

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR PROPOSED ADDITIONS & ALTERATIONS TO
THE EXISTING DWELLING INCLUDING A NEW SECONDARY DWELLING**

LOCATED AT

5 MARINE PARADE, AVALON BEACH

FOR

JOE AND MARGARET GRECH



**Prepared
July 2025**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Joe and Margaret Grech by Rachel Hudson Architect, Project No. 204, Drawings No's. DA-00-A to DA-19-A, Issue A dated 26 June 2025 to detail proposed additions and alterations to the existing dwelling including a new secondary dwelling at **5 Marine Parade, 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 (EP&A Act)*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 5 Marine Parade, Avalon Beach, being Lot 8 within Deposited Plan 838584. The property is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site has been identified by Council as being affected by affected by Coastal Risk Planning Map. The proposal is supported by a Coastline Risk Management Report prepared by Horton Coastal Engineering, dated 15 July 2025. This issue is addressed further within this submission.

The site is affected by the Foreshore Building Line. This will be discussed further within this submission.

The site is noted as being within the Class 5 Acid Sulfate Soils areas. This will be discussed further within this submission.

No other hazards have been identified.

3.0 Site Description

The property is regular in shape, with a northern boundary width to Marine Parade of 24.610m. The eastern and western side boundaries measure 76.505m and 74.675m respectively. The site has an area of 1821m². The property extends from Marine Parade to the mean high-water mark adjoining the Avalon Beach.

The site is currently developed with an existing one and two storey concrete block and metal clad house with a metal roof. Vehicular access is available to a detached workshop accessed by a concrete driveway from Marine Parade.

The site is orientated to the south, with extensive views are available towards Avalon Beach. The site slopes from the northern, front boundary to the southern rear boundary with a fall of approximately 8m across the site.

Stormwater drains towards the Avalon Beach reserve area.

The site has some trees and vegetation within the front and rear and features numerous retaining walls.

The details of the site are included on the survey plan prepared by CMS Surveyors Pty Limited, dated 9 July 2025, which accompanies the DA submission.



Fig 1: Location of subject site
(Source: NBC Mapping)



Fig 2: View of street frontage of the subject site, looking south-west from Marine Parade



Fig 3: View of the streetscape to the east of the site, looking south-east from Marine Parade



Fig 4: View of the subject dwelling, looking south from the access driveway



Fig 5: View looking east across the southern façade of the dwelling

4.0 The Surrounding Environment

The general vicinity of the site is characterised by low density residential development generally between one and three storeys, with the level of the dwelling houses often a direct result of the sloping topography of the waterfront area.

Current dwellings in the area are positioned to take advantage of the views south towards Avalon Beach. The rear of each site generally comprises of rocky outcrops.

The site and surrounding properties have views towards Avalon Beach.

