

STATEMENT OF ENVIRONMENTAL EFFECTS

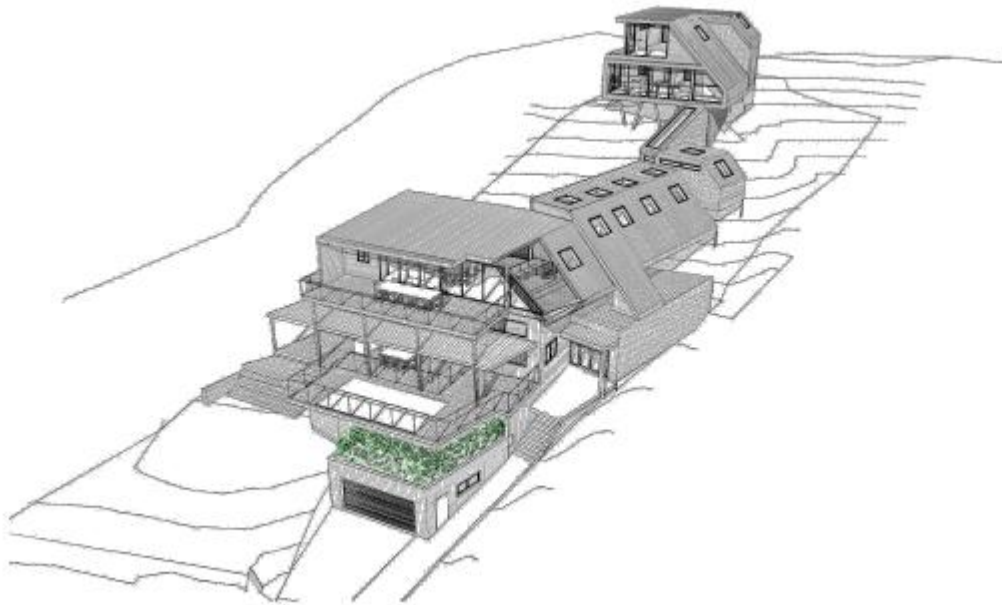
**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO
AN EXISTING DWELLING**

LOCATED AT

67 MARINE PARADE, AVALON BEACH

FOR

MATTHEW AND SUSAN ROOT



**Prepared
March 2020**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by SketchArc, for the proposed construction of alterations and additions to an existing dwelling comprising new deck, swimming pool, garage and driveway on land at **67 Marine Parade, Avalon Beach** on behalf of Matthew and Susan Root.

A previous Development Application – DA 2019/1007 for “*Alterations and additions to a dwelling house*” was withdrawn on 25 November 2019.

The current proposal has been prepared to address the previous concerns raised by Council in its previous assessment.

The submission comprises plans prepared by SketchArc, Project No. 1816, dated 2 August 2019 comprise:

- DA1 PERSPECTIVES
- DA2 SURVEY
- DA3 SITE ANALYSIS & WASTE MANAGEMENT PLAN
- DA4 GARAGE FLOOR PLAN
- DA5 GROUND FLOOR PLAN
- DA6 FIRST FLOOR PLAN
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- DA10 ELEVATIONS, N, S
- DA11 ELEVATIONS, E,
- DA12 ELEVATIONS W
- DA13 ELEVATIONS W1
- DA14 SECTIONS A-A, B-B
- DA15 SECTIONS B1-B1
- DA16 SECTIONS C-C
- DA17 SECTIONS D-D, E-E
- DA18 SECTIONS F-F
- DA19 LANDSCAPING PLAN
- DA20 SOLAR JUNE 21 9am
- DA21 SOLAR JUNE 21 12pm
- DA22 SOLAR JUNE 21 3pm
- DA23 BASIX
- DA24 ELEVATIONAL SHADOWS

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 (Coastal Management) 2018*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan*

2.0 Property Description

The subject allotment is described as 67 Marine Parade, Avalon Beach, being Lot 1 within Deposited Plan 1205310 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is noted on the Geotechnical Hazard Map as “W Hazard H1”. In addition, the site is identified as “R Bluff/Cliff Instability”, “Bluff Management Hazard” and “Landslip/Rock Fall – Coastal Bluff Management Area”. Accordingly, a revised Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J1879C, dated 24 February 2020. This issue will be discussed further within this report.

