



No. 4 Cabarita Road, Avalon

Renovation of existing boatshed and associated works

Statement of Environmental Effects

For Northern Beaches Council

**Prepared by Geoff Goodyer
April 2022**

Project No. 22-026

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1. Executive summary

- 1.1. The proposal is to renovate an existing boatshed and carry out associated works including levelling the waterfront terrace and constructing a timber pergola at 4 Cabarita Road, Avalon.
- 1.2. The objective of the work is to improve the utility and amenity of the boatshed and waterfront private open space.
- 1.3. By way of background, DA2019/0910 lodged on 23 August 2019 for a similar proposal. Following comments from NSW Crown Lands the application was withdrawn on 25 September 2019. The proposal has been amended to address the concerns raised by NSW Crown Lands as follows:
 - No additions are proposed to the existing boat shed, which is to be retained and reclad;
 - Rather than relocate the pool fencing, the existing location is to be retained but the structure replaced with a new metal pool fence; and
 - The ramp to the jetty has been deleted.
- 1.4. The proposal complies achieves all of the objectives and satisfies all of the development standards in Pittwater LEP 2014. This Statement of Environmental Effects includes a detailed assessment of the proposal against the provisions of Pittwater 21 DCP and finds that all objectives are achieved. Where there are variations to numerical controls, they are minor and do not undermine achievement of the objectives of the control.
- 1.5. The proposed development is considered to be suitable for approval.

2. Introduction

- 2.1. This Statement of Environmental Effects has been prepared by Geoff Goodyer of Symons Goodyer Pty Limited. My details are included in Appendix A of this Statement of Environmental Effects.
- 2.2. I am a town planner with over 30 years' experience in local government and private practice. I am a Registered Planner accredited by the Planning Institute of Australia.
- 2.3. I have been instructed by Corben Architects to assess the impacts of a proposal to renovate an existing boatshed and carry out associated works at No. 4 Cabarita Road, Avalon under section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- 2.4. By way of background, DA2019/0910 lodged on 23 August 2019 for a similar proposal. Following comments from NSW Crown Lands the application was withdrawn on 25 September 2019. The proposal has been amended to address the concerns raised by NSW Crown Lands as follows:
- No additions are proposed to the existing boat shed, which is to be retained and reclad; and
 - Rather than relocate the pool fencing, the existing location is to be retained but the structure replaced with a new metal pool fence; and
 - The ramp to the jetty has been deleted.
- 2.5. In the course of preparing this Statement of Environmental Effects I have:
- inspected the site and surrounding locality;
 - taken photographs of the site and surrounding locality; and
 - reviewed relevant environmental planning instruments and Council policies, in particular *Pittwater Local Environmental Plan 2014* and *Pittwater 21 Development Control Plan*.

3. Description of proposal

- 3.1. The proposal is to renovate an existing boatshed and carry out associated works at No. 4 Cabarita Road, Avalon.
- 3.2. The renovation works comprise replacing the existing fibre cement cladding with FC weatherboard cladding, and providing a side entry door and a timber louvred opening on each side of the boatshed.
- 3.3. Associated works comprise:
- Timber pergola, 10.3m x 2.8m, 2.5m in height, located to the south-west of the existing swimming pool.
 - Repairing and capping the existing sea wall to a level of RL1.675 and levelling of the waterfront lawn and paved terrace to a level of RL1.62.
 - Construction of a low stone wall with bench seating to the south-west of the existing swimming pool.
 - New garden bed and landscaping to the north-west of the existing swimming pool.
 - Replace the existing pool terrace paving and extend the existing pool terrace by 1.2m to the west.
 - Replacing the existing pool fence with a 1.2m high metal pool fence in the same location.
- 3.4. The proposal is shown on the following plans:

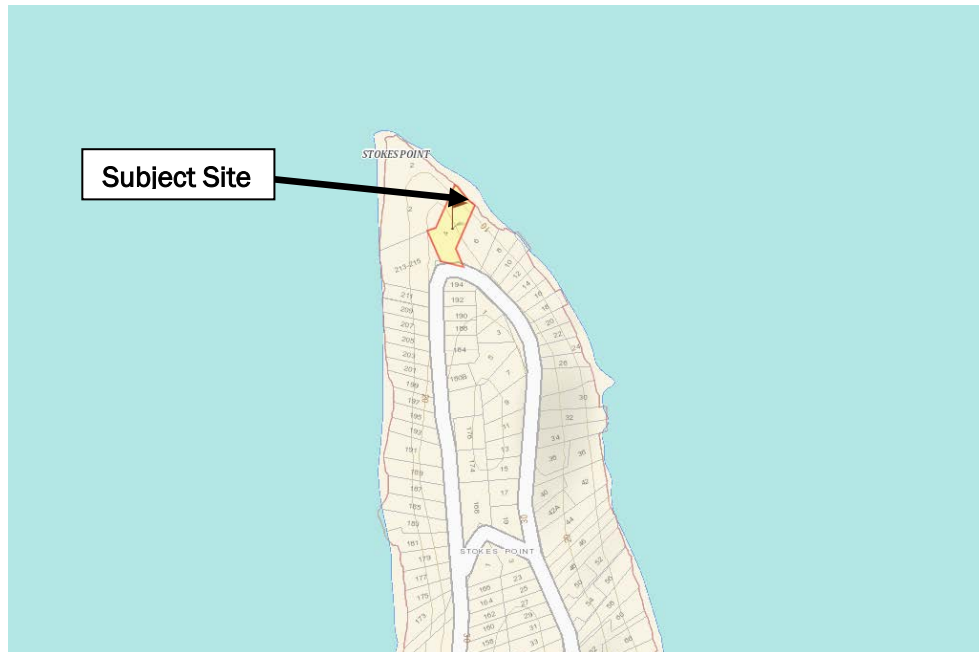
No.	Drawing	Drawn by
DA01/D	Site analysis	Corben Architects
DA02/D	Site plan	Corben Architects
DA03/D	Demolition plan	Corben Architects
DA04/D	Boatshed level plan	Corben Architects
DA05/D	Elevations	Corben Architects
DA06/D	Sections	Corben Architects
DA07/D	Perspectives	Corben Architects
DA08/D	Landscaping plan	Corben Architects
DA09/D	Erosion & sediment control plan	Corben Architects
DA10/D	Finishes & colour scheme	Corben Architects
11312	Detail survey	CMS Surveyors

- 3.5. The proposal is supported by the following documentation:

Title	By
Estuarine Risk Management Report	Horton Coastal Engineering
Geotechnical Impact Assessment	Ascent Geotechnical Consulting
Marine Habitat Survey	Bio-Analysis
Statement of Environmental Effects	Symons Goodyer

4. Description of site and locality

- 4.1. The subject site is Lot 1, DP 344054, No. 4 Cabarita Road, Avalon. It is located on the northern side of Cabarita Road at Stokes Point. The location of the site is shown in the following maps:



Map 1 - Location (Source: sixmaps)



Map 2 - Aerial photo (Source: sixmaps)

- 4.2. The site is irregularly shaped. It has a frontage of 12.19m to Cabarita Road to the south and extends to high water mark to the north. The eastern boundary has a total length of 69.65m and the western boundary has a total length of 90.35m.
- 4.3. The site area is 1,682m².
- 4.4. The site benefits from a right-of-carriageway over land adjoining its south-western boundary.
- 4.5. The site slopes steeply down from its front boundary down to its waterfront boundary. The part of the site the subject of the development proposal slopes very steeply down to the waterfront.
- 4.6. The site is currently occupied by a 2-storey dwelling house constructed of rendered masonry with a slate roof. Car parking for 4 vehicles is provided with access from the right-of-carriageway to the south-west of the site. Waterfront development comprises a boathouse, boat ramp, swimming pool, lawn and timber jetty.
- 4.7. The surrounding area has been developed for 2 and 3-storey dwelling houses in landscaped settings. The adjoining house to the west, "Finisterre" (2 Cabarita Road) is listed as a heritage item of local significance.
- 4.8. The following photographs show the site and surrounding area.



Photograph 1: The subject site, No. 4 Cabarita Road.



Photograph 2: The subject site viewed from the waterfront. Note the existing boatshed and other waterfront structures including swimming pool and pool fence.



Photograph 3: The existing swimming pool, pool fence, lawn and paving, with the existing boatshed behind.



Photograph 4: Neighbouring waterfront development to the east.



Photograph 5: Neighbouring waterfront development to the west.

5. Pittwater LEP 2014

5.1. Is the proposal permissible?

- 5.1.1. The land is partly zoned W1 Natural Waterways and partly zoned E4 Environmental Living under PLEP 2014. The zoning boundary occurs at mean high water mark. The following extract from the survey plan has been marked up to show the zoning boundary:

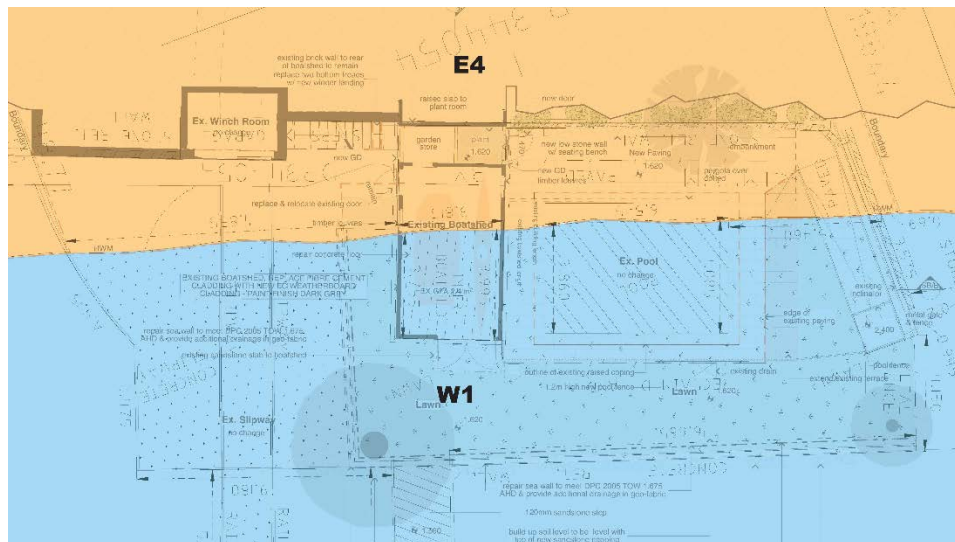


Diagram 1: Zoning boundaries.

- 5.1.2. The proposal is permissible with consent within that part of the site zoned E4 Environmental Living as a “boatshed” and as works ancillary to the boatshed. Note that a “boatshed” is defined in the dictionary to PLEP 2014 as follows:

***boatshed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.*

- 5.1.3. That part of the site below mean high water mark is identified as Area 23 on the Additional Permitted Uses map:

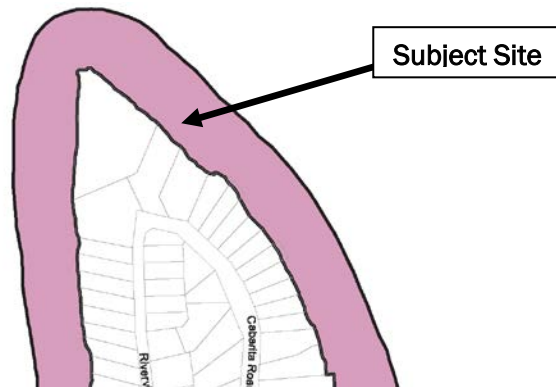


Diagram 2: Extract from the Additional Permitted Uses map, sheet 15.

- 5.1.4. Clause 2.5 provides that development identified in Area 23 and specified in Schedule 1 is permissible with development consent. Schedule 1 identifies that development for the purposes of boatsheds, jetties or water recreation structures is permitted with development consent. Consequently, development for the purposes of a boatshed and associated works, such as the proposal, is permissible on that part of the site that is zoned W1 natural Waterways because it is within Area 23 on the Additional Permitted Uses map.

5.2. Aims of the LEP (clause 1.2)

- 5.2.1. The proposal is consistent with the relevant aims of PLEP 2014 at Clause 1.2 in that it:
- ✓ Is economically, environmentally and socially sustainable
 - ✓ Is consistent with the desired future character of the neighbourhood
 - ✓ Protects Pittwater's natural areas
 - ✓ Has no impact on European and Aboriginal heritage
 - ✓ Enhances the health and well-being of the residents

5.3. Objectives of the Zones

- 5.3.1. The proposal is consistent with the relevant objectives of the E4 Environmental Living zone in that it:
- ✓ Is associated with low-impact residential development
 - ✓ Maintains the ecological, scientific and aesthetic values of the area
 - ✓ Retains existing foreshore vegetation and proposes to plant additional foreshore vegetation
- 5.3.2. The proposal is consistent with the relevant objectives of the W1 Natural Waterways zone in that it:

- ✓ Protects the ecological and scenic values of the adjacent waterway
- ✓ Does not obstruct the navigation of the waterway
- ✓ Maintains private access to the waterway without limiting existing public access to the waterway

5.4. Compliance Table

LEP CONTROLS	CONTROL	PROPOSED	COMPLIANCE
Clause 4.3(2) – Height of Buildings			
- above MHW	8.5m	2.955m	Yes
- below MHW	4.0m	2.955m	Yes

5.5. Height of buildings (clause 4.3)

- 5.5.1. The proposal complies comfortably with the 8.5m and 4.0m height limits that applies to the site.

5.6. Development below mean high water mark (clauses 5.7)

- 5.6.1. The proposal seeks development consent for works below mean high water mark, as required by clause 5.7(2).

5.7. Heritage conservation (clause 5.10)

- 5.7.1. The site does not contain a heritage item and is not within a conservation area.
- 5.7.2. The site adjoins a heritage item (Item 2270086, No. 2 Cabarita Road, Avalon, “Finisterre” house). The item is of local significance. Given the nature of the proposed works, being works to improve the appearance and utility of the waterfront structures, it is considered that there will be no impact on the heritage significance of the neighbouring heritage item.

5.8. Acid sulfate soils (clause 7.1)

- 5.8.1. The site is within Class 5 Acid Sulfate Soil area. Excavation is limited to that required for footings and it is very unlikely to affect the watertable on land within Classes 1-4. No further investigation is required and acid sulfate pollution is extremely unlikely.

5.9. Earthworks (clause 7.2)

- 5.9.1. Minor earthworks are proposed to provide for a level lawn and terrace, with the surface level being raised by approximately 150mm. These earthworks are minor and satisfy the matters for consideration in clause 7.2(3) of PLE 2014.