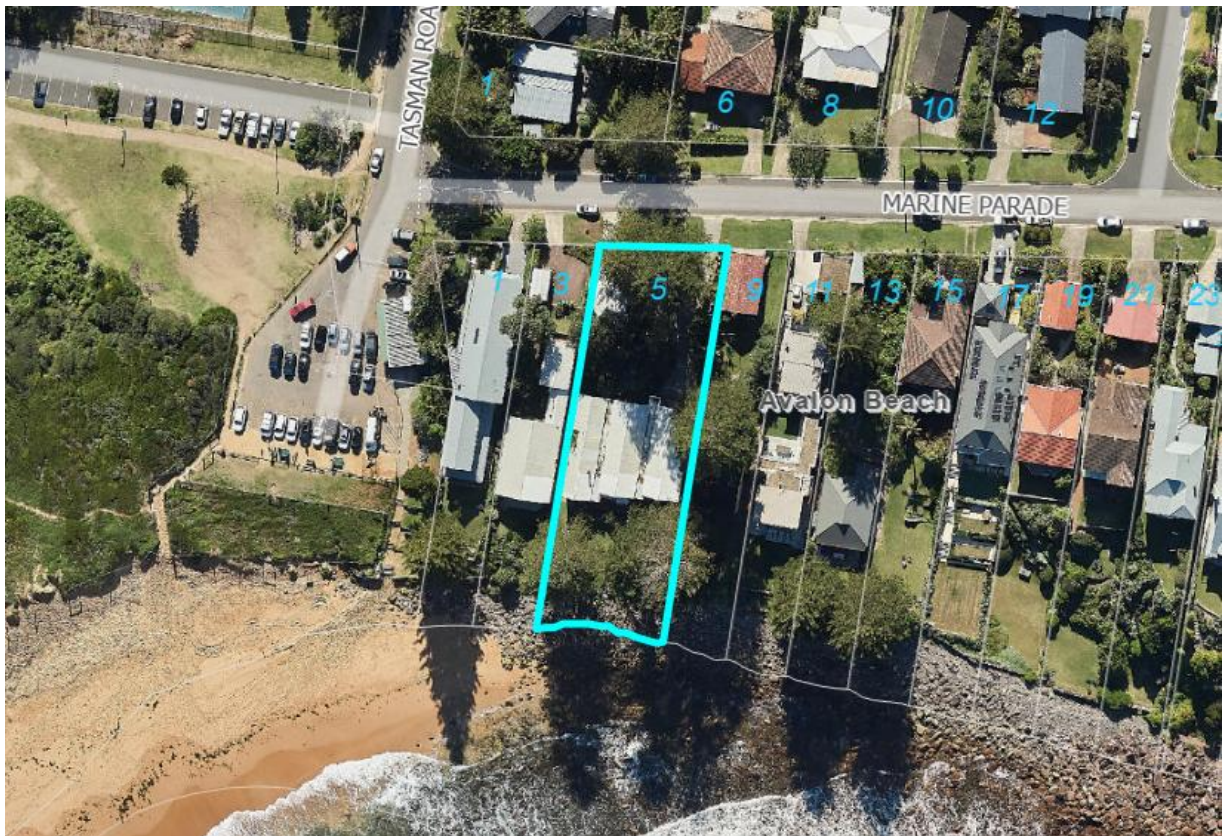


Fig 6: Aerial view of locality
(Source: NBC Mapping)

5.0 Proposed Development

The new works will provide for alterations and additions to the existing dwelling including a new secondary dwelling.

The existing two storey open plan pavilion form with the three current separate roof elements to be largely maintained, with the majority of the existing works within the existing building form other than a minor raising of the roofline of the first floor eastern and western wings of the dwelling and the inclusion of a dormer element to improve the function of the existing floor areas at the first floor level.

Notwithstanding the minor raising of the roof level of the eastern and western pavilions, the development will continue to observe Council's maximum 8.5m height of buildings control.

In summary, the new works will provide for:

Ground Floor

- Proposed alterations and additions to the existing dwelling, to provide for a new/reconfigured floor layout to provide for a new entry, laundry, bathroom, wellness centre with sauna and bathroom, open plan kitchen/living/dining and pantry, lounge, bedroom with ensuite
- Double garage with store room within the volume of the existing dwelling
- Internal vertical passenger lift
- New cellar to be located below the lounge area and partially below the existing ground level
- New secondary dwelling attached to the existing detached workshop located between the dwelling and the front boundary.

First Floor

- Proposed alterations and additions to the western first floor to provide for master bedroom suite with walk-in robe and ensuite bathroom
- New dormer element to existing roof

External Works

- Minor addition to existing outbuilding for extended workshop area at ground floor level and alterations to the building to provide for a secondary dwelling partially within the roof space.

The proposed modest alterations to the existing dwelling represent a high-quality architectural design solution that will provide a significant enhancement to the amenity and usability of the site. The resultant development is highly articulated, with skillful use of materiality to break down the apparent size of the existing dwelling and reduce bulk and scale.

The established building setbacks provide appropriately for spatial separation, deep soil landscape opportunity, privacy and solar access.

The internal design and arrangement will afford exceptional amenity to future occupants without unreasonably compromising the amenity of surrounding residential properties or the scenic attributes of the area.

The proposed external finishes have been detailed on the building elevations noted within Drawing No DA-19-A and comprise of a variety of finishes which will reflect the coastal character of the area and complement surrounding development.

The proposal is accompanied by a Arboriculture Impact Assessment and Site – Specific Plan of Management, dated April 25 and as revised July 2025, prepared by Growing My Way Tree Consultants.