The site is identified as Bushfire Prone Land on Council’s mapping. Accordingly, a revised Bushfire Assessment Report has been prepared by Building Code & Bushfire Hazard Solutions Pty Ltd, Reference No. 190070D, dated 27 February 2020. This issue will be discussed further within this report.

The site is identified within the Class 5 Acid Sulfate Soils Area and is affected by the Foreshore Building Line. These matters will be discussed further within this submission.

The site and the existing dwelling has recently been the subject of an application for “*Alterations and additions to a dwelling house including a swimming pool*” under DA2018/1333, which were approved under Notice of Determination dated 1 April 2019.

The works have been commenced in accordance with CC2019/0485.

There are no other identified hazards affecting the land.

3.0 Site Description

The property is located on the eastern, higher side of Marine Parade and is irregular in shape. The land is irregular in shape, with a frontage to Marine Parade of 21.12m, and northern and southern side boundaries of 63.05m and 56.86m respectively. The rear eastern boundary measures 18.79m. The total site area is 1096m².

The land rises away from the street to the escarpment line at the eastern extremity of the site. Stormwater from the site directed to the street gutter in Marine Parade.

The land is currently developed with an existing weatherboard clad cottage with a metal roof and attached garage with a metal roof.

The details of the existing site levels are indicated within the Survey Plan prepared by Adam Clerke Surveyors Pty Ltd, Reference No. 26001F, dated 23 July 2013.



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



Fig 2: View of subject site, looking east from Marine Parade



Fig 3: View of subject site, looking north-east from Marine Parade



Fig 4: View of adjoining site at No 65 Marine Parade, looking east from Marine Parade



Fig 5: View of adjoining site at No 69 Marine Parade, looking east from Marine Parade

4.0 The Surrounding Environment

The general vicinity of the site is characterised by one and two storey residential developments within landscaped settings. The surrounding dwellings enjoy views towards Pittwater.

Surrounding the sites are single residences, with a variety of styles and scales of development. As indicated on the aerial photograph, swimming pools are not uncommon in the locality.



Fig 6: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, it is proposed to provide for the construction of alterations and additions to the existing dwelling, which comprise the following works:

Garage Level

- No change to garage works approved under DA2018/1333

Ground Floor Level

- No change to swimming pool and front terrace works approved under DA2018/1333
- Alterations and additions to existing ground floor level to provide for a new formal entry foyer and access to existing ground floor level, together with stair access to new upper floor level

First Floor Level

- New first floor level to provide for a kitchen with pantry, lounge & dining area, separate powder room
- New front deck with part roof cover
- Internal stair access to (Second Floor) three bedrooms, bathroom and internal stair access to master bedroom area

Third Floor Level

- New master bedroom area with ensuite & sitting area

Fourth Floor Level

- Proposed Master Bed retreat with internal spiral stairs access to Level 3 below

The proposed alterations and additions will retain the existing low pitch skillion roof of the current dwelling, with the new First Floor level set at RL42.880 (SEE Section B-B on Sheet DA13)

The low pitch skillion roof style assists in ensuring that the work presents a modest bulk and scale and will minimise the visual impact of the new works. The proposal will utilise complementary external colours and finishes to match the existing dwelling and will integrate new landscaped areas within the front yard to further assist in screening the built form.

New plantings are being provided to the perimeter of the new additions (See Landscape Plan prepared by Serenescapes Landscape Designs -Sheet DA19) to screen the development from Marine Parade and provide privacy for the site's occupants.

The development indices for the proposal are summarised as (over):

Site Area:	1096m ²
Required soft landscaped area:	60% or 657.6m ²
Proposed soft landscaped area:	59.97% or 657.23m ² (incl. 6% impervious surfaces area allowance – 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

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 State Environmental Planning Policy (Coastal Management) 2018

The subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

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

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

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*

- (f) *to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) *to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) *to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) *to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) *to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) *to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) *to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) *to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

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

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

The proposal provides for the construction of alterations and additions to an existing dwelling. The proposed new works are largely contained within the footprint of the existing building and the area immediately surrounding the dwelling and are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Coastal Management) 2018.

6.4 Pittwater Local Environmental Plan 2014

The site is zoned E4 Environmental Living under the provisions of the PLEP 2014.

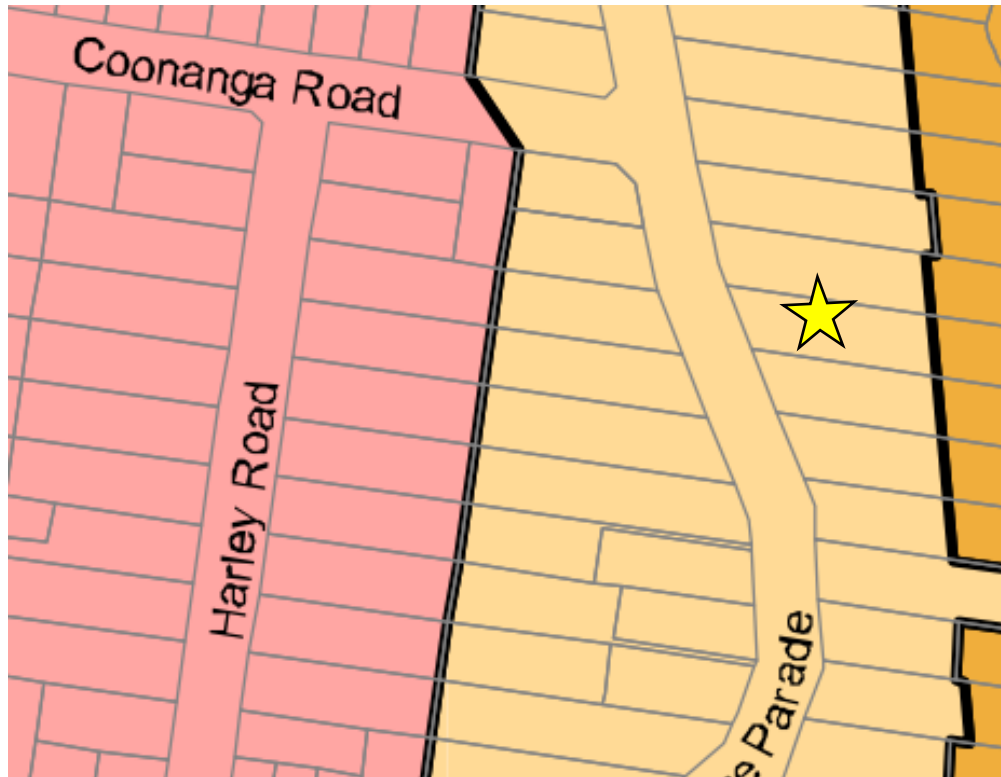


Fig 7: Zoning extract – Pittwater LEP 2014

The development of and use of the land for residential purposes within the E4 Environmental Living Zone is consistent with the zone objectives, which are noted as:

- *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*

It is considered that the proposed alterations and additions to 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 the construction of alterations and additions to an existing dwelling, which will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Avalon is 8.5m. The proposal provides for a maximum height of up to approximately 8.3m and therefore readily complies with this control.

Clause 5.9 relates to the preservation of trees or vegetation. The proposal will not require the removal of any significant vegetation to accommodate the proposed works.

Additional perimeter screen planting is provided to the perimeter of the proposed additions and has been detailed in the Landscape Plans by Serenescapes Landscape Designs, Project No 20630 dated 18 February 2020.

Clause 7.1 relates to acid sulfate soils. The site has been identified as Class 5. The proposal will not see any substantial excavation of the site and it is therefore not anticipated that any acid sulfate soils will be encountered.

Clause 7.2 relates to earthworks. The proposal will require some excavation of the site in order to accommodate the proposed swimming pool and garage. The proposal is accompanied by a revised Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J1879C, dated 24 February 2020. The report is considered to address the provisions of this clause.

Clause 7.5 relates to coastal risk planning.

The site is identified as “R Bluff/Cliff Instability” on Council’s mapping.

