

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AT 712A BARRENJOEY ROAD AVALON BEACH



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1.0 INTRODUCTION AND BACKGROUND

This Statement of Environmental Effects has been prepared in support of a Development Application for alterations and additions to the existing dwelling at 712A Barrenjoey Road Avalon Beach.

In the preparation of this Statement of Environmental Effects, consideration has been given to the following :

- a) Plans of the works prepared by Custom Granny Flats and Studios.
- b) Pre-lodgment meeting with officers of Northern Beaches Council,
- c) Pittwater Local Environmental Plan 2014;
- d) Pittwater 21 Development Control Plan.
- e) Planning Principles of the NSW Land and Environment Court.
- f) Survey Report
- g) Reports by Hodgson Geotechnical

During the preparation of this Statement of Environmental Effects, I have attended the subject site and the surrounding locality to gain an understanding of the proposal and its relationship with the immediate surrounding sites. I have also attended a pre-lodgement meeting with officers of Northern Beaches Council to discuss the proposal and understand the constraints and opportunities as interpreted by Council and the current planning controls.

I am satisfied that the proposal as submitted will not only offer a high standard of amenity for residents but will do so in a manner that respects its juxtaposition with adjacent and nearby dwellings and commercial uses and will provide a sensitive standard of design when completed given the site constraints, in particular, flooding from Careel Creek.

2.0 SITE AND LOCALITY



Subject Site 712A Barrenjoey Road Avalon Beach highlighted

The subject site is legally described as Lot 1 DP778031, 712A Barrenjoey Road Avalon Beach. The subject site is trapezoidal in shape with a total area of 995.1 m² with a frontage of 35.1 m to Barrenjoey Road and a depth of 29.15 metres.

Vehicular access to the subject site is obtained via an adjacent Right of Way serving the subject site and the adjacent site to the east.

The subject site is located on the eastern side of Barrenjoey Road and is located directly to the south of the group of local convenience stores and is adjoined by a single dwelling to the east and a veterinary clinic to the south.

Improvements on the subject site comprise a single storey dwelling with a detached garage. This garage is the subject of the proposed alterations and additions which will incorporate enclosure of the existing structure to contain a bedroom along with the provision of an upper storey addition containing a rumpus room. The ground floor

area between the existing garage and the existing dwelling is to be enclosed to comprise a bathroom.

3.0 THE PROPOSAL

The proposal seeks consent for the following –

partial demolition of the existing garage,

enclosure of existing garage with windows provided in the existing and proposed walls,

construction of upper storey addition,

construction of bathroom between existing garage and existing dwelling,

internal stairway to connect both levels,

landscaping of the completed proposal.

The comprehensive details of the proposal are available for viewing in the accompanying plans prepared by Custom Granny Flats and Studios.

4.0 PLANNING ASSESSMENT

4.1 *State Environmental Planning Policy (Coastal Management) 2018*



EXTRACT FROM COASTAL MANAGEMENT SEPP MAPS SHOWING SUBJECT SITE ABUTTING SEPP BOUNDARY

3 *Aim of Policy*

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the [Coastal Management Act 2016](#), including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the [Coastal Management Act 2016](#).*

RESPONSE

Although the subject site is marginally outside the area encompassed by the DEPP, it is considered that the proposal is in keeping with the objectives of the Coastal SEPP.

14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered 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,

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

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

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that:

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

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

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

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

RESPONSE

Although the subject site is outside the area encompassed by the SEPP, consent is considered reasonable as the visual and scenic qualities of the coast will not be reduced as a result of the proposal,

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

RESPONSE

It is not considered that the proposed works will result in an increased risk of coastal hazards. The Geotechnical Report accompanying this Development Application further confirms this.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

RESPONSE

At the time of writing, no coastal management program had been endorsed for the subject locality.

4.2 Pittwater Local Environmental Plan 2014

Zoning

Zone R2 Low Density Residential

1. Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

1. Permitted without consent

Home businesses; Home occupations

1. Permitted with consent

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

1. Prohibited

Any development not specified in item 2 or 3

RESPONSE

The subject site is zoned R2 Low Density Residential and the works are permissible with consent.

4.3 Height of buildings

(a) The objectives of this clause are as follows:

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) to minimise any overshadowing of neighbouring properties,*
- (d) to allow for the reasonable sharing of views,*
- (e) to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

(b) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

(2A) Despite subclause (2), development on land:

- (a) at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the [Coastal Risk Planning Map](#), and*
- (b) that has a maximum building height of 8.5 metres shown for that land on the [Height of Buildings Map](#),*

may exceed a height of 8.5 metres, but not be more than 8.0 metres above the flood planning level.

(2B) Despite subclause (2), development on land:

- (a) at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the [Coastal Risk Planning Map](#), and*
- (b) that has a maximum building height of 11 metres shown for that land on the [Height of Buildings Map](#),*

may exceed a height of 11 metres, but not be more than 10.5 metres above the flood planning level.

RESPONSE

The works are compliant with the above development standard for Height, namely a maximum height of 8.5 metres above existing ground.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

RESPONSE

The proposal does not seek consent for the removal of any significant trees or vegetation from the subject site. Vegetation removal will be limited to the periphery of the existing garage and there is no proposal to impact upon any significant trees on or adjacent to the subject site.

7.1 Acid sulfate soils

- 1. The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*
- 2. Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

*Class Works
of land*

- | | |
|----------|---|
| <i>1</i> | <i>Any works</i> |
| <i>2</i> | <i>Works below the natural ground surface
Works by which the watertable is likely to be lowered.</i> |
| <i>3</i> | <i>Works more than 1 metre below the natural ground surface
Works by which the watertable is likely to be lowered more than 1 metre
below the natural ground surface.</i> |
| <i>4</i> | <i>Works more than 2 metres below the natural ground surface.

Works by which the watertable is likely to be lowered more than 2 metres
below the natural ground surface.</i> |

- 5 *Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.*

RESPONSE

The subject site is identified under the Pittwater Local Environmental Plan maps as having class 2 acid sulphate soils partially present on the subject site.

The subject site has been examined by the applicants geotechnical engineers which have identified acid sulphate soils however the absence of any substantial earthworks will ensure that the proposal will not result in the generation of acid sulphate as a consequence of the works thereon.

7.2 Earthworks

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

RESPONSE

Earthworks will be limited to the provision of excavations for augmentation of existing services or provision of new services. There is no cut and fill proposed as the subject proposal will retain the existing ground floor structure with a minor modification to amend the finished floor level to account for potential site flooding.

7.3 Flood planning

1. *The objectives of this clause are as follows:*
 1. *to minimise the flood risk to life and property associated with the use of land,*
 2. *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
 3. *to avoid significant adverse impacts on flood behaviour and the environment.*
2. *This clause applies to land at or below the flood planning level.*
3. *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 1. *is compatible with the flood hazard of the land, and*

2. *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
3. *incorporates appropriate measures to manage risk to life from flood, and*
4. *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
5. *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding,*
- 6.

RESPONSE

The subject site has been identified as potentially impacted upon by floodwaters emanating from the overtopping of Careel Creek together with an identified overland flow path emanating from properties upslope from the subject site, primarily to the east.

In recognition of this potential flooding impact, the proposal has been crafted with a raised floor level to ensure that the habitable areas proposed in the ground floor of the converted garage will be at such a level that inundation by floodwaters will not result in damage to structures, fixtures or fittings within the completed proposal.

The finished floor level of 3.87 m Australian Height Datum as shown on the attached plans confirms the raising of the ground floor level to address potential flood impacts.

4.2 Pittwater 21 Development Control Plan

B1.4 Aboriginal Heritage Significance

Outcomes

*Provide protection for Aboriginal place of heritage significance or Aboriginal object.
Potential Aboriginal places of heritage significance and Aboriginal objects are
identified and protected.*

RESPONSE

To ensure that due regard is taken of any likelihood of Aboriginal artefacts being located on the subject site, the applicant commissioned an electronic interrogation of the Aboriginal Heritage Information Services Department of the Department of Environment and Heritage.

The subject search revealed that there is no documented evidence of any Aboriginal heritage on or within a 200 m radius of the subject site.

The search results are included on the following page.



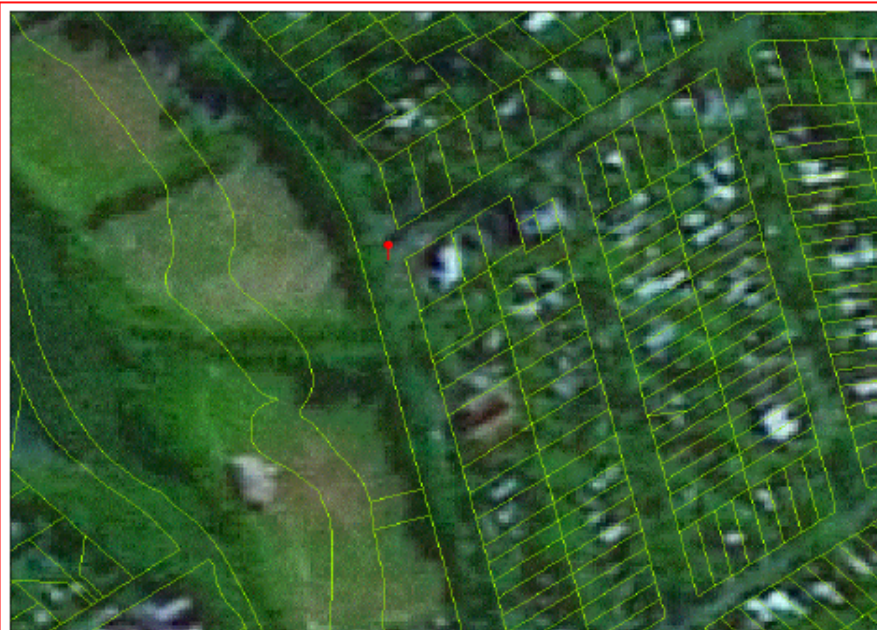
Lance Doyle
3A Kendall Road
Castle Cove New South Wales 2069
Attention: Lance Doyle
Email: lance@doyleconsulting.com.au

Date: 08 March 2019

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP778031 with a Buffer of 200 meters, conducted by Lance Doyle on 08 March 2019.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

B3.6 Contaminated Land and Potentially Contaminated Land

Outcomes

Protection of public health.

Protection of the natural environment. Successful remediation of contaminated land.

RESPONSE

The subject site has been used for residential purposes and there is no evidence of the importation of any contaminated material.

B3.11 Flood Prone Land

Outcomes

- *Protection of people.*
- *Protection of the natural environment.*
- *Protection of private and public infrastructure and assets.*

RESPONSE

The proposed alterations and additions include the provision of a replacement ground floor at a finished floor level of 3.87 m AHD.

This floor level has been adopted in recognition of the potential for the subject site to be affected by flooding as a consequence of the overtopping of the Careel creek bank.

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

Outcomes

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

Controls

Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and locally native species.

Development shall provide flora and fauna habitat by active restoration, regeneration, and / or creation.

Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees.

Landscaping is not to include environmental weeds.

RESPONSE

There will be removal of the existing landscaping adjacent to the wall of the current garage (see following photograph) in order to enable construction to be carried out and to provide an external finish to the existing garage walls.



EXISTING GARAGE SHOWING LANDSCAPING

The site is however will landscaped with established trees and shrubs and as such, will endorse the above Objectives.

B5.4 Stormwater Harvesting

Outcomes

Minimise quantity of stormwater runoff.

Minimise surcharge from the existing drainage systems. Reduce water consumption and waste in new development. Implement the principles of Water Sensitive Urban Design

RESPONSE

Stormwater harvesting will remain in place once the works are completed.

B5.7 Stormwater Management - On-Site Stormwater Detention

Outcomes

Rates of stormwater discharged into receiving environment maintained or reduced

RESPONSE

The existing rainwater tank will be recommissioned once works are completed.

B6.3 Internal Driveways - Low Density Residential

Outcomes

Safe and convenient access. Reduce visual impact of driveways. Pedestrian safety.

An effective road drainage system.

Maximise the retention of trees and native vegetation. Reduce contaminate run-off from driveways.

RESPONSE

The works are proposed to give effect to the above Outcomes for safety and will reinstate as much of the vegetation as possible given the increased hardstand areas.

B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential

Outcomes

Safe and convenient parking.

Controls

On-Site Car Parking Requirements

The minimum number of vehicle parking spaces to be provided for off- street parking is as follows:

Size of Dwelling	Parking Required
<i>Small dwelling (1 bedroom)</i>	<i>1 space</i>
<i>Large dwelling (2 bedrooms or more)</i>	<i>2 spaces</i>

RESPONSE

Off street carparking for in excess of 4 vehicles was approved under the parent development consent, exceeding the minimum 2 spaces prescribed under the above control.

The proposed change of use of the existing garage will reduce the carparking on site by 2 spaces with 4 spaces remaining.

B8.1 Construction and Demolition - Excavation and Landfill Outcomes

Site disturbance is minimised.

Excavation, landfill and construction not to have an adverse impact. Excavation and landfill operations not to cause damage on the development or adjoining property.

RESPONSE

This application for the proposed works has been assessed by the Applicants engineering consultants to ensure that the proposal does not result in any damage to adjacent properties and will be structurally stable.

B8.2 Construction and Demolition - Erosion and Sediment Management

Outcomes

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites.

