

# STATEMENT OF ENVIRONMENTAL EFFECTS

FOR THE CONSTRUCTION OF LANDSCAPE WORKS TO AN EXISTING  
DWELLING

LOCATED AT

30 BINBURRA AVENUE, AVALON BEACH

FOR

KIERON AND LOUISE BARTON



Prepared  
November 2019

## Table of Contents

21.0 Introduction	3
2.0 Property Description	3
3.0 Site Description	3
4.0 The Surrounding Environment	7
5.0 Proposed Development	8
6.0 Zoning and Development Controls	9
6.1 State Environmental Planning Policy No. 55 – Remediation of Land	9
6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	9
6.3 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	9
6.4 Pittwater Local Environmental Plan 2014	10
6.5 Pittwater 21 Development Control Plan 2014	13
6.5.1 Shaping Development – Desired Character	13
6.5.2 Section B General Controls	15
6.5.3 Section C Development Type Controls	18
6.5.4 Section D Design Criteria	22
7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979	26
7.1 The provisions of any environmental planning instrument	26
7.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority	26
7.3 Any development control plan	26
7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	26
7.5 Any matter prescribed by the regulations that apply to the land to which the development relates	26
7.6 Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)	26
7.7 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality	26
7.6 The suitability of the site for the development	27
7.7 Submissions made in accordance with this Act or the regulations	27
7.8 The public interest	27
8.0 Conclusion	27

## **1.0 Introduction**

This Statement of Environmental Effects accompanies details prepared by Rachel Hudson Architects, Job No. 11, Sheet No. BH-01-DA – BH-13-DA, dated November 2019, on behalf of Kieron and Louise Barton to detail the construction of landscape works to an existing dwelling at 30 Binburra Ave, Avalon Beach.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act, 1979 as amended
- The Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan 2014

## **2.0 Property Description**

The subject allotment is described as 30 Binburra Ave, Avalon Beach, being Lot 5 within Deposited Plan 22275 and is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site is noted within the Class 5 Acid Sulfate Soils area. This will be discussed in further detail within this report.

## **Arborist**

There are no known hazards affecting this site.

## **3.0 Site Description**

The site is located on the north side of Binburra Avenue.

The land has a general fall to the north, with stormwater from the roof areas directed to the rainwater tanks beneath the dwelling.

The site is rectangular in shape and has a width of 15.24m and side boundaries of 45.72m. The total site area is 696.8m<sup>2</sup> (by survey).

The site is currently occupied with a two storey timber cottage with basement and a colour bond roof.

Vehicular access to the site is provided via a concrete driveway from Binburra Avenue to an existing double detached carport.

The details of the lots which comprise the parcel are contained within the survey report prepared by DP Surveying, Reference No. 2437, dated 13 November 2019, which accompanies the DA submission.

