

## **99 Riverview Road** Avalon Beach, NSW

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Statement of Environmental Effects | November 2024  
**Proposed Cabana, Pool & Landscape Works**

REF: 240075  
JS Urban Design  
ABN: 98 256 211 608

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## 1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to the Northern Beaches Council (the Council). The applicant is seeking approval to carry out the following development on land known as No **99 Riverview Road, Avalon Beach**:

- Proposed swimming pool and spa including pool fencing;
- Proposed cabana and deck entertainment area adjacent to pool;
- Proposed inclinator stop;
- Proposed minor landscaping works and,
- Removal of 6x Palm Trees as exempt species within the DCP.

The proposal has been prepared pursuant to the provisions of Pittwater Local Environmental Plan 2014 and the Pittwater 21 Development Control Plan.

This Statement of Environmental Effects is intended to assist Northern Beaches Council in its assessment of the development application and includes;

- A description of the site, the locality and a description of the proposed development;
- A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and the provisions of the Environmental Planning and Assessment Act 1979;
- Conclusions in respect of the proposed development.

This Statement of Environmental Effects should be considered in conjunction with the following documents:

- Survey plan by CMS Surveyors Pty Ltd
- Landscape Plans by A Total Concept Landscape Architecture and Swimming Pool Designers;
- BASIX Certificate by A Total Concept Landscape Architecture and Swimming Pool Designers;
- Cost Summary Report by A Total Concept Landscape Architecture and Swimming Pool Designers;
- Geotechnical Report by White Geotechnical Group
- Owners Consent Form
- Arborist Report by Growing My Way Tree Services
- Biodiversity Values Map and Threshold Report
- Waste Management Plan by A Total Concept Landscape Architecture and Swimming Pool Designers,

## 2.0 Site Analysis

### 2.1 Subject Site

The subject site is located on the western side of Riverview Road and is known as No **99 Riverview Road Avalon Beach**. The site is legally known as Lot 1 in DP 207313.

The subject site comprises of a single allotment with generally regular proportions consistent with the prevailing subdivision pattern. The boundary length fronting Riverview Road is 16.675m with side boundaries at 76.2m and 73.19m. The total area of the site is **1057m<sup>2</sup>**. A survey plan is included with the development plans.

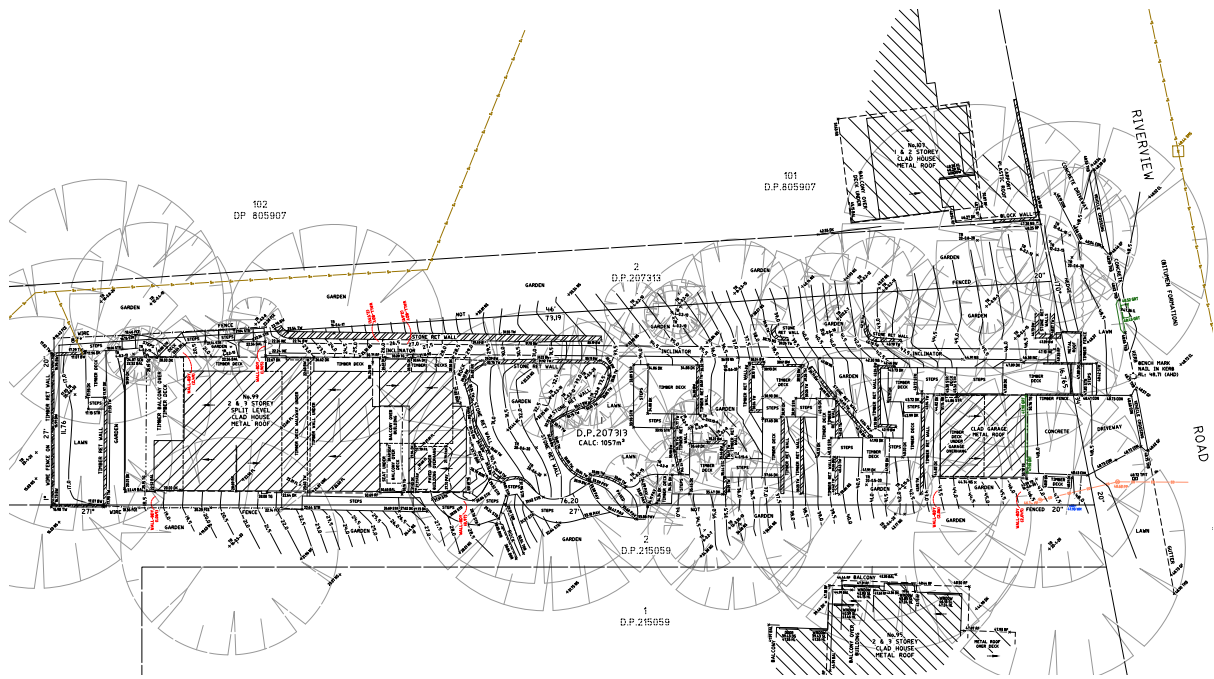


**Figure 1: Site and Context Plan**

Existing improvements on the site include a two to three-storey clad dwelling with metal roof located towards the rear of the lot. A one storey clad garage with metal roof is located at the front of the lot at street level. A timber deck and steps connect the garage to the dwelling. An inclinator is also located in the northern portion of the site.

With regards to topography the site falls from the street to the rear of the lot.

The building is listed under the Pittwater LEP 2014 as a local heritage item known as 2270430 - Lochhead House. Due to the location and scale of the works no significant heritage impacts are identified. Further discussion of this is in **Part 5** of this report. There are no other heritage items or heritage conservation areas located within the vicinity of the subject site.



**Figure 2: Site Survey (Source: CMS Surveyors)**



**Figure 3: View from Riverview Road (Source: JS Urban Design)**



**Figure 4: Location of Proposed Works (Source: JS Urban Design)**



**Figure 5: Rear Retaining Wall (Source: JS Urban Design)**

## 2.2 Site Context

The subject site is situated within an established low density residential precinct, which is predominantly characterised by detached residential dwellings of varying styles and sizes.

The subject site also benefits from nearby open space at Paradise Beach and Careel Bay providing passive and active recreational opportunities. The site has been used for residential purposes for a long period of time. There is no evidence of contamination which would preclude the development as proposed.

Existing development on the immediately adjoining properties comprises of the following;

Immediately adjoining the subject site to the south is a similarly scaled two to three storey clad dwelling with metal roof construction known as No 95 Riverview Road. The dwelling is well set back from the common boundary and is oriented towards the rear of the site away from the proposed works. The proposed development on the subject site has been appropriately sited to mitigate privacy concerns by being one storey and adequately set back from the side boundary. The proposed works are also suitably screened from the adjacent dwelling using the existing vegetation.



**Figure 6: 95 Riverview Road (Source: Google Maps)**

Immediately adjoining the subject site to the north is a similarly scaled one to two storey clad dwelling with metal roof known as No 103 Riverview Road. The dwelling is suitably located distant from the subject site and is oriented towards the rear.