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

- (a) to avoid significant adverse impacts from coastal hazards,*
- (b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,*
- (c) to enable the evacuation of land identified as coastal risk in an emergency,*
- (d) to avoid development that increases the severity of coastal hazards.*

The revised Geotechnical Investigation prepared by White Geotechnical Group, Reference No. J1879C, dated 24 February 2020 includes within Clause 13 an assessment of the impact of the works on the Coastal Bluff location. The report concludes that the works should not be affected by any undercutting of the site as a result of any accepted predicted sea level rise.

The report prepared by White Geotechnical Group is considered to suitably address the provisions of this clause.

Clause 7.7 – Geotechnical Hazards

The site is noted on Council’s Geotechnical Hazard Map as “W Hazard H1”. Accordingly, a revised

Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J1879C, dated 24 February 2020.

The report concludes the following:

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.

The proposal is therefore considered to be in keeping with the requirements of Clause 7.7 of the PLEP 2014.

Clause 7.8 – Limited development on foreshore area

The site is noted as being affected by Council's Foreshore Building Line Map (refer to Figure 6 below).

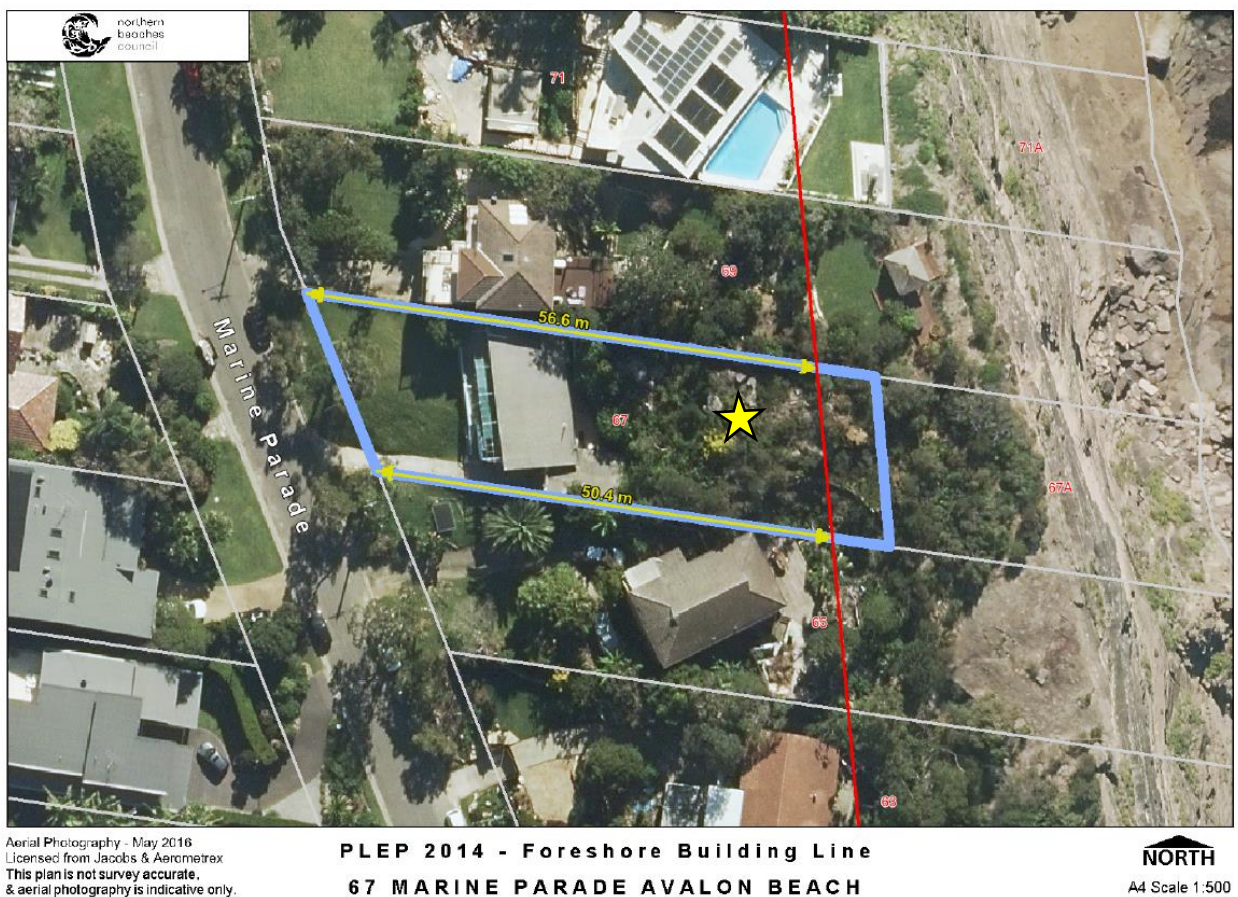


Fig 8: Foreshore building line map extract – Pittwater LEP 2014

The foreshore area is defined as:

foreshore area means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the Foreshore Building Line Map.

Clause 7.8 notes as its Objectives:

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

- (a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,*
- (b) to ensure continuous public access along the foreshore area and to the waterway.*

Clause 7.8 (2) notes that development consent can only be granted for certain development within the foreshore area, including:

- a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*

In this instance, the works involve alterations and additions to an existing dwelling which will be located outside of the foreshore building line area. There will be no new work within the foreshore area.

Clause 7.8 (3) notes the following matters to be addressed to the satisfaction of the consent authority to permit the issue of development consent:

- (3) Development consent must not be granted under this clause unless the consent authority is satisfied that:*
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and*

Comment:

As discussed in this Statement, the minor additions to the dwelling will achieve the Objectives of the E4 Environmental Living Zone.

- (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*

Comment:

The proposal will see the construction of alterations and additions to an existing dwelling which will continue to present a well-modulated building form. The proposal will maintain a compatible height and scale to its neighbours and with the articulated form of the building, the proposed alterations and additions are appropriate for the locality.

- (c) the development will not cause environmental harm such as:*
 - (i) pollution or siltation of the waterway, or*
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
 - (iii) an adverse effect on drainage patterns, or*

