

Pittwater Development Control Plan 2021 Assessment

Demolition of the Existing Dwelling and Construction of a New Dwelling House, Swimming Pool and Detached Garