

Appendix 12 – Pittwater Development Control Plan 2014

Control	Provision	Compliance
Section A4 Localities		
A4.1 Avalon Beach Locality	<p>The Avalon Beach 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.</p> <p>Contemporary buildings will utilize façade 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 minimize site disturbance. Development will be designed to be safe from hazards.</p>	<p>Complies</p> <p>The proposed alterations and additions will not alter the existing development's sympathetic contribution to the Avalon Beach locality. The proposed use and density will remain unchanged.</p> <p>All building materials will match and complement the existing built and natural environment. The works have been carefully designed to be safe from hazards.</p>
Section B General Controls		
B3.1 Landslip Hazard	<ul style="list-style-type: none"> All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater. Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater for the life of the development. The development must not adversely affect or be adversely affected by geotechnical processes, nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards. 	<p>Complies</p> <p>A Geotechnical Report prepared by Crozier Geotechnical Consultants is attached in Appendix 7.</p> <p>The Report determines that the site is appropriate for the proposed development, subject to the recommendations and suggestions of the Report.</p>
B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community	<ul style="list-style-type: none"> Development shall not have an adverse impact on Pittwater Spotted Gum Endangered Ecological Community. Development shall restore and/or regenerate Pittwater Spotted Gum Endangered Ecological Community and provide links between remnants. 	<p>Complies</p> <p>The proposal does not require the removal of any canopy trees on-site, ensuring Pittwater Spotted Gum EEC is not adversely affected. The application is supported by an</p>

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	<ul style="list-style-type: none"> Development shall be in accordance with any Pittwater Spotted Gum Forest Recovery Plan. Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees. Development shall retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations. 	Arboricultural Impact Assessment, prepared by Naturally Trees (refer to Appendix 8) which confirms the works will not require the removal of any significant vegetation.
B8.1 Construction and Demolition – Excavation and Landfill	<p>Excavation and landfill on any site that includes the following:</p> <ul style="list-style-type: none"> Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation, and/or; Any excavation greater than 1.5 metres deep below the existing surface, and/or; Any excavation that has the potential to destabilise a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property, and/or; Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils. <p>Must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater as adopted by Council and details submitted and certified by a Geotechnical Engineer.</p>	<p>Complies</p> <p>A Geotechnical Report prepared by Crozier Geotechnical Consultants is attached in Appendix 7.</p> <p>The Report determines that the site is appropriate for the proposed excavation and construction works, subject to the recommendations and suggestions of the Report.</p>
8.3 Construction and Demolition- Waste Minimisation	Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	<p>Complies</p> <p>A Waste Management Plan supports the application (Appendix 5). All demolition and construction waste will be disposed of appropriately in accordance with the</p>

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		submitted WMP and any conditions Council imposes.
8.4 Construction and Demolition – Site Fencing and Security	All sites are to be protected by site fencing for the duration of the works.	Complies The site will be fenced for the duration of the works in accordance with applicable conditions.
Section C Development Type Controls		
C1 Design for Residential Development		
C1.1 Landscaping	<ul style="list-style-type: none"> All canopy trees and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form. At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form. Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ within this area to ensure growth is not restricted. The following soil depths are required in order to be counted as landscaping: 	Complies 6 of the 12 plant species (50%) provided in the planting schedule in Appendix 4 are native plant species, and include a variety of trees, shrubs and ground covers. No significant changes are proposed to existing trees and plants, which will be retained with the exception of a few as discussed in Section 5.2 of the SEE. The property will continue to retain canopy trees in the front and rear that exceed the DCP minimum and landscaping will continue to screen and soften the built form from the street. The setback between the front of the dwelling and the street is landscaped with dense plantings which will screen the front façade from the street. No landscaping will pose any obstructions for pedestrian and driver visibility.