- (iv) *the removal or disturbance of remnant riparian vegetation, and*

Comment:

The existing stormwater provisions will be unchanged and do not result in any direct impacts to the waterway. All plumbing fixtures will continue to be connected to the Sydney Water sewer.

- (d) *the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*

Comment:

The proposal will not see any change to the public's opportunity to access the waterfront.

- (e) *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*

Comment:

The proposed works will not provide any constraint to future access to the public foreshore area.

- (f) *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*

Comment:

There are no specific historical, cultural, social, archaeological or architectural or aesthetic features of significance in the vicinity.

The waterfront locality and the natural setting are considered to be significant contributors to the local character and as the works are wholly within the private land, these features are adequately protected.

Given the modest nature of the works, the proposal is considered to achieve these specific objectives.

- (g) *in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*

Comment:

The construction of additions and alterations to the existing dwelling will not see any substantial impact on the amenity and aesthetic appearance of the foreshore.

- (h) *sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.*

Comment:

The potential impacts of coastal forces have been considered in this submission, where they have relevance to the proposal.

There are no other provisions of the Pittwater LEP 2014 that are relevant to the proposed works.

6.5 Pittwater 21 Development Control Plan 2014

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type 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 Avalon Parade 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 to an existing dwelling, which is consistent with the scale and style of the newer development in the vicinity.

The proposal will see the retention of the existing significant trees within the site, together with additional plantings throughout the site to maintain an appropriate area of soft landscaping.

The proposal has been designed to reflect the existing setbacks provided to all boundaries existing in the immediate area.

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 construction of additions and alterations to the existing dwelling and landscaping are summarised as:

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

- Protection of people. (S)*
- Protection of the natural environment. (En)*
- Protection of private and public infrastructure and assets. (S)*

A revised Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J1879C, dated 24 February 2020. The report concludes the following:

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.

Accordingly, subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

B3.2 Bushfire Hazard

The controls seek to achieve the outcomes:

- Protection of people. (S)*
- Protection of the natural environment. (En)*
- Protection of private and public infrastructure and assets. (Ec)*

The site has been identified as within bushfire prone land, accordingly a revised Bushfire Report has been prepared by Building Code & Bushfire Hazard Solutions Pty Limited, Reference No 190070D dated 27 February 2020.