The proposed works are significantly set back from the proposed development and will be further screened by the existing vegetation. Additionally, the proposed cabana helps address visual privacy concerns by obstructing the sightline between the adjoining dwelling and the pool.



**Figure 7: 103 Riverview Road (Source: Google Maps)**



### 3.0 Proposed Development

The applicant is seeking approval to carry out the following development on land known as **No 99 Riverview Road Avalon Beach**:

- Proposed swimming pool and spa including pool fencing;
- Proposed cabana and deck entertainment area adjacent to pool;
- Proposed inclinator stop;
- Proposed minor landscaping works and,
- Removal of 6x Palm Trees as exempt species within the DCP.

The proposed works involve the construction of a swimming pool and integrated spa, deck and cabana located mid lot. The works will provide additional amenity for the occupants. The deck and shade structure are contemporary in style and the design has considered the existing residence's materiality, bulk, scale and massing as well as the surrounding natural bushland context. The pool is located mid block and is oriented towards the view of the harbour to the south-west.

A compliant pool fence is located around the site consistent with the Australian Standards and applicable legislation.

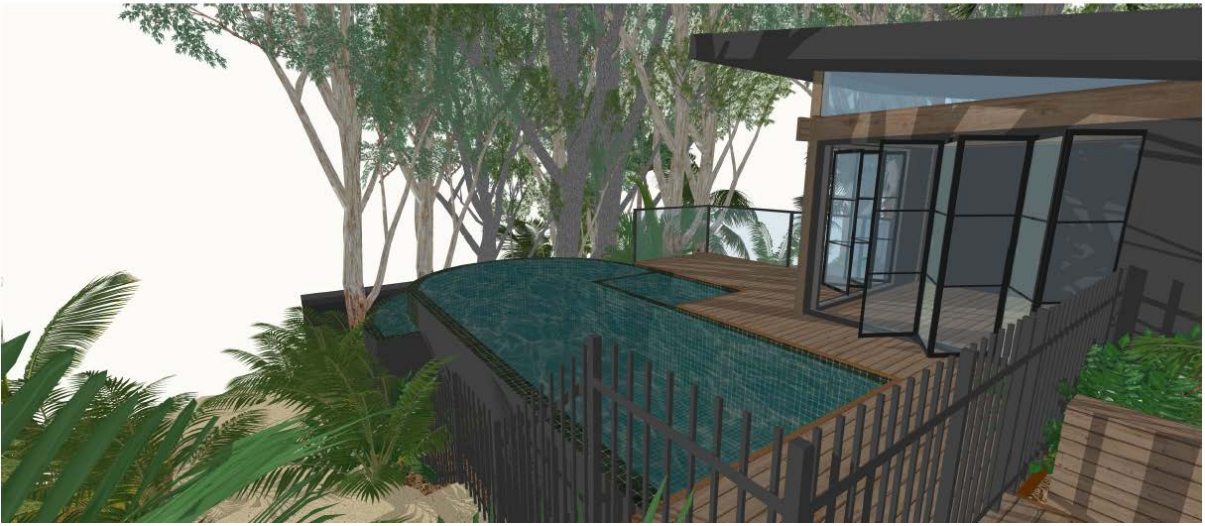
Landscaping is retained and proposed throughout the site and will provide a buffer between the shade structure and the surrounding dwellings to mitigate both privacy and solar impacts. Substantial garden area is also retained within the side setback areas to facilitate additional amenity and deep soil. The removal of the six palm trees will not significantly impact flora and fauna and habitat; the species are not native and provide limited value.

A proposed inclinator stop is located to the north of the pool, utilising the existing inclinator. The stop is well located near the cabana.

Additional minor landscaping works will address the existing aging decking and steps. Stormwater will be captured by a series of drainage gates and pipelines and ultimately discharged to existing drainage systems.

No changes to the existing residence are proposed. The works are suitably distant from the heritage dwelling and heritage impacts have been suitably mitigated as identified in Section 5 of this SEE.





**Figure 10: Proposed 3D Images (Source: A Total Concept Landscape Architects)**

## 4.0 Biodiversity Conservation Regulation 2017

### 7.1 Biodiversity offsets scheme threshold (section 7.4)

(1) Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of Part 7 of the Act if it is or involves—

- (a) the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or
- (b) the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.

The Biodiversity Values (BV) Map identifies areas that may be adversely impacted from vegetation clearing caused by a development application. The Biodiversity Values Map identifies land with high biodiversity value, such as native vegetation, threatened species habitat and creek lines, that is particularly sensitive to impacts from development.

The proposed development has been assessed under the scheme using the Biodiversity Values Map and Threshold Tool to:

- check for Biodiversity Values mapping at the proposed site and:
- determine whether the clearing of native vegetation area threshold is exceeded.

The location of the proposed development against the Biodiversity Values Map is shown below:

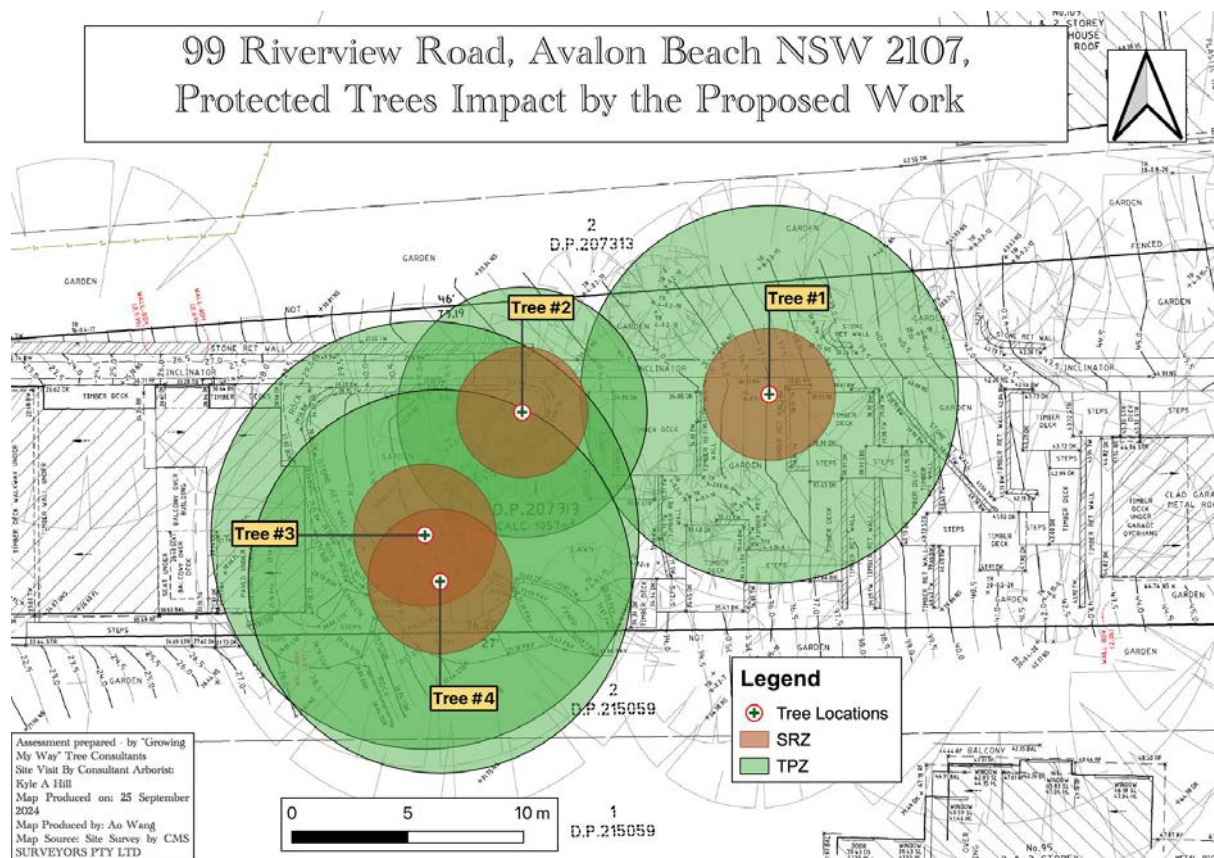
Biodiversity Values Map



**Figure 11: Biodiversity Values Map (Source: BMAT Tool)**

As identified in the BMAT Report, the Biodiversity Offset Scheme (BOS) Threshold is exceeded for the proposed development footprint area. Under the Biodiversity Conservation Regulation 2017, the proposed development may need a Biodiversity Development Assessment Report (BDAR) pending Council's requirements.

As identified above, the proposed development involves the clearing of some vegetation and does not significantly impact habitat. However, the site has already been significantly disturbed, is level and predominantly consists of a raised turf area. There is almost no vegetation removal other than the removal of existing turf and palm trees (which are classified as exempt species) as referred to in the Arborist Report.



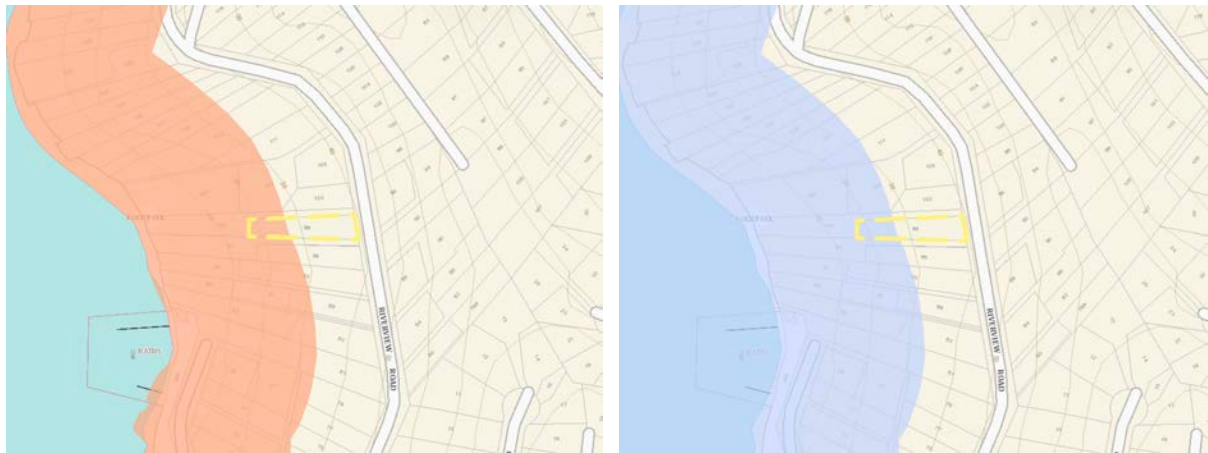
**Figure 12: Protected Tree Impacted by the Proposed Works (Source: Growing My Way Tree Services)**

The proposed development has been adequately designed to minimise impacts to significant Tree Protection Zones and negligible impacts to Structural Root Zones from the adjoining existing trees. No roots are to be cut from the adjoining existing vegetation as identified within the Arborist Report by Growing My Way Tree Services.

As such, it is recommended that a BDAR Report is not required in this instance.

## 5.0 SEPP (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the site. Part of the subject site is located within the Coastal Environment and Coastal Use area as prescribed in Chapter 2 of the SEPP as identified in the maps below:



**Figure 13: Coastal Use and Coastal Environment Maps (Source: NSW Planning Portal Spatial Viewer)**

While the bulk of the works are located outside of the identified areas, the following applies:

### 2.10 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

(b) coastal environmental values and natural coastal processes,

(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

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

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

(f) Aboriginal cultural heritage, practices and places,

(g) the use of the surf zone.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

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

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

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

(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.

Comment:

The proposed addition has been sited to the rear of the existing building when facing the coast on already disturbed land. There are unlikely to be any significant negative impacts to the biophysical, hydrological or ecological environment as a result of this development. The proposal is purely domestic in nature and will not provide a negative impact to the surrounding natural environment. Applicable methods to reduce stormwater runoff will be implemented. There is no native vegetation to be removed as a result of this proposal.

## 2.11 Development on land within the coastal use area

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

*(a) has considered whether the proposed development is likely to cause an adverse impact on the following—*

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

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

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

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

*(v) cultural and built environment heritage, and*

*(b) is satisfied that—*

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

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

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

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

*(2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.*

Comment:

No impacts are identified to the public domain as a result of this development. The development is purely residential in nature and will not impact views, solar access or wind to public areas. The proposal utilises materials and finishes that consider the surrounding bushland and scenic qualities of the coast. The development is sited to avoid built environment heritage impacts to the existing heritage building.

