

**STATEMENT OF ENVIRONMENTAL EFFECTS**

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

**LOCATED AT**

**29 WANDEEN ROAD, CLAREVILLE**

**FOR**

**PATRICIA CLARE QUIRK**



**Prepared  
December 2024**

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## 1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Patricia Clare Quirk by Vanessa Miles Design and Draft, Project Number 2013, to detail the construction of alterations and additions to an existing dwelling including new swimming pool and landscaping on land at **29 Wandeen Road, Clareville**.

The list of drawings which accompany the submission are as follows:

| No.  | Name                                       | Date     |
|------|--|----------|
| A00  | Cover Sheet                                | 7 Nov 23 |
| A02  | Site Plan                                  | 7 Nov 23 |
| A03  | Compliance Plan                            | 7 Nov 23 |
| A04  | Ground Floor - Proposed                    | 7 Nov 23 |
| A04b | Ground Floor - Alternate Turning Locations | 7 Nov 23 |
| A04c | Ground Floor - TPZ & SPZ_Trees 1 and 2     | 06/25/24 |
| A05  | Ground Floor - Proposed Pool Plans         | 7 Nov 23 |
| A06  | First Floor - Proposed                     | 7 Nov 23 |
| A06b | First Floor - Proposed Balcony Extension   | 7 Nov 23 |
| A07  | Elevations - North & South                 | 7 Nov 23 |
| A08  | Elevations - West                          | 7 Nov 23 |
| A09  | Elevations - East                          | 7 Nov 23 |
| A10  | Sediment, Erosion & Waste Mgmt. Plan       | 7 Nov 23 |
| A11  | Shadow Diagrams                            | 7 Nov 23 |
| A12  | Excavation & Fill Plan                     | 7 Nov 23 |

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 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Pittwater Local Environmental Plan 2014 (PLEP 2014)*
- *Pittwater 21 Development Control Plan (P21 DCP)*

## 2.0 Background

On 31 July 2023, Council determined DA2022/1915 for the alterations and additions to an existing dwelling house. Due to concerns raised during the assessment period, the Applicant sort to resolve these issues by removing the swimming pool and car turning bay rather than further delay the approval of the development.

As a result, the application seeks consent for further alterations and additions, comprising the inclusion of a swimming pool and a car turning circle. However, it is important to note that the design of these elements have been amended when compared to the previous proposal in order to reduce the impact on the existing trees onsite.

The proposal is supported by the following revised Consultant reports which will be discussed in detail within this submission:

- Construction Impact and Management Statement prepared by Growing My Way Tree Consultancy dated August 2024
- Flora and Fauna Assessment prepared by Ecological Consultants Australia Pty Ltd TA Kingfisher Urban Ecology and Wetlands, Version 4 dated December 2024
- Geotechnical Investigation prepared by White Geotechnical Group, Reference No J5740 dated 15 October 2024
- Vehicle Turning Bay and Driveway Assessment prepared by Transport Strategies, Reference No 23079 dated 19 June 2024

## 3.0 Property Description

The subject allotment is described as 29 Wandeen Road, Clareville, being Lot 89 within Deposited Plan 13760 and is zoned C4 Environmental Living under the provisions of PLEP 2014.

The site is identified as being within the Hazard H1 area on the Geotechnical Hazard Map of PLEP 2014. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J5740, dated 15 October 2024 and will be discussed in further detail within this submission.

The site has been identified as being mapped within the Department of Planning and Environment's Biodiversity Values Map (BV Map). Accordingly, the site is also mapped within the area identified as 'Biodiversity' of the Biodiversity Map of PLEP 2014. A Flora and Fauna Assessment has been prepared by Ecological Consultants Australia Pty Ltd TA Kingfisher Urban Ecology and Wetlands, Version 4 dated December 2024 to address the Biodiversity Impacts.

The application is supported by a Construction Impact & Management Statement by Growing My Way Tree Consultancy, dated August 2024, and this will be addressed in further detail within this submission.

The site is also identified as being within Area 5 on the Acid Sulfate Soils Map of PLEP 2014 and this will be discussed in further detail within the report.

There are no other identified hazards affecting the land.

#### 4.0 Site Description

The property is located on the southern side of Wandeen Road.

The site has a width of 15.24m to Wandeen Road and a depth of 54.865m. The total site area is 836.1m<sup>2</sup>.

The site rises from the street to the central part of the site, where the existing dwelling is located, and then falls towards the rear of the site. Stormwater from the site is directed to the street gutter in Wandeen Road.

The land is currently developed with an existing multi storey cement rendered dwelling. The site is accessed via an existing concrete driveway from Wandeen Road.

The site contains extensive vegetation, however most of the landscaping included garden beds and mature native canopy in the front and rear of the site. The front garden consists of a mix of predominantly exotic ornamental species and weeds. Native vegetation is present in the form of Spotted Gum canopy along with manicured tur areas and existing non-local natives.

