

**STATEMENT OF  
ENVIRONMENTAL EFFECTS**

Torrens Title Subdivision  
1 Lot into 2 Lots

**25 Kevin Avenue  
AVALON**

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# **Statement of Environmental Effects**

**Torrens Title Subdivision of 1 Lot into 2 Lots**

**Lot 10, DP 12435**

**25 Kevin Avenue, Avalon**

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## 1.0 INTRODUCTION

This document forms a component of a development application that proposes the Torrens Title Subdivision of the existing allotment into 2 allotments.

The proposed subdivision provides for the creation of a complimentary and compatible subdivision pattern, having regard to the broader subdivision pattern established within Avalon, with the proposed allotments having areas, dimensions and building platforms consistent with those established by adjoining development and allotments within the Avalon Locality generally.

We note that an application proposing a similar subdivision at No. 27 Kevin Avenue (DA2018/1066) is currently the subject of Land and Environment Court proceedings with the proposed subdivision pattern entirely consistent with that proposed on this immediately adjoining property.

The accompanying documentation confirms that the lots are of adequate size and dimension to accommodate generally compliant dwelling houses having acceptable environmental, streetscape and residential amenity consequences. All allotments can meet the drainage system requirements and be appropriately serviced by existing infrastructure. This statement addresses the details of the application having regard to:

- The Environmental Planning and Assessment Act, 1979 as amended (“The Act”).
- Pittwater Local Environmental Plan 2014 (“the LEP”).
- Pittwater 21 Development Control Plan (“The DCP”).
- State Environmental Planning Policy No. 55 – Remediation of Land.

The application is accompanied by a site survey, draft plan of subdivision, waste management plan, engineering plans and arboriculture assessment. Whilst the application seeks a variation to the clause 4.1 PLEP minimum subdivision lot size standard we are of the opinion that pursuant to clause 4.6(4)(a) of PLEP that the consent authority can be satisfied that the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause 4.6(3) of PLEP being:

- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

As such, I have formed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a Minimum Lot Size variation in this instance.

This report demonstrates that the proposed subdivision is permissible with consent and consistent with the applicable legislative framework. The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

## 2.0 SITE ANALYSIS, DESCRIPTION AND LOCATION

The subject site is legally described as Lot 10, DP 12435, No. 25 Kevin Avenue, Avalon. The property is a rectangular shaped allotment with a site area of 1394m<sup>2</sup>. It has a frontage and address to Kevin Avenue of 18.29m and a depth of 76.25m. The topography of the site rises gently from the street to the rear of the property. Several trees are located on or adjacent to the site. An aerial location image is provided below.



**Figure 1:** Aerial Location

The site is currently occupied by a split level brick dwelling house with swimming pool located at the rear of the site. There are also 2 small detached studios and a metal shed located in front of the existing dwelling.

The adjoining properties are occupied by detached single dwelling houses in informal landscape settings.

### 3.0 DEVELOPMENT PROPOSAL

This document forms a component of a development application that proposes the Torrens Title Subdivision of the existing allotment into 2 Lots. The proposed subdivision provides for the creation of a complimentary subdivision pattern that will allow for the future construction of an additional dwelling which capable of complying with the relevant planning controls.

The proposed subdivision is depicted on the draft plan of subdivision, dated February 2020, prepared by Copland C. Lethbridge.

The existing dwelling house is to be retained on proposed Lot 2 with the structures currently located on proposed Lot 1 demolished as a component of the development. The proposed allotments will have the following characteristics:

Proposed Lot 1	
Lot area	700m <sup>2</sup> (including 117.9m <sup>2</sup> of carriageway and easement for services)
Lot depth	38.26m
Lot width at boundary	18.29m

Proposed Lot 2	
Lot area	693.9m <sup>2</sup>
Lot depth	37.94m
Lot width at boundary	18.29m

This report will demonstrate that a future dwelling house is able to be designed and sited on proposed Lot 1 without unacceptable streetscape, residential amenity or environmental impacts. The subsequent dwelling house designs will be the subject of separate development applications lodged at a future time. Appropriate rights of carriageway and easements for services will be created to facilitate the subdivision outcome proposed.