The proposal considers the impact of the works on six trees including two groups of trees or located within the subject site.

The conclusion to the Assessment notes that only one tree – Tree #4 which is a Coastal Banksia, will be removed due to the construction impacts from the proposed work.

All other significant trees within the site will be retained.

The Landscape Plan prepared by Formed Gardens, under Job No FG 25 028 notes the replacement planting of an additional six Coastal Banks is together with other complementary planting throughout the site.

The proposed secondary dwelling has been incorporated into the existing development and will be a complementary bulk and scale.

The proposal results in the following indices:

Site Area:	1821m ²
Required Building Height:	8.5m
Proposed Building Height:	8.5m (new roof)
Required soft landscaped area:	60% or 1092.6m ²
Proposed soft landscaped area:	989m ² or 54.3% (not including the 6% variation)

The following selected images prepared by the Project Architect encompass the visual representation of the proposed works. A 3D image package accompanies the application submission:

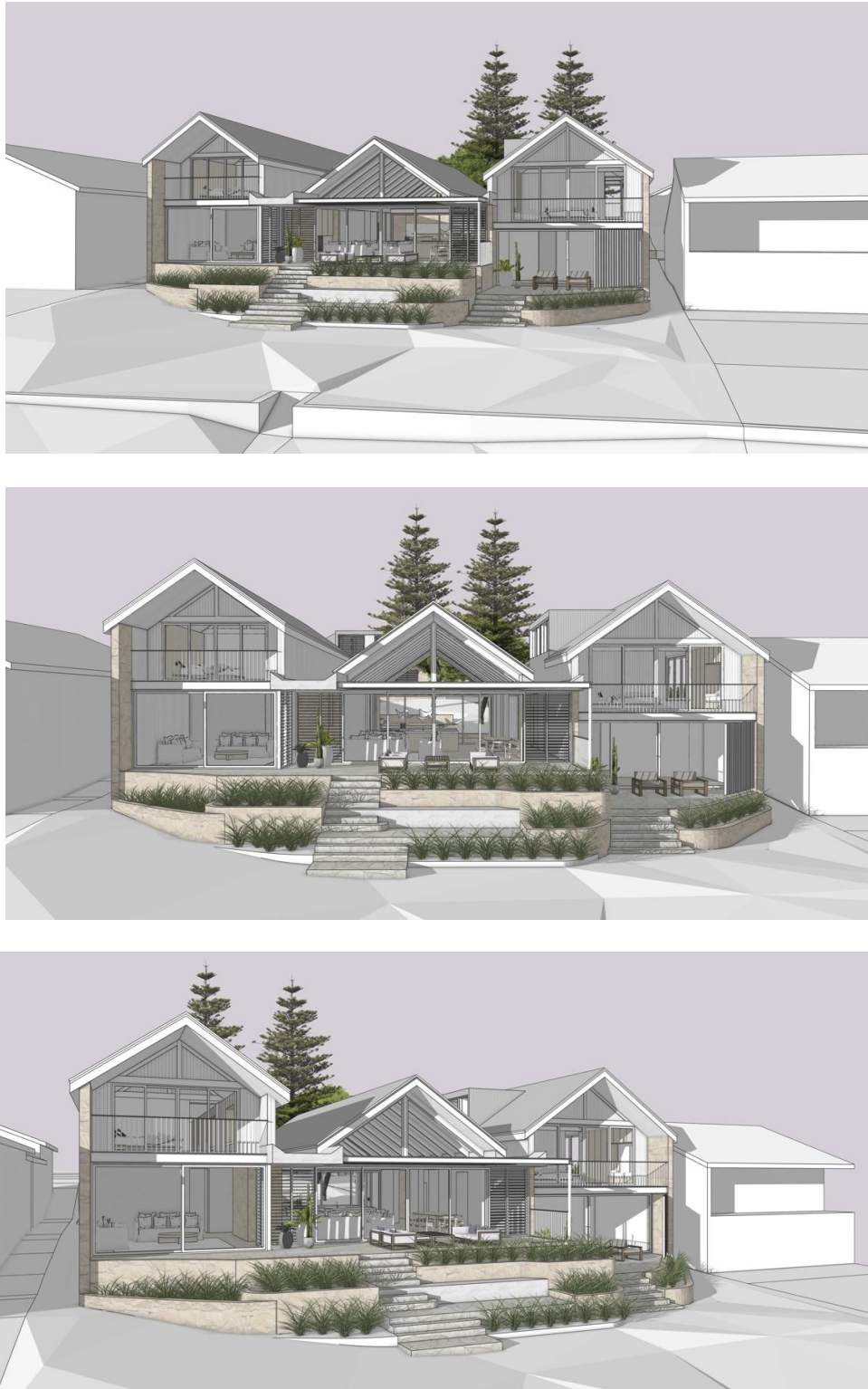


Fig 7: 3D Images of proposed development as viewed looking from the southern yard, looking north



Fig 8: 3D Images of the proposed development, looking south and south-east

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation. No vegetation is proposed to be removed as part of the proposed development.

Part 7 of the *Biodiversity Conservation Act 2016 (BC Act)*, identifies the subject site as being located within the Biodiversity Values (BV) Map, meaning the site has high biodiversity value that is particularly sensitive to impacts from development and clearing.

The map forms part of the Biodiversity Offsets Scheme threshold, which is one of the entry requirements for determining whether the Biodiversity Offset Scheme (BOS) applies to a clearing or development proposal.

The application does not require the removal of prescribed trees or vegetation, nor is it likely to impact on nearby biodiversity values, meaning the BOS does not apply to this application.

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The subject site is identified as being within the coastal environment area on the Coastal Environment Area Map and within the Coastal Use area on the Coastal Use Area Map and therefore the provisions of Chapter 2 of SEPP (Resilience and Hazards) are applicable to the proposed development.

Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (the Resilience & Hazards SEPP) aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 .

The stated Aim of this Chapter as outlined in clause 2.1 is to:

The aim of this Chapter 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 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 proposal, as considered in this Statement of Environmental Effects, is consistent with the objects of the SEPP (Resilience and Hazards), as set out in Clause 3 of the Coastal Management Act 2016. The relevant provisions of this Chapter are addressed as follows:

Division 4

2.11 Development on land within the coastal use area

Coastal Use Area under Chapter 2 of the Resilience & Hazards SEPP outlines control provisions that limit all proposed development risk of coastal hazard and likelihood to cause adverse impact on coastal and marine environment.

Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following—*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

- (ii) *overshadowing, wind funneling and the loss of views from public places to foreshores,*
- (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) *Aboriginal cultural heritage, practices and places,*
- (v) *cultural and built environment heritage, and*
- (b) *is satisfied that—*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment

The bulk and scale of the built form of the alterations and additions is commensurate with the established built environment along this waterfront area. The proposed works do not require significant or unreasonable disturbance to the site and are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The works will be carried out in accordance with the recommendations of the consulting Structural Engineers, and stormwater runoff from the site will be suitably managed.

The proposed works are largely contained within the proximity of the existing building footprint.

The proposed will reasonably maintain existing views to and from the foreshore area.

The proposal will not result in any overshadowing of the foreshore area.

Division 5 General

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

Comment: The application is supported by a Geotechnical Ground Testing report to address these site conditions. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

Section 2.13

Development in coastal zone generally—coastal management programs to be considered Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

No coastal management programs have been identified.

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether 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.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

6.3 State Environmental Planning Policy (Building Sustainable Buildings) 2022

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

6.3 Pittwater Local Environmental Plan 2014

The subject site is zoned C4 Environmental Living under the Pittwater LEP 2014.

