.

The proposal will therefore maintain consistency with the provisions of this clause.

B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

The controls seek to achieve the outcomes:

The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)

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

The proposal is not considered to unreasonably impact on the flora and fauna within the locality and meets the objectives of this clause.

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 proposed works are largely within the existing building footprint and will not see any significant change to the site conditions. The proposed new roof areas will be connected to the existing stormwater system which disperses stormwater within the rear yard, and accordingly the proposal is considered to satisfy Council's stormwater requirements.

B5.10 Stormwater Discharge into Public Drainage System

The controls seek to achieve the outcomes:

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

The proposed new roof areas will be connected to the existing system which disperses stormwater within the rear yard.

B5.11 Stormwater Discharge into Waterways and Coastal Areas

The controls seek to achieve the outcomes:

The integrity of stormwater drainage systems, easements and natural watercourses are maintained. (En)
Stormwater flows including overland flow have continuity and are not impeded. (En)

The proposal retains the existing stormwater system. As the stormwater comprises roof water only, there is not anticipated to be any adverse impact on any natural watercourses. The proposal is therefore considered to satisfy the provisions of this clause.

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 site will provide for the construction of alterations and additions to an existing dwelling, including a new portion of driveway within the subject site. The current driveway crossing arrangements will be retained.

B6.2 Internal Driveways – Low Density Residential

The controls seek to achieve the outcomes:

- Safe and convenient access. (S)*
- Reduce visual impact of driveways. (S)*
- Pedestrian safety. (S)*
- An effective road drainage system. (En, S)*
- Maximise the retention of trees and native vegetation.*
- Reduce contaminate run-off from driveways.*

The proposal will see the replacement of the existing driveway, to provide safe and convenient access to the proposed new carport.

B6.3 Off-street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

- Safe and convenient parking (En,S)*

The controls require a minimum of 2 parking spaces for a dwelling with 2 bedrooms or more.

The proposal will see the construction of a new carport and hardstand car parking space which will utilise a similar driveway location to the existing driveway.

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)*

Minor excavation is required for the construction of the new swimming pool.

All new works will be carried out in accordance with the recommendations of a qualified Structural Engineer.

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.

B8.3 Construction & Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)

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

6.4.3 Section C Development Type Controls

The Development Controls 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. (End, Ec)*
- Landscaping results in low watering requirement. (En)*

The proposal maintains a generous area of soft landscaping in accordance with Council's requirements.

The proposal will not require the removal of any significant vegetation, and the existing trees on site will be retained and protected.

The site will maintain its contribution to the landscaped character of the locality and is considered to maintain consistency with the provisions of this clause.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

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

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

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views amongst dwellings. (S)
Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)
Canopy trees take priority over views. (En, S)

The proposal provides for the construction of alterations and additions to an existing dwelling including a new swimming pool.

Albert Road is relatively flat with dwellings enjoying local views. The proposed alterations and additions will not adversely impact the view sharing of neighbouring properties.

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.

As noted in the submitted shadow diagrams (Sheet No. DA07 & DA08), the proposal will not see any substantial change to the existing solar access currently received by the adjoining neighbour to the south-east.

Shadow diagrams have been prepared which confirm that the adjoining neighbour will continue to receive access to at least three hours of solar access between 9.00am – 3.00pm.

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 proposal provides the primary internal living spaces at the lower levels to minimise overlooking to neighbouring properties.

The proposed pool is not substantially elevated above existing ground level, and the proposed stud wall and boundary fencing will assist with maximising privacy for occupants of the subject site and neighbouring properties to the north-west.

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

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

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

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

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

Given the residential nature of the works, there will not be any significant impact on the surrounding locality in terms of acoustic privacy. The works will maintain the current ample separation to living areas of adjoining properties, thereby maintaining existing levels of acoustic privacy. The proposed pool equipment will be contained in a sound attenuating enclosure.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

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

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

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

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

C 1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials. There is sufficient area surrounding and inside the carport for on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C 1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)
Compliance with Swimming Pools Act 1992 and Regulations (En, S)

Swimming pool fencing and warning notices are to be provided in accordance with the *Swimming Pools Act 1992* and regulations. The proposed swimming pool fencing will comply with this control.

