



existing front elevation (not visible from street)

proposed front elevation  
(design intent only refer to drawings for details)**STATEMENT OF ENVIRONMENTAL EFFECTS TO ACCOMPANY A DEVELOPMENT  
APPLICATION TO NORTHERN BEACHES COUNCIL**

Project	Alterations to an Existing Two Storey Dwelling
Client	Lisa & Brett Lewthwaite
Date	December 2019
Address	36 Watkins Road Avalon Beach NSW 2107
Title	Lot 31 DP 21756
Site Area	1528sqm
By	Michelle Walker Architects Pty Ltd

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## 1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared to accompany the Development Application to Northern Beaches Council for ALTERATIONS to an EXISTING DWELLING at 36 WATKINS ROAD AVALON BEACH NSW 2107.

The SEE should be read in conjunction with:

- development application drawings (architectural) and
- accompanying development application reports including:
  - survey
  - bushfire risk assessment report (BAL 29)
  - geotechnical risk management report
  - coastal engineering report (coastal bluff hazard)
  - stormwater management plan
  - BASIX certificate
  - notification plan
  - waste management plan & erosion & sediment control plan (included in architectural)
  - landscape plan (included in architectural)

This Statement provides an assessment of the proposal, in accordance with the relevant matters for consideration under Section 79C (1) of the Environmental Planning & Assessment Act 1979.

This statement has also been prepared after taking into account the proposal's relationship to its context, its impact on the locality, and amenity of the adjacent dwellings.

## 2 THE SITE

### Site Location, Description, Existing Development & Context

Address:	36 Watkins Road Avalon Beach NSW 2107
Title:	Lot 31 DP 21756
Site Area (sqm)	1528sqm, rear of boundary 23.595 (general width) refer to survey for site boundary dimensions of battle axe block
Lot Type	Residential - pedestrian and vehicle entry off Watkins Road, battle axe block
Site Orientation	Battle axe street entry - west Front elevation - west Side elevation - north Rear elevation - east (backing onto public reserve E2 environmental conservation land) Side elevation - south (backing onto public pathway)
Location:	Northern Beaches Council, Avalon
Existing Development:	Residential freestanding dwelling, two storeys over 3 levels DA NO114/08 in. 2008 for alterations & additions to dwelling
Construction:	Rendered masonry, feature stone cladding, metal roof, external balconies with tiles and glass balustrades.
Context:	Within a typically general residential neighbourhood 3 adjacent neighbours: 38A to the north 34 Watkins Road to the west 32 Watkins Road to the south (with pathway reserve between properties) Rear is public reserve (Bangalley Head)
Topography / Falls	Steep site, with fall of approx 19m from house to the street down the driveway, House is over 3 storeys, stepping up the site, existing pool on first floor level Rear site has is approx 5m higher than main living level of the home
Landscape	Refer to survey and site/landscape plan existing trees on the site, existing vegetation and lawn
Reference	Refer to Survey for site information & Outline of Existing Dwelling Refer to DA Site Plan / Demolition (Removal) Plans for Existing Dwelling Plans



### 1. location plan / aerial photo & surrounding development



**2. Existing dwelling - front elevation** - new aluminium screens proposed to northern end of upper floor balcony



**3. Existing dwelling - existing outdoor terrace** - new roof with operable vergola proposed to existing outdoor area, main roof to remain, glass canopy to be removed, outdoor kitchen relocated against wall, new fireplace and bench, new paving etc



**4. Existing pool and pool deck looking over existing outdoor terrace & existing kitchen window** - pool surround to be renovated, extent exiting roof with new roof with vergola inset for added protection



**5. Existing dwelling and kitchen window viewed from existing timber pool deck** - pool deck to be extended and reconfigured, new outdoor kitchen located against wall, new roof with vergola inset for added protection



**6. Existing pool, rock wall & retaining walls** - retaining walls to be replaced



**7. Existing pool, rock wall and existing brushwood boundary fence** - pool surround to be renovated, boundary fence to be replaced new pool safety fence