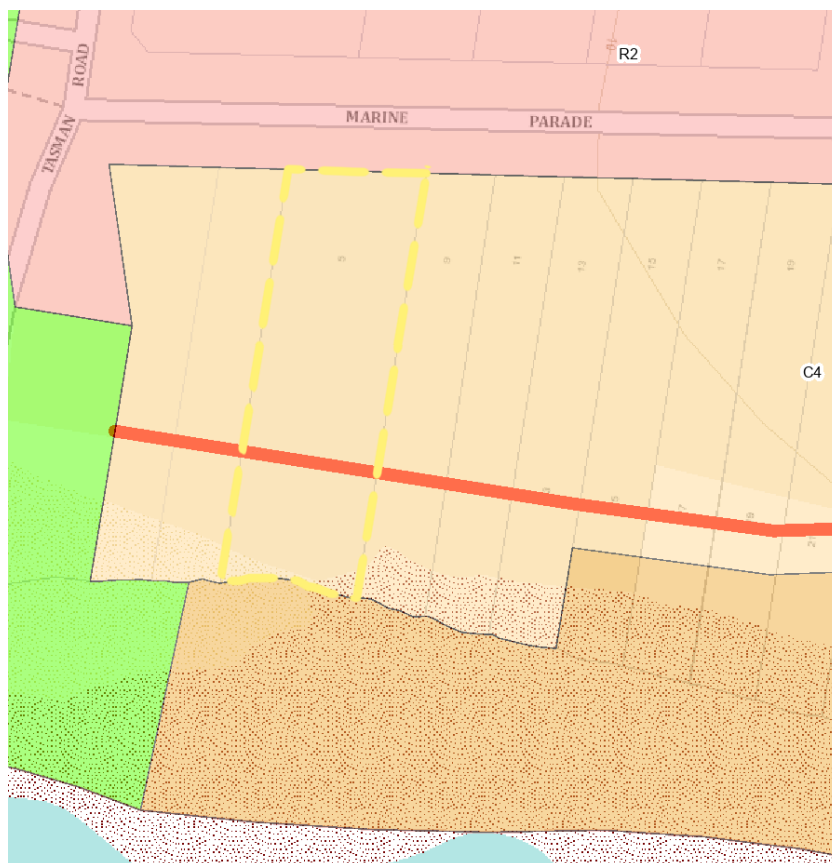


Fig 9: Extract of Pittwater Local Environmental Plan 2014 Zoning Map (NSW Planning Portal)

The development of and use of the land for residential purposes within the C4 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 alterations and additions to the 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 Beach is 8.5m.

The maximum height of the proposed new works to the dwelling is 8.5m.

The proposed new secondary dwelling will have a maximum height which does not exceed 5.5m and therefore will comply with the maximum height of buildings control for secondary dwellings that are separate from the principal dwelling as detailed under Clause 4.3(2FA).

Clause 5.4 – Controls relating to miscellaneous permissible use

Clause 5.4.9 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:

- a) *60 square metres,*
- b) *25% of the total floor area of the principal dwelling.*

The proposed secondary dwelling has a total floor area of 86.71m² which is compliant with the requirement that the total area of a secondary dwelling must not exceed 60 sqm or 25 per cent of the total floor area of the principal dwelling.

In this instance, the existing dwelling presents a gross floor area of 400.5m², with 25% of the floor area equating to 100.1m² (refer DA-02 Site Plan for calculations).

The proposed floor area of the secondary dwelling is 21.7% of the total gross floor area of the existing dwelling and therefore compliant with the provisions of clause 5.4.9.

Clause 5.10 relates to Heritage.

The site is not heritage listed or in a heritage conservation area, nor is it located within close proximity to any items of heritage significance.

Clause 7.1 relates to acid sulfate soils. The site has been identified as Class 5. The proposal will not see some minor excavation of the site for the proposed new cellar. The proposal is accompanied by a Geotechnical Report that conducted ground testing. It is not anticipated that any acid sulfate soils will be disturbed.

Clause 7.2 relates to earthworks. The proposal will not require any significant excavation of the site and the proposal therefore complies with this control. Some minor excavation is proposed for the construction of the new cellar and this will be done in accordance with the recommendations contained within the Geotechnical Report.

Clause 7.5 relates to coastal risk planning.

The site is identified as Coastal Erosion/Wave Inundation 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 Coastline Risk Management Report prepared by Horton Coastal Engineering and dated 15 July 2025 includes within Parts 7 & 8 an assessment of the impact of the works on the Coastal Hazard area.

The report concludes:

"The proposed development is at an acceptably low risk of damage (over a reasonable 60 year design life) from erosion/recession, and from coastal inundation and wave runoff with the sub-floor door infilled as discussed in Section 8.