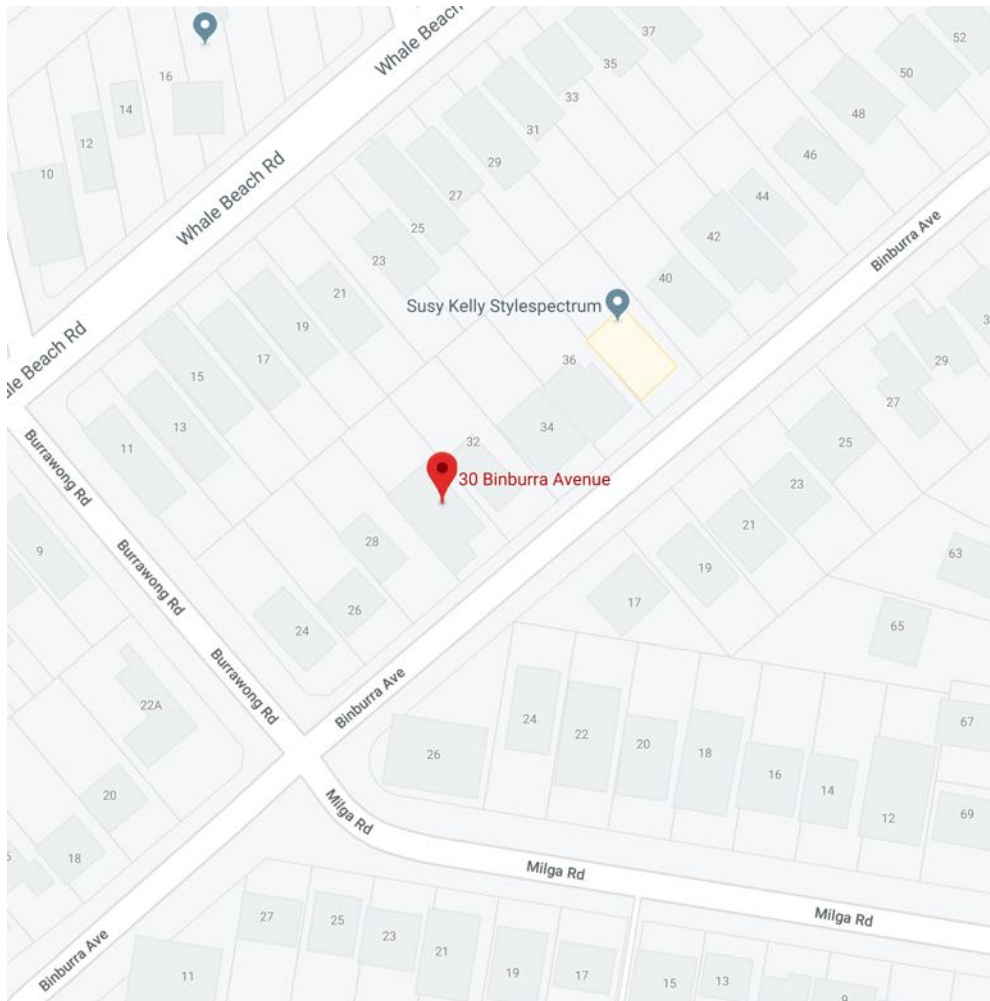


Fig 1: Location of Subject Site  
(Source: Google Maps)



Fig 2: View of subject site, looking toward rear boundary



Fig 3: View of subject site, looking toward north facade of dwelling





Fig 4: View of subject site, looking across swimming pool toward 28 Binburra Avenue



Fig 5: View of subject site, looking across swimming pool toward rear boundary

#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by regular shaped allotments within a natural setting, with a mix of low density residential developments within landscaped settings, the design of which reflects the sloping terrain and local views and retains a dominance of natural features and vegetation.

It is not uncommon for properties within this area to have swimming pools in their rear yards.

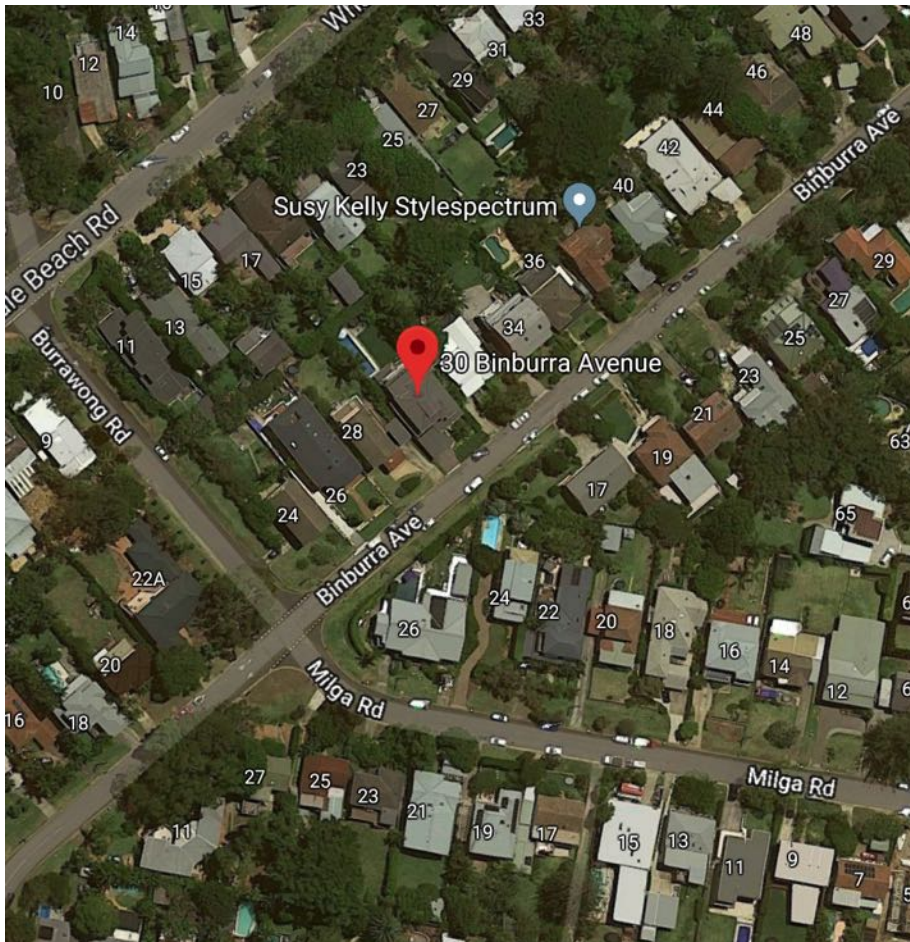


Fig 5: Aerial Photograph  
(Source: Google Maps)