The details of the existing site levels are indicated within the Survey Plan prepared by C-Side Surveyors, Project No. 140802-DET, dated 23 September 2024.



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



**Fig 2: View of subject dwelling, looking south from Wandeen Road**



## 5.0 The Surrounding Environment

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

Surrounding the site 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.

The development in the area is heavily influenced by the sloping topography, with dwelling stepped to follow the slope of the land.

The subject site faces Wandeen Road which provides a vehicular link between Bilgola Plateau and Clareville/Avalon and is therefore subject to heavy traffic flows. The proposal intends to provide for the turning area to allow vehicles to turn and exit the site in a forward direction, given the steep nature of the road and difficulty for vehicles to safely enter and exit site.



**Fig 3: Aerial Photograph**  
(Source: Google Maps)

## 6.0 Proposed Development

As detailed within the accompanying plans, the application proposes to provide for the construction of alterations and additions to an existing dwelling.

The proposal will comprise the following:

### First Floor Level

- Extension to front balcony

### External Works

- Proposed landscaping including tree removal
- New swimming pool and deck
- New turning area / visitor parking

The proposed works represent a high-quality architectural design solution that will provide a significant enhancement to the amenity and usability of the site and provide minor additions to an existing dwelling that corresponds with the topography of the site.

The height and setbacks maintain the rhythm of development within the existing streetscape and provides appropriately for spatial separation, landscape opportunity, privacy, solar access and view sharing.

The design and arrangement will afford exceptional amenity to the current occupants without unreasonably compromising the amenity of surrounding residential properties or the bushland attributes of the area.

The proposal seeks to remove two trees to accommodate the new works. Accordingly, an Arborist Construction Impact & Management Statement by Growing My Way Tree Consultancy, dated August 2024 accompanies this application.

The Arborist Impact & Management Statement confirms that two trees will be removed to facilitate the construction of the turning area. The Arborist Report identifies that four trees (Trees 3, 5, 6, 7) are located in proximity to the proposed swimming pool and retaining walls. Whilst these trees are located within the portion of the site that is identified on the Biodiversity Values (“BV”) Map, the four trees are not to be adversely impacted by the proposed works with all four identified trees to be retained without compromise to individual Useful Life Expectancy, subject to recommended mitigation measures.

A Flora and Fauna Assessment Report has been prepared by Kingfisher Urban Ecology and Wetlands and dated December 2024 to accompany this application.

The report confirms:

- *No threatened flora or fauna species were recorded on-site during survey or previously recorded via Bionet.*



- *No significant habitat features, values or landscape corridors will be impacted by the proposed development.*
- *The proposal does impact native vegetation on the BV Map and as such a BDAR is not triggered.*
- *Bush regeneration in the BV mapped area will increase the condition and resilience of this area.*
- *Tree protection will be consistent with the Arborist report (Growing My Way, 2024). Main trees to be managed are trees within close proximity to building works. NB: see final arborist report for details of works and tree numbers.*
- *Vegetation onsite is mapped within the PWSGF EEC. Whilst the community is not in benchmark condition, it is consistent with the occurrence of PWSGF within a residential property.*
- *New plantings within the property of locally native mid and understory species which will benefit the long term sustainability of the EEC.*
- *The building area is small, and the design has considered the trees and maximises their retention.*
- *Two trees have been proposed to be removed as the development encroaches on the SRZ. Native landscaping post development will offset their removal from the site.*
- *Test of significance has been conducted for PWSG Forest – while is resulted in a ‘not significant’ impact for this community recommendations have been made to assists the long-term sustainability of this community.*

The report concludes (at page 17):

*“The proposal will remove two spotted gum trees located within the front yard given the unavoidable to impacts from the proposed excavation for the vehicle turning area.*

*Trees will be replaced with a minimum of two 40cm pot sized spotted gums, sourced from within local provenance. Tree replacement will ensure no net loss in canopy.*

*The proposal is not expected to significantly impact any threatened species or ecological communities listed under the BC or EPBC Acts”.*

A Landscape Plan will be prepared by Vanessa Miles Design and Draft prior to the issue of any Construction Certificate to provide for compensatory trees planting to offset those proposed for removal and screen planting along the perimeter of key areas of open space to enhance site rehabilitation, utilising native species and identifying the planting schedule and location of new plant species, consistent with the recommendations of the Arborist Report and the Flora and Fauna Report.

The development indices for the proposal are summarised over as:

|                                |  |
|--------------------------------|--|
| <b>Site Area:</b>              | <b>836.1m<sup>2</sup></b>  |
| Required soft landscaped area: | 60% or 501.66m <sup>2</sup>  |
| Existing soft landscaped area: | 61.94% or 517.95m <sup>2</sup>   |
| Proposed soft landscaped area: | 47.97% or 401.1m <sup>2</sup> (excluding 6% variation)<br>53.97% or 451.26m <sup>2</sup> , including 6% variation for functional landscaped area |

## **7.0 Zoning and Development Controls**

### **7.1 State Environmental Planning Policy (Resilience and Hazards) 2021**

#### Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether 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.