The proposed development satisfies the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021, Clause 7.5 of Pittwater Local Environmental Plan 2014, Chapter B3.3 of the Pittwater 21 DCP and the Coastline Risk Management Policy for Development in Pittwater for the matters considered herein".

The report prepared by Horton Coastal Engineering is considered to suitably address the provisions of this clause.

Clause 7.6 – Biodiversity protection

The land is noted within Council's Biodiversity mapped area.

- (1) *The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:*
- (a) protecting native fauna and flora, and*
 - (b) protecting the ecological processes necessary for their continued existence, and*
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

The proposal will not require the removal of any significant trees to accommodate the new works. One Banksia tree is to be removed and replaced for the proposed pedestrian walkway.

A generous area of soft landscaping will be maintained within the site.

As the works will maintain the existing landscaped area, and will not have an adverse impact on the terrain of the site.

Clause 7.7 – Geotechnical Hazards

The site is not identified as being located as containing a Geotechnical Hazard. However, given the proposed excavation for the works, a Ground Testing report has been prepared by White Geotechnical, dated 10 June 2025 to accompany the application.

Clause 7.8 – Limited development on foreshore area

The site is noted as being affected by Council's Foreshore Building Line Map.

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 additions & alterations to the dwelling all stand landward of the foreshore building line area. The only works located below the foreshore building setback area are minor landscape features which do not in themselves require specific development consent.

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 proposed additions and alterations to the dwelling and the substantive portion of the works which stand above the foreshore building line area will achieve the Objectives of the C4 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 new works will provide for functional alterations and additions to the dwelling which observe the foreshore building line setback requirements.

- (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 proposed additions and alterations to the dwelling which will observe the foreshore building line setback are not considered to result in any adverse impacts on the ecological, scientific or aesthetic values of the locality. The proposed works will not result in any additional adverse stormwater runoff or movement of sedimentation.

- (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 additions and alterations to the dwelling which will observe Council's foreshore building line setback 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:

The works will have no impact on the 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 proposed works 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. The works comply with Council's flood controls for this locality.

The proposed development does not adversely impact Avalon Beach or neighbouring properties and will substantially improve the amenity of the existing dwelling.

Clause 7.10 – Essential Services

All essential services will be maintained to the site.

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

6.4 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 minor alterations and additions to the dwelling, which are consistent with the scale and style of the newer development in the vicinity.

The proposal will not have any impact on the existing tree canopy and will 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 waterfront locality.

6.5.2 Section B General Controls

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

B3.3 Coastline (Beach) 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 Coastline Risk Management Policy for Development in Pittwater. A Coastline Risk Management Report has been prepared for Council's consideration by Horton Coastal Engineering, dated 15 July 2025

which confirms that the works are not at risk from accepted predicted erosion/recession and from coastal inundation and wave runup.

The advice also provides recommendations to be considered within the Geotechnical Ground Testing - Alterations and additions and new cellar at 5 Marine Parade Avalon, prepared by White Geotechnical Group. Report Reference J6080 dated 10 June 2025.

The works will be constructed in accordance with the recommendations contained within the Coastline Risk Management Report and Geotechnical Ground Testing Report.

B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community

The controls seek to achieve the outcomes:

Conservation of intact Pittwater Spotted Gum Forest EEC. (En)
Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC. (En)
Reinstatement of Pittwater Spotted Gum Forest to link remnants. (En)
Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)

The proposal will not result in any significant impact to the existing tree canopy, with only one Coastal Banksy to be removed. The Landscape Plan which accompanies the application will provide for an additional 6 x Coastal Banks is to be provided within the site.

The site will accommodate a number of canopy trees, and generous areas of soft landscaping will be maintained.

The proposal is not considered to impact on the Pittwater Spotted Gum Forest Ecological Community and meets the objectives of this clause.

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 and as there is no substantial change to the runoff characteristics of the site, the retention of the existing arrangements is reasonable in this instance.

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 stormwater from the roof areas will be connected to the existing system which disperses stormwater within the rear yard and ultimately to Avalon Beach.

As such, there will not be any substantial change to the existing stormwater discharge arrangements.