## 5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of landscape works in the backyard of the existing dwelling comprising:

### External Landscape Works

- Stone clad wall along western length of existing swimming pool
- Pizza oven and bench to existing deck on eastern side of swimming pool
- Demolish existing cubby house to make way for a sunken seating area and fire pit
- New stone clad wall around proposed sunken seating area

The colours and finishes of the new works comprise dark earthy colours and materials and have been detailed in Sheet BH-10-DA.

The proposed external landscape works in the backyard of the existing dwelling will not require the removal of any significant vegetation.

The development indices for the development are summarised as:

Site Area 696.8m<sup>2</sup> (by survey)

Required Landscaped Area: 50% or 348.4m<sup>2</sup>

Proposed Landscaped Area: 41.4% or 288.8m<sup>2</sup> (inc. 6% functional landscaped area concession – See DCP discussion).



## **6.0 Zoning and Development Controls**

### **6.1 State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

### **6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

BASIX not required for the landscape scope of works.

### **6.3 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Pittwater Local Environmental Plan 2014. The aims of the SEPP are detailed in Clause 3 and note:

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

In this instance, the proposal will not see any loss of any substantial vegetation and is therefore considered to be consistent with the aims of the SEPP.

## 6.4 Pittwater Local Environmental Plan 2014

### Clause 2.2 Zone objectives and Land Use Table

The site is zoned R2 Low Density Residential under the provisions of the PLEP 2014.

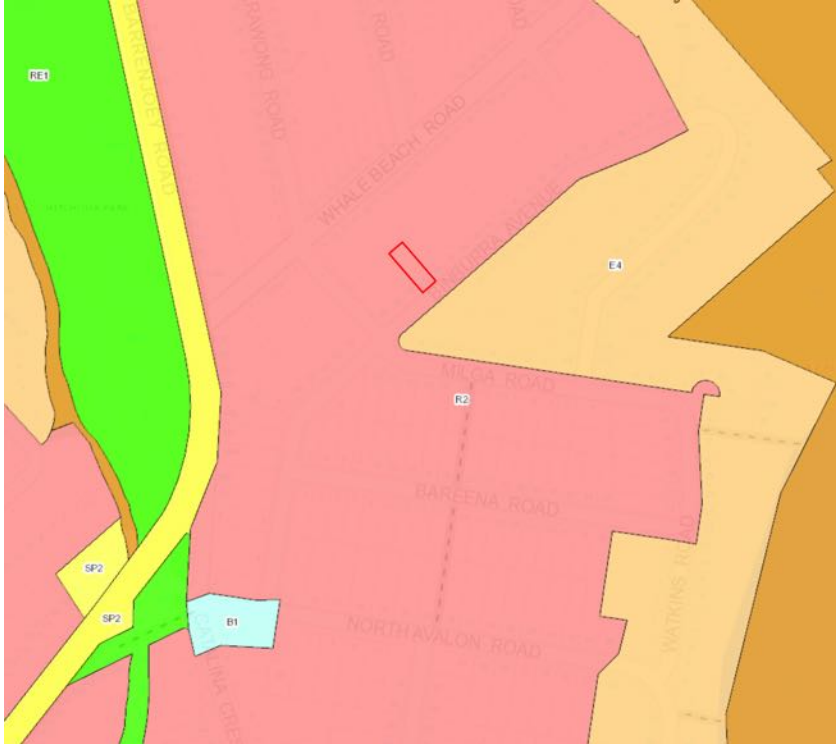


Fig 6: Extract of Pittwater Local Environmental Plan 2014

The proposed landscape works in the rear yard of the existing dwelling are considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the R2 Low Density Residential Zone is consistent with the zone objectives, which are noted as:

- 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.

It is considered that the proposed landscape works in the rear yard of the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. The proposal provides for modest alterations and additions to an existing dwelling, which will not have any significant or adverse impact on the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any adverse impact on long distance views.