The application proposes the removal of a number of trees as identified in the accompanying arborist report prepared by Jacksons Nature Works with the proposed driveway requiring the removal of 2 street trees. The arborist report supports such outcome subject to them being replaced with 2 compensatory *Glochidion ferdinandi* (Cheese trees).

Details as to the required driveway access and stormwater management are detailed on the accompanying plans prepared by SGC Consulting Engineers with all stormwater able to be gravity drained to Kevin Avenue.

## 4.0 STATUTORY PLANNING FRAMEWORK

### 4.1 General

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

### 4.2 Pittwater Local Environmental Plan 2014

#### 4.2.1 Zone and Zone Objectives

The subject property is zoned R2 Low Density Residential pursuant to the provisions of Pittwater Local Environmental Plan 2014 ("PLEP 2014"). Dwelling houses and subdivision are permissible with consent.

The stated zone objectives are as follows:

- *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.*

As previously indicated the proposed lot sizes are of a size and dimension able to accommodate dwelling houses taking into account the environmental constraints and opportunities identified through initial site analysis.

We have formed the opinion that the proposed subdivision does not defeat the zone objectives as outlined through the maintenance of a low impact and low density residential environment and which will enable future dwelling houses which will integrate with the landform.

Accordingly, there is no statutory impediment to the granting of consent.

#### 4.2.2 Minimum Subdivision Lot Size

Pursuant to clause 4.1 of PLEP 2014 the minimum subdivision lot size is 700m<sup>2</sup>. As previously indicated the subdivision creates 2 allotments having the following site areas:



Proposed Lot Areas exclusive of the area of the ROW/ access handle	
Lot 1	582.1m <sup>2</sup> (700m <sup>2</sup> with carriageway included)
Lot 2	693.9m <sup>2</sup>

The stated objectives of this standard are as follows:

- (a) *to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,*

Comment: The proposed subdivision provides for the creation of a complimentary and compatible subdivision pattern, having regard to the broader subdivision pattern established within Avalon, with the proposed allotments having areas, dimensions and building platforms consistent with those established by adjoining development and allotments within the Avalon Locality generally.

We note that an application proposing a similar subdivision at No. 27 Kevin Avenue (DA2018/1066) is currently the subject of Land and Environment Court proceedings with the proposed subdivision pattern entirely consistent with that proposed on this immediately adjoining property.

The accompanying documentation confirms that the lots are of adequate size and dimension to accommodate generally compliant dwelling houses having acceptable environmental, streetscape and residential amenity consequences. All allotments can meet the drainage system requirements and be appropriately serviced by existing infrastructure.

- (b) *to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,*

Comment: The site is not burdened by any known hazards.

- (c) *to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,*

Comment: The application proposes the removal of a number of trees as identified in the accompanying arborist report prepared by Jacksons Nature Works with the proposed driveway requiring the removal of 2 street trees. The arborist report supports such outcome subject to them being replaced with 2 compensatory *Glochidion ferdinandi* (Cheese trees).

- (d) *to provide for subdivision that does not adversely affect the heritage significance of any heritage item or heritage conservation area,*

Comment: N/A

- (e) *to provide for subdivision where all resulting lots can be provided with adequate and safe access and services,*

Comment: The proposed carriageway adjacent to the south eastern side boundary will provide adequate and safe access to the resulting lots. The proposed carriageway will provide a location for future services to connect to new allotment.

- (f) *to maintain the existing function and character of rural areas and minimise fragmentation of rural land,*

Comment: N/A

- (g) *to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

Comment: The proposed size and dimensions of the allotments are consistent with the existing pattern of subdivision in the local area and do not give rise to any adverse impacts to the desired future character of the area. The subdivision will maintain the low density character of the area and will be able to provide a future dwelling that is consistent with the planning controls and maintain the amenity to surrounding properties.

A clause 4.6 request to vary the minimum lot size standard is provided at Annexure 1.

#### **4.2.3 Acid Sulfate Soils**

Pursuant to clause 7.1 of the PLEP the subject site is classified Class 5. The proposal does not include any significant earthworks and accordingly no additional investigation is considered warranted at this time.

#### **4.2.4 Essential Services**

In accordance with clause 7.10 PLEP 2014 the proposal includes a drainage plan for the creation of a new carriageway adjacent to the south eastern side boundary. The other services of water, electricity and sewage will use the established services with appropriate easements for services nominated on the subdivision plan.