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 stormwater from the roof areas will be connected to the existing system which disperses stormwater within the rear yard and is naturally directed to Pittwater.

As such, there will not be any substantial change to the existing stormwater discharge arrangements.

B5.13 Development on Waterfront Land

The controls seek to achieve the outcomes:

Protection of waterways and improved riparian health (En)
Stormwater and creek flows are safely managed. (S)
Appropriate setback between waterways and development (En)

The proposed alterations and additions will maintain the stability and stormwater flows of the site. The proposal will therefore comply with this control.

B5.15 Stormwater

The controls seek to achieve the outcomes:

Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;
Minimise the risk to public health and safety;
Reduce the risk to life and property from any flooding and groundwater damage;
Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.
Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle
Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources

Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.

Roofwater from the new roof areas will be connected to the existing system and as there is no substantial change to the runoff characteristics of the site, the retention of the existing arrangements is reasonable in this instance.

B6.1 Access driveways and works on the Public Road Reserve

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 current driveway crossing arrangement will continue to provide suitable access to the property in accordance with these controls.

B6.3 Internal Driveways

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 existing driveway will be retained and provides suitable access to the existing garage.

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 retain the existing two off street parking spaces, which will satisfy the control.

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)

Some minor excavation is proposed for the new cellar. Site disturbance will be minimal and it is not expected to have an adverse impact.

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 Avalon Beach.

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 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 will make no real change to the available area of soft landscaping. The proposal will not require the removal of any significant vegetation, with only one Coastal Banksia tree to be removed for the proposed pedestrian walkway. The tree removal and replacement planting of an additional six by Coastal Banks is considered in the Arborist's report and the Landscape Plans which accompany the submission.

The site will maintain its contribution to the landscaped character of the locality and is in keeping with the desired outcomes of this control.

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.

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 enjoy a substantial outlook to the south towards Avalon Beach.

The proposed works strategic positioning on the sloping topography combined with the compliant building height ensure reasonable view sharing for uphill neighbouring properties are maintained.

The proposal alterations and additions maintain the modest scale of the dwelling by following the existing setbacks and modest height, and neighbouring properties to the north will retain existing 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.

Given the orientation of the subject and neighbouring properties, together with the modest scale of the proposed alterations and additions, the new works will not unreasonably remove solar access to the primary living spaces or private open space areas 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.

The new works to the dwelling will not unreasonably overlook the neighbours, with the existing levels of amenity enjoyed by the neighbours to be largely 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.

Existing private open space towards the rear of the site is maintained.

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)

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

C1.11 Secondary Dwelling

The controls seek to achieve the outcomes:

Limitation of the visual bulk and scale of development. (En, S)

Provision of design flexibility for second storey development.

Restriction of the footprint of development site. (En)

Retention of natural vegetation and facilitation planting of additional landscaping. (En)

Provision of rental accommodation. (S)

The control also requires:

- *The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.*
- *A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom*
- *Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.*

The proposed secondary dwelling is compliant with the PLEP Clause 4.3 (2FA) maximum building height for a secondary dwelling in a C4 Environmental Zone at 5.5m along with Clause 5.4 (9) where the secondary dwelling floor space is 86.71m² or 21.7% of the total floor area of the principal dwelling.

Whilst the secondary dwelling is separate from the principal dwelling, it contains two levels but with the design of the first floor bedroom being largely within the roof space, as detailed in Figure 8, the height and form of the secondary dwelling and incorporating the workshop area is largely that of single storey building, consistent with Council's objective.

The secondary dwelling has one bedroom, where the control states no more than two bedrooms are to be provided.

The proposed secondary dwelling is logically sited within the sloping topography, with compliant height, floor space and setbacks. The additions to the outbuilding do not create unreasonable

bulk and scale, are not prominently visible from the surrounding sites and have no unreasonable impact on privacy, solar access and view sharing for the neighbouring sites.

Landscape area is generous, with compliant landscape area retained onsite.

The bulk and scale of the secondary dwelling is in keeping with that of existing surrounding development in the locality and overall, the secondary dwelling is consistent with the desired outcomes of this clause.

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 on the site for on-site storage of waste and recyclables is maintained, with the waste removed by Council contractors via the household garbage service.