Reduction of waste throughout all phases of development. Public safety is ensured.

Protection of the public domain.

RESPONSE

The sedimentation and erosion control plan submitted as part of this development application will ensure that there will be no off site migration of any sediment laden material.

C1 Design Criteria for Residential Development

C1.1 Landscaping

Outcomes

- *A built form softened and complemented by landscaping.*
- *Landscaping reflects the scale and form of development.*
- *Retention of canopy trees by encouraging the use of pier and beam footings.*
- *Development results in retention of existing native vegetation.*
- *Landscaping results in the long term retention of Pittwater's locally native tree canopy.*
- *Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species*
- *Landscaping enhances habitat and amenity value.*
- *Landscaping results in reduced risk of landslip.*
- *Landscaping results in low watering requirement.*

RESPONSE

The subject site is provided with a significant visual barrier along the western and northern boundaries. These visual buffers will be retained and the proposed works will be set well back from the Barrenjoey Road frontage and subservient to the existing treed boundary.

The subject proposal will endorse the above objectives.

C1.2 Safety and Security

Outcomes

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

RESPONSE

The subject works will not dilute the achievement of the objectives of the Crime Prevention Through Environmental Design planning policy.

C1.5 Visual Privacy Outcomes

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.

A sense of territory and safety is provided for residents.

RESPONSE

Visual privacy will be retained as the proposed deck will not overlook sensitive areas of adjacent properties and will primarily overlook the common driveway and the adjacent car park.

C1.6 Acoustic Privacy Outcomes

Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited.

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 private open space areas.

RESPONSE

The layout and use of the proposal is such that acoustic disturbance is unlikely.

C1.7 Private Open Space

Outcomes

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

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

Private open space receives sufficient solar access and privacy.

RESPONSE

The proposal does not generate the necessity for any additional areas of private open space as no separate habitation is proposed whilst the carrying out of the alterations and additions will not reduce the overall quantum of open space currently available on the subject site.

C1.14 Separately Accessible Structures

Outcomes

Separately accessible structures that provide a recreational or office function for residents.

RESPONSE

The proposal does not seek consent for a separately accessible structure as the namely a ground floor bedroom and ensuite with an upper level rumpus.

As can be seen from the accompanying plans, access to the proposed alterations and additions is solely available through the existing dwelling and is therefore clear that no separately accessible structures are proposed.

D1 AVALON BEACH LOCALITY

D1.1 Character as viewed from a public place

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.

To enhance the existing streetscapes and promote a scale and density that is in scale 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.

High quality buildings designed and built for the natural context and any natural hazards.

Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two- storey maximum.

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

RESPONSE

The Desired Future Character as gleaned from the Avalon Beach Locality Statement advises that the most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment and remain primarily a low-density residential area with dwellings a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape.

The character of the proposed development as viewed from public places will generally be unchanged apart from the additional storey to the existing garage which will be well buffered from the street frontage and other public viewing points.

D1.8 Front building line

Outcomes

Achieve the desired future character of the Locality.

Equitable preservation of views and vistas to and/or from public/private places.

The amenity of residential development adjoining a main road is maintained.

Vegetation is retained and enhanced to visually reduce the built form. Vehicle maneuvering in a forward direction is facilitated.

To preserve and enhance the rural and bushland character of the locality.

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

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.

RESPONSE

No change is proposed to the front building line as the proposed works are taking place behind the prescribed setback and above the existing garage.

D12.6 Side and rear building line

Outcomes

To achieve the desired future character of the Locality. The bulk and scale of the built form is minimised.

Equitable preservation of views and vistas to and/or from public/private places.

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.

Substantial landscaping, a mature tree canopy and an attractive streetscape.

Flexibility in the siting of buildings and access.

Vegetation is retained and enhanced to visually reduce the built form. To ensure a landscaped buffer between commercial and residential zones is established.

Controls

The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table:

Land	Side and Rear Building Line Setback (metres)
<i>Land zoned R2 Low Density Residential or E4 Environmental Living</i>	<i>2.5 to at least one side; 1.0 for other side 6.5 (rear) unless Foreshore Building Line applies</i>

RESPONSE

The proposal remains compliant with the above controls as there is no change proposed to either side or rear building line setbacks.

D1.11 Building envelope 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.

Equitable preservation of views and vistas to and/or from public/private places.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.

Vegetation is retained and enhanced to visually reduce the built form.

RESPONSE

The proposal does not breach the Building Envelope control as the subject works are in a position that is well removed from any boundaries.

D1.14 Landscaped Area - General

Outcomes

Achieve the desired future character of the Locality.