Subject to compliance with the recommendations contained within this report, the proposal will satisfy the provisions of this clause.

B3.4 Coastline (Bluff) Hazard

The controls seek to achieve the outcomes:

- Protection of people. (S)*
- Protection of the natural environment. (En)*
- Protection of private and public infrastructure and assets. (S)*

The controls seek to ensure that all development complies with Council's Interim Geotechnical Risk Management Policy for Pittwater. A report has been provided for Council's consideration,

prepared by White Geotechnical Group, Reference No J1879C dated 24 February 2020 which confirms that the works are not at risk from accepted predicted sea level rise.

The works will be constructed in accordance with the recommendations contained within the Geotechnical Report.

B4.3 Flora and Fauna Habitat Enhancement Category 2 Land

The controls seek to achieve the outcomes:

Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats. (En)

The proposal will not require the removal of any significant vegetation, and is therefore considered to satisfy the provisions of this clause.

A Flora & Fauna Assessment has been prepared by Kingfisher Urban Ecology and Wetlands, dated February 2020 to address the proposed works.

The report provides recommendations to be observed during the construction works, with the Conclusion of the report noting:

Conclusion

The overall health of the vegetation community onsite is marginal and EEC vegetation onsite is not significantly contributing to habitat connectivity across the landscape or upholding critical habitat features. There is a high abundance of weeds onsite as the area has previously been disturbed. It is expected that the development will not place the EEC at risk of extinction.

Additionally, a Landscape Plan has been prepared for the site by Serenescapes Landscape Designs, Project No 20630 dated 18 February 2020.

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)

The proposed works are largely within the existing building footprint and will not see any significant change to the site conditions. The new works will be connected to the existing system which directs water to the street gutter in Marine Parade, and accordingly the proposal is considered to satisfy Council's stormwater requirements.

B5.10 Stormwater Discharge into Public Drainage System

The controls seek to achieve the outcomes:

*All new development to have no adverse environmental impact at the discharge location
(En, S)*

The new works will be connected to the existing system which directs collected stormwater to the street gutter in Marine Parade, and accordingly the proposal is considered to satisfy Council's stormwater requirements.

B5.11 Stormwater Discharge into Waterways and Coastal Areas

The controls seek to achieve the outcomes:

*All new development to have no adverse environmental impact at the discharge location
(En, S)*

The proposal maintains the existing stormwater system. As the stormwater comprises roofwater only, there is not anticipated to be any adverse impact on the waterway. The proposal is therefore considered to satisfy the provisions of this clause.

B6.1 Access driveways and works on the Public Road Reserve – Low Density Residential

The controls seek to achieve the outcomes:

*Safe and convenient access. (S)
Adverse visual impact of driveways is reduced. (En)
Pedestrian safety. (S)
An effective road drainage system. (En, S)
Maximise the retention of trees and native vegetation in the road reserve. (En, S)*

The site will provide for the construction of alterations and additions to an existing dwelling. The current driveway crossing arrangements will continue to provide suitable access to the property in accordance with these controls, with the driveway to be constructed to replace the existing driveway within the site as detailed under DA2018/1333.

B6.2 Internal Driveways – Low Density Residential

The controls seek to achieve the outcomes:

*Safe and convenient access. (S)
Reduce visual impact of driveways. (S)
Pedestrian safety. (S)
An effective road drainage system. (En, S)
Maximise the retention of trees and native vegetation.
Reduce contaminate run-off from driveways.*

The proposal under DA2018/1333 provides for a new driveway to be accessed via the existing vehicular crossing, to facilitate access to the new garage. The approved driveway is considered to provide safe access for the dwelling's occupants.

B6.3 Off-street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

Safe and convenient parking (En,S)

The controls require a minimum of 2 parking spaces for a dwelling with 2 bedrooms or more. The site will be provided with new carparking arrangements under DA2018/1333, which is currently under construction.