6.5.4 Section D Locality Specific Development Controls

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 open design relief including roof forms textures, spatial separation, landscaping etc.

The proposal will provide for alterations and additions to the existing dwelling which will maintain a complementary height and scale, and follow the setbacks of the existing dwelling.

Views over and to the side of the dwelling will be retained for the neighbouring dwellings which are located to the north of the proposal. It is not expected there will be any unreasonable impact to the existing view lines of the neighbouring dwellings to the north.

The proposed alterations and addition to the dwelling are considered to be consistent in terms of bulk and scale to the existing surrounding development, which generally comprises one and two storey dwellings that are orientated towards Avalon Beach. The setbacks provided reflect the setbacks of the adjoining properties.

The proposed additions to the dwelling will provide visual interest and through the articulated building form a generous setbacks, will minimise the bulk and scale of the development when viewed from Marine Parade and Avalon Beach. In addition, the existing 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 Schedule is detailed within Drawing No DA-19-A.

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 secondary dwelling is incorporated into the existing outbuilding, which will be extended for additional workshop area, with alterations to the ground and a new first-floor area within the roof space. The building currently does not comply with the setback control of 6.5m. The existing outbuilding is setback approximately 3m, which is 54% variation to the control. The alterations and additions that will encroach into the front boundary comprise of covered terrace area which is of a modest bulk and scale. The works will continue to achieve the future character of the locality and strict compliance is unreasonable given the location of the existing development.

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 new works will maintain the existing side boundary setbacks of the dwelling house which are compliant with this control. The existing outbuilding wall, which does not comply with the control will be refurbished to be used for the extended workshop area and the secondary dwelling and therefore retains the existing non-compliant setback.

There are no windows proposed along the western elevation and the single storey modest design of the structure will ensure the bulk and scale is minimized. The works are considered to achieve the objectives of the control.

The proposal will comply with the provisions of this clause.

D1.11 Building Envelope

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- To ensure new development responds to, reinforces and sensitively relates to spatial*

characteristics of the existing natural environment.

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

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

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

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

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

The proposed new works do not comply with Council's controls. However, given the minor nature of the encroachment the building will continue to maintain appropriate access to the available views and levels of solar access in accordance with Council's policy for the primary living and outdoor recreation spaces for both the neighbouring and subject dwellings.

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 proposal provides for a landscaped area of 54.3%, not including the 6% variation permitted for impervious surfaces. With this included, the landscaped area is 60% and is therefore meeting the numerical requirement.

The proposal ensures adequate landscaping to be provided on the site and to a degree that is commensurate with surrounding and nearby properties. Council can be satisfied that the bulk and scale of the development does not give rise to any unreasonable impacts upon the amenity of adjoining properties or contribute to any detrimental impacts upon the natural environment with regard to impacts to trees and stormwater management.

The landscaped area maintained ensures the development will sit within a landscaped setting and is consistent with the desired future character of the Avalon Locality.

As such, the proposed development is considered to be consistent with the outcomes of this clause.

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 not require the removal of any significant vegetation, and maintains the dominance of landscaping over the built form.

The dwelling house will largely maintain the existing presentation of the site to the foreshore.

The proposed new works are modest in bulk and scale and will maintain consistency with the extent and character of existing surrounding foreshore development.

The proposed development is considered appropriate within the scenic protection area.

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.

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).

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, and

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 additions and alterations to the existing dwelling including a new 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.

7.7 The suitability of the site for the development

The subject land is currently zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 Any 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 alterations and additions to the existing dwelling house including a secondary dwelling, which will respect and complement the site's location.

The proposal is a site-specific design response which takes advantage of the properties superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

The outcome is a modernised dwelling of which appropriately responds to the sites existing dwelling, geometry and the constraints imposed by the waterfront location, siting and design of adjoining development in relation to privacy, solar access and views.

The proposal is fully compliant with the building height standard with floor space appropriately distributed across the site. The building displays a complimentary and compatible building form when compared to other development located along this section of Avalon Beach.

The proposed development does not adversely impact the Avalon Beach or neighbouring properties and will substantially improve the amenity of the existing dwelling.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining 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 view lines and amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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