### 4.3 Pittwater 21 Development Control Plan

This policy document came into effect on 1<sup>st</sup> February 2004 and has been amended on numerous occasions since. Pittwater 21 DCP contains development controls for the design and construction of buildings and the development of land in Pittwater. The proposed development has been assessed against the relevant provisions of Pittwater 21 DCP as outlined in the following sections of this report.

#### 4.3.1 Avalon Beach Locality

The property is located within the Avalon locality. The desired future character of the locality is identified as being:

*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.*

A low-density residential area will be maintained and add to the housing stock availability. The significant trees on the site are to be retained. The proposed subdivision is in line with the desired future character of the Avalon Beach locality.

### 4.3.2 General Controls

#### **B2 Density Controls - Land Subdivision – Low Density Residential Areas**

Pursuant to Part B2.2 of the Council P21 DCP as the land is identified as Area 1 on the Landscaped Area and the DCP controls are as follows:

- *Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot depth of 27 metres.*

Both proposed lots will have a depth in excess of 27m.

- *Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 2 or 3 on the Landscaped Area Map shall have a minimum lot width at the building line of 15 metres.*

The site is mapped as Area 3 and both lots will comply with this control.

- *Any lot (or lots) are to be capable of providing for the construction of a building which is safe from hazards, does not unreasonably impact on the natural environment, does not adversely affect heritage, and can be provided with adequate and safe access and services.*

The proposed subdivision and future dwelling will not have an unreasonable impact on the natural environment, as detailed in the arborist report. No significant hazards are associated with the site.

- *A person shall not subdivide land if the allotment(s) intended to be created have a slope in excess of 16.7 degrees (30%), measured between the highest and lowest points on any such allotment(s).*

The slope of the land is not in excess of 16.7°.

- *The minimum area for building shall be 175m<sup>2</sup>.*

The existing dwelling is to be retained. Lot 1 will be able to accommodate a compliant dwelling with a building footprint of at least 175m<sup>2</sup>.

#### **B3 Hazard Controls**

No known hazards are identified on the site.

#### **B4.6 Wildlife Corridors**

The outcome associated with this clause seeks the retention and enhancement of wildlife corridors ensuring/providing the connection of flora and fauna habitats.

The application proposes the removal of a number of trees as identified in the accompanying arborist report prepared by Jacksons Nature Works with the proposed driveway requiring the removal of 2 street trees. The arborist report supports such outcome subject to them being replaced with 2 compensatory *Glochidion ferdinandi* (Cheese trees).

### **B5.1 Water Management Plan**

Stormwater management plans have been prepared by SGC engineering and accompany this application. The land slopes down to Kevin Avenue enabling gravity drainage to the street.

### **C4 Development Type Controls for Subdivision**

#### **Internal Driveways/Car Parking**

The proposal provides for a new right of carriageway adjacent to the south eastern side boundary. It will have a width of 3m and a length of 38.26m.

This access will provide a safe and functional driveway to each allotment.

Compliant off-street parking will be able to be achieved with the future residential dwelling.

#### **Transport and Traffic Management**

The outcomes associated with this control are as follows:

*Safe and orderly traffic and pedestrian access to and from all development via the surrounding road network and transport infrastructure*

*The cost of upgrading the surrounding road, traffic and transport infrastructure to meet the needs generated by the development is met by the developer.*

The proposed subdivision will not create any significant adverse impact to the existing road network. It is anticipated that the impact on the existing street traffic will be negligible.

The proposed driveway is considered to be suitable and will adequately service both allotments in a safe and orderly manner.

#### **Utility Services**

Both lots will provide essential services which will be located underground. Easements for essential services will be located under the proposed carriageway.

## Amenity and Design

The outcomes associated with this control are the following:

*Desired character of the locality*  
*Protection of the natural environment.*  
*Ecologically sustainable development.*  
*Minimal design constraints.*  
*Adequate access and services.*  
*Access driveways to public roads are minimised.*

Clause C4.7 has specific controls which are addressed below:

- a) *all properties, both existing and proposed, achieve/retain a level of amenity commensurate with the locality and the desired character of the area*

The proposed size and dimensions of the allotments are consistent with the existing pattern of subdivision in the local area and do not give rise to any adverse impacts to the desired future character of the area. The subdivision will maintain the low density character of the area and will be able to provide a future dwelling that is consistent with the planning controls and maintain the amenity to surrounding properties.