### **Clause 4.3 – Height of Buildings**

The maximum building height in this portion of Avalon is 8.5m. The proposed landscape works in the rear yard of the existing dwelling does not impact the height of the dwelling and therefore complies with this control.

### **Clause 5.9 – Preservation of trees or vegetation**

The proposed landscape works in the rear yard of the existing dwelling will not require the removal of any significant trees or vegetation.

### **Clause 7.1 – Acid Sulfate Soils**

The site is identified as being within an area affected by acid sulfate soils (Class 5). Minor excavation (less than 1.5m) will be required for the footings for the fire pit. Appropriate sediment and erosion measures will be installed prior to the commencement of works to ensure disturbance of the site is minimised.

### **Clause 7.2 – Earthworks**

The proposal does not necessitate any significant earthworks. Minor excavation of up to 1.5m will be required for the construction of the swimming pool. Appropriate sediment and erosion measures will be installed prior to the commencement of works to ensure disturbance of the site is minimised. The works will be carried out in accordance with the recommendations of the consulting structural engineer.

### **Clause 7.10 – Essential Services**

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

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

## **6.5 Pittwater 21 Development Control Plan 2014**

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Controls) and Section D Avalon Beach Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

### **6.5.1 Shaping Development – Desired Character**

The desired outcomes for the Avalon Beach Locality, in which this site falls, are as follows:

#### **A4.1 Avalon Beach Locality**

*The most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment. The locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity, fewer hazards and other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, commercial, community and recreational facilities will serve the community.*

*Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. Vehicular and pedestrian access into and through the locality is good. Pedestrian links, joining the major areas of open space (Angophora Reserve, Stapleton Park and Hitchcock Park) and along the foreshores, should be enhanced and upgraded. Similarly, cycle routes need to be provided through the locality. Carparking should be provided on site and where possible integrally designed into the building.*

*Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with development. The objective is that there will be houses amongst the trees and not trees amongst the houses.*

*Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.*

*Most houses are set back from the street with low or no fencing and vegetation is used extensively to delineate boundary lines. Special front building line setbacks have been implemented along Tasman Road to maintain the unique character of this street. This, coupled with the extensive street planting of canopy trees, gives the locality a leafy character that should be maintained and enhanced.*

*The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect principles of good urban design.*

*External materials and finishes shall be natural with smooth shiny surfaces avoided. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.*

*A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors. The natural landscape*



*of Careel Bay, including seagrasses and mangroves, will be conserved. Heritage items and conservation areas indicative of early settlement in the locality will be conserved, including the early subdivision pattern of Ruskin Rowe.*

*Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.*

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of alterations and additions within the back yard of the site with a modest scale.

The proposal will not see the removal of any significant trees or vegetation and will see to maintain the character of the Avalon Beach locality.

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

### **6.5.2 Section B General Controls**

The General Controls applicable to the proposed additions and alterations are summarised as:

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

The controls seek to achieve the outcomes:

*The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)*

The proposal does not see to remove any significant trees or vegetation.

### **B5.7 Stormwater Management - On-Site Stormwater Detention**

The controls seek to achieve the outcomes:

*Rates of stormwater discharged into receiving environment maintained or reduced. (Ec, S)*

On-site Stormwater Detention (OSD) is required where the development results in a built upon area of more than 50m<sup>2</sup>.

The proposed works will see not see an increase in the building footprint of more than 50m<sup>2</sup>, stormwater management will be provided in accordance with Council's policy.

### **B5.8 Stormwater Management - Water Quality – Low Density Residential**

The controls seek to achieve the outcomes:

*No increase in pollutants discharged with stormwater into the environment. (En)*

*Development is compatible with Water Sensitive Urban Design principles. (En)*

There will be no additional roof water from the proposed development.

### **B8.1 Construction & Demolition – Excavation and Landfill**

The controls seek to achieve the outcomes:

*Site disturbance is minimised. (En)*

*Excavation and construction not to have an adverse impact. (En)*

*Excavation operations not to cause damage on the development or adjoining property. (S)*

The proposal will see minor excavation for the construction of the fire pit footings with the extent of the excavation not exceeding 1500mm. The works will be carried out in accordance with the recommendations of the Consulting Structural Engineer, and therefore satisfy the provisions of this clause.

## **B8.2 Construction & Demolition – Erosion and Sediment Management**

The controls seek to achieve the outcomes:

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

*Reduction of waste throughout all phases of development. (En)*

*Public safety is ensured. (S)*

*Protection of the public domain. (S, En)*

Appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties. The site will be landscaped to prevent ongoing erosion.