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

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

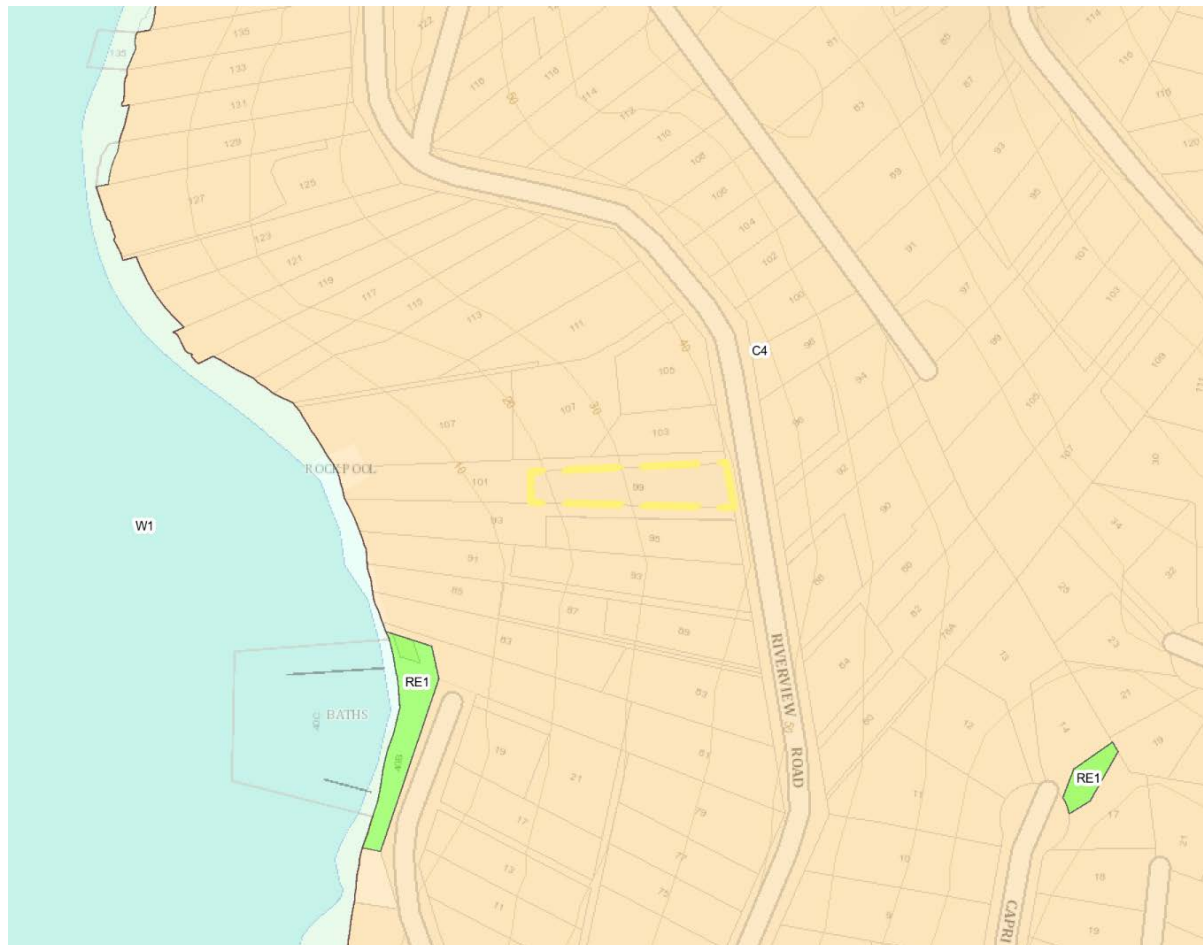
Comment:

The proposed development is suitably distant from the coast and is unlikely to create any coastal hazards.

## 6.0 Pittwater Local Environmental Plan 2014

### Clause 2.2 - Land Zoning

The subject site is zoned **C4: Environmental Living** under the Pittwater Local Environmental Plan 2014.



**Figure 14: Land Zoning Map (Source: Pittwater Local Environmental Plan 2014)**

The land use table identifies the following permissible uses for the C4 Zone.

*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; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures*

*4 Prohibited*

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



Comment:

The works are best described as ancillary to the dwelling house existing on site and is therefore permissible with development consent. The following objectives are identified for the zone:

*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 proposed works align with the land use zone objectives. The works are low impact to the surrounding environment with no adverse impacts as described within this Statement of Environmental Effects. The works will retain the single dwelling character and will not introduce significant bulk or scale consistent with the surrounding landform and landscape. The proposal aims to retain all native vegetation and is unlikely to impact wildlife corridors. The works will enhance amenity within the locality, contributing toward a variety of housing typologies and potentially facilitating high quality improvements within the locality.

As such, the proposed works accord with the objectives of the zone.

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

Clause 4.3 sets a maximum height of development in accordance with the building height map. The maximum height of building identified for the site is 8.5m. The proposed works are well below the maximum height prescribed. The development complies with this control.

### **Clause 4.4 – Floor Space Ratio**

Clause 4.4 sets a maximum floor space ratio in accordance with the floor space ratio map. There is no floor space ratio identified on the site.

### **Clause 4.6 – Exemptions to Development Standards**

Clause 4.6 is not relied on for this application.

## Clause 5.10 – Heritage Conservation

The building is listed under the LEP as having heritage significance. The site is identified as: **2270430 - Lochhead House**. The statement of significance as identified within the State Heritage Register is as follows:

*“Lochhead House, built in 1965 at 99 Riverview Road, Avalon Beach to the design of Allen, Jack & Cottier, demonstrates a high level of historic, technical and aesthetic significance as an early example of the Late Twentieth-Century Sydney Regional style and as part of the body of the residential works of the Sydney office Allen, Jack & Cottier.*

*The residence portrays the early stages of a significant movement by Sydney architects to adapt the International Style and design theory to a local and regional language concerned with improving the quality of housing for average Australians. The Sydney Regional architectural style is evident in the use of materials, open plan, geometric relationship between wall and roof planes and its response to the native bush site. The residence is an early example of Cottier's work and retains a substantial proportion of original integrity.*

*The listing includes the interiors of the house, however, detailed analysis and assessment should be undertaken at the time of any future changes to the interior in order to ascertain the relative heritage significance.”*

The recommended management summary is as follows:

*“The building should be retained and conserved. A Heritage Impact Statement, or a Heritage Assessment, should be prepared for the building prior to any major works being undertaken.”*

The proposed works are sufficiently distant from Lochhead House and are unlikely to have a significant impact on the building's heritage significance. The existing building retains and conserves its historic, technical, and aesthetic values within limited impacts to the heritage curtilage as a result of the proposed development. Additionally, the pool and decking design appropriately respond to the native bush site and its natural slope, reinforcing the site's overall stepped landscape approach through both the cabana roof structure and raised pool. Consequently, the proposed works have minimal adverse impacts on the significance of the heritage item.

## Clause 5.21 – Flood Planning

The site is not identified as flood prone on Council's Flood Hazard Map.

## Clause 7.1 – Acid Sulfate Soils

The site is within a Class 5 Acid Sulfate soil area. A Class 1 Acid Sulfate Soil area is within 500m of the site. The proposed works are unlikely to lower the watertable by below 1 metre Australian Height Datum on the adjacent Class 1 land. As such, the proposed development is not identified as works that require development consent under this clause.

## Clause 7.2 – Earthworks

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

*(2) Development consent is required for earthworks unless—*

*(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*

*(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

*(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*

*(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

*(b) the effect of the development on the likely future use or redevelopment of the land,*