- b) *the impact on the environment of the completed development (including buildings to be constructed on the proposed lots) has an acceptable impact on the environment.*

It is not anticipated that the subdivision and a future dwelling on Lot 1 would result in any significant impact to the local environment. The majority of the trees are to be retained and protection measures put in place to ensure the least impact to the environment. Replacement trees within the road reserve are also proposed.

### **4.3.3 Development Type Controls**

#### **Design Criteria for Land Subdivision**

Section C4 of Pittwater 21 DCP contains provisions applicable to land subdivision and in this regard having regard to the provisions at C4.1 to C4.8 we advise as follows:

- The site has no known hazards.
- The additional residential allotment will not create any significant traffic generation with the minor increase in vehicle trips appropriately accommodated within the established Place network.
- The future dwelling house on lot 1 will not impact on existing public places, footpaths or streetscapes.
- Adequate utility services are available to service the proposed allotments.
- The additional allotment is of a size and dimension that is able to accommodate a fully compliant dwelling house designed and sighted to maintain established view lines, compliant solar access and appropriate residential amenity to the adjoining residential properties. These matters will be fully considered and addressed in the preparation of the subsequent dwelling house development application.
- The proposed allotments will be suitably landscaped in accordance with Council's requirements with such landscape regime detailed in any subsequent development application.

### **4.3.4 Locality Specific Development Controls**

#### **Character as Viewed from Public Place**

The three dimensional form of the future dwelling house, and their relationship with adjoining development will be dictated through compliance with the applicable built form controls/ outcomes as they relate to the construction of dwellings in the Avalon area including providing built form integrated into the landscaped setting. Such controls will ensure that the future dwelling house/s will not be perceived as inappropriate, jarring or antipathetic and will reflect the desired future character of the Avalon Locality.



The construction of a new dwelling within the front allotment will be consistent with the existing development along Kevin Avenue. Replacement trees are proposed within the road reserve which will provide additional screening of a future dwelling and enhance the natural landscaping qualities of the area.

#### **4.4 State Environmental Planning Policy No. 55 – Remediation of Land**

Pursuant to clause B3.6 Council shall not consent to the carrying out of any development on land unless it has considered the provisions of SEPP No. 55 – Remediation of Land (“SEPP 55”). In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council’s records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential subdivision. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

#### **4.5 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in italic) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

##### **(i) The provision of any Planning Instrument**

The proposed alterations and additions are permissible and consistent with the intent of the Pittwater Councils Local Environmental Plan and Development Control Plan as they are reasonably applied to the proposed works given the constraints imposed by the sites location, environmental and topographical constraints.

**(ii) 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**

N/A

##### **(iii) Any development control plan**

Pittwater DCP applies

**(iiia) 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**

N/A

**(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and**

N/A

**(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)**

N/A

**(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,**

*Context and Setting*

*What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

*What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

*Access, transport and traffic:*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The proposal will not result in any significant impact to travel demands or the existing traffic network in the local area.

#### *Public Domain*

The proposed development will have no adverse impact on the public domain.

#### *Utilities*

Utility services will be provided underneath the proposed carriageway.

#### *Flora and Fauna*

Some tree will be removed as detailed in the arborist report.

#### *Waste Collection*

Normal domestic waste collection will be maintained.

#### *Natural hazards*

No known hazards

#### *Economic Impact in the locality*

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

### *Site Design and Internal Design*

*Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

*How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

### *Construction*

*What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

**(c) The suitability of the site for the development**

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand. The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

**(d) Any submissions received in accordance with this act or regulations**

It is envisaged that Council will appropriately consider any submissions received during the notification period.

**(e) The public interest**

The proposed works are permissible and consistent with the intent of the LEP and DCP controls as they are reasonably applied to the proposed alterations and additions. The development would not be contrary to the public interest.

## 5.0 CONCLUSION

This report demonstrates that the proposed subdivision is permissible with consent and consistent with the legislative framework as it relates to the proposed development. The proposal presents an opportunity to provide additional housing in an established residential locality with high amenity for future occupants.

