

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE DEMOLITION OF AN EXISTING OUTBUILDING AND THE CONSTRUCTION OF A
DETACHED SECONDARY DWELLING**

LOCATED AT

9 TASMAN ROAD, AVALON BEACH

FOR

PETER HAND



**Prepared
April 2020**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Backyard Cabins, Project No. CD-011/19, Sheet No. 1-4, dated 23 February 2020, on behalf of Mr Peter Hand to detail the demolition of the existing outbuilding and the construction of a secondary dwelling at **9 Tasman Road, Avalon Beach**.

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

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 9 Tasman Road, Avalon Beach, being Lot 30 within Deposited Plan 13811 and is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

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

The site is noted as being Low Flood Risk Flood Prone Land. This matter will be discussed further within this report.

There are no known hazards affecting this site.

3.0 Site Description

The site is located on the eastern side of Tasman Road.

The land has a general fall to the west, with stormwater from the roof areas directed to the street gutter in Tasman Road. The site has a fall of approximately 2.95m over its length.

The site is rectangular in shape and has a width of 18.29m and northern and southern side boundaries of 60.98m and 60.975m respectively. The total site area is 1115m².

The site is currently occupied with a rendered brick & part timber cottage with a metal roof. An in-ground swimming pool is located in the northern-eastern corner of the rear yard.

Vehicular access to the site is provided via a concrete driveway from Tasman Road to an existing attached garage.

The details of the lots which comprise the parcel are contained within the survey report prepared by Adam Clerke Surveyors Pty Ltd, Reference No. 27114A, dated 17 January 2020, which accompanies the DA submission.

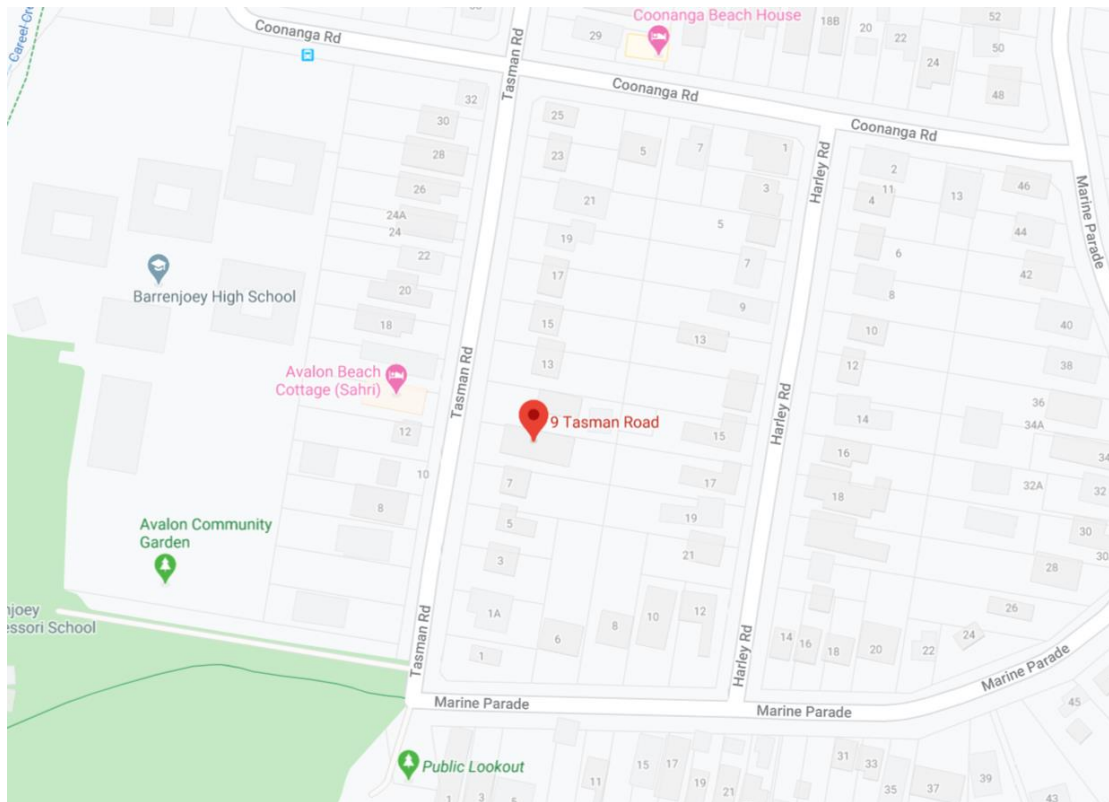


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of subject site, looking east from Tasman Road



Fig 3: View of location of proposed secondary dwelling, looking east towards rear boundary



Fig 4: View of location of proposed secondary dwelling, looking south-east towards rear boundary



Fig 5: View of rear yard and swimming pool, looking north-east



Fig 6: View of existing front yard conditions and driveway to double garage, looking south

4.0 The Surrounding Environment

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

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



Fig 7: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the demolition of the existing outbuilding and the construction of a new detached single storey secondary dwelling comprising:

Secondary Dwelling

- Proposed new secondary dwelling to provide for living/dining, kitchen, bedroom, bathroom and deck

External Works

- New hardstand car space

The proposed new secondary dwelling provides for a modest single storey scale. The proposed low profile roof form minimises the visual impact of the new works to the dwelling.

The external finishes of the new works comprise horizontal timber cladding with metal roof sheeting.

The proposed construction of a new detached secondary dwelling will not require the removal of any significant vegetation.

The development indices for the development are summarised as:

Site Area	1115m ²
Required Landscaped Area:	50% or 557.5m ²
Proposed Landscaped Area:	40.1% or 446.11m ² (See DCP discussion)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal has been designed to respect the water, thermal and energy standards required by BASIX.

A BASIX Certificate has been provided to support the proposed works.

6.2 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

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



Fig 8: Extract of Pittwater Local Environmental Plan 2014

The proposed new secondary dwelling is considered to be permissible with the consent of Council.

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

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

It is considered that the proposed new secondary dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

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

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Avalon is 8.5m. The proposed new works will provide a maximum overall height of approximately 4.26m and therefore complies with this control.

Clause 5.4 – Controls relating to miscellaneous permissible uses

Clause 5.4(9) provides the following in relation to secondary dwellings:

Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- 1. 60 square metres,*
- 2. 25% of the total floor area of the principal dwelling.*

The proposed secondary dwelling has a floor area of 38.75m² and therefore complies with this control.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by acid sulfate soils (Class 5). The proposal will not require any substantial disturbance of the existing site conditions. Appropriate sediment and erosion measures will be installed prior to the commencement of works to ensure disturbance of the site is minimised.

Clause 7.2 – Earthworks

The proposal does not necessitate any significant earthworks. Appropriate sediment and erosion measures will be installed prior to the commencement of works to ensure disturbance of the site is minimised.

The works will be carried out in accordance with the recommendations of the consulting Structural Engineer.

Clause 7.10 – Essential Services

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

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

6.3 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.

6.3.1 Shaping Development – Desired Character

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

A4.1 Avalon Beach Locality

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

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

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

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

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

The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect principles of good urban design. External materials and finishes shall be natural with smooth shiny surfaces avoided. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors. The natural landscape of Careel Bay, including seagrasses and mangroves, will be conserved. Heritage items and conservation areas indicative of early settlement in the locality will be conserved, including the early subdivision pattern of Ruskin Rowe.

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

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of a detached secondary dwelling, with a modest single storey height and scale.

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

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

6.3.2 Section B General Controls

The General Controls applicable to the proposed new secondary dwelling are summarised as:

B3.11 Flood Prone Land

The controls seek to achieve the outcomes:

Protection of people.

Protection of the natural environment.

Protection of private and public infrastructure and assets.

A portion of the site is identified as Low Risk Flood Prone Land. The proposed secondary dwelling is located clear of the flood prone land, and no further investigation is deemed necessary.



Fig 7: Extract of Pittwater Development Control Plan Flood Planning Map

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

The controls seek to achieve the outcomes:

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

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

B5.7 Stormwater Management - On-Site Stormwater Detention

The controls seek to achieve the outcomes:

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

On-site Stormwater Detention (OSD) is required where the development results in a built upon area of more than 50m².

The proposed footprint of the new works is less than 50m². Accordingly, on-site detention is not required.

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)

Roofwater from the new roof areas will be connected to the existing system which directs stormwater to the street gutter in Tasman Road.

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 proposal will see the provision of a new hardstand parking space to serve the proposed secondary dwelling. The proposed new parking space will not require the removal of any significant trees or native vegetation. The existing driveway and garage is maintained.

B6.3 Off-street Vehicle Requirements

The controls seek to achieve the outcomes:

Safe and convenient parking (En,S)

The controls require a minimum of 2 parking spaces for each dwelling. An additional space is required for secondary dwellings. The proposal will maintain the existing double garage, and provide an additional hardstand car space to serve the proposed secondary dwelling.

The proposal therefore complies with Council's parking requirements.

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 not require any excavation to accommodate the proposed works. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer, and therefore satisfy the provisions of this clause.

B8.2 Construction & Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

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

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

Public safety is ensured. (S)

Protection of the public domain. (S, En)

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

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

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

The proposal will not require any demolition to accommodate the proposed works.

All waste material will be removed and recycled off site where possible or taken to an approved waste disposal facility.

6.3.3 Section C Development Type Controls

The Development Type 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. (En, Ec)*
- Landscaping results in low watering requirement. (En)*

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

The proposal retains suitable areas of soft landscaping on site which will retain the landscaped character of the locality. The opportunity exists for additional screen planting to the southern perimeter of the rear yard as required by Council.

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 proposed works do not impact on the existing safety or security of the site. The dwelling entry will continue to provide casual surveillance towards the street.

C1.3 View Sharing

The controls seek to achieve the outcomes:

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

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

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.

Given the modest single storey scale of the new secondary dwelling, the proposal is not considered to unreasonably remove solar access to the primary living spaces of any neighbouring properties.

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.