5.10. Flood planning (clause 7.3)

- 5.10.1. The subject site is not identified as flood prone land.

5.11. Coastal risk planning (clause 7.5)

5.11.1. The site is not affected by any coastline hazards as shown on the Coastal Risk Planning map.

5.12. Biodiversity (clause 7.6)

5.12.1. The site is within an area of sensitive biodiversity as shown on the Biodiversity map.

5.12.2. The works are relatively minor and, in these circumstances, a Biodiversity Impact Assessment is not considered necessary to enable Council to assess the proposal.

5.12.3. A Marine Habitat Survey has been prepared by Bio-Analysis Pty Ltd and accompanies the proposal, which concludes:

- *Seagrasses (Posidonia australis, up to 60% cover and Zostera capricorni up to 30% cover and sparse Halophila sp. were present in the study area and its immediate vicinity outside of the footprint of the proposed works;*
- *Macroalgae (Hormosira banksii, Ecklonia radiata, Sargassum sp., Halimeda sp. and turfing algae) with low to medium percentage covers were found within and in the vicinity of the subject site. The impact on these macroalgae should be limited to the structures to be replaced (seawall);*
- *The noxious algae Caulerpa taxifolia was present in the survey area with percentage covers up to 30%;*
- *There were no, mangroves, saltmarsh or protected wetlands found at the site or in adjacent areas;*
- *No threatened fauna were found during the survey and the proposal is unlikely to have an impact on threatened fauna that may venture into the subject site;*
- *No significant impacts are likely on matters protected by the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), Fisheries Management Act 1994 (FM Act) and NSW Biodiversity Conservation Act 2016 (BC Act) as a result of the proposal;*
- *The proposed development will have a very limited and temporary impact on the aquatic environment if caution is taken to avoid impacts to the seagrasses within close proximity of the proposal and to avoid further dispersion of the noxious algae Caulerpa taxifolia.*

5.12.4. The proposal satisfies the matters for consideration in clause 7.6(3):

- ✓ It will have a positive impact on the condition, ecological value and significance of the fauna and flora on the land due to the additional landscaped planting.
- ✓ The additional planting will have a positive impact on habitat and survival of native fauna.
- ✓ The proposal will not fragment, disturb or diminish the biodiversity structure, function and composition of the land.
- ✓ The additional landscaping will enhance habitat elements providing connectivity on the land.

5.12.5. The proposal satisfies the requirements listed in clause 7.6(4):

- ✓ The development, due to its minor scale and additional landscaping, will avoid any significant adverse environmental impact.
- ✓ There are no feasible alternatives to the proposal due to the need to retain and enhance the utility of the waterfront structures.
- ✓ It is unlikely that the proposal will result in any impacts that require mitigation.

5.13. Geotechnical hazards (clause 7.7)

5.13.1. The site is within geotechnical hazard area H1 as shown on the Geotechnical Hazard Map.

5.13.2. The proposal is accompanied by a Geotechnical Impact Assessment by Ascent Geotechnical Consulting which relevantly concludes:

The proposed development is considered to be suitable for the site. No significant geotechnical hazards will result from the completion of the proposed development provided the recommendations presented in Table 2 are adhered to.

5.13.3. The proposal satisfies the matters for in clauses 7.7(3) and (4).

5.14. Limited development on foreshore area (clause 7.8)

5.14.1. The proposed works are partly located within the foreshore area.

5.14.2. The proposed works are permissible within the foreshore area under clause 7.8(2).

5.14.3. The proposal satisfies the requirements listed in clause 7.8(3):

- ✓ The works contribute to achieving the objectives of the E4 Environmental Living and Natural Waterway zones, as described above.

- ✓ The landscaping will enhance the appearance of the structures when viewed from the waterway and the foreshore.
- ✓ The proposal, due to its minor scale, will not result in pollution or siltation of the waterway and will not cause environmental harm subject to compliance with the Sediment and Erosion Control Plan and standard conditions of consent.
- ✓ There is no impact on surrounding uses.
- ✓ There is no change to drainage patterns.
- ✓ No remnant riparian vegetation will be removed.
- ✓ The proposal will not cause congestion or generate conflict between people using open space areas or the waterway.
- ✓ There are no opportunities to provide public access across the land as no public access is available across neighbouring sites.
- ✓ The proposal maintains the heritage significance of the neighbouring site, 2 Cabarita Road.
- ✓ The aesthetic appearance of the foreshore will be enhanced with the proposed landscaping and upgrading of the boatshed.
- ✓ The works will not be affected by sea level rise, coastal erosion and recession, or changes in flooding patterns as a result of climate change.

5.14.4. With regards to the matters for consideration in clause 7.8(4):

- There are no opportunities for continuous public access along the foreshore due to the nature of surrounding development.
- The proposal reinforces the foreshore character by providing additional landscaping and maintaining the boatshed.