**8. Existing pool, stairs and pool fence** - new pool safety fence to existing stair and pool, new paving to existing pool apron, new circulation around pool to new stairs 02



**9. Existing stair 03 and retaining wall to northern side passage** - to be replaced with metal mesh stair and new retaining walls



**10. Existing dwelling, natural rock, current circulation to existing stairs via pool apron** - new circulation, stairs 01 and 02 proposed rock wall & retaining walls



**11. Existing pool deck and pool pump enclosure** - to be replaced with new arrangement and stairs, new pool safety fencing

## 3

## THE PROPOSAL

This application is for relatively minor alterations to an existing two storey, detached dwelling at 36 Watkins Road Avalon.

The proposal is predominantly an external renovation of the main private outdoor space and pool surrounds.

The living areas of the dwelling including the kitchen, dining and living are on the upper floor (mid level of the home) and enjoy a dual aspect of southerly views to the ocean and northern sunshine from the north including the north facing, main outdoor living area of the home - the existing covered outdoor terrace and pool.

However the long aspect of the home, the balcony and the outdoor living area face west (front elevation) and are particularly hot for many months of the year.

The balcony and existing outdoor terrace also suffer from strong winds, which make the space unpleasant, unusable at times and are a maintenance concern in relation to wind moving outdoor furniture.

The existing outdoor kitchen and associated steel glass canopy has deteriorated due to weathering and the glass has now broken.

The existing pool surrounds including paving and decking and pool equipment, all need replacing.

**The purpose of the exterior renovation is to improve the usability and comfort of the outdoor living areas of the home and rejuvenate the exterior finishes.**

The proposal includes:

- Extending the existing roof cover over the outdoor terrace with an **infill operable roof** (ie vergola), to provide additional rain cover to the outdoor kitchen & dining space and additional shade from the summer sun, while still providing the opportunity for natural light and winter sunshine during the winter
- Adding new operable aluminium **bifold louvres** along part of the balcony edge and returning into the home, to provide a wind break and protection from the wind at times of inclement weather (and re-instating glass balustrade)
- New outdoor living amenities such as **new outdoor kitchen** (bbq, sink, pizza oven) (relocated), **outdoor fireplace** and **outdoor bench & planter**
- Renovation to existing **pool surrounds** including new paving, extended the pool deck, new pool safety fencing, new stair/bench seat leading to the pool (**new stairs 01**), plus new pool pump and pump enclosure
- New **circulation** around the pool safety enclosure leading to **new stairs 02** and existing external stairs to the rear of the site
- Repair / replacement of existing **external stairs 03** and retaining walls to the north side of the garage
- Repair / replacement of existing side boundary fences including the boundary fence which forms the **boundary pool safety enclosure**
- Repair / replacement of existing landscape **retaining walls** above the pool rock outcrop
- New **internal kitchen** (to replace the existing kitchen) with **two new servery windows** opening out towards the north east corner, with a view to pool and a servery to the outdoor living areas

- Required external maintenance to the home as required including new external paint job, replacement of existing external soffit lining, replacement of existing side and rear fences (subject to the Dividing Fences Act), etc

## 4

**RELEVANT PLANNING INSTRUMENTS & POLICIES**

The following are the relevant planning instruments for the proposal:

- Pittwater Local Environment Plan 2014
- Pittwater 21 Development Control Plan 2014

Refer also to the attached 10.7 Planning Certificate by Northern Beaches Council.

## 5

**ASSESSMENT OF COMPLIANCE****5.1 Pittwater Local Environment Plan 2014**

The proposal is consistent with the objectives and aims of the LEP 2014, in particular to ensure development is consistent with the desired character of Pittwater's localities.

In particular, the proposal is consistent with the objectives of Zone E4: Environmental Living as follows:

**1 Objectives of zone**

- 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.

The proposal is consistent with the objectives, aims and numerical controls of the LEP 2014.