## **B8.3 Construction and Demolition – Waste Minimisation**

The controls seek to achieve the outcomes:

*Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)*

The proposal will the demolition of some existing external walls to accommodate the proposed works. All demolition material will be removed and recycled off site where possible or taken to an approved waste disposal facility.

### **6.5.3 Section C Development Type Controls**

The Development Controls applicable to the proposed development and are summarised as:

#### **CI.1 Landscaping**

The controls seek to achieve the outcome:

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

The proposal does not require the removal of any significant trees or vegetation.

The proposal retains generous areas of soft landscaping on site which will retain the landscaped character of the locality.

#### **CI.2 Safety and Security**

The controls seek to achieve the outcomes:

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

The proposed works do not impact on the existing safety or security of the site.

#### **CI.3 View Sharing**

The controls seek to achieve the outcomes:

*A reasonable sharing of views amongst dwellings. (S)*  
*Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)*  
*Canopy trees take priority over views. (En, S)*

The subject and adjoining properties currently receive limited local views. The proposal is not considered to impact on any significant views, which will maintain consistency with Council's view sharing objectives.



## **CI.4 Solar Access**

The controls seek to achieve the outcomes:

*Residential development is sited and designed to maximise solar access during mid-winter. (En)*  
*A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)*  
*Reduce usage and/dependence for artificial lighting. (En)*

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

The the overall height of the development is maintained, the surrounding properties will not see any significant change to the existing solar access, with no substantial increase in overshadowing.

## **CI.5 Visual Privacy**

The controls seek to achieve the outcomes:

*Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)*  
*A sense of territory and safety is provided for residents. (S)*

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The proposed stone wall along the length of the existing swimming pool and screen planting will maintain privacy between neighbours and the existing perimeter planting along the rear boundary will mitigate any potential privacy impacts on the surrounding neighbours.

## **CI.6 Acoustic Privacy**

The controls seek to achieve the outcomes:

*Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)*  
*Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or recreation areas (S)*  
The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, there will not be any significant impact on the surrounding locality in terms of acoustic privacy.

## **CI.7 Private Open Space**

The controls seek to achieve the outcomes:

*Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)*  
*Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)*

*Private open space receives sufficient solar access and privacy (En, S).*

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation. The proposal includes landscaped rear yard areas which will maintain sufficient areas of private open space.

## **CI.9 Adaptable Housing and Accessibility**

The controls seek to achieve the outcomes:

*The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)*

*All members of the community enjoy equitable access to buildings to which the general public have access.*

*(S) Housing for older people and people with a disability are accessible, adaptable and safe. (S)*

*Equitable access in the public domain. (S)*

Single dwellings are not required to provide access in accordance with AS4299-1995.

## **C I.12 Waste and Recycling Facilities**

The controls seek to achieve the outcomes:

*Waste facilities are accessible and convenient, and integrate with the development. (En)*

*Waste facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment. (En, S)*

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials. There is sufficient area available in the garage area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

## **CI.17 Swimming Pool Safety**

The controls seek to achieve the outcomes:

*The promotion of personal safety. (S)*

*Compliance with Swimming Pools Act 1992 and Regulations (En, S)*

The existing swimming pool fence will be in compliance with the Swimming Pools Act 1992.

#### **6.5.4 Section D Design Criteria**

The D I Avalon Beach Locality Statement contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the D I Avalon Beach Locality is provided below (over):

#### **D1.1 Character as Viewed from a Public Place**

The control seeks to achieve the outcomes:

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

*To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)*

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

*The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*

*High quality buildings designed and built for the natural context and any natural hazards. (En, S)*

*Buildings do not dominate the streetscape and are at 'human scale'.*

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

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows, modulation of wall and roof planes, spatial separation, landscaping etc.

The proposal will provide for the construction of landscape works in the rear yard of an existing dwelling including a new stone wall along the length of the existing swimming pool, a pizza oven and fire pit. As can be seen in the architectural plans provided, the proposed works in the landscape in the rear yard of the dwelling will not impact the general pattern of dwellings along Binburra Avenue.

#### **D1.5 Building Colours, Materials and Construction**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.*

*The development enhances the visual quality and identity of the streetscape. (S)*

*To provide attractive building facades which establish identity and contribute to the streetscape.*

*To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater. The colours and materials of the development harmonise with the natural environment. (En, S)*

*The visual prominence of the development is minimised. (S)*

*Damage to existing native vegetation and habitat is minimised. (En)*

*An informal beachside appearance of the Avalon Beach Village. (S, Ec)*

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP and have been detailed in Sheet BH-10-DA. It is considered that the development is appropriate as the proposal will utilise finishes and colours which are compatible with the DCP and the surrounding properties.