5.15. Essential services (clause 7.10)

5.15.1. The site is connected to all essential services.

6. Compliance Table - Pittwater 21 DCP

ITEM	STANDARD	PROPOSED	COMPLIANCE	PERFORMANCE
PITTWATER 21 DCP - Part C				
Safety and security	Adequate lighting and surveillance		YES	YES
View sharing	Reasonable sharing of views		YES	YES
Solar Access	3 hours sunlight between 9am and 3pm on 21 June		YES	YES
Privacy	Private areas to be protected from direct overlooking		YES	YES
Private open space	80 m ² , minimum dimension 3 metres	>80 m ²	YES	YES
PITTWATER 21 DCP - Part D1 Avalon Beach Locality				
Character	Walls facing street > 8m must be articulated.	No impact	YES	YES
Scenic protection	Minimise visual impact on the natural environment	Visual impact improved with landscaping	YES	YES
Building materials	External colours and materials must be of a dark and earthy tone	Colours and materials to be dark and earthy tone	YES	YES
Boundary Setbacks				
Front	6.5m	>6.5m	YES	YES
Side (north)	1.0m	>1.0m	YES	YES
Side (south)	2.5m	>2.5m	YES	YES
Rear	Foreshore building line	Complies (see above)	YES	YES
Building envelope	3.5m + 45°	Complies	YES	YES
Landscaped area	Minimum 60% (1009.2m ²), including up to 6% impervious landscape treatments	Landscaped areas retained and improved	YES	YES
Retaining walls	Kept to a minimum	Kept to a minimum	YES	YES
PITTWATER 21 DCP - Part D15 Waterways Locality				
Character	Walls facing waterway > 8m must be articulated.	Walls are less than 8m	YES	YES
Scenic protection	Minimise visual impact on the natural environment	Visual impact improved with landscaping	YES	YES
Building materials	External colours and materials must be of a dark and earthy tone	Colours and materials to be dark and earthy tone	YES	YES
Boundary Setbacks				
Front	6.5m	>6.5m	YES	YES
Side (north)	Nil	>Nil	YES	YES
Side (south)	Nil	>Nil	YES	YES
Rear	Nil	>Nil	YES	YES

ITEM	STANDARD	PROPOSED	COMPLIANCE	PERFORMANCE
Development seaward of MHW	Minimise encroachment of structures onto the waterway	No encroachment onto the waterway	YES	YES
Lateral limits to developments seaward of MHW	Construct development perpendicular to shoreline	No change to existing situation	YES	YES
Waterfront development	Jetty structures no higher than existing structures	Jetty height maintained	YES	YES
Waterfront development	Boatsheds maximum: 4m height	2.955m height	YES	YES
	4m width	3.83m width	YES	YES
	6m depth	7.05m depth	NO	YES

7. Pittwater 21 DCP

7.1. Considerations before consent is granted

7.1.1. Under Clause A1.7 of Pittwater 21 DCP, prior to granting development consent, the Council must be satisfied that the development is consistent with:

- (i) Pittwater LEP 2014; and
- (ii) The desired character of the Locality; and
- (iii) The development controls applicable to the development

7.1.2. Council may also consider the provisions of a neighbouring Locality to the extent to which it may affect the subject site.

7.1.3. Under Clause A4.12, the subject site is within the Avalon Beach and the Waterways localities.

7.1.4. The desired character of the Avalon Beach locality is as follows:

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 colocation of services and utilities.

7.1.5. The desired character of the Waterways locality is as follows:

The Waterway locality will remain primarily a recreational boating area. Waterfront businesses, yacht clubs and the like will meet the waterway recreational and boating needs of 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.

Future development should ensure that access is available at all times to public boating facilities, such as launching ramps. Future development will not restrict public access adjoining the foreshore, or pedestrian access along the foreshore.

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 the development. 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 will be designed to be safe from hazards. Development will coexist with adjoining residential areas. Development will not restrict public access adjoining the foreshore, and will not obstruct navigation within the waterway.

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, and to enhance wildlife corridors. Future development will include measures to ensure protection of the water quality and estuarine habitats of the locality, including mangroves, sea grasses, intertidal sand/mud flats, rocky shorelines, and beaches.

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

- 7.1.6. The proposal is considered to be consistent with the desired character of these localities as the landscaping is integrated into the other development on the site. The development co-exists with residential development. The proposed renovation of the existing boatshed blends into the natural landscape.
- 7.1.7. The development does not obstruct navigation within the waterway or any existing public access to the waterway.

7.2. Clause B3.7 – Estuarine Hazard: Low density residential

- 7.2.1. Estuarine Planning Level Advice provided by Council established an Estuarine Planning Level of 2.2 AHD applying to the development.
- 7.2.2. An Estuarine Risk Management Report has been prepared by Horton Coastal Engineering which relevantly concludes:

At 4 Cabarita Road Avalon Beach, it is proposed to undertake alterations and additions to an existing boatshed, along with a slightly raised seawall and landscaping works. If the recommendations in Section 7 and Section 8 are followed, the risks of the proposed seawall and boatshed respectively being adversely affected by estuarine processes would be suitably mitigated.