Limited window openings are provided to the southern side and rear elevations to minimise any potential privacy impacts on the neighbouring properties.

The proposed small balcony is modest in depth and is orientated towards the pool and yard areas of the subject site.

The proposal is therefore not considered to result in any unreasonable overlooking.

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.

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 will maintain sufficient areas of private open space within the rear yard to meet the needs of the primary and secondary dwellings.

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

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

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

Housing for older people and people with a disability are accessible, adaptable and safe. (S)
Equitable access in the public domain. (S)

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

C 1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

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

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

C1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)
Compliance with Swimming Pools Act 1992 and Regulations (En, S)

The proposal will not see any change to the existing swimming pool and safety fencing. will

6.3.4 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 a detached secondary dwelling and hardstand car parking space. As can be seen in the architectural plans provided, the form of the development is modest and the secondary dwelling will not be prominently viewed within the Tasman Road streetscape.

The proposed one storey scale is considered to be consistent in terms of bulk and scale to the existing surrounding development, which generally comprises one and two storey dwellings.

D1.4 Scenic Protection – General

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.
Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)

The proposal provides for a modest detached single storey dwelling, with complementary external finishes and a low profile pitched roof. The proposal is considered to be in keeping with the desired future character of the Avalon Beach locality.

The proposal will not require the removal of any significant vegetation, and maintains a generous area of soft landscaping.

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. It is considered that the development is appropriate as the proposal will utilise finishes and colours which are compatible with the DCP and the surrounding properties.

D1.8 Front Building Line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)
The amenity of residential development adjoining a main road is maintained. (S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
Vehicle manoeuvring in a forward direction is facilitated. (S)
To encourage attractive street frontages and improve pedestrian amenity.
To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment

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

The proposed secondary dwelling is located in the rear yard, and the existing front setback of the primary dwelling remains unchanged.

D1.9 Side and rear building line

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)
The bulk and scale of the built form is minimised. (En, S)
Equitable preservation of views and vistas to and/or from public/private places. (S)
To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.
To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)
Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)
Flexibility in the siting of buildings and access. (En, S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
To ensure a landscaped buffer between commercial and residential zones is established. (En, S)

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

The proposed new secondary dwelling will stand 1.0m from the southern side boundary and well in excess of 2.5m from the northern side boundary, and therefore readily complies with the side setback control.

The minimum setback of the new works from the rear boundary is 1.0m and therefore does not comply

with Council's rear setback control.

The modest bulk and scale of the secondary ensures the visual impact is minimised, and the proposal will not result any adverse visual impact for surrounding properties. As can be seen from the aerial view and the site photographs, outbuildings within the rear yards of the surrounding properties and in close proximity to the rear boundary are common.

The development has been designed to maximise privacy for neighbouring properties.

The proposal will not require the removal of any significant vegetation, and maintains a suitable area of soft landscaping.

Notwithstanding the variation to the rear setback control, the proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.

D1.11 Building Envelope

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- The bulk and scale of the built form is minimised. (En, S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*

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

The secondary dwelling readily complies with the building envelope control.

D1.13 Landscaped Area – General

The controls seek to achieve the outcomes:

- Achieve the desired future character of the Locality. (S)*
- The bulk and scale of the built form is minimised. (En, S)*
- A reasonable level of amenity and solar access is provided and maintained. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*
- Conservation of natural vegetation and biodiversity. (En)*
- Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*
- To preserve and enhance the rural and bushland character of the area. (En, S)*

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

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

The proposal will maintain a significant soft landscaped area of 446.11m² or 40.1% of the site area which presents a minor variation this control.

The proposal does not seek to remove any significant trees, and the existing plantings on site will be retained in accordance with the requirements of this clause.

With Council's 6% allowance for functional open space, 46% of the site is provided as landscaped area. Compliance with this control is constrained by the extent of existing development, and the proposal will result in only a 8.75m² reduction in soft landscaping.

The proposed secondary dwelling is modest in bulk and scale, and will not result in any adverse impacts for neighbouring properties in terms of views, solar access, privacy or general amenity.

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

Stormwater from the development will be connected to the existing stormwater system, and is therefore suitably managed.

The proposal is in keeping with the desired outcomes of this clause, and is worthy of support on merit.

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

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To protect and minimise disturbance to natural landforms.

To encourage building design to respond sensitively to natural topography.

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

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

7.1 The provisions of any environmental planning instrument

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

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

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

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to address 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 variation to the rear setback control and landscaped area control is a reasonable alternative

solution 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 Any matter prescribed by the regulations that apply to the land to which the development relates.

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

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

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

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

It is considered that the proposal, which seeks consent for the demolition of the existing outbuilding and the construction of a detached secondary 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.

7.6 The suitability of the site for the development

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

7.7 Any submissions made in accordance with this Act or the regulations

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

7.8 The public interest

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

8.0 Conclusion

The principal objective of this development is to provide for the demolition of the existing outbuilding and the construction of a detached storey secondary dwelling, which respects and complements the site's location. The provision of complying off street parking will ease the on street parking issues within the immediate vicinity.

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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