The proposed subdivision provides for the creation of a complimentary and compatible subdivision pattern consistent with those established by adjoining development and allotments within the Avalon locality generally. The accompanying documentation confirms that the lots are of adequate size and dimension to accommodate compliant dwelling houses having acceptable environmental, streetscape and residential amenity consequences.

Whilst the application seeks a variation to the clause 4.1 PLEP minimum subdivision lot size standard we are of the opinion that pursuant to clause 4.6(4)(a) of PLEP that the consent authority can be satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause 4.6(3) of PLEP being:

- a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

As such, I have formed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a Minimum Lot Size variation in this instance.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.



**Greg Boston**  
B Urb & Reg Plan (UNE) MPIA  
**Director**

## **Annexure 1. Clause 4.6 Request To Vary Minimum Lot Size Development Standard**

### **1. Introduction**

This clause 4.6 variation has been prepared having regard to the Land and Environment Court judgements in the matters of *Wehbe v Pittwater Council* [2007] NSWLEC 827 (*Wehbe*) at [42] – [48], *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61, and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130.

### **2. Pittwater Local Environmental Plan 2014**

#### **2.1. Clause 4.1: Minimum Lot Size**

Pursuant to Clause 4.1 of the LEP the minimum lot size is identified as 700m<sup>2</sup>. The objectives of this clause are:

- a) *to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,*
- b) *to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,*
- c) *to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,*
- d) *to provide for subdivision that does not adversely affect the heritage significance of any heritage item or heritage conservation area,*
- e) *to provide for subdivision where all resulting lots can be provided with adequate and safe access and services,*
- f) *to maintain the existing function and character of rural areas and minimise fragmentation of rural land,*
- g) *to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

The proposed lot sizes are as follows:

Lot 1: 582.1m<sup>2</sup> (117.9m<sup>2</sup> or 16.8% variation)

Lot 2: 693.9m<sup>2</sup> (6.1m<sup>2</sup> or 0.8% variation)



## 2.2. Clause 4.6 – Exceptions to Development Standards

Clause 4.6 of LEP provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The decision of Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* (“*Initial Action*”) provides guidance in respect of the operation of clause 4.6 subject to the clarification by the NSW Court of Appeal in *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130* at [1], [4] & [51] where the Court confirmed that properly construed, a consent authority has to be satisfied that an applicant’s written request has in fact demonstrated the matters required to be demonstrated by cl 4.6(3).

*Initial Action* involved an appeal pursuant to s56A of the Land & Environment Court Act 1979 against the decision of a Commissioner.

At [90] of *Initial Action* the Court held that:

*“In any event, cl 4.6 does not give substantive effect to the objectives of the clause in cl 4.6(1)(a) or (b). There is no provision that requires compliance with the objectives of the clause. In particular, neither cl 4.6(3) nor (4) expressly or impliedly requires that development that contravenes a development standard “achieve better outcomes for and from development”. If objective (b) was the source of the Commissioner’s test that non-compliant development should achieve a better environmental planning outcome for the site relative to a compliant development, the Commissioner was mistaken. Clause 4.6 does not impose that test.”*

The legal consequence of the decision in *Initial Action* is that clause 4.6(1) is not an operational provision and that the remaining clauses of clause 4.6 constitute the operational provisions.

Pursuant to clause 4.6(2) consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

This Clause applies to the Clause 4.1 Minimum Lot Size Development Standard.

Clause 4.6(3) states that consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The proposed development does not comply with the Minimum Lot Size provision at 4.1 of LEP which specifies a minimum lot size however strict compliance is considered to be unreasonable or unnecessary in the circumstances of this case and there are considered to be sufficient environmental planning grounds to justify contravening the development standard.

The relevant arguments are set out later in this written request.

Clause 4.6(4) states consent must not be granted for development that contravenes a development standard unless:

- (a) *the consent authority is satisfied that:*
  - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Director-General has been obtained.*

In *Initial Action* the Court found that clause 4.6(4) required the satisfaction of two preconditions ([14] & [28]). The first precondition is found in clause 4.6(4)(a). That precondition requires the formation of two positive opinions of satisfaction by the consent authority. The first positive opinion of satisfaction (cl 4.6(4)(a)(i)) is that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3)(a)(i) (*Initial Action* at [25]). The second positive opinion of satisfaction (cl 4.6(4)(a)(ii)) is that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out (*Initial Action* at [27]). The second precondition is found in clause 4.6(4)(b).