The proposed boatshed and seawall (as relevant) satisfy the requirements of Sections B3.7 and D15.18 of the Pittwater 21 DCP, the Estuarine Risk Management Policy for Development in Pittwater, Clause 7.8 of Pittwater Local Environmental Plan 2014, State Environmental Planning Policy (Coastal Management) 2018, and Section 27 of the Coastal Management Act 2016, as outlined herein.

7.3. Clause C1.4 – Solar access

7.3.1. The proposed works create no overshadowing.

7.4. Clause C1.5 – Visual Privacy

7.4.1. The proposal does not result in any overlooking of neighbouring properties.

7.5. Clause C1.7 – Private Open Space

7.5.1. All existing areas of private open space are retained.

8. Pittwater 21 DCP – Avalon Beach Locality

8.1. Clause D1.1 – Character as viewed from a public place

- 8.1.1. This clause requires that all buildings achieve the desired future character for the locality and that the visual impact of the built form be secondary to landscaping and vegetation. Buildings should not dominate the streetscape and parking structures are to be minimised.
- 8.1.2. The proposal is for waterfront works that are not visible from the street and will have no streetscape impacts.
- 8.1.3. For the above reasons it is considered that the proposal satisfies this element of P21 DCP.

8.2. Clause D1.4 – Scenic protection - General

- 8.2.1. This clause provides that development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.
- 8.2.2. The proposal has been designed to improve the scenic amenity of the locality when viewed from the waterway. The renovated boatshed has been architecturally designed and utilises finishes and materials that will make it a recessive element in the landscape. Additional landscaping is proposed to improve the appearance of the site when viewed from the waterway.
- 8.2.3. The proposal complies with Clause D1.4 – Scenic protection – General.

8.3. Clause D1.5 – Building colours and materials

- 8.3.1. This clause requires building materials which enhance the visual quality and identity of the streetscape and harmonise with the natural environment.
- 8.3.2. The finished surface materials have been chosen to complement the environment. The colours are dark and recessive.
- 8.3.3. The proposal complies with Clause D1.5 – Building Colours Materials and Construction.

8.4. Clause D1.9 – Side and rear building line

- 8.4.1. The proposed structures (renovated boatshed and pergola) comfortably satisfy the side and rear building setback controls.

8.5. Clause D1.14 – Landscaped Area – Environmentally Sensitive Land

- 8.5.1. This clause requires a minimum landscaped area of 60%. The site currently provides 54.9% of landscaped area (including 6% of the site area as impervious features such as pathways, etc).
- 8.5.2. The proposal retains all existing landscaped area on the site with the exception of a small area of lawn to the north-west of the existing swimming pool. 1.5m² of landscaped area is lost on the allotment, with the remainder being below MHWM. The percentage of landscaped area on site remains 54.9%.
- 8.5.3. The proposal includes additional plantings along the north-western of the site and adjacent to the existing inclinor landing and pathway. These plantings occupy an area of 14.3m², the majority of which is below MHWM on the existing lawn area. These plantings will soften the appearance of the site when viewed from the waterway. In particular, they will screen the lower part of the existing inclinor.
- 8.5.4. The proposal achieves the outcomes sought by Part D1.14 of the P21 DCP:
- ✓ The proposal is consistent with the desired future character of the locality, as described above.
 - ✓ The landscaping minimises the bulk and scale of the existing built elements on the site.
 - ✓ Amenity is improved and solar access is retained.
 - ✓ Vegetation is increased to visually reduce the built form.
 - ✓ The additional landscaping will help conserve natural vegetation and biodiversity.
 - ✓ There is no change to stormwater patterns.
 - ✓ The additional planting will enhance the bushland character of the area.
 - ✓ All existing soft surface areas are retained.

9. Pittwater 21 DCP – Waterways Locality

9.1. Clause D15.1 – Character as viewed from a public place

- 9.1.1. This clause requires that all buildings have a compatible presence when viewed from the waterway. The renovated boatshed is compatible with the waterway.
- 9.1.2. The renovated boatshed incorporates design features including an entry feature and recessing of elements.
- 9.1.3. Landscaping is integrated with the building.
- 9.1.4. For the above reasons it is considered that the proposal satisfies this element of P21 DCP.

9.2. Clause D15.2 – Scenic protection - General

- 9.2.1. This clause provides that development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.
- 9.2.2. The proposal has been designed to improve the scenic amenity of the locality when viewed from the waterway. The landscaping is designed to soften the appearance of the waterfront structures. The existing boatshed is to be retained and renovated.
- 9.2.3. The proposal complies with Clause D15.2 – Scenic protection – General.

9.3. Clause D15.3 – Building colours and materials

- 9.3.1. This clause requires building materials which enhance the visual quality and identity of the streetscape and harmonise with the natural environment.
- 9.3.2. The finished surface materials have been chosen to complement the environment. The colours, as shown on drawing DA10, are dark and recessive.
- 9.3.3. The proposal complies with Clause D1.5 – Building Colours Materials and Construction.