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	<ul style="list-style-type: none"> ○ 300mm for lawn ○ 600mm for shrubs ○ 1 metre for trees • The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows: <ul style="list-style-type: none"> ○ A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments, 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and 50% for all other forms of residential development. • Screening shall be of vegetation (not built items) and shall be calculated when viewed directly onto the site. • Landscaping shall not unreasonably obstruct driver and pedestrian visibility. • Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops. • Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used. 	New trees will be planted appropriately distanced from existing and proposed built structures.
C1.2 Safety and Security	<p><u>1. Surveillance</u></p> <ul style="list-style-type: none"> • Building design should allow visitors who approach the front door to be seen without the need to open the door • Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance. 	<p>Complies</p> <p>The proposed development will maintain and enhance the existing dwelling's ability to comply with safety and security controls. It will maintain the existing rate of surveillance, access, territorial reinforcement and space management.</p>

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	<ul style="list-style-type: none"> Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners. Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: Control of the obtrusive effects of outdoor lighting. Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours. Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas. <p><u>2. Access Control</u></p> <ul style="list-style-type: none"> Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry. Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit. Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night. The street number of the property is to be clearly identifiable. Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions. <p><u>3. Territorial Reinforcement</u></p> <ul style="list-style-type: none"> Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas. 	

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	<ul style="list-style-type: none"> Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided. <p><u>4. Space Management</u></p> <ul style="list-style-type: none"> Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for. Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements. 	
C1.3 View Sharing	<ul style="list-style-type: none"> All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing. Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials. Views are not to be obtained at the expense of native vegetation. 	<p>Complies</p> <p>Due to the steep slope of the site and the extent of the works, the proposed works will not significantly impact on the sharing of views as they currently exist such that a reasonable sharing of views available from surrounding and nearby properties is maintained.</p>
C1.4 Solar Access	<ul style="list-style-type: none"> The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a 	<p>Complies</p> <p>The proposed development will not create any additional solar impacts to neighbouring properties and their private open spaces from what currently exists on site.</p>

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	<p>minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</p> <ul style="list-style-type: none"> • Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter. • Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings. • The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access. 	
C1.5 Visual Privacy	<ul style="list-style-type: none"> • Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level). • Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building. • Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below. • Direct views of private open space or any habitable room window within 9m can be restricted (see diagram below) by: <ul style="list-style-type: none"> ○ Vegetation/landscaping ○ A window sill height 1.7 metres above floor level, or ○ Offset windows ○ Fixed translucent glazing in any part below 1.7 metres above ground floor, or 	<p>Complies</p> <p>The proposed works are designed to ensure that neighbouring private open space areas are protected from direct overlooking through building layout, landscaping and screening.</p> <p>Dense landscaping around the boundaries of the site and privacy screens have been incorporated to ensure that the proposed decks and pool and views from the dwelling are appropriately screened. Decks will be sufficiently setback from the side boundaries, including the first floor balcony, ensuring privacy is maintained for the neighbour at No. 63.</p> <p>Refer to Section 5.4 of the SEE for a detailed discussion.</p>

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	<ul style="list-style-type: none"> ○ Solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are: <ul style="list-style-type: none"> ▪ Permanent and fixed, ▪ Made of durable materials, and ▪ Designed and painted or coloured to blend in with the dwelling. 	
C1.6 Acoustic Privacy	<ul style="list-style-type: none"> • Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like. • Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia). • Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary. • Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation. 	<p>Complies</p> <p>The proposed works will not change the use or density on site. It will not introduce any additional acoustic impacts to the site which would impact on neighbouring properties. Noise-sensitive rooms in the dwelling have been located away from noise sources. New walls, ceilings and noise generating plants will be constructed or installed in accordance with the relevant codes and standards.</p>
C1.7 Private Open Space	<p><u>Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:</u></p> <ul style="list-style-type: none"> • Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard. • Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%). 	<p>Complies</p> <p>The proposed works include the retention of the terrace area, replacement of the existing deck with a new timber deck, and the construction of a new swimming pool. These will improve private open space areas for the residents.</p>