6.4.4 Section D Design Criteria

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

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

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

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

D1.1 Character as Viewed from A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

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

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

The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)

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

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

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

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

The proposal will provide for the construction of alterations and additions which will maintain a bulk and scale which is in keeping with existing surrounding development.

View sharing corridors over and to the side of the dwelling will be retained for dwellings located uphill of the proposal.

The setbacks provided reflect the setbacks of the adjoining properties.

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

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 site will maintain a suitable area of soft landscaping.

The retention of the existing landscaping ensure that the new works will blend with the surroundings natural landscape, thereby minimising the visual impact of the dwelling as viewed from the foreshore area.

The bulk and scale of the development is generally in keeping with the extent of development in the immediate locality.

The proposal will not see any unreasonable view loss for uphill properties, and will maintain suitable privacy, amenity and solar access for neighbouring dwelling. The proposal is therefore considered to be in keeping with the provisions of this clause.

D1.5 Building Colours, Materials and Construction

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
The development enhances the visual quality and identity of the streetscape. (S)
To provide attractive building facades which establish identity and contribute to the streetscape.
To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater.
The colours and materials of the development harmonise with the natural environment. (En, S)
The visual prominence of the development is minimised. (S)
Damage to existing native vegetation and habitat is minimised. (En)
An informal beachside appearance of the Avalon Beach Village. (S, Ec)*

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

The materials and finishes include weatherboard cladding with metal roofing.

A schedule of external finishes has been prepared by Farrugia Design and details the proposed finishes and colours which are compatible with the DCP, existing building finish and the surrounding properties.

D1.8 Front Building Line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)
The amenity of residential development adjoining a main road is maintained. (S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
Vehicle maneuvering in a forward direction is facilitated. (S)
To encourage attractive street frontages and improve pedestrian amenity.
To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment

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

The site is subject to a minimum front setback of 6.5m. The proposed carport will stand a minimum of 4.7m from the front boundary, and therefore presents a minor variation to this control.

Compliance with this control is constrained by the siting of the existing development, and the angled nature of the front boundary.

The proposed carport replaces an existing carport, which is in a similar location.

The proposed setbacks are consistent with the varied setbacks to the public domain presented by the surrounding dwellings. The new works will continue to present a modest bulk and scale to Albert Road, and the proposed front setback is considered worthy of support on merit.

D1.9 Side and rear building line

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)
The bulk and scale of the built form is minimised. (En, S)
Equitable preservation of views and vistas to and/or from public/private places. (S)
To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.
To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)
Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)
Flexibility in the siting of buildings and access. (En, S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
To ensure a landscaped buffer between commercial and residential zones is established. (En, S)

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

The minimum proposed north-western and south-eastern setbacks of the new works are 1.03m and 1.13m respectively, and therefore present a minor variation to this control.

The new works follow the existing side setbacks of the dwelling. The proposed development retains a modest bulk and scale, which is in keeping within the desired future character of the locality.

The site will largely maintain the existing area of soft landscaping, with the existing plantings to assist with softening and screening the built form.

The proposal where it does not comply with the minimum side setback requirements will not result in any adverse impacts for neighbouring properties in terms of views, privacy, amenity or solar access.

The articulated form of the design and the proposed setbacks which generally exceed Council's controls 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.

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 proposal will not see any change to the external form of the first floor level and will therefore not alter the compliance of the dwelling 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 limit residential development in order to maintain a minimum landscaped area of 0% of the site area.

The proposal provides a landscaped area of 50.7% of the site area and therefore complies with this control.

D1.15 Fences – General

The controls seek to achieve the outcomes:

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

The proposal will not see any change to the existing fencing.

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

7.1 The provisions of any environmental planning instrument

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

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

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

There are no draft instruments applying to the land.

7.3 Any development control plan

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

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

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

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

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

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that

the variation to the front and side setback controls is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the setbacks.

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

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

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

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

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

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

It is considered that the proposal, which seeks consent for proposed construction of alterations and additions to an existing dwelling, including new carport and swimming pool, 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 R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

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

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

7.9 The public interest

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

8.0 Conclusion

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

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

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

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