Overall, the proposed modified development remains consistent with the relevant provisions of SEPP (Resilience and Hazards).

### **7.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### Vegetation in Non-Rural Areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

Portions of the site are identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offset Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

The proposed development seeks consent for the removal of two existing trees, as outlined in the accompanying Arborist Construction Impact & Management Statement prepared by Growing My Way Tree Consultancy, dated August 2024.

The submitted arborist report identifies two trees to be removed - Trees 1 and 2 which are all Spotted Gums (*Corymbia maculata*). Trees 1 and 2 are found at the front of the property and are not mapped within the BV Map area.

As confirmed in the submitted Flora and Fauna Report, the proposal triggers entry into the BOS by way of impact to native vegetation identified on the BV Map, however the proposal does not trigger entry into the Biodiversity Offset Scheme by way of impact to native vegetation identified on the BV Map as the trees for removal are outside this area.

A portion of the site is identified as having high biodiversity value, as shown on the Biodiversity Values Map of the Biodiversity Conservation Regulation 2017 (Figure 8).

A Flora and Fauna Assessment Report has been prepared by Kingfisher Urban Ecology and Wetlands and dated December 2024. The report confirms:

- *No threatened flora or fauna species were recorded on-site during survey or previously recorded via Bionet.*
- *No significant habitat features, values or landscape corridors will be impacted by the proposed development.*
- *The proposal does not impact native vegetation on the BV Map and as such a BDAR is not triggered.*
- *Bush regeneration in the BV mapped area will increase the condition and resilience of this area.*
- *Tree protection will be consistent with the Arborist report (Growing My Way, 2024). Main trees to be managed are trees within close proximity to building works. NB: see final arborist report for details of works and tree numbers.*
- *Vegetation onsite is mapped within the PWSGF EEC. Whilst the community is not in benchmark condition, it is consistent with the occurrence of PWSGF within a residential property.*
- *New plantings within the property of locally native mid and understory species which will benefit the long term sustainability of the EEC.*
- *The building area is small, and the design has considered the trees and maximises their retention.*
- *Two trees have been proposed to be removed as the development encroaches on the SRZ. Native landscaping post development will offset their removal from the site.*
- *Test of significance has been conducted for PWSG Forest – while it resulted in a ‘not significant’ impact for this community recommendations have been made to assist the long-term sustainability of this community.*

The report concludes (at page 17):

*“The proposal will remove two spotted gum trees located within the front yard given the unavoidable impacts from the proposed excavation for the vehicle turning area.*

*Trees will be replaced with a minimum of two 40cm pot sized spotted gums, sourced from within local provenance. Tree replacement will ensure no net loss in canopy.*

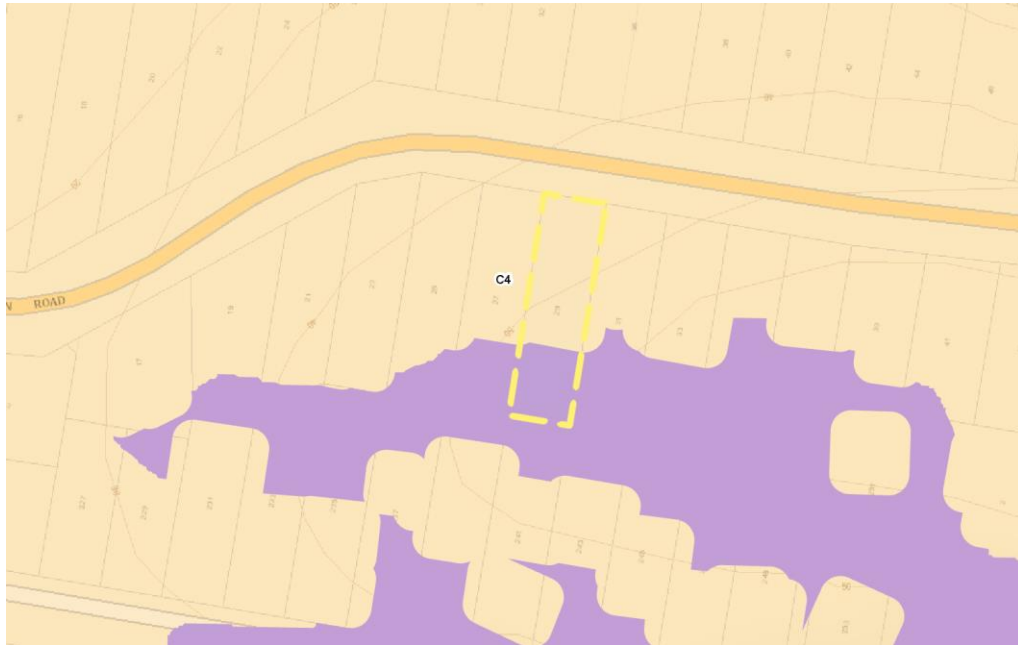
*The proposal is not expected to significantly impact any threatened species or ecological communities listed under the BC or EPBC Acts”.*