The following is a summary of the relevant LEP development control maps (site is located on map 16)

Map	Control	Proposed
Land Zoning	E4 Environmental Living	no change to existing
Floor Space Ratio	n/a	no change to existing dwelling
Height of Buildings	I (green) 8.5m	no change to existing dwelling New external roof/vergola complies
Heritage	n/a	n/a
Acid Sulphate Soil	Property is Class 5	n/a 6.1 (2) - extent & location of work does not require Acid Sulfate Soils Test

Lot Size Map	Q 700sqm	no change to existing
Foreshore Building Line	(red line) at rear boundary of property	no change to existing, no works at rear of property at the foreshore building line
Terrestrial Biodiversity	n/a - site backs on to biodiversity zone but is not within this zone	n/a
Coastal Hazard	R Bluff / Cliff Instability	refer to accompanying consultant report
Geotechnical Hazard	W (red) Hazard 1	refer to accompanying consultant report

## Part 7 Additional Local Provisions

**7.1 Acid Sulphate Soils:** While the site is class 5, the extent and location of work does not required acid sulphate soils testing.

**7.7 Geotechnical Hazards:** A Geotechnical Risk Management Report has been undertaken in support of this application.

## 5.2 SUMMARY OF DEVELOPMENT STANDARDS PITTWATER DEVELOPMENT CONTROL PLAN 21 (DCP)

### Section A

The proposal is consistent with the objectives and aims of the Pittwater 21 DCP including Section A Shaping Development in Pittwater and the Avalon Beach Locality. A4.1.

The proposal is consistent with the desired character of the locality, that of an informal relaxed casual seaside environment, of low density residential in a landscape setting, integrated with the landform and landscape. The proposed minor exterior renovations will enhance the modulation of the existing dwelling facade and incorporates new shade elements such as external operable shutters and operable shade roof over the existing outdoor space.

### Section B

As the proposal is an alteration to an existing dwelling, the Section B General Controls are not specifically relevant to this application, with the exception of B.3 Hazard Controls as listed:

B.3.1	Landslip	The site is identified as lanW (red) Hazard 1. Refer to accompanying Geotechnical Risk Management Report in support of this application.
B.3.2	Bushfire	<p>The site is identified as Bush Fire Prone Land on the Pittwater Bush Fire Prone Land Map 2013 - Buffer 100 &amp; 30m</p> <p>Refer to accompanying Bush Fire Assessment Report in support of this application, which confirms the Bush Fire Attack Level for the site is BAL 29.</p> <p>The proposal follows the requirements for non flammable materials for pool surrounds (paving, glass, metal, aluminium feature battening) and BAL 29 for the outdoor dining (windows, vergola, exterior aluminium shutters, glass balustrade, stone cladding, fibre cement sheet cladding - all non flammable).</p>
B.3.4	Coastline (Bluff)	<p>The site is identified as R Bluff / Cliff Instability.</p> <p>A statement in relation to the proposed development and its impact on its coastal location is address by the Coastal (Bluff) Hazard Report</p>

The following is a summary of Section C.1 Development Type Controls for Residential Development - Dwelling Houses:

C1.1	Landscaping	<p>The proposal does not include the removal of any trees on the property.</p> <p>The proposal does not alter any of the existing numeric controls for percentage of landscape or the provision of landscape area on the site.</p> <p>Refer to the following submitted in support of this application for information regarding the exterior space to be renovated including pool surrounds: DA05 Ground Floor / Landscape Plan.</p>
C1.2	Safety & Security	The proposal is consistent with the desired outcomes for Safety and Security and does not alter the existing dwelling amenity.
C1.3	View Sharing	The proposal will not impact any of the adjacent properties outlook or views. The new operable roof & operable shutters will not be visible from the adjacent dwellings.
C1.4	Solar Access	The proposal will not cast any shadow over any property boundary, given the orientation of the site and the location of the new operable roof. There will be no impact on solar access of the adjacent properties and no shadow cast over an adjacent property boundary.
C1.5	Visual Privacy	The proposal maintains adequate visual privacy between the existing neighbouring dwellings and the proposal. The provision of operable shutters on the front balcony will serve to increase privacy to the outdoor covered area, but there is currently no opportunity for overlooking and this will be maintained.
C1.6	Acoustic Privacy	<p>The proposal will not have any change in the acoustic privacy for residents and users of the dwelling and the adjacent neighbouring properties.</p> <p>The pool and pool pump housing are existing and will be replaced in the same location and re-housed in a new enclosure, consistent with the cosmetic renovation of the pool surrounds.</p>
C1.7	Private Open Space	The proposal will not change the area or extent of private open space, other than to improve the climatic amenity of the outdoor living by providing rain protection, shade and wind protection.
C1.8	Dual Occupancy	n/a
C1.9	Adaptable	n/a
C1.10	Building Facades	Not specifically relevant to residential single dwellings.
C1.11	Secondary Dwellings	n/a
C1.12	Waste & Recycling	Ongoing residential domestic waste management will not be altered by this proposal, with adequate space for storage of residential bins, including recycling bin, on the property.
C1.13	Pollution	The proposal will not alter the impacts of pollution from the existing residential dwelling.
C1.14	Separately Accessible Structures	n/a

C1.1 5	Storage	n/a
C1.1 6	Tennis Courts	n/a
C1.1 7	Swimming Pool Safety	The proposal will includes a renovation of the existing pool, but will not alter the pool structure, size or arrangement. The surrounding apron will be repaved and the area included within the pool area will be enlarged with a new poolside terrace. New pool safety fencing will be installed around the pool and on the side boundary. The fencing to the pool will maintain compliance with the required current pool regulations.
C1.1 8	Car Wash Bays	n/a
C1.1 9	Incline Lifts & Stairways	n/a
C1.2 0	Undergrounding of Utility Services	n/a
C1.2 1	Seniors Housing	n/a
C1.2 3	Eaves	n/a
C1.2 4	Public Road Reserves	n/a
C1.2 5	Plant, Equipment Boxes etc	n/a

The following is a summary of Section D.1 Locality Specific Development Controls for Avalon Beach Locality

D1.1	Character	As viewed from a public place: the proposal cannot be seen from the street, given the site is a battle axe site.
D1.2	Character	Avalon Beach Village - refer above
D1.4	Scenic Protection	Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve: the visual impact of the proposal is consistent with the existing dwelling on the site and will have no impact on the scenic landscape setting.

D1.5	Building Colours and Materials	<p>The proposed external building colours and materials will be consistent with the existing dwelling.</p> <p>The proposal will include new materials which are subdued, natural and dark coastal colours.</p> <p>Due to the bush fire rating of the site, the proposed new external works will be metal (operable roof and shutters in aluminium), replacement and new glass balustrading, new paving, new stone cladding to match exiting, cement render over brickwork, new ceramic tiles to outdoor kitchen, new external weatherboard cladding (in fibre cement), aluminium "timber look" battens and metal external stairs.</p> <p>The proposal includes a re-painting of the existing dwelling for maintenance purposes, with a matching or similar external render colour.</p> <p>Refer to External Materials &amp; Colours Schedule included in the architectural drawings</p>
D1.8	Front Building Line	The proposal will not change in front building line of the existing dwelling and is not forward of this building line.
D1.9	Side and Rear Building Line	<p>The proposal will not change the side and rear building line of the existing dwelling and existing swimming pool.</p> <p>The new operable roof over the covered outdoor terrace will be a variable distance from the northern side boundary - from 2.2m at its closest point, up to 2.9m at the north east corner. Refer to DA05 Proposed First Floor / Landscape Plan for setbacks and building lines.</p> <p>The existing pool apron, pool terrace, pool equipment and side stairs to bed removed are within the northern side setback be renovated, but will have no impact on any adjacent properties and are re-establishing the existing site conditions.</p>
D1.11	Building Envelope	<p>The proposal will not change the present of the existing dwelling within the building envelope.</p> <p>The proposed new operable roof is well within the side building envelope. Refer to DA09 - Sec B-B.</p>
D1.12	Building Envelope - Avalon Beach Village	n/a
D1.14	Landscape Area: Environmental Sensitive Land	<p>Total landscaped area for E4 Environmental Living I shall be 60% of the site area (Area 1 of the Landscape Area Map).</p> <p>The proposal does not alter any of the existing numeric controls for percentage of landscape or the provision of landscape area on the site.</p>
D1.15	Fences - General	The proposal includes new boundary pool safety fencing. The intention is to replace the existing side & rear fencing where required for maintenance, subject to the dividing fences act.