The bulk and scale of the built form is minimised.

A reasonable level of amenity and solar access is provided and maintained.

Vegetation is retained and enhanced to visually reduce the built form.

Conservation of natural vegetation and biodiversity.

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

To preserve and enhance the rural and bushland character of the area.

Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.

The Control states that- total landscaped area on land zoned R2 Low Density Residential, R3 Medium Density Residential shall be 50% of the site area.

The use of porous materials and finishes is encouraged where appropriate.

Variations

Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:

- 1) impervious areas less than 1 metre in width (e.g. pathways and the like);*
- 2) for single dwellings on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).*

RESPONSE

The proposal provides for a Landscaped Area in excess of 50% of the subject site when measured in accordance with the above control.

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

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

RESPONSE

No retaining walls, terracing or undercroft areas are proposed.

D1.20 Scenic Protection Category One Areas Outcomes

To achieve the desired future character of the Locality.

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.

Maintenance and enhancement of the tree canopy.

Colours and materials recede into a well vegetated natural environment.

To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component

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 any visual impact on the natural environment when viewed from any waterway, road or public reserve

RESPONSE

The works incorporated within the current application will not result in a reduction in tree cover.

The overall result however will still result in the built components of the subject site being a secondary component to the natural landscape.

5.0 SECTION

4.15 Evaluation

7.6 Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

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

RESPONSE

The relevant provisions of the Coastal Management SEPP and PLEP have been addressed in the body of this Statement.

(iii) any development control plan,

RESPONSE

The relevant provisions of the Pittwater 21 DCP have been addressed in the body of this Statement.

and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,

RESPONSE

No planning agreements apply to the proposal

and

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

RESPONSE

The relevant regulations have been given due regard in the construction of this Statement.

and

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

RESPONSE

The body of this Statement describes the potential impacts upon the natural and built environments and the mechanisms to be incorporated to reduce or prevent these impacts upon the locality.

(c) the suitability of the site for the development,

RESPONSE

The subject site, by virtue of its existing layout, topography and locality is suitable for the proposal. In this regard, the subject proposal has given due attention to the identified flood levels over part of the subject site and located and configured to ensure that the subject structure will meet Councils standards for flood compatible construction.

(d) any submissions made in accordance with this Act or the regulations,

RESPONSE

Any submissions received in response to Councils notification of the proposal will be considered as part of Councils assessment of the proposal.

(e) the public interest.

RESPONSE

The proposal endorses the public interest by limiting the impact of the proposal to the existing cleared area of the subject site, with subsequent limited disturbance to the natural and built environment.

(2) Compliance with non-discretionary development standards—development other than complying development

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the

subject of a development application complies with those standards, the consent authority:

(a) is not entitled to take those standards into further consideration in determining the development application, and

(b) must not refuse the application on the ground that the development does not comply with those standards, and

(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and

(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard. Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application. In this subsection, standards include performance criteria.

(4) Consent where an accreditation is in force

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) Definitions

In this section: (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and (b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

Environmental Planning Instruments

The proposal is a permissible use in the R2 Low Density Residential Zone.

Development Control Plans

This is addressed in the body of this SEE.

Impact on the Natural Environment.

The subject proposal, by virtue of the fact that the proposed works are contained within the existing area of building footprint will ensure that impact upon the natural environment is minimal.

Impact on the Built Environment.

Scenic qualities – the proposal is consistent with the current and future character of the Avalon Beach locality as expressed within the provisions of Councils planning controls.

Compatibility with adjacent land uses – The proposal is for a residential use, compatible with surrounding residential and commercial uses.

Impact on the Social and Economic Environment.

The proposal is unlikely to result in any negative social or economic impacts.

Suitability of the Site.

The subject site, by virtue of its existing development, zoning, topography and locality is suitable for the proposal.

6.0 CONCLUSION

The works proposed on the subject site are minimal by virtue of the fact that they are seeking the adaptive reuse of the existing garage structure by converting this existing structure into a habitable bedroom with an attached bathroom and rumpus room above.

The crafting of the proposal ensures that there is no material impact upon the locality in terms of excessive site cover, bulk or scale and that the completed proposal will satisfactorily address the Desired Future Character outcomes sought by the Avalon Beach locality plan and that the completed proposal will not exacerbate any flood risk to the locality and will be effectively flood proofed by virtue of the raised floor level.

I am of the view that the proposal by virtue of its reasonable size, preservation of landscaping and retention of prescribe setbacks is worthy of consent.

LANCE DOYLE

TOWN PLANNER

27th March 2019