A Landscape Plan will be prepared by Vanessa Miles Design and Draft prior to the issue of any Construction Certificate to provide for compensatory trees planting to offset those proposed for removal and screen planting along the perimeter of key areas of open space to enhance site rehabilitation, utilising native species and identifying the planting schedule and location of new plant species.

Compensatory tree planting to offset those proposed for removal is proposed in accordance with the recommendations of the Arborist Construction Impact & Management Statement.

The proposed tree removal is considered to be reasonable and consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

As a result, it is considered that the proposal has been designed and sited to avoid and minimise adverse biodiversity impacts, with the proposed replanting maintaining the existing biodiversity value of the site. No further consideration under the SEPP is required.



**Fig 4: Extract of Biodiversity Values Map**

### **7.3 State Environmental Planning Policy (Sustainable Buildings) 2022**

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application. In accordance with the provisions of the SEPP, the proposed swimming pool meets the standards required by BASIX, with a BASIX Certificate submitted as part of the application.

## 7.4 Pittwater Local Environmental Plan 2014

The site is zoned C4 Environmental Living under the provisions of the PLEP 2014.



Fig 5: Extract of Zoning Map of PLEP 2014

The development of and use of the land for residential purposes within the C4 Environmental Living Zone is consistent with the zone objectives, which are noted over as:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for residential development of a low density and scale integrated with the landform and landscape.
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

It is considered that the proposed alterations and additions to the existing dwelling will be consistent with the zone objectives and the desired future character of the surrounding locality for the following reasons:

- The proposal has been designed to respect the scale and form of the low impact residential development in the immediate locality, together with preserving trees and minimising the footprint of the development to reinforce the special ecological, scientific and all aesthetic values of the locality.
- The proposed development respects the scale and form of other new recreational development in the vicinity and therefore complements the locality.
- The proposal provides for the construction of alterations and additions to an existing dwelling to provide the safe and functional vehicle access to the site and including a swimming pool, which will not have any substantial impact to the neighbouring properties.
- The setbacks of the works are compatible with the existing surrounding development.



- The proposal does not have any impact on long distance views.
- The proposed new works will provide for increased residential amenity, together with improved functionality through the introduction of improved recreational areas, parking and new balcony area.

**Clause 4.3** relates to building height.

The maximum building height for development at the subject site is 8.5m.

The proposed works to the balcony extension is up to 4.133m in height, with the turning circle located at ground level. Due to the sloping topography of the site the swimming pool is up to 3.7m in height. Accordingly, the proposed works comply with the requirements of the building height control.

**Clause 7.1** relates to acid sulfate soils. The site has been identified as being within the Class 5 Acid Sulfate Soils Area. The proposed works are not anticipated to lower the water table, and therefore acid sulfate soils will not be encountered.

**Clause 7.2** relates to earthworks. The works to the turning circle and the proposed swimming pool necessitate excavation.

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J5740, dated 15 October 2024 has been provided to support the application.

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality, nor will not result in unreasonable amenity impacts on adjoining properties. The earthworks will also not generate any adverse impacts on surrounding bushland environment or waterway.

Subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

**Clause 7.6** relates to biodiversity protection.

The land is noted within Council's Biodiversity mapped area.

- (1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:*
- (a) protecting native fauna and flora, and*
  - (b) protecting the ecological processes necessary for their continued existence, and*
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

The proposal seeks to remove two trees to accommodate the new works. Accordingly, an Arborist Construction Impact & Management Statement prepared by Growing My Way Tree Consultancy, dated August 2024, accompanies this application.

As discussed, the tree assessment confirms that two trees will be removed to facilitate the construction of the turning area. The trees are identified as mature Spotted Gum species and are in good health. The site and the immediate vicinity also support a number of other trees of similar form and health which will not be affected by the work.

In order to minimise impact to native flora, the Arborist also considers alternative proposals for the location and functionality of car turning facility on the site. The Report concludes that whilst multiple options have been explored it is the opinion of the Growing My Way Tree Services practice no change to the existing built form can be achieved without a likely adverse impact with respect to individual tree Useful Life Expectancy of Tree #1 and Tree #2.