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	<ul style="list-style-type: none"> Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas. Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access). Private open space should be located to the rear of the dwelling to maximise privacy for occupants. Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private. A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties. Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable. An accessible and usable area for composting facilities within the ground level private open space is required. 	<p>The primary private open space is located in the rear for privacy and oriented to maximise solar access from the north while being directly accessible from internal living areas.</p> <p>The existing retained balcony is capable of providing additional private open space and meets the minimum dimension requirements. All existing and proposed balconies will minimise overlooking into other adjoining properties.</p> <p>Adequate space is provided for clothes drying facilities and composting facilities that are screened from the street.</p>
C1.10 Building Facades	<ul style="list-style-type: none"> Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place. 	<p>Complies</p> <p>The front building façade will not contain any pipe or conduit that is visible from the street.</p> <p>The proposed materiality of the alterations and additions will match and be</p>







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		complementary to the existing materials of the existing dwelling.
C1.12 Waste and Recycling Facilities	<ul style="list-style-type: none"> All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan 	Complies The proposed works will maintain existing waste facilities and systems as required for a residential dwelling.
C1.17 Swimming Pool Safety	<ul style="list-style-type: none"> Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the <i>Swimming Pools Act 1992</i> and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures. 	Complies The proposed glass pool fence will be manufactured, designed, constructed, located and maintained in accordance with the <i>Swimming Pools Act 1992</i> and regulations.
C1.23 Eaves	<ul style="list-style-type: none"> Dwellings shall incorporate eaves on all elevations. Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters. 	Complies All additional eaves and gutters match the existing residential dwelling.
Section D Locality Specific Development Control		
D1 Avalon Beach Locality		
D1.1 Character as viewed from a public place	<ul style="list-style-type: none"> Buildings which front the street must have a street presence and incorporate design elements that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted. Walls without articulation shall not have a length greater than 8 metres to any street frontage. The bulk and scale of buildings must be minimized. Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings 	Complies The proposed works seek to modify the dwelling predominantly to improve internal and external amenity for the residents and accommodate their needs. The proposed works complement the existing design characteristics of the locality and will have no adverse visual impact when viewed from the street. Articulation is provided to

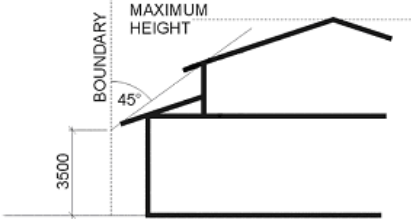
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	<p>are to give the appearance of being secondary to landscaping and vegetation.</p> <ul style="list-style-type: none"> General service facilities must be located underground. 	<p>ensure that blank walls do not exceed 8 metres to any street frontage.</p> <p>An additional level is proposed to the existing dwelling, which has been adequately set back from the street front to ensure that the bulk and scale is minimised when viewed from the street. The proposed works will maintain the overall character and design of the existing dwelling and has ensured consideration of the natural context of the area and any associated site hazards.</p> <p>Landscaping has been integrated into the proposed works, with efforts to minimise removal of plantings and introduce new plantings to screen and soften the visual impact of the built form as appropriate.</p>
D1.4 Scenic protection – General	<ul style="list-style-type: none"> Development shall minimize any visual impact on the natural environment when viewed from any waterway, road or public reserve. 	<p>Complies</p> <p>The proposed works will have no adverse impact on the visual character of the locality. It will remain consistent with the character of the existing dwelling on site and with the surrounding properties.</p>
D1.5 Building colours and materials	<ul style="list-style-type: none"> External colours and materials shall be dark and earthy tones as shown below: <div>  Black ✓  Dark grey ✓  Dark green ✓ </div> <div>  Dark brown ✓  Mid grey ✓  Green ✓ </div> <div>  Brown ✓  Dark blue ✓ </div>	<p>Complies</p> <p>The proposed works incorporate the external colours and materials of the existing brick and weatherboard house for a neutral and earthy finish that is sympathetic to the surrounding residential area.</p>