D1.16	Fences - Flora & Fauna Conservation Area	n/a
D1.17	Construction, Retaining Walls etc	The proposal does not include any new retaining walls / terracing / undercroft areas etc, however several existing retaining walls in the landscape will be replaces and renewed as required.
D1.18	ShopTop Housing	n/a
D1.19	Character of Public Domain	n/a
D1.120	Scenic Protection Category One Areas	n/a
D1.21	Masterplan - Careel Bay	n/a

## 6

## CONCLUSION

The proposed minor alterations to the existing dwelling at 36 Watkins Road Avalon Beach are:

- minor and modest in nature and are predominantly external in nature
- satisfactory in respect the environmental impacts
- consistent with the surrounding context and the context of the suburb of Avalon Beach
- will have a significant positive impact on the amenity of the outdoor living environment (shade, solar control and wind control) and
- will have no adverse impact on the amenity of the neighbourhood

Accordingly, the proposed development warrants the support of the Northern Beaches Council.

## 7

## ATTACHMENTS

10.7 Planning Certificate by Northern Beaches Council

## Northern Beaches Council Planning Certificate – Part 2

**Applicant:** Michelle Walker Architects Pty Ltd  
67A Wanganella Street  
BALGOWLAH NSW 2093

**Reference:** Avalon / Lewithwaite  
**Date:** 21/09/2018  
**Certificate No.** ePLC2018/5868

**Address of Property:** 36 Watkins Road AVALON BEACH NSW 2107  
**Description of Property:** Lot 31 DP 21756

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## Planning Certificate – Part 2

The following certificate is issued under the provisions of Section 10.7(2) of the *Environmental Planning and Assessment Act 1979* (as amended – formerly Section 149). The information applicable to the land is accurate as at the above date.

### **1. Relevant planning instruments and Development Control Plans**

**1.1 The name of each environmental planning instrument that applies to the carrying out of development on the land:**

**1.1a) Local Environmental Plan**

Pittwater Local Environmental Plan 2014

**1.1b) State Environmental Planning Policies and Regional Environmental Plans**

State Environmental Planning Policy 1—Development Standards  
State Environmental Planning Policy 19 – Bushland in Urban Areas  
State Environmental Planning Policy 21 – Caravan Parks  
State Environmental Planning Policy 30 – Intensive Agriculture  
State Environmental Planning Policy 33 – Hazardous and Offensive Development  
State Environmental Planning Policy 50 – Canal Estate Development  
State Environmental Planning Policy 55 – Remediation of Land  
State Environmental Planning Policy 62—Sustainable Aquaculture  
State Environmental Planning Policy 64 – Advertising and Signage  
State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development  
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)  
State Environmental Planning Policy (Affordable Rental Housing) 2009  
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017  
 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008  
 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004  
 State Environmental Planning Policy (Infrastructure) 2007  
 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007  
 State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007  
 State Environmental Planning Policy (State and Regional Development) 2011  
 State Environmental Planning Policy (State Significant Precincts) 2005  
 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017  
 Partly Affected - State Environmental Planning Policy (Coastal Management) 2018  
 Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River (No 2-1997)  
 State Environmental Planning Policy No 44-Koala Habitat Protection

## **1.2 Draft Environmental Planning Instruments**

The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been subject of community consultation or on public exhibition under the Act (unless the Secretary has notified the Council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