The Arborist Report also considers the impact of the cut and fill as a result of the proposed swimming pool and surrounds and concludes that there is no adverse impact to the identified trees, specifically:

- Tree #3 TPZ radial distance is breached by the piers for the proposed retaining wall parallel to the boundary. Retention of this tree is able to be achieved via manual excavation within TPZ, along with incorporation of standard TPZ temporary metal mesh fencing panels with aboveground supports. It is also recommended by the Arborist that fill proposed within the TPZ radial distance must be tree root friendly, i.e., washed river sand or sand dominated
- Tree #5 relative to the swimming pool orientation/location the radial distance of the tree is breached by the swimming pool. The Arborist notes that that manual excavation for footings/piers within the TPZ is to be undertaken to ensure the retention and integrity of the tree. Standard TPZ temporary metal mesh fencing panels with aboveground supports are also to be utilised. Any fill proposed within the TPZ radial distance is to be root friendly, i.e., washed river sand or sand dominated loam.
- Discussed Tree #6 & Tree #7 are confirmed to have TPZ radial distances breached by the proposed swimming pool footprint. The Arborist has advice that the trees are able to be retained via the following measures, manual excavation for the footings/piers within TPZ and standard TPZ temporary metal mesh fencing panels with aboveground supports.

The Arborist Report provides recommendations to ensure the safe retention of other trees in the vicinity of the proposed works, with recommendations for replacement planting.

The application is also supported by a Flora and Fauna Assessment Report prepared by Kingfisher Urban Ecology and Wetlands and dated December 2024. The report confirms:

- *No threatened flora or fauna species were recorded on-site during survey or previously recorded via Bionet.*
- *No significant habitat features, values or landscape corridors will be impacted by the proposed development.*
- *The proposal does impact native vegetation on the BV Map and as such a BDAR is not triggered.*
- *Bush regeneration in the BV mapped area will increase the condition and resilience of this area.*
- *Tree protection will be consistent with the Arborist report (Growing My Way, 2024). Main trees to be managed are trees within close proximity to building works. NB: see final arborist report for details of works and tree numbers.*
- *Vegetation onsite is mapped within the PWSGF EEC. Whilst the community is not in benchmark condition, it is consistent with the occurrence of PWSGF within a residential property.*
- *New plantings within the property of locally native mid and understory species which will benefit the long term sustainability of the EEC.*
- *The building area is small, and the design has considered the trees and maximises their retention.*
- *Two trees have been proposed to be removed as the development encroaches on the SRZ. Native landscaping post development will offset their removal from the site.*

- *Test of significance has been conducted for PWSG Forest – while is resulted in a ‘not significant’ impact for this community recommendations have been made to assists the long-term sustainability of this community.*

Compensatory trees to offset those proposed for removal and screen plantings along the perimeter of key areas of open space and provide for site rehabilitation stating the native species, numbers and areas for planting will be provided.

As a result, the development is supported by a BDAR, Arborist Report and replacement planting to ensure that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land; the importance of the vegetation on the land to the habitat and survival of native fauna; or the habitat elements providing connectivity on the land. It is considered the construction of the turning circle, swimming pool associated works will not unreasonably fragment, disturb, or diminish the biodiversity structure, function, or composition of the land.

It is considered that the development will achieve the Objectives of Clause 7.6.

**Clause 7.7** relates to geotechnical hazards. The works to the ground floor and the proposed swimming pool necessitate excavation.

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J5740, dated 15 October 2024 has been provided to support the application.

The Geotechnical Investigation concludes:

*The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.*

Subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

**Clause 7.10 – Essential Services**

The proposal will see the existing essential services to the site being maintained.

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

## **7.5 Pittwater 21 Development Control Plan**

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.

### **7.5.1 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 design quality and visual aesthetic of development on this site is significantly enhanced as a consequence of the contemporary design, natural material treatments and landscaping proposed.

The height, form and massing of the development is complementary and compatible with that established by adjoining dwelling houses, and other swimming pool structures within the site's visual catchment. The proposal has been designed to reflect the existing setbacks provided to all boundaries existing in the immediate area.

The proposed swimming pool will provide for increased residential amenity, while providing improved and safe site access functionality.

The height, bulk and scale of the development will not give rise to any adverse streetscape impacts and will enhance the scenic amenity/ built form quality of the area when viewed from surrounding public and private land.

The proposed development will result in an enhancement of landscaping to improve and soften the visual impact of the development and enhance the landscape character of the area.

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

The proposal includes a new vehicle turning area within the front yard of the site, which will allow for vehicles to enter and exit the site in a forward direction, enhancing safety for vehicles exiting the site and pedestrians moving along the roadway.



## **7.5.2 Section B General Controls**

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

### **B3.1 Landslip Hazard**

The controls seek to achieve the outcomes:

- Protection of people. (S)*
- Protection of the natural environment. (En)*
- Protection of private and public infrastructure and assets. (S)*

The site is identified as being within the Hazard H1 area on the Geotechnical Hazard Map of PLEP 2014. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J5740, dated 15 October 2024 has been provided to support the application.

The Geotechnical Investigation concludes:

*The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.*

Subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

### **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)*

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.