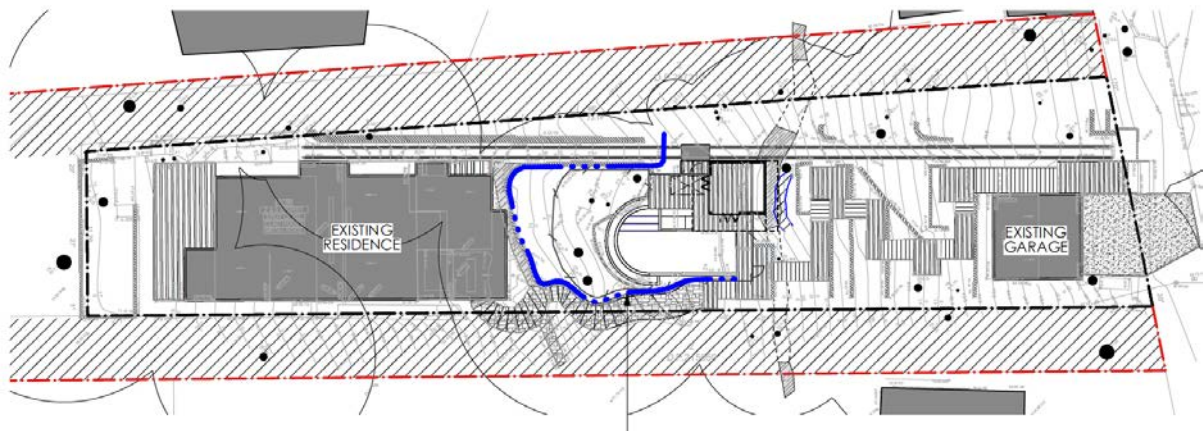
*(c) the quality of the fill or the soil to be excavated, or both,*

- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,
- (i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

**Comment:**

The proposal involves the construction of a new pool, timber deck, and shade structure in a residential area that has already been significantly disturbed by previous developments. Minor additional landscaping and retaining wall works are also planned, and will not have a significant impact. Given the minor nature of the earthworks and existing site conditions, no significant disruption to drainage patterns or adverse effects on soil stability are anticipated.

Standard measures during construction will be in place to ensure the development does not negatively impact the amenity of adjoining properties and heritage item, including careful management of construction activities and noise mitigation. Please refer to the Sediment and Erosion Control Plan prepared by A Total Concept Landscape Architects.



**Figure 15: Sediment and Erosion Control Plan (Source: A Total Concept Landscape Architects)**

**Clause 7.6 - Biodiversity**

- (1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by—
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Biodiversity” on the Biodiversity Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—
  - (a) whether the development is likely to have—
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
    - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
    - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The site is identified as “Biodiversity” on the Biodiversity Map. The proposed development has been designed and sited to minimise potential impacts on biodiversity. The development is not expected to have any significant adverse impact on the condition, ecological value, or significance of native fauna and flora on the site. The design has mitigated impacts to adjacent Tree Protection Zones and has minimal impacts to adjacent tree’s Structural Root Zones, with decking offset 250mm from trees 3 & 4. The entire extent of the proposed deck structure is elevated and open to ensure air and water penetration to tree roots. Additionally, the existing exposed bedrock east of the proposed pool and deck indicates there are no roots of Tree 1 heading west and, therefore, is no impact by the proposed works. All trees that are not proposed to be removed can be viably retained as identified within the Arborist Report.

The trees proposed for removal are non-native species, and their removal will not negatively affect the local ecology. Refer to the Arborist Report prepared by Growing My Way Tree Services for further information.

### **Clause 7.7 - Geotechnical hazards**

- (1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards—*
  - (a) matches the underlying geotechnical conditions of the land, and*
  - (b) is restricted on unsuitable land, and*
  - (c) does not endanger life or property.*
- (2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks—*
  - (a) site layout, including access,*
  - (b) the development’s design and construction methods,*
  - (c) the amount of cut and fill that will be required for the development,*
  - (d) waste water management, stormwater and drainage across the land,*
  - (e) the geotechnical constraints of the site,*
  - (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) Development consent must not be granted to development on land to which this clause applies unless—*
  - (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*
  - (b) the consent authority is satisfied that—*
    - (i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or*
    - (ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or*
    - (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

Comment:

The site is identified as “Geotechnical Hazard H1” on the Geotechnical Hazard Map. The works are essentially minor and will not significantly disturb the existing terrain with a maximum excavation level of 1300mm.

The key risks as a result of the proposed works can be adequately mitigated throughout the construction process as identified within the Geotechnical Investigation Report by White Geotechnical Group Pty Ltd. This includes the implementations of temporary retaining structures throughout the proposed works and adequate foundations for the proposed pool.

## 7.0 Pittwater Development Control Plan 21

The provisions of the Pittwater Development Control Plan 21 (PDCP) have been considered in the preparation of the proposed development.

The most prevalent sections under the PDCP are as follows:

- A4.1 Avalon Beach Locality
- B1 Heritage Controls
- B3 Hazard Controls
- B4 Controls Relating to the Natural Environment
- B5 Water Management
- B8 Site Works Management
- C1 Design Criteria for Residential Development
- D1 Avalon Beach Locality

The relevant controls applicable to the proposed development are outlined below.

### A4.1 Avalon Beach Locality

The proposed development is consistent with the desired character of the Avalon Beach locality by providing a proportionate addition that responds to the site contours and low scale character of the surrounding context.

The proposed works are mostly contained to the rear of the building, allowing for the smooth integration of natural and built forms.

The proposed development is compliant with the intention of the DCP established for the locality by providing a conventional design.

### B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014

#### *Outcomes*

*Conservation of the environmental heritage of Pittwater in accordance with the principles contained in the Burra Charter.*

*Enhancement of the identified heritage values and significant character of the heritage conservation areas and encourage design that responds appropriately to their character.*

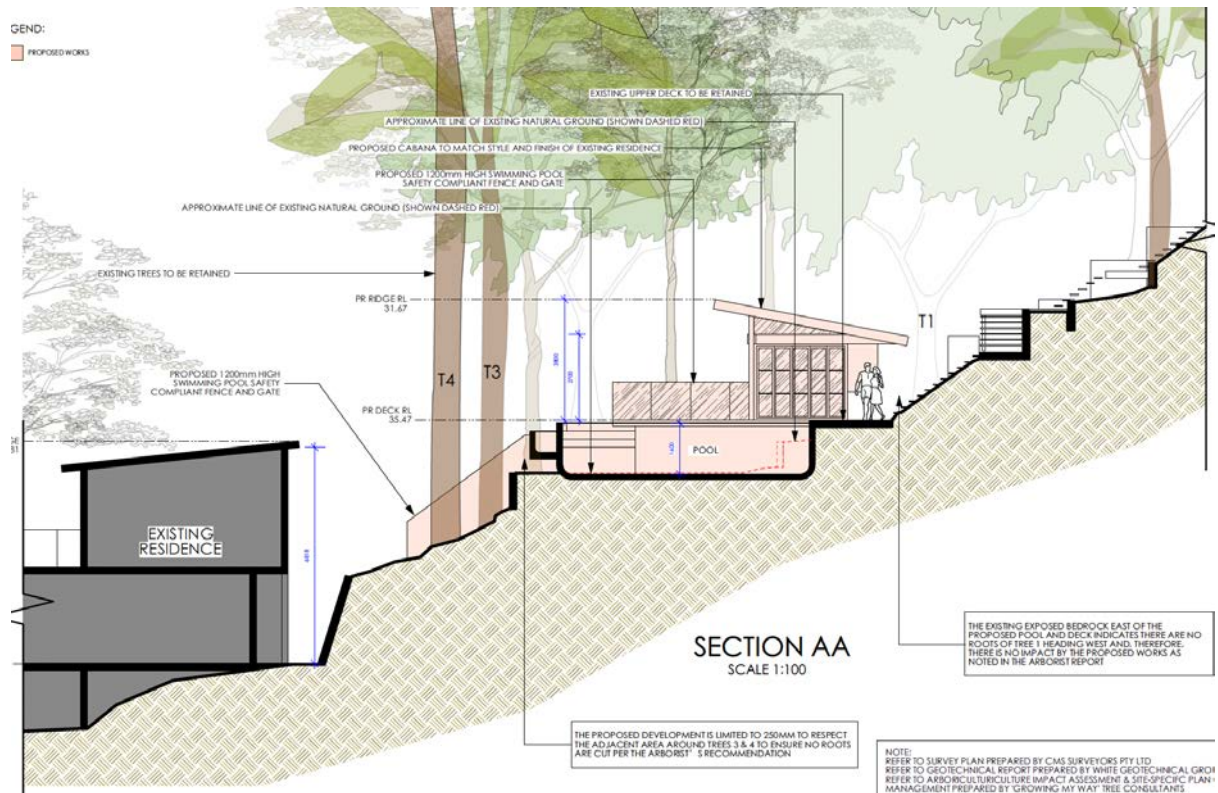
*Development that is respectful of environmental heritage, undertaken in a manner that is sympathetic to, and does not detract unnecessarily from, any identified heritage significance.*