### **1.2 a) Draft State Environmental Planning Policies**

Review of State Environmental Planning Policy 44 – Koala Habitat Protection  
 State Environmental Planning Policy No 64— Advertising and Signage (Amendment No 3)  
 Draft State Environmental Planning Policy (Environment)  
 Proposed new rules for Site Compatibility Certificates – State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004  
 Draft State Environmental Planning Policy (Primary Production and Rural Development)

### **1.2 b) Draft Local Environmental Plans**

## **1.3 Development Control Plans**

The name of each development control plan that applies to the carrying out of development on the land:

Pittwater 21 Development Control Plan

## **2. Zoning and land use under relevant Local Environmental Plans**

For each environmental planning instrument or proposed instrument referred to in Clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

### **2.1 Zoning and land use under relevant Local Environmental Plans**

#### **2.1 (a), (b), (c) & (d)**

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones (however described) affecting the land to which the relevant Local Environmental Plan applies.

## **Zone E4 Environmental Living**

### **2 Permitted without consent**

Home businesses; Home occupations

### **3 Permitted with consent**

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

### **4 Prohibited**

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Additional permitted uses**

Additional permitted uses, if any, for which development is permissible with development consent pursuant to Clause 2.5 and Schedule 1 of the relevant Local Environmental Plan:

Nil

## **(e) Minimum land dimensions**

The *Pittwater Local Environmental Plan 2014* contains no development standard that fixes minimum land dimensions for the erection of a dwelling house on the land.

## **(f) Critical habitat**

The land does not include or comprise critical habitat.

## **(g) Conservation areas**

The land is not in a heritage conservation area.

## **(h) Item of environmental heritage**

The land does not contain an item of environmental heritage.

## **2.2 Draft Local Environmental Plan - if any**

For any proposed changes to zoning and land use, see Part 1.2 b)

Please contact Council's Strategic and Place Planning unit with enquiries on 1300 434 434.

## **2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* does not apply to the land.

## **3. Complying Development**

The extent to which the land is land on which complying development may or may not be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

### **a) Housing Code**

#### **Foreshore Building Line Map**

For the purposes of clause 1.19 (1) (g) and (5) (h), complying development may not be carried out on that part of the land within the foreshore area under Pittwater Local Environmental Plan 2014 as identified on the Foreshore Building Line Map.

#### **Coastal Hazard**

For the purposes of clause 1.19 (1) (f) and (5) (g), complying development may not be carried out on that part of the land identified as being affected by a coastline hazard, or a coastal hazard or a coastal erosion hazard under *Pittwater Local Environmental Plan 2014* as identified on the Coastal Risk Planning Map.

**Note:** Further zone based limitations may apply. See *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* clause:

#### **3.1 Land to which code applies**

This code applies to development that is specified in clauses 3.2-3.5 on any lot in Zone R1, R2, R3, R4 or RU5 that:

- (a) has an area of at least 200m<sup>2</sup>, and
- (b) has a width, measured at the building line fronting a primary road, of at least 6m.

### **b) Rural Housing Code**

#### **Foreshore Building Line Map**

For the purposes of clause 1.19 (1) (g) and (5) (h), complying development may not be carried out on that part of the land within the foreshore area under Pittwater Local Environmental Plan 2014 as identified on the Foreshore Building Line Map.

#### **Coastal Hazard**

For the purposes of clause 1.19 (1) (f) and (5) (g), complying development may not be carried out on that part of the land identified as being affected by a coastline hazard, or a coastal hazard or a coastal erosion hazard under *Pittwater Local Environmental Plan 2014* as identified on the Coastal Risk Planning Map.

**Note:** Further zone based limitations may apply. See *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* clause:

#### **3A.1 Land to which code applies**

This code applies to development that is specified in clauses 3A.2-3A.5 on lots in Zone RU1, RU2, RU3, RU4, RU6 and R5.