### **D1.8 Front Building Line**

The controls seek to achieve the outcomes:

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

*The amenity of residential development adjoining a main road is maintained. (S)*

*Vegetation is retained and enhanced to visually reduce the built form. (En)*

*Vehicle manoeuvring in a forward direction is facilitated. (S)*

*To encourage attractive street frontages and improve pedestrian amenity.*

*To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment*

The control to achieve this outcome is to provide a setback of 6.5m, or the established building line to the street frontage.

The proposed landscape works are in the rear yard of the existing dwelling and will not encroach on the front building line.

### **D1.9 Side and rear building line**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality. (S)*

*The bulk and scale of the built form is minimised. (En, S)*

*Equitable preservation of views and vistas to and/or from public/private places. (S)*

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

*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*

*Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

*Flexibility in the siting of buildings and access. (En, S)*

*Vegetation is retained and enhanced to visually reduce the built form. (En)*

*To ensure a landscaped buffer between commercial and residential zones is established. (En, S)*

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m for at least one side and min 1.0m setback for the other side. A rear setback of 6.5m applies.

The proposed new stone wall along the length of the existing swimming pool is 980mm off the side boundary due to the location of the pool shell.

The proposed stone wall which wraps around the pizza oven and fire pit seating will stand 1690mm off the rear boundary and 1000mm from the side boundary.

The setbacks of the proposed landscape works and the perimeter screening planting will achieve the outcomes of the control.



### **D1.11 Building Envelope**

The controls seek to achieve the outcomes:

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

*To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

*To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment. The bulk and scale of the built form is minimised. (En, S)*

*Equitable preservation of views and vistas to and/or from public/private places. (S)*

*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*

*Vegetation is retained and enhanced to visually reduce the built form. (En)*

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

The proposed landscape works readily comply with the building envelope control.

### **D1.13 Landscaped Area – General**

The controls seek to achieve the outcomes:

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

*The bulk and scale of the built form is minimised. (En, S)*

*A reasonable level of amenity and solar access is provided and maintained. (En, S)*

*Vegetation is retained and enhanced to visually reduce the built form. (En)*

*Conservation of natural vegetation and biodiversity. (En)*

*Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*

*To preserve and enhance the rural and bushland character of the area. (En, S)*

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

The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 50% of the site area.

The existing landscape area is 41.8% and the proposal decreases the landscape area by 3m<sup>2</sup>. The proposal will maintain a significant soft landscaped area of 247m<sup>2</sup> or 35.5% which with the consideration for the 6% functional landscaped area requirement for low level decks and recreation spaces will provide for a total landscaped area of 41.4%, which is considered to consistent with Council's control on merit.

The proposal will not seek the removal of any trees and the remaining existing plantings on site will be retained and supplemented in accordance with the requirements of this clause.

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

The controls seek to achieve the outcomes:

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

*To protect and minimise disturbance to natural landforms.*

*To encourage building design to respond sensitively to natural topography.*

The proposed works do not seek to provide any new retaining walls or terracing.

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

### **7.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

### **7.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

There are no draft instruments applying to the land.

### **7.3 Any development control plan**

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

### **7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

No matters of relevance are raised in regard to the proposed development.

### **7.5 Any matter prescribed by the regulations that apply to the land to which the development relates.**

No matters of relevance are raised in regard to the proposed development.

### **7.6 Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)**

No matters of relevance are raised in regard to the proposed development.

### **7.7 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.**

It is considered that the proposal, which seeks consent for the construction of landscape works in the rear yard of the existing dwelling, including a new stone wall along the length of the existing swimming pool, a pizza oven and fire pit will not unreasonably impact upon the amenity of adjoining properties or upon the character of the complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP 2014 and the Avalon Beach Locality Statement.

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

The subject land is currently zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

## **7.7 Submissions made in accordance with this Act or the regulations**

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

## **7.8 The public interest**

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

## **8.0 Conclusion**

The principal objective of this development is to provide for construction of landscape works in the rear yard of the existing dwelling, including a new stone wall along the length of the existing swimming pool, a pizza oven and fire pit, which respects and complements the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

RACHEL HUDSON  
Architect  
BsArch and BArch