The second precondition requires the consent authority to be satisfied that the concurrence of the Secretary (of the Department of Planning and the Environment) has been obtained (*Initial Action* at [28]).

Under cl 64 of the Environmental Planning and Assessment Regulation 2000, the Secretary has given written notice dated 21 February 2018, attached to the Planning Circular PS 18-003 issued on 21 February 2018, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under cl 4.6, subject to the conditions in the table in the notice.

Clause 4.6(5) states that in deciding whether to grant concurrence, the Director-General must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

As these proceedings are the subject of an appeal to the Land & Environment Court, the Court has the power under cl 4.6(2) to grant development consent for development that contravenes a development standard, if it is satisfied of the matters in cl 4.6(4)(a), without obtaining or assuming the concurrence of the Secretary under cl 4.6(4)(b), by reason of s 39(6) of the Court Act. Nevertheless, the Court should still consider the matters in cl 4.6(5) when exercising the power to grant development consent for development that contravenes a development standard: *Fast Buck\$ v Byron Shire Council* (1999) 103 LGERA 94 at 100; *Wehbe v Pittwater Council* at [41] (*Initial Action* at [29]).

Clause 4.6(6) relates to subdivision and states:

*Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*

- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

This application relates to land zoned R2 low density residential.

Clause 4.6(7) is administrative and requires the consent authority to keep a record of its assessment of the clause 4.6 variation. Clause 4.6(8) is only relevant so as to note that it does not exclude clause 4.1 of LEP from the operation of clause 4.6.

### 3. Relevant Case Law

In *Initial Action* the Court summarised the legal requirements of clause 4.6 and confirmed the continuing relevance of previous case law at [13] to [29]. In particular the Court confirmed that the five common ways of establishing that compliance with a development standard might be unreasonable and unnecessary as identified in *Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827* continue to apply as follows:

*17. The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard: Wehbe v Pittwater Council at [42] and [43].*

*18. A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary: Wehbe v Pittwater Council at [45].*

*19. A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable: Wehbe v Pittwater Council at [46].*

*20. A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable: Wehbe v Pittwater Council at [47]. Australian Company Number 121 577 768 Alterations and Additions 10 Aiken Avenue, Queenscliff | Page 40*

*21. A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary: Wehbe v Pittwater Council at [48]. However, this fifth way of establishing that compliance with the development standard is unreasonable or unnecessary is limited, as explained in Wehbe v Pittwater Council at [49]-[51]. The power under cl 4.6 to dispense with compliance with the development standard is not a general planning power to determine the appropriateness of the development standard*

*for the zoning or to effect general planning changes as an alternative to the strategic planning powers in Part 3 of the EPA Act.*

*22. These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.*

The relevant steps identified in *Initial Action* (and the case law referred to in *Initial Action*) can be summarised as follows:

1. Is clause 4.1 of PLEP a development standard?
2. Is the consent authority satisfied that this written request adequately addresses the matters required by clause 4.6(3) by demonstrating that:
  - (a) compliance is unreasonable or unnecessary; and
  - (b) there are sufficient environmental planning grounds to justify contravening the development standard
3. Is the consent authority satisfied that the proposed development will be in the public interest because it is consistent with the objectives of clause 4.1 and the objectives for development for in the zone?
4. Has the concurrence of the Secretary of the Department of Planning and Environment been obtained?
5. Where the consent authority is the Court, has the Court considered the matters in clause 4.6(5) when exercising the power to grant development consent for the development that contravenes clause 4.3A of the LEP?

Clause 4.6 of LEP provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Pursuant to clause 4.6(2) consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

#### **4. Request for variation**

##### **4.1. Is clause 4.1 of PLEP a development standard?**

We have formed the considered opinion that the clause 4.1 PLEP minimum lot size standard is a development standard to which clause 4.6 PLEP applies.

##### **4.2. Clause 4.6(3)(a) – Whether compliance with the development standard is unreasonable or unnecessary**

The common approach for an applicant to demonstrate that compliance with a development standard is unreasonable or unnecessary are set out in *Wehbe v Pittwater Council [2007] NSWLEC 827*.

The first option, which has been adopted in this case, is to establish that compliance with the development standard is unreasonable and unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

##### **Minimum Lot Size Standard and Objectives**

Pursuant to Clause 4.1 LEP the minimum subdivision lot size is 700m<sup>2</sup>. The objectives of this clause are:

- a) *to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,*

**Comment:** The proposed lot size and pattern are consistent with the existing development along Kevin Avenue. There are several examples of existing lots that are below the minimum lot size prescribed in the LEP, as demonstrated in the table over page. We note that these lot sizes were also confirmed in the SoEE prepared by Vaughan Milligan Development Consulting in support a development application proposing a similar subdivision at No. 27 Kevin Avenue (DA2018/1066).

Address	Lot size
16A Kevin Avenue	477.0m <sup>2</sup>
16B Kevin Avenue	449.9m <sup>2</sup>
19A Kevin Avenue	424.6m <sup>2</sup>
19B Kevin Avenue	502.6m <sup>2</sup>
43 Kevin Avenue	556.2m <sup>2</sup>
45 Kevin Avenue	561.6m <sup>2</sup>
47 Kevin Avenue	561.6m <sup>2</sup>
49 Kevin Avenue	556.1m <sup>2</sup>
50 Kevin Avenue	464.1m <sup>2</sup>
51 Kevin Avenue	556.2m <sup>2</sup>
52 Kevin Avenue	464.2m <sup>2</sup>
53 Kevin Avenue	556.2m <sup>2</sup>
55 Kevin Avenue	556.3m <sup>2</sup>
55 Kevin Avenue	556.3m <sup>2</sup>
57 Kevin Avenue	556.3m <sup>2</sup>
58 Kevin Avenue	514.4m <sup>2</sup>
59 Kevin Avenue	556.4m <sup>2</sup>
60 Kevin Avenue	474.7m <sup>2</sup>
61 Kevin Avenue	556.5m <sup>2</sup>
62 Kevin Avenue	474.2m <sup>2</sup>
63 Kevin Avenue	612.6m <sup>2</sup>
64 Kevin Avenue	473.7m <sup>2</sup>
66 Kevin Avenue	473.2m <sup>2</sup>
68 Kevin Avenue	470.6m <sup>2</sup>
72 Kevin Avenue	465.8m <sup>2</sup>
76 Kevin Avenue	465.5m <sup>2</sup>
78 Kevin Avenue	465.0m <sup>2</sup>
80 Kevin Avenue	449.9m <sup>2</sup>

With the lot sizes shown above, the proposed subdivision would not be seen as inconsistent with the existing size, pattern and configuration in the Avalon locality.

- b) to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,*

**Comment:** No known hazards are identified on the site.

- c) to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,*

**Comment:** The proposal will maintain the existing dwelling at the rear of the site and will be part of lot 2. The front lot will be able to house a dwelling that can be compatible with the relevant planning controls and set within a landscaped setting

Some trees are proposed to be removed with the majority to be retained. 2 trees will be replanted on the road reserve. The impact to the natural environment will be minimal.

- d) *to provide for subdivision that does not adversely affect the heritage significance of any heritage item or heritage conservation area,*

**Comment:** N/A

- e) *to provide for subdivision where all resulting lots can be provided with adequate and safe access and services,*

**Comment:** The proposed carriageway will be adequate and safe access to each lot with essential services proposed being located under the carriageway.

- f) *to maintain the existing function and character of rural areas and minimise fragmentation of rural land,*

**Comment:** N/A

- g) *to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

**Comment:** The existing dwelling will be maintained to lot 2. Lot 1 will be able to accommodate a dwelling that is of high amenity consistent with the planning controls as they reasonably apply.

Having regard to the above, the non-compliant component of the building will achieve the objectives of the standard to at least an equal degree as would be the case with a development that complied with the building height standard. Given the developments consistency with the objectives of the height of buildings standard strict compliance has been found to be both unreasonable and unnecessary under the circumstances.