9.4. Clause D15.10 – Fences

- 9.4.1. Fences adjoining Pittwater may have a maximum height of 1.8m. The proposed pool fence has a height of 1.2m and complies. Fences area to be set back 3m from the property boundary adjacent to the waterway. The proposed pool fence is located to the seaward side of the property boundary and replaces an existing pool fence in the same location with the same visual impact.

9.5. Clause D15.15 – Waterfront development

9.5.1. Part (c) of clause D15.15 provides detailed controls for boatsheds, which are addressed as follows:

- (i) The control requires boatsheds to be located above MHWL on freehold land, where practicable. The proposal is to renovate the existing boatshed. Locating the boatshed entirely above MHWL would not be practicable as it would involve excavation into the existing rock face.
- (ii) The boatshed is single storey, less than 4.5m in height and 4.0m in width, as required by this control. It is slightly longer than 6.0m (at 7.05m) but represents the renovation of an existing boatshed without any increase in floor area.
- (iii) The boatshed does not hinder public access to the foreshore.
- (iv) The boatshed will only be used for the storage of boats.
- (v) The boatshed incorporates dark, recessive colours that are sympathetic to the surrounding setting.
- (vi) The floor level of the boatshed (RL1.75) is 200mm higher than the existing floor level of the boatshed.
- (vii) The boatshed is entirely enclosed.
- (viii) Electrical equipment and wiring shall be water tight below the designed flood/tidal inundation level. This matter may be addressed by a suitable condition of development consent.

9.6. Clause D15.18 – Seawalls

9.6.1. Clause D15.18 provides that seawalls are not permitted. However, in this case, the seawall is existing.

9.6.2. Clause D15.18(ii) provides that seawalls be a maximum of 1.5m AHD. The proposal is to raise the top of the seawall to 1.675 AHD. The reason for exceeding the 1.5m AHD is to ensure that the lawn and terrace behind the seawall are at the same level as the top of the existing swimming pool, which is at 1.62m AHD, with a small freeboard. The increase in the height of the existing seawall by 245mm will not have a perceptible visual impact when viewed from the waterway.

10. State Environmental Planning Policies

10.1. SEPP No. 55 - Remediation of land

- 10.1.1. Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (“SEPP 55”) requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.
- 10.1.2. The site has been used for residential purposes for approximately 50 years prior to which it was probably vacant. It is considered unlikely that the site has experienced any contamination, and no further assessment is considered necessary.

10.2. SEPP (Building Sustainability Index) 2004

- 10.2.1. The proposal is not “BASIX affected development” for the purposes of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (“SEPP (BASIX)”).
- 10.2.2. Under clauses 8 and 9 of SEPP BASIX, other planning instruments and DCP’s do not apply to BASIX commitments.
- 10.2.3. A BASIX Certificate is not required and has not been prepared.

10.3. SEPP (Coastal Management) 2018

- 10.3.1. The site is located within the Coastal Environment and the Coastal Use Areas as identified in SEPP (Coastal Management) 2018.
- 10.3.2. Under clause 13(1) Council must consider whether the proposed development is likely to cause an adverse impact on the following:
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*

Comment: The proposal will have no impacts subject to the incorporation of standard erosions and sedimentation controls and implementation of the Erosion and Sediment Control Plan (Drawing DA09).
 - (b) *coastal environmental values and natural coastal processes,*

Comment: No impact.
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

Comment: The proposal will have no impacts subject to the incorporation of standard erosions and sedimentation controls and implementation of the Erosion and Sediment Control Plan (Drawing DA09).

- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

Comment: The proposal will have no impacts subject to the incorporation of standard erosions and sedimentation controls and implementation of the Erosion and Sediment Control Plan (Drawing DA09).

- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

Comment: No impact.

- (f) *Aboriginal cultural heritage, practices and places,*

Comment: No impact.

- (g) *the use of the surf zone.*

Comment: No impact.

10.3.3. Under clause 13(2) Council must be satisfied of the following matters before granting consent to the development:

- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*

Comment: No adverse impacts arise as a result of the development.

- (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

Comment: No adverse impacts arise as a result of the development.

- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact*

Comment: No adverse impacts arise as a result of the development.

10.3.4. Under clause 14(1)(a) Council must consider whether the proposed development is likely to cause an adverse impact on the following:

- (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

Comment: The proposal has no impact on coastal access.

- (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*

Comment: The proposal has no impact on solar access, wind or views from public places to foreshores.

- (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*

Comment: To the extent that it is visible from the coast, the proposal will enhance the visual amenity of the area.

- (iv) *Aboriginal cultural heritage, practices and places,*

Comment: The proposal will have no impact on aboriginal heritage, practices and places.