### **B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community**

The controls seek to achieve the outcomes:

- Conservation of intact Pittwater Spotted Gum Forest EEC. (En)*
- Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC. (En)*
- Reinstatement of Pittwater Spotted Gum Forest to link remnants. (En)*
- Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)*

The proposed development seeks consent for the removal of existing trees, as outlined in the accompanying Arborist Construction Impact & Management Statement prepared by Growing My Way Tree Consultancy, dated August 2024.

A portion of the site is identified as having high biodiversity value, as shown on the Biodiversity Values Map of the Biodiversity Conservation Regulation 2017 (Figure 8). The accompanying Arborist Construction Impact & Management Statement prepared by Growing My Way Tree Consultancy, dated August 2024 confirms that there is no impact to native vegetation within the mapped area.

A Flora and Fauna Assessment Report has been prepared by Kingfisher Urban Ecology and Wetlands and dated December 2024 to accompany this application. The report confirms:

- *No threatened flora or fauna species were recorded on-site during survey or previously recorded via Bionet.*
- *No significant habitat features, values or landscape corridors will be impacted by the proposed development.*
- *The proposal does impact native vegetation on the BV Map and as such a BDAR is not triggered.*
- *Bush regeneration in the BV mapped area will increase the condition and resilience of this area. Tree protection will be consistent with the Arborist report (Growing My Way, 2024). Main trees to be managed are trees within close proximity to building works. NB: see final arborist report for details of works and tree numbers.*
- *Vegetation onsite is mapped within the PWSGF EEC. Whilst the community is not in benchmark condition, it is consistent with the occurrence of PWSGF within a residential property.*
- *New plantings within the property of locally native mid and understory species which will benefit the long term sustainability of the EEC.*
- *The building area is small, and the design has considered the trees and maximises their retention.*
- *Two trees have been proposed to be removed as the development encroaches on the SRZ. Native landscaping post development will offset their removal from the site.*
- *Test of significance has been conducted for PWSG Forest – while it resulted in a ‘not significant’ impact for this community recommendations have been made to assist the long-term sustainability of this community.*

Compensatory trees planting to offset those proposed for removal and screen plantings along the perimeter of key areas of open space and provide for site rehabilitation stating the native species, numbers and areas for planting.

The proposal is not considered to unreasonably impact on the Pittwater Spotted Gum Forest Ecological Community and meets the objectives of this clause.

### **B5.15 Stormwater Management**

The controls seek to achieve the outcomes:

*Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;*

*Minimise the risk to public health and safety;*

*Reduce the risk to life and property from any flooding and groundwater damage;*

*Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.*

*Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle*

*Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources*

*Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.*

The proposed works will increase the hard surfaces on the site, and as such, the provision of on-site detention is required.

A Stormwater Layout has been prepared by Development Engineering Solutions dated 27 June 2023, to demonstrate that all stormwater is to be directed to retention, and/or the water tank in the basement or directed to the public stormwater infrastructure in the street via the existing stormwater system.

This is consistent with that proposed in the previous applications were similar development of the site under DA2022/1915 which was supported by Council's Development Engineers.

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. 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 existing driveway will remain unchanged, with a new turning area provided for forward entry and exit.

Given the challenges of safely entering or leaving the site associated with the busy nature and steepness of the road, the inclusion of the vehicle turning area will significantly enhance safety for both the owners of the subject property and the public, in that safe egress and ingress to the site can be provided to maximise vehicular and pedestrian safety.

These safety concerns were acknowledged by Council’s engineer when considering the 2022 Application where on the 4<sup>th</sup> May 2023 their stated conclusion was that “*the turning bay is required to mitigate the safety risks that arise due to factors external to the site*” and on the 10<sup>th</sup> May 2023 said “*the safety concerns were a valid reason for inclusion of the turning bay within the front set back.*”

In order to address these acknowledged safety concerns, the Applicant has engaged Transport Strategies Alliance Pty Limited to prepare a Vehicle Turning Bay and Driveway Assessment dated 19 June 2024.

That assessment concludes:

- a vehicle turning bay is required to mitigate the safety risks that arise due to factors external to the site as detailed in the following:
  - Limited visibility due to close proximity of a crest. the sightline to the crest is further restricted by the on-street parking directly to the east of the driveway and the off-street parking of neighbouring property at 31 Wandeen Road.
  - Limited visibility due to close proximity of a horizontal curve.
  - Non AS2890.1 compliant sightline. While the existing driveway does not comply with the minimum distance requirements, the risk can be mitigated by allowing the drivers to safely drive out in a forward direction instead of reversing out of the driveway.
  - Narrow Frontage Road and double lines along Wandeen Road mean that the westbound vehicle approaching from the crest will not be allowed to overtake the exiting vehicle from the driveway and must stop instantaneously to avoid the vehicle.