### **Consistency with Zone Objectives**

The site is zoned R2 Low Density Residential pursuant to the provisions of the Pittwater LEP. The objectives of the clause are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*

**Comment:** The development will maintain the existing dwelling on the site and provide additional housing stock within a low density residential setting.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

**Comment:** N/A

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

**Comment:** The residential land use will be maintained.

The proposed works are permissible and consistent with the stated objectives of the zone. The non-compliant component of the development, as it relates to minimum lot size, demonstrates consistency with objectives of the R2 Low Density Residential zone and the minimum lot size standard objectives. Adopting the first option in *Wehbe* strict compliance with the Minimum Lot Size standard has been demonstrated to be unreasonable and unnecessary.

#### **4.3. Clause 4.6(4)(b) – Are there sufficient environmental planning grounds to justify contravening the development standard?**

In Initial Action the Court found at [23]-[24] that:

*23. As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be “environmental planning grounds” by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase “environmental planning” is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.*

*24. The environmental planning grounds relied on in the written request under cl 4.6 must be “sufficient”. There are two respects in which the written request needs to be “sufficient”. First, the environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the*

*development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds.*

*The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].*

Sufficient environmental planning grounds exist to justify the Minimum Lot Size variation namely the existing size and pattern of subdivision within the local area.

In this regard, I consider the proposal to be of suitable merit and consistent with the low density R2 zone and the desired future character of the Avalon locality.

The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:

- The proposal promotes the orderly and economic use and development of land (1.3(c)).

It is noted that in Initial Action, the Court clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

*87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.*

There are sufficient environmental planning grounds to justify contravening the development standard.

#### **4.4. Clause 4.6(a)(iii) – Is the proposed development in the public interest because it is consistent with the objectives of clause 4.1 PLEP and the objectives of the R2 Low Density Residential zone**

The consent authority needs to be satisfied that the proposed development will be in the public interest if the standard is varied because it is consistent with the objectives of the standard and the objectives of the zone.

Preston CJ in Initial Action (Para 27) described the relevant test for this as follows:

*“The matter in cl 4.6(4)(a)(ii), with which the consent authority or the Court on appeal must be satisfied, is not merely that the proposed development will be in the public interest but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development’s consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest. If the proposed development is inconsistent with either the objectives of the development standard or the objectives of the zone or both, the consent authority, or the Court on appeal, cannot be satisfied that the development will be in the public interest for the purposes of cl 4.6(4)(a)(ii).”*

As demonstrated in this request, the proposed development it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out.

Accordingly, the consent authority can be satisfied that the proposed development will be in the public interest if the standard is varied because it is consistent with the objectives of the standard and the objectives of the zone.

#### **4.5. Secretary’s concurrence**

By Planning Circular dated 21st February 2018, the Secretary of the Department of Planning & Environment advised that consent authorities can assume the concurrence to clause 4.6 request except in the circumstances set out below:

- Lot size standards for rural dwellings.
- Variations exceeding 10%; and
- Variations to non-numerical development standards. The circular also provides that concurrence can be assumed when an LPP is the consent authority where a variation exceeds 10% or is to a non-numerical standard, because of the greater scrutiny that the LPP process and determinations are subject to, compared with decisions made under

delegation by Council staff. Concurrence of the Secretary can therefore be assumed in this case.

The proposed variation is greater than 10% and will require the LPP to be the consent authority to have concurrence assumed.

## 5. Conclusion

Having regard to the clause 4.6 variation provisions we have formed the considered opinion:

- a) that the contextually responsive development is consistent with the zone objectives, and
- b) that the contextually responsive development is consistent with the objectives of the Minimum Subdivision Lot Size standard, and
- c) that there are sufficient environmental planning grounds to justify contravening the development standard, and
- d) that having regard to (a), (b) and (c) above that compliance with the building minimum subdivision lot size standard is unreasonable or unnecessary in the circumstances of the case, and
- e) that given the developments ability to comply with the zone and Minimum Lot Size standard objectives that approval would not be antipathetic to the public interest, and
- f) that contravention of the development standard does not raise any matter of significance for State or regional environmental planning; and
- g) Concurrence of the Secretary can be assumed in this case.

Pursuant to clause 4.6(4)(a), the consent authority can be satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) being:

- c) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- d) that there are sufficient environmental planning grounds to justify contravening the development standard.*

As such, I have formed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a Minimum Subdivision Lot Size variation in this instance.

A handwritten signature in black ink, appearing to read 'Greg Boston', written in a cursive style.

**Greg Boston**  
B Urb & Reg Plan (UNE) MPIA  
**Director**