### **c) Low Rise Medium Density Code**

Complying Development under the Low Rise Medium Density Code may not be carried out on all the land.

**Note:** Pursuant to clause 3B.63 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, all land in Northern Beaches Council is a 'deferred area' meaning that the Low Rise Medium Density Code does not apply until 1 July 2019.

### **d) Greenfield Housing Code**

Complying Development under the Greenfield Housing Code may not be carried out on all of the land.

### **e) Housing Alterations Code**

Complying Development under the Housing Alterations Code may be carried out on all of the land.

### **f) General Development Code**

Complying Development under the General Development Code may be carried out on all of the land.

### **g) Commercial and Industrial Alterations Code**

Complying Development under the Commercial and Industrial Alterations Code may be carried out on all of the land.

### **h) Commercial and Industrial (New Buildings and Additions) Code**

#### **Foreshore Building Line Map**

For the purposes of clause 1.19 (1) (g) and (5) (h), complying development may not be carried out on that part of the land within the foreshore area under Pittwater Local Environmental Plan 2014 as identified on the Foreshore Building Line Map.

#### **Coastal Hazard**

For the purposes of clause 1.19 (1) (f) and (5) (g), complying development may not be carried out on that part of the land identified as being affected by a coastline hazard, or a coastal hazard or a coastal erosion hazard under *Pittwater Local Environmental Plan 2014* as identified on the Coastal Risk Planning Map.

**Note:** Further zone based limitations may apply. See *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* clause:

#### **5A.1 Land to which code applies**

This code applies to development that is specified in clause 5A.2 on any lot in Zone B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4 or SP3.

### **i) Container Recycling Facilities Code**

Complying Development under the Container Recycling Facilities Code may be carried out on all of the land.

**Note:** Further zone based limitations may apply. See *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* clause:

#### **5B.2 Development to which code applies**

This code applies to development that is specified in clause 5B.3 on any lot in Zone B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4 or SP3.

#### **j) Subdivisions Code**

Complying Development under the Subdivisions Code may be carried out on all of the land.

#### **k) Demolition Code**

Complying Development under the Demolition Code may be carried out on all of the land.

#### **l) Fire Safety Code**

Complying Development under the Fire Safety Code may be carried out on all of the land.

### **4. 4A (Repealed)**

#### **4B. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

The owner of the land (or any previous owner) has not consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

### **5. Mine Subsidence**

The land has not been proclaimed to be a mine Subsidence (Mine Subsidence) district within the meaning of section 15 of the *Mine Subsidence (Mine Subsidence) Compensation Act, 1961*.

### **6. Road widening and road realignment**

- (a) The land is not affected by a road widening or re-alignment proposal under Division 2 of Part 3 of the *Roads Act 1993*.
- (b) The land is not affected by a road widening or re-alignment proposal under an environmental planning instrument.
- (c) The land is not affected by a road widening or re-alignment proposal under a resolution of Council.

### **7. Council and other public authority policies on hazard risk restriction**

- (a) Council has adopted a number of policies with regard to various hazards or risks which may restrict development on this land. The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below (other than flooding – see 7A):

#### **Geotechnical Risk (Landslide Hazard)**

The Council has adopted by resolution, on 20.07.2009, a policy that has the effect of restricting development of the land (subject to satisfying the policy) because of the potential impact from geotechnical hazards. The policy is entitled "Geotechnical Risk Management Policy for Pittwater - 2009". A copy of the current policy can be obtained from Council.

#### **Geotechnical Risk (Landslide Hazard)**

The Council has adopted by resolution, on 20.07.2009, a policy that has the effect of restricting development of the land (subject to satisfying policy requirements) because of the potential impact from geotechnical hazards. The policy is entitled "Geotechnical Risk Management Policy for

Pittwater - 2009". This land is identified as being within the Bluff Management Area of Council's Coastal Hazard map. A copy of the current policy can be obtained from the Council.