The assessment also addresses the viability of alternate car turning mechanisms, including the installation of a mechanical turning plate within the existing driveway and to the north west of the existing driveway, in addition to a hard stand turning bay to the north west of the existing

driveway. The conclusion in relation to all of these alternatives was that they presented engineering challenges that were incapable of redemption and therefore were unviable.

As a result, the new turning bay will comply with Council's requirements and provide for safe and functional access from Wandeen Road.

### **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 maintain the existing double garage and will therefore comply with the parking requirement.

### **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 qualified Structural and Geotechnical Engineers.

### **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. A Waste Management Plan accompanies this application.

### **7.5.3 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 seeks to remove two trees to accommodate the new works. Accordingly, an Arborist Construction Impact & Management Statement prepared by Growing My Way Tree Consultancy, dated August 2024 . The application is also accompanied by a Flora and Fauna by Kingfisher Urban Ecology and Wetlands, dated December 2024.

A Landscape Plan will be prepared by Vanessa Miles Design and Draft prior to the issue of any Construction Certificate to provide for compensatory trees planting to offset those proposed for removal and screen planting along the perimeter of key areas of open space to enhance site rehabilitation, utilising native species and identifying the planting schedule and location of new plant species, consistent with the recommendations of the Arborist Report and the Flora and Fauna Report.

The proposal will retain a suitable area of soft landscaping on site and will maintain its contribution to the landscaped character of the locality.

#### **C1.2 Safety and Security**

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (S, Ec)*
- Inform 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 and enhance opportunities for casual surveillance of the driveway and streetscape.

### **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 by increasing the size of the front balcony.

The subject site and neighbouring properties on the high side of Wandeen Road enjoy views to the north and north-west towards Pittwater.

The proposed alterations and additions are largely contained within the building footprint, not within identified view lines.

It is therefore considered that the proposal will not adversely impact the views of neighbouring properties and that view sharing is achieved.

### **C1.4 Solar Access**

The controls seek to achieve the outcomes:

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

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

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

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

Given the orientation of the subject and neighbouring properties, the proposed works which will observe a single storey height above ground, will not unreasonably impact upon solar access to the primary living spaces or private open space areas of any neighbouring properties.

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

of the additional shadows are noticeable at 12.00pm and 3.00pm, however the additional shadows fall mainly within the site.

### **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 additional balcony area is located within the front area of the site, with compliant side and front setbacks and does not adjoin and neighbouring windows or door openings. The balcony also does not adjoin any neighbouring primary open space areas. Therefore, the balcony addition is not considered to result in any additional unreasonable overlooking to neighbouring properties.

While the swimming pool is elevated, this is a result of the sloping topography of the site. The swimming pool displays compliant setbacks, and plantings are provided to the perimeter of the proposed swimming pool in order to maximise privacy for the adjoining neighbours. In addition, limited coping is provided to the northern, eastern and western boundaries, which minimises opportunities for overlooking.

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 garage 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.

#### 7.5.4 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.

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 textures, natural materials, 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 forward of the dwelling will be retained for the neighbouring dwellings to the east and west of the subject site.

The setbacks provided reflect the setbacks of the adjoining properties.

The proposed additions to the balcony are considered minor, and are compatible with the existing dwelling design to provide visual interest and reduce additional bulk when viewed from Wandeen Road.

The visual impact of the swimming pool to neighbouring sites will be reduced by the use of muted colours and natural materials where appropriate and the enhancement of landscaping proposed, ensuring that the proposed works will be secondary to landscaping as seen from neighbouring sites.

### **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 Clareville 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 sandstone cladding and natural finished screening, which will complement the external finishes of the existing dwelling.

It is considered that the development is appropriate as the proposal will utilise 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 proposed balcony additions are setback 6.5m from the street, consistent with the minimum setback prescribed and the setback of adjoining and nearby development. The proposal therefore readily complies with the front building line control.

### **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.

All new works are sited in a manner that is consistent with these requirements, with a 1m minimum setback to the eastern side boundary and a 2.5m setback to the western side boundary.

Clause D1.9 also prescribes a minimum rear boundary setback of 6.5m. Whilst the swimming pool is setback in accordance with this control, the adjacent deck extends within 4.5m from the rear boundary, resulting in non-compliance with the minimum setback prescribed.

The visual impact of the swimming pool is softened/screened by proposed landscaping, and the minor non-compliant setback of the swimming pool does not attribute to any unreasonable impacts upon the amenity of adjoining properties.

Despite non-compliance with the 6.5m rear setback prescribed, the proposed development is considered to be consistent with the outcomes of this control whilst presenting a modern and compatible design within a landscaped setting to each neighbouring property.

### **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 is constrained by the sloping topography and existing location of the dwelling on the subject site. The design of the proposed works will provide a complaint building envelope on the eastern elevation of the new front terrace and the pool structure.