- (v) *cultural and built environment heritage*

Comment: The site does not contain a heritage item and is not within a conservation area. It will have no impact on the heritage significance of the neighbouring heritage item due to the visual separation that is provided.

10.3.5. Under clause 14(1)(b) Council must be satisfied of the following matters before granting consent to the development:

- (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

Comment: No adverse impacts arise as a result of the development.

- (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

Comment: No adverse impacts arise as a result of the development.

- (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact*

Comment: No adverse impacts arise as a result of the development.

10.3.6. Under clause 14(c) Council must take into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. In this regard, the proposal satisfies the relevant built form controls and has a bulk and scale consistent with existing development in the vicinity of the site.

- 10.3.7. The proposal is accompanied by an Estuarine Risk Management Report by Horton Consulting that demonstrate that the development will not increase the risk of coastal hazards and ensures compliance with clause 15.
- 10.3.8. There is no relevant coastal management program to be taken into consideration pursuant to clause 16.
- 10.3.9. In summary, the proposal complies with the requirements of SEPP (Coastal Management) 2018.

10.4. SEPP (Infrastructure) 2007

- 10.4.1. Clause 45 of SEPP Infrastructure requires the Consent Authority to notify the electricity supply authority of any development application (or an application for modification of consent) for any development proposal:
- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
 - immediately adjacent to an electricity substation,
 - within 5m of an overhead power line
 - that includes installation of a swimming pool any part of which is within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line
- 10.4.2. The works are not in close proximity to electricity infrastructure the proposal does not need to be referred to the electricity supply authority.

10.5. SEPP (Vegetation in Non-Rural Areas) 2017

- 10.5.1. Under clause 10 of SEPP (Vegetation in Non-Rural Areas) 2017, Council may issue a permit to clear vegetation in any non-rural area of the State. No vegetation is to be removed as a result of the proposal.

11. Other matters under Section 4.15 of the Environmental Planning & Assessment Act 1979

11.1. The Likely Impacts of the Development

11.1.1. These have been addressed above.

11.2. The Suitability of the Site

11.2.1. The site is within identified environmental living and natural waterways zones. It has access to all the necessary services for waterfront development.

11.2.2. The site does not have a history of use that would result in land contamination (per SEPP 55).

11.2.3. The proposal is located on a part of the site that is not subject to environmental hazards.

11.2.4. In summary the site is considered to be suitable for the type of development proposed.

11.3. Submissions

11.3.1. None.

11.4. The Public Interest

11.4.1. The public interest is served by developing the land in an efficient and economic way that maintains the character of the area and the amenity of the neighbourhood. The Council's planning controls encourage such development in this locality.

12. Summary

- 12.1. The merits of this application have been identified in this assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Pittwater LEP 2014 and Pittwater 21 DCP.
- 12.2. The proposed landscaping works will improve the scenic amenity of the area. The renovation of the boatshed enhances the use of the waterway and has been designed to complement the character of the waterway.
- 12.3. There is no impact on neighbouring views, privacy or solar access. The heritage significance of the neighbouring dwelling house, 2 Cabarita Road, is unaffected.
- 12.4. The proposal represents an economic and efficient use of the land, in accordance with the objectives of the *Environmental Planning and Assessment Act 1979*. It will enhance the amenity and liveability of the associated dwelling house for the existing and future residents.
- 12.5. Overall, the aims and objectives of Council's development controls are achieved and there is no planning reason why this application should not be approved.

Appendix A – Details of the Author

ACADEMIC QUALIFICATIONS

Bachelor of Town Planning (Honours), University of New South Wales (1988).
Master of Professional Accounting (Distinction), University of Southern Queensland (1999).

PROFESSIONAL EXPERIENCE

1997 to present SYMONS GOODYER PTY LTD

Principal town planning consultant responsible for providing expert town planning advice to a diverse range of clients.

Expert witness in the Land and Environment Court.

Statutory and strategic projects within numerous Council areas, including Ashfield, Bankstown, Canterbury, Hornsby, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Mosman, North Sydney, Pittwater, Randwick, Rockdale, Sutherland, Warringah, Waverley, and Woollahra.

1988 to 1997 WARRINGAH COUNCIL

Manager, Planning and Urban Design Branch (1994-7). Responsible for drafting of operative provisions of the Warringah Local Environmental Plan 2000.

Senior Strategic Planner (1993-1994)

Development Assessment Officer (1988-1993)

1986 to 1988 MARRICKVILLE MUNICIPAL COUNCIL

Town Planner

1986 EDWARDS MADIGAN TORZILLO BRIGGS INTERNATIONAL PTY LTD

Town Planner

1984 RYDE MUNICIPAL COUNCIL

Student Town Planner

PUBLICATIONS

Goodyer, G (1988)

Retail and office activities in industrial areas in the Sydney region. University of New South Wales.

Goodyer, G (1989)

Hi-tech industry. Planning Law and Practice, UNSW, 1989.

Goodyer, G (1995)

Modern Planning Instruments. Health and Building Surveyors' Association (NSW) Conference, 1995.