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	<ul style="list-style-type: none"> White, light coloured, red or orange roofs and walls are not permitted: <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> White ✗</div> <div style="text-align: center;"> Light blue ✗</div> <div style="text-align: center;"> Red ✗</div> </div> <div style="display: flex; justify-content: space-around; align-items: center; margin-top: 10px;"> <div style="text-align: center;"> Orange ✗</div> <div style="text-align: center;"> Light grey ✗</div> <div style="text-align: center;"> Beige ✗</div> </div> <ul style="list-style-type: none"> Finishes are to be of a low reflectivity. 	
D1.8 Front building line	<ul style="list-style-type: none"> The minimum front building line shall be in accordance with the below: <ul style="list-style-type: none"> C4 Environmental Living – 6.5 metres or established building line, whichever is the greater. Built structures, other than driveways, fences and retaining walls are not permitted within the front building setback. 	<p>Complies</p> <p>The proposed works do not alter the existing front building line, which remains greater than the 6.5 metre minimum. No new structures are proposed within this setback.</p>
D1.9 Side and rear building line	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> C4 Environmental Living – 2.5m at least to one side, 1.0m for the other side. 	<p>Non-compliance</p> <p>The existing balcony on the west elevation of the existing dwelling marginally encroaches into the 2.5 metre setback. The proposed additions do not seek to make any further encroachments into the setback, and will maintain existing building lines.</p>
D1.11 Building envelope	<p>Buildings are to be sited within the following envelope:</p> <p><u>Development other than residential flat buildings and multi dwelling housing:</u></p> <ul style="list-style-type: none"> Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height. 	<p>Non-compliance</p> <p>The proposed first floor level has resulted in small areas of the house that encroach beyond the prescribed building envelope control.</p> <p>Notwithstanding, the clause permits a variation to the control, in instances where the building footprint is situated on a slope in</p>

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	 <p style="text-align: center;">STREET FRONTAGE</p> <p>It is noted that the clause permits a variation to the building envelope control in the following instance:</p> <ul style="list-style-type: none"> Where the building footprint is situated on a slope over 16.7 degrees (i.e. 30%), variation to this control will be considered on a merits basis. 	<p>excess of 16.7 degrees or 30%. The subject site is located on challenging topography with the building footprint located on a slope in excess of 20 degrees.</p> <p>The extent of encroachment does not present an unreasonable degree of bulk and scale, with the built form promoting a scale that remains sensitive to the surrounding area and below the existing tree canopy. The proposal has made a considered effort to ensure the retention of native vegetation to aid in visually reducing the built form.</p> <p>The area of encroachment will not impede on existing views or vistas enjoyed by surrounding properties, while the privacy, solar access and overall amenity of the adjoining properties will not be affected.</p> <p>It is considered that the proposal, notwithstanding the variation, satisfies the desired future character of the Avalon Beach Locality by providing a design that responds to the topographical challenges of the site while considering the residential amenity of nearby neighbours.</p>
<p>D1.13 Landscaped Area – Environmentally Sensitive Land</p>	<ul style="list-style-type: none"> The use of porous materials and finishes is encouraged where appropriate. Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area. <p>Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:</p>	<p>Non-compliance</p> <p>Landscape calculations are provided in the architectural plans in Appendix 3. The plans propose up to 354.6m² or 51.1% of landscaped area - a small reduction of 29.3m², or 4%. However, it is noted that this is due to the proposed swimming pool (being an outdoor recreation area).</p>

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D1.17 Construction, Retaining walls, terracing and undercroft areas	<ul style="list-style-type: none">• Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.• Retaining walls and terracing shall be kept to a minimum. Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.• In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.• Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.	<p>Complies</p> <p>Existing retaining walls and terraces in the rear will be replaced with new retaining walls and terraces using sandstone and other appropriate materials</p> <p>The proposed replacement deck will be constructed of timber.</p>