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 require some excavation to accommodate the proposed works. Accordingly, the proposal is accompanied by a revised Geotechnical Investigation prepared by White Geotechnical Group, Reference No. J1879C, dated 24 February 2020, which is considered to address the provisions of this clause.

In addition, the works will be carried out in accordance with the recommendations of a qualified Structural Engineer.

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)

As required, appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties and Pittwater.

B8.3 Construction & 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)

As required, appropriate waste management controls will be implemented throughout construction.

6.5.3 Section C Development Type Controls

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

C1.1 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. (End, Ec)
Landscaping results in low watering requirement. (En)

The proposal will not require the removal of any significant vegetation.

The development is also supported by a Landscape Plan prepared by Serenescapes Landscape Designs, which provides for additional plantings within the rear yard to assist in screening the new built form and to provide perimeter screening to the master bedroom wing and the upper floor master bedroom retreat.

The proposal will retain a suitable area of soft landscaping on site, and the site will maintain its contribution to the landscaped character of the locality and is considered to maintain consistency with the provisions of this clause.

C1.2 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 site will retain the opportunity to view the driveway and street area with casual surveillance of the immediate area available.

1.3 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 proposal provides for the construction of alterations and additions to an existing dwelling, with a south-western façade which steps with the sloping topography of the site.

The primary outlook of the surrounding dwellings is to the west towards Pittwater, and as a result of the adjacent properties being generally aligned with the subject dwelling, the neighbouring properties are considered to maintain their primary views.

C1.4 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 new works will see some increased shadow impacts to the southern neighbour, with the elevational shadow details provided in Sheet DA24 indicating the first floor north facing deck and northern windows will retain in excess of 3 hours of solar access. Areas of the southern neighbours yard will continue to retain access throughout the day.

C1.5 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 proposal provides for a new first floor western timber deck, with a setback of between 2.6m-3.5m from the northern boundary and from 3.0m to the southern boundary. A privacy wall is provided to a portion of the northern elevation of the deck, with the opportunity for further privacy screening as required by Council.

The design is sensitive to the privacy and amenity of the neighbouring properties, by limiting the size and the extent of windows in the side elevation and including high sill windows to the side elevations of the main living areas and the new bedroom wing along the southern boundary.

The potential for overlooking from the master retreat over the main bedroom has been considered and the window openings to the south have been minimised, which combined with generous setbacks to the neighbouring dwellings, is considered to be reasonable.

The new works have been designed to not unreasonably overlook the neighbours, with the existing levels of amenity enjoyed by the neighbours to be suitably maintained.

C1.6 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. The works will maintain the current ample separation to living areas of adjoining properties, thereby maintaining existing levels of acoustic privacy.

C1.7 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 retains the existing areas of surrounding the pool area and west facing ground floor terrace which enjoy good solar access.

C1.12 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 surrounding the garage for on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

6.5.4 Section D Design Criteria

The **D1 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 **D1 Avalon Beach Locality** is provided below:

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 alterations and additions which will maintain a bulk and scale which is in keeping with existing surrounding development.

Views over and to the side of the dwelling will be retained for the neighbouring dwellings which are located uphill of the proposal.

The setbacks provided reflect the setbacks of the adjoining properties.

The proposed additions to the dwelling are well articulated to provide visual interest and reduce bulk when viewed from Pittwater. In addition, the existing and proposed landscaping will ensure that the proposed works will be interspersed with the natural landscape setting.

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.

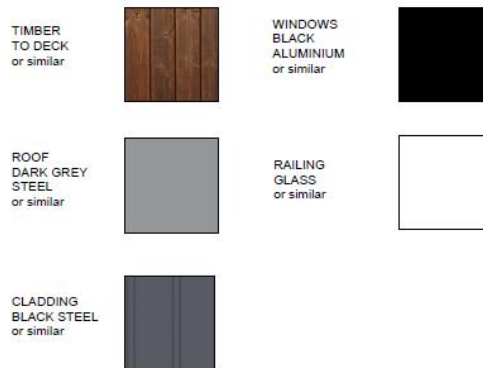
The colours and materials of the development harmonise with the natural environment. (En, S)

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. The proposed external finishes are noted as:



It is considered that the development is appropriate as the proposal will utilise finishes and colours which are compatible with the DCP, existing building finish 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 maneuvering 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 minimum setback to the proposed new works is approximately 9.5m and exceeds the setback of the approved works detailed under DA 2018/1333. garage will be from 5.29m and therefore does not comply with this control.