*Recording of identified cultural heritage throughout the development process.*

#### Comment:

The site includes a heritage item **2270430 - Lochhead House**. The proposed development is unlikely to impact the heritage significance of the site as representative of the Sydney Regional Style, which is identified as “...use of materials, open plan, geometric relationship between wall and roof planes and its response to the native bush site”. The proposed works are suitably distant from the heritage item and an adequate buffer zone is provided. There are no significant views identified to the heritage item from the surrounding landscape.

The proposed structure compliments the heritage item. A similar roof planes, colours and timber materials have been chosen to reflect the existing heritage item. The building responds to the slope of the site and the stepped landings that allow access into the site from Riverview Road, as identified in the section below.



**Figure 16: North Section (Source: A Total Concept Landscape Architects)**

### B3.1 Landslip Hazard

#### Controls

All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).

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 (see Appendix 5) 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.

#### Comment:

The site is identified as “Geotechnical Hazard H1” on the Geotechnical Hazard Map within the Pittwater Local Environmental Plan 2014. As identified within the Geotechnical Assessment Report prepared in support of the proposal, the proposed works will not significantly disturb the existing terrain and impacts can be mitigated through suitable engineering methods. As identified in the report, the proposed development is suitable for the site and no geotechnical hazards will be created by the proposed development.

### B3.2 Bushfire Hazard

#### Comment:

The site is not within an area that is bushfire prone and as such this clause does not apply.

### **B3.3 Coastline (Beach) Hazard**

Comment:

The site is not within land identified as Beach Management Area and as such this clause does not apply.

### **B3.4 Coastline (Bluff) Hazard**

Comment:

The site is not within land identified as Bluff Management Area and as such this clause does not apply.

### **B3.6 Contaminated Land and Potentially Contaminated Land**

Comment:

The site has been historically used for residential uses. Therefore, the likelihood of contamination from past uses is considered low. No remedial works are required to facilitate the works.

### **B3.7 Estuarine Hazard - Low density residential**

Comment:

The site is not identified as a lot within the Estuarine Hazard Map and as such this clause does not apply.

### **B3.11 Flood Prone Land**

Comment:

The site is not identified as flood prone on Council's Flood Hazard Map.

### **B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)**

Comment:

The site is not identified as land within the Flood Hazard Map, Coastal Hazards Map, Estuarine Hazard Map or within the Warriewood Valley Land Release Area and as such this clause does not apply.

## **B4 Controls Relating to the Natural Environment**

Comment:

The proposed development has been designed and sited to minimise potential impacts on the tree canopy, vegetation and habitat.

Six palm trees are identified to be removed as a result of this proposal. The trees are not native and will not negatively affect the local ecology. The development is not expected to have any significant adverse impact on the condition, ecological value, or significance of native fauna and flora on the site. Refer to the Arborist Report prepared by Growing My Way Tree Services for further information.

### **B5.5 Rainwater Tanks - Business, Light Industrial and Other Development**

*Controls*

*All development creating an additional hard (impervious) roof area of greater than 50m<sup>2</sup> must provide a rainwater tank for non-potable use connected to external taps for the purpose of landscape watering and car washing and a functional water reuse system including, water supply for toilet flushing and other uses as permissible under the current Code of Practice for Plumbing and Drainage.*

Comment:

The proposal does not create additional impervious roof area of greater than 50m<sup>2</sup> and as such a rainwater tank is not required.

### **B5.15 Stormwater**

#### *Requirements*

*Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.*

*The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.*

Comment:

A Concept Stormwater Plan is attached with this application. The proposed development will improve the quality of landscaping and drainage systems on site to mitigate stormwater impacts. Drainage will be adequately provided as per the Concept Stormwater Plan to the existing drainage system on site. The development is unlikely to change the stormwater function for the site with the building footprint and impervious areas relatively unchanged.

### **B6 Access and Parking**

Comment:

Access and parking arrangements are unchanged as a result of this proposal. The proposal will retain adequate carparking for residents.

### **B8.1 Construction and Demolition - Excavation and Landfill**

#### *Controls*

*Excavation and landfill on any site that includes the following:*

- *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;*
- *Any excavation greater than 1.5 metres deep below the existing surface;*
- *Any excavation that has the potential to destabilize 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;*
- *Any landfill greater than 1.0 metres in height; 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,*