- (b) The following information applies to any policy as adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in a planning certificate issued by the Council. The identified hazard or risk and the respective Policy which affect the property, if any, are listed below:

#### **Bush Fire Hazard/Risk**

This land is identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67. The requirements of the NSW Rural Fire Service document *Planning for Bush Fire Protection* apply to this land. For further information please contact Warringah Pittwater District Rural Fire Service.

### **7A. Flood related development control Information**

- (1) Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is not subject to flood related development controls.
- (2) Development on the land or part of the land for any other purpose is not subject to flood related development controls.

### **8. Land reserved for acquisition**

Environmental planning instrument referred to in Clause 1 does not make provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

### **9. Contribution plans**

The following applies to the land:

#### **Pittwater Section 94 Plan for Residential Development**

This Plan was approved by Council to levy monetary contributions to fund the provision/augmentation of open space, bushland and recreational area, public library services, community facilities and town and village streetscapes to meet the infrastructure demands of the incoming residential population of Pittwater.

### **9A. Biodiversity certified land**

The land is not biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016* (includes land certified under Part 7AA of the repealed *Threatened Species Conservation Act 1995*).

## **10. Biodiversity Stewardship Sites**

The Council has not been notified by the Chief Executive of the Office of Environment and Heritage that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016* (includes land to which a biobanking agreement under Part 7A of the repealed *Threatened Species Conservation Act 1995* relates).

## **10A. Native vegetation clearing set asides**

Council has not been notified by Local Land Services of the existence of a set aside area under section 60ZC of the *Local Land Services Act 2013*.

## **11. Bush fire prone land**

All of the land is bush fire prone land.

## **12. Property vegetation plans**

The Council has not been notified that the land is land to which a vegetation plan under the *Native Vegetation Act 2003* applies.

## **13. Orders under Trees (Disputes Between Neighbours) Act 2006**

Council has not been notified of the existence of an order made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

## **14. Directions under Part 3A**

There is not a direction by the Minister in force under section 75P(2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.

## **15. Site compatibility certificates and conditions for seniors housing**

- (a) There is not a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.
- (b) No condition of consent applies to the property that limits the kind of people who may occupy the premises/ development. This refers only to consents granted after 11 October 2007 with conditions made in accordance with clause 18(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

## **16. Site compatibility certificates for infrastructure, schools or TAFE establishments**

There is not a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land.

## **17. Site compatibility certificate and conditions for affordable rental housing**

- (a) There is not a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.
- (b) There are not terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

## **18. Paper subdivision information**

There is no current paper subdivision, of which council is aware, in respect of this land according to Part 16C of the *Environmental Planning and Assessment Regulation 2000*.

## **19. Site verification certificates**

There is no current site verification certificate, of which council is aware, in respect of the land according to Part 4AA of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

## **20. Loose-fill asbestos insulation**

The residential dwelling erected on this land has not been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

This clause applies to residential premises (within the meaning of Division 1A of part 8 of the Home Building Act 1989) that are listed in the register that is required to be maintained under that Division.

Contact NSW Fair Trading for more information.

## **21 Affected building notices and building product rectification orders**

- (1) There is not an affected building notice of which the council is aware that is in force in respect of the land.
- (2) There is not a building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and
- (3) There is not a notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

In this clause:

***affected building notice*** has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*.

***building product rectification order*** has the same meaning

as in the *Building Products (Safety) Act 2017*.

## **Additional matters under the Contaminated Land Management Act 1997**

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) the land to which the certificate relates is not significantly contaminated land within the meaning of that Act
- (b) the land to which the certificate relates is not subject to a management order within the meaning of that Act
- (c) the land to which the certificate relates is not the subject of an approved voluntary management proposal within the meaning of that Act
- (d) the land to which the certificate relates is not subject to an ongoing maintenance order within the meaning of that Act
- (e) the land to which the certificate relates is not the subject of a site audit statement

If contamination is identified above please contact the Environmental Protection Authority (EPA) for further information.



**David Kerr**  
**Acting Chief Executive Officer**  
**21/09/2018**