The proposed alterations are appropriate in bulk and scale, and will not be overbearing when viewed from the street.

The proposal will not see the removal of any significant vegetation, and new plantings are provided forward of the proposed pool to soften the built form of the development as it presents to Marine Parade.

The proposed alterations and additions maintain consistency with the character of existing surrounding development, and suitably respond to the site conditions.

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 a minimum of 1.0m setback for the other side.

The proposed additions have varying setbacks, with a minimum setback of 900mm to the northern boundary and from 1700mm to the southern side boundary in keeping with the existing dwelling. The proposed access stair cover will extend to a minimal setback to the southern boundary at the ground level, with an enclosing screen wall to prevent overlooking to the southern neighbour.

The proposed alterations and additions are well articulated and given the general form, are considered to maintain consistency with the desired future character of the locality. The

proposed new works will not unreasonably detract from the views currently received by neighbouring properties.

The proposal where it does not comply with the minimum side setback requirements will not result in any adverse impacts for neighbouring properties in terms of views, privacy, amenity or solar access.

The articulated form of the design and the proposed setbacks are considered to be adequate in this instance and will achieve the outcomes of Clause D1.9.

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°.

As a result of the position of the existing dwelling on the site, portions of the southern wall of the dwelling have been angled to observe the side boundary envelope.

The articulated nature of the side elevations of the building assists in distributing the bulk of the building and with the view and reasonable solar access being retained for the neighbours, the objectives of the control are respected.

D1.14 Landscaped Area – Environmentally Sensitive Land

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 60% of the site area.

The proposed new additions to the dwelling and the associated works will provide for a soft landscaped area of 657.23m² or 59.57%, including the permissible 6% concession for functional landscaped area.

As the works achieve the objectives of this clause, the proposal is considered acceptable on merit.

D1.15 Fences – General

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)
To ensure fences compliment and conserve the visual character of the street and neighbourhood
To define the boundaries and edges between public and private land and between areas of different function.
To contribute positively to the public domain.
An open streetscape that allows casual surveillance of the street. (S)
Fences, where provided, are suitably screened from view from a public place. (S)
Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)
To ensure heritage significance is protected and enhanced. (S)
To ensure an open view to and from the waterway is maintained. (S)

The proposal will not see any changes to the existing fencing.

D1.20 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.
Achieve the desired future character of the Locality. (En, S)
To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En, S).
Maintenance and enhancement of the tree canopy. (En, S)
Colours and materials recede into a well vegetated natural environment. (En, S)
To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component (En, S)
To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.
To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.

Development shall minimise visual impacts on the natural environment when viewed from any waterway, road or public reserve.

The proposal will maintain the more significant plantings within the site and provides for additional screen planting to surround the proposed additions.

Given the scenic importance identified by the E4 Environmental Living Zone, the design has placed particular emphasis on stepping floor levels to follow the site contour and maintaining low profile wall and roof elements. The proposed landscape plan prepared by Serenescapes Landscape Design will further soften the built form of the development.

The site will maintain a generous area of soft landscaping.

The bulk and scale of the development is generally in keeping with the extent of development in the immediate locality.

The proposal will not see any unreasonable view loss for surrounding properties, and will maintain suitable privacy, amenity and solar access for neighbouring dwelling. The proposal is therefore considered to be in keeping with the provisions of this clause.

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

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.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to

numerical development controls in the DCP as justified in this report. In particular, we consider that the variations to the side setback controls are reasonable alternative solutions to compliance where the site conditions results in a challenge to designing for new development which fully respects the landscaped area criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

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

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

7.6 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 alterations and additions to an existing dwelling will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will 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.

7.7 The suitability of the site for the development

The subject land is currently zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 Submissions made in accordance with this Act or the regulations

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

7.9 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 the construction of alterations and additions to an existing dwelling which respect and complement 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.

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