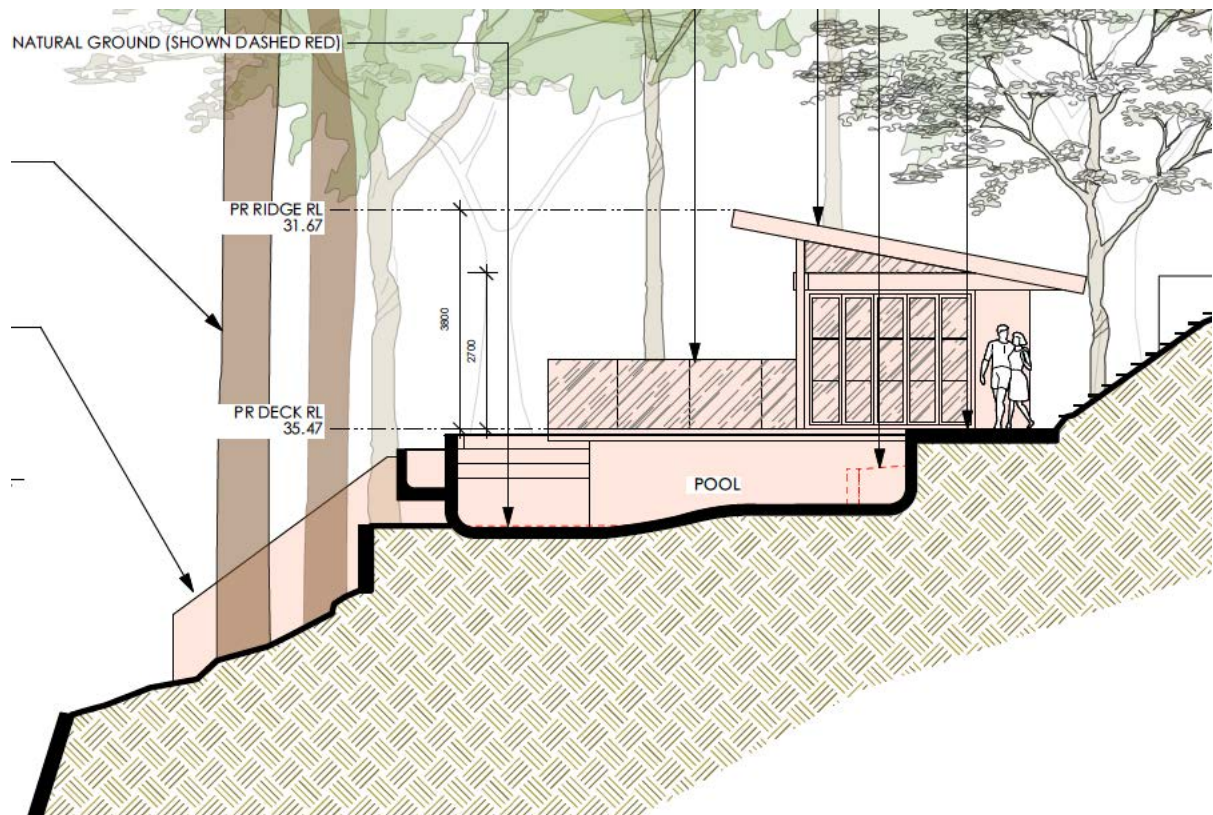
*must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.*

Comment:

The site is identified as "Geotechnical Hazard H1" on the Geotechnical Hazard Map within the Pittwater Local Environmental Plan 2014. No significant excavation is proposed. The bulk of excavation is for the proposed pool which is located on previously disturbed land. The pool will be raised to the ground to minimise excavation, utilising the slope of the site to be level with the eastern edge.

Additional excavation measures are proposed for footings and foundations for shade structure and retaining wall. Adequate erosion and sediment control measures will be implemented during the construction process to minimise the impacts of excavation.





**Figure 17: Section (Source: A Total Concept Landscape Architects)**

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

#### *Controls*

*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.*

#### *Comment:*

As identified on the Waste Management Plan, all construction waste will be deposited within a waste receptacle located on site and recycled when necessary.

### **B8.4 Construction and Demolition - Site Fencing and Security**

#### *Controls*

*All sites are to be protected by site fencing for the duration of the works.*

#### *Comment:*

Adequate site fencing and security measures will be employed during construction.

### **C.1.1 Landscaping**

#### *Controls*

*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 8m<sup>3</sup> within this area to ensure growth is not restricted.*

*Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.*

*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.*

Comment:

The site utilises existing landscaping to enhance the residents' amenity. Some vegetation is proposed for removal to accommodate the pool, however the trees identified for removal are of low value, non-native, and not considered significant as identified in the arborist report. Adequate vegetation will be retained on-site, with existing greenery providing effective screening for the proposed works from neighboring properties.

## **C1.2 Safety and Security**

*Controls*

*There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:*

- *Surveillance*
- *Access Control*
- *Territorial Reinforcement*
- *Space Management*

Comment:

The proposed development introduces no significant changes to the front of the dwelling with respect to the main entry. The entrance to the site is easily identified and well lit. There is clear separation of public and private domain.

## **C1.3 View Sharing**

*Controls*

*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.*

Comment:

The subject site is substantially distant from the ocean.

There are no significant views obstructed by the proposed development from neighboring properties. The proposed development is well set back from the adjoining side and rear boundaries.

## C1.4 Solar Access

### Controls:

*Where the following constraints apply to a site, reasonable solar access to the main private open space and to windows to the principal living area will be assessed on a merit basis:*

- *where the orientation or shape of a lot precludes northerly orientation (20o west to 30o east of north),*
- *where there is adverse slope or topography,*
- *where there is existing vegetation, obstruction, development or fences that overshadow, or*
- *where other controls have priority, e.g. heritage and landscaping considerations.*

*Subject to a merit assessment, consent may be granted where a proposal does not comply with the standard, provided the resulting development is consistent with the general principles of the development control, the desired future character of the locality and any relevant State Environmental Planning Policy.*

### Comment:

No unreasonable overshadowing will occur to adjacent living areas or private open space areas given the orientation of the land and separation between the proposed works and site boundary. The proposed cabana is one storey and will not create significant overshadowing.

## C1.5 Visual Privacy

### Controls

*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.*

### Comment:

The proposed development does not result in any significant loss of privacy to adjoining dwellings given the incorporated design initiatives. The pool and cabana are located significantly distant from the adjacent dwellings and is adequately screened using existing vegetation.

Privacy is reasonably maintained between sites given the circumstances of adjoining dwellings also as described in Section 2 of this SEE.

## C1.6 Acoustic Privacy

### Controls

*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.*

Comment:

The proposed additions are reasonably distant from adjoining dwellings. No adverse noise is anticipated from a typically domestic use. It is unlikely that the pool motor will produce significant background noise.

### **C1.7 Private Open Space**

*Controls*

*Private open space shall be provided as follows:-*

*Minimum 80m<sup>2</sup> 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 16m<sup>2</sup> with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).*

*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.*

Comment:

The dwelling will continue to be provided with access to a designated area of high quality private open space in the yard of sufficient area. The works will provide additional amenity for the residents of the dwelling including pool and cabana.

### **C1.12 Waste and Recycling Facilities**

Comment:

A waste management plan is included in this application. The location of waste and recycling facilities in the site is unchanged. Facilities such as areas for storage of domestic garbage and recycling can be accommodated behind the building line.

### **C1.17 Swimming Pool Safety**

Comment:

Adequate fencing and signage consistent with the Swimming Pools Act 1992 will be provided with the development.

## **C1.19 Incline Passenger Lifts and Stairways**

### **Controls**

*Incline passenger lifts and stairways shall:*

- i. be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees, and*
- ii. be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures, and*
- iii. be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and*
- iv. be painted to blend in with surrounding vegetation and screened by landscaping and*
- v. be set back two (2) metres from the side boundary to the outer face of the carriage*
- vi. be located wholly on private land, and*
- vii. have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling.*

*On steeply sloping existing lots, incline passenger lifts are preferred to driveways where the required driveway grade may be difficult to achieve and would have an adverse impact on the landform, appearance, vegetation and species habitat. In such cases, a proposal will be subject to assessment based on merits, and should be no more than 1 metre above the existing ground level.*

*Incline passenger lifts will not be accepted in lieu of vehicular access for new subdivisions. The noise level shall not exceed 60dB(A), when measured one metre from any adjoining premises.*

### **Comment:**

The proposal utilises the existing incline passenger lift and provides an additional stop at the pool level. The proposed stop will be erected near ground level and will not require significant retaining structures. The stop will be adequately screened by existing vegetation on adjacent lots.