The innovative design of the works are logically placed, is not visually prominent or jarring when looking at the dwelling as a whole and does not contribute to any adverse impacts for neighbouring properties in terms of views, overshadowing or general amenity.

The proposal is considered to be in keeping with the desired outcomes of the clause.

#### **D1.14 Landscaped Area – Environmentally Sensitive Land**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)*  
*The bulk and scale of the built form is minimised. (En, S)*  
*A reasonable level of amenity and solar access is provided and maintained. (En, S)*  
*Vegetation is retained and enhanced to visually reduce the built form. (En)*  
*Conservation of natural vegetation and biodiversity. (En)*  
*Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*  
*To preserve and enhance the rural and bushland character of the area. (En, S)*  
*Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)*

The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 60% of the site area.

The proposed development achieves a landscaped area calculation of 401.1m<sup>2</sup> or 47.97% of the total site area. When the 6% (50.16m<sup>2</sup>) allowance for functional space is included, the total landscape area calculation is 451.26m<sup>2</sup> or 53.9%.

Whilst there is a minor non-compliance with the 60% requirement, the proposed development is consistent with the desired future character of the Avalon Beach Locality, as the development is designed to ensure that the visual impact of the development is secondary to landscaping.

In addition, it can be said that the proposal has been effectively integrated within the landform, through retaining existing trees, particularly at the rear of the site and ensuring a considerable landscape buffer areas across the entire site remain.

The proposal will not result in any unreasonable impact on light, solar access or privacy. This is as a result of the sufficient orientation and separation of the proposed swimming pool.



While tree removal is required to facilitate the proposed car turning circle works, compensatory plantings are proposed to ensure an enhancement to the quality and quantity of landscaping within the site.

A considerable proportion of the new areas within the rear of the site, being the decking and swimming pool are permeable, maximising water infiltration. Furthermore, stormwater will continue to be appropriately managed on the site.

The proposed minor landscaped area non-compliance does not result in any adverse impacts upon the amenity of adjoining properties and overall, the proposal is considered to be consistent with the outcomes of the clause, and acceptable on merit.

#### **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)*

No change to existing site fencing.

#### **D1.20 Scenic Protection Category One Areas**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality.*

*Achieve the desired future character of the Locality. (En, S)*

*To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En, S).*

*Maintenance and enhancement of the tree canopy. (En, S)*

*Colours and materials recede into a well vegetated natural environment. (En, S)*

*To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component (En, S)*

*To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.*

*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

*To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.  
Development shall minimise visual impacts on the natural environment when viewed from any waterway, road or public reserve.*

The retention of earthy colours and finishes, together with the proposed new landscaping, will ensure the development integrates with the existing building, thereby minimising the visual impact of the dwelling as viewed from the surrounding public areas.

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 neighbouring 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.

#### **D1.17 Construction, Retaining walls, terracing and undercroft areas**

The controls seek to achieve the outcomes:

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

The proposed works seeks to cover the swimming pool undercroft area and construct retaining walls to assist in accommodating the elevated swimming pool due to the sloping topography of the site.

The materials and finishes for the retaining walls and undercroft area include sandstone cladding and natural finished screening, which will complement the external finishes of the existing dwelling. The recessive tones and external finishes that have been selected to further minimise the bulk and scale of the built form.

The compatible bulk and scale of the works combined with the innovative design and natural materials will ensure that the retaining walls and undercroft area are not a dominant feature within the site, not the locality and will not adversely affect the natural environment.

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

**8.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of PLEP 2014. 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 objectives.

The proposal has also considered all relevant SEPPs, and Council can be satisfied that the proposal is consistent with these policies.

**8.2 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.

**8.3 Any development control plan**

The development has been designed to meet the outcomes of P21 DCP.

In accordance with the provisions of section 4.15(3A) of the EP&A Act, 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 variations to the rear setback, and landscaped area controls to be reasonable, in circumstances where the proposal is otherwise consistent with the outcomes of these controls.

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

**8.4 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.

**8.5 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.

**8.6 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 a new swimming pool and car turning circle, 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.

#### **8.7 The suitability of the site for the development**

The subject land is zoned C4 Environmental Living under the provisions of PLEP 2014 and is considered suitable for the proposed development.

#### **8.8 Any submissions made in accordance with this Act or the regulations**

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

#### **8.9 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.

#### **9.0 Conclusion**

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

The outcome is a modernised design which appropriately responds to the site's existing dwelling, geometry and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The proposal provides a complimentary and compatible building form when compared to the existing dwelling form, other development located along this section of Wandeen Road and within the site's visual catchment generally.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, landscape opportunity, privacy, solar access and view sharing.

The proposal seeks to upgrade the car access arrangement to meet contemporary design standards and improve safety, together with providing a new swimming pool. The proposed development is a high quality design solution which seeks to maximise recreational amenity for occupants of the subject site whilst minimising impacts to adjoining properties.

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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