## **D1.1 Character as viewed from a public place**

### **Controls**

*Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) 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. Any building facade to a public place must incorporate at least two of the following design features:*

- entry feature or portico;*
- awnings or other features over windows;*
- verandahs, balconies or window box treatment to any first floor element;*
- recessing or projecting architectural elements;*
- open, deep verandahs; or*
- verandahs, pergolas or similar features above garage doors.*

*The bulk and scale of buildings must be minimised.*

*Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser. Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to*

landscaping and vegetation.

Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.

General service facilities must be located underground.

Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.

Comment:

The front façade will continue to provide a compatible design that contributes to the locality. The bulk and scale of the proposed pergola when removed from the street is minimal. The location of the garage is unchanged from existing.

### D1.5 Building colours and materials

Controls

External colours and materials shall be dark and earthy tones as shown below:

White, light coloured, red or orange roofs and walls are not permitted:

Finishes are to be of a low reflectivity.

Applications in commercial areas, as identified in the diagram below, shall use the three elements of stone, timber and landscaping as feature elements to any facade presenting to the street.

Comment:

The pergola and deck will be constructed from timber in dark, earthy tones, complementing the existing landscaping and blending seamlessly with the natural environment. This design choice enhances the visual quality of the space while maintaining harmony with the surrounding landscape.

### D1.8 Front building line

Controls

<b>Land</b>	<b>Front Building Line (metres)</b>
All other land zoned R2 Low Density Residential, R3 medium Density Residential or E4 Environmental Living	6.5, or established building line, whichever is the greater

The minimum front building line shall be in accordance with the above table. Built structures (including swimming pools), other than driveways, fences and retaining walls are not permitted within the front building setback.

Comment:

The site is within land zoned C4 Environmental Living, and therefore the front building line is 6.5m. The proposed addition maintains the current consistent building line in the street. No encroachment is proposed.

### D1.9 Side and rear building line

Controls

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

<b>Land</b>	<b>Side &amp; Rear Building Line (metres)</b>
Land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living	2.5 at least to one side; 1.0 for other side 6.5 rear (other than where the foreshore building line applies)

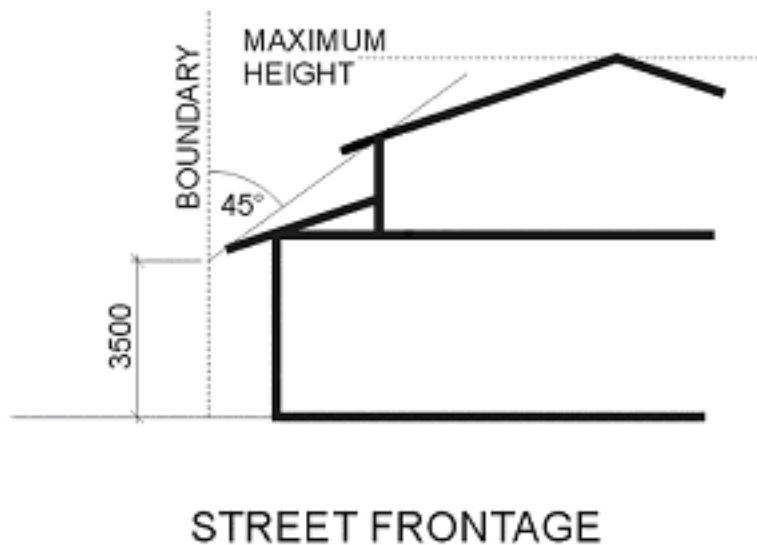
Comment:

The site is within land zoned C4 Environmental Living, and therefore the minimum side setbacks are 2.5m on one side and 1.0m on the other. The proposed pool is setback 3.8m to the north and 1.85m to the south. No encroachment is proposed and development complies with the control.

### D1.11 Building envelope

*Controls*

*Buildings are to be sited within the following envelope:*



Comment:

The proposed cabana is lower than 3.5m and complies with the building envelope.

### D1.14 Landscaped Area - Environmentally Sensitive Land

*Controls*

*The total landscaped area on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living shall be 60% of the site area.*

*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.*

Comment:

The total landscaped area is 61% of the total site area as identified in the Area Calculations Plan, which complies with the control. The landscape character of the site and locality is retained and a reasonable level of amenity for the site and surrounding context is retained.

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

### *Controls*

*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.*

### **Comment:**

The proposed excavation and retaining wall requirements are minimised by raising the pool area above the natural ground level. The maximum excavation requirement is 1300mm in height, which can be reasonably supported through retaining structures and foundations as identified in the Geotechnical Report. The proposed timber decking also minimises cut and fill by lessening the impact on the environment.



## 8.0 Section 4.15 Planning Assessment

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

### Matters for consideration—general

#### (a) the provisions of relevant planning controls and regulations

Comment:

The proposal is permissible and satisfies the objectives of Pittwater Local Environmental Plan 2014 and prescriptive and performance controls of the Pittwater DCP 21. The proposed development is appropriate in consideration of the streetscape objectives, amenity and landscaping.

#### (b) the likely impacts of that development

Comment:

A detailed site analysis was undertaken to determine the appropriate siting of the development having regard to Council's planning controls, the circumstances of the site and neighbouring properties and the desired future character of the locality. The proposed development provides for higher amenity living environment given the quality of landscaping proposed relative to the existing site. The proposed pool and shade structure, together with the landscaping, are sensitively designed and located to not compromise the amenity of neighbouring properties.

In view of the above the development will have acceptable social and environmental implications given the nature of the zone.

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

Comment:

The subject site has an area and configuration suited to the development proposed. The design solution is based on sound site analysis and responds positively to the characteristics of the site and adjoining development. Private open space is enhanced as a result of this proposal. The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed.

#### (d) any submissions made in accordance with the Act or the regulations.

Comment:

Nil

#### (e) the public interest

Comment:

The proposed development is purely domestic in nature and provides for the orderly division of space on-site within a well serviced locality therefore satisfying urban consolidation initiatives and furthering the public interest.

### Non-discretionary development standards

Comment:

The application has merit and is consistent with the intent of the controls given the site context.

### Development control plans

Comment:

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard.

## 9.0 Conclusion

This Statement of Environmental Effects has been prepared to support an application for the construction of a pool, shade structure, carport and landscaping works on land known as No 99 Riverview Road Avalon.

The proposed alterations and additions are permissible in the zone and is appropriate in the context of the subject site and surrounding residential development. The pool will provide increased amenity to occupants on site with limited environmental impacts.

No adverse environmental impacts will arise with the construction of the proposed development. The pergola is small scale relative to the existing building and will not result in significant bulk.

The proposal is consistent with the design criteria contained in the LEP and DCP. The development is reasonable when considering the site context and existing building. The proposal will result in a higher amenity residence in a well sought after area.

The proposed development is consistent with the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposal has town planning merit and approval of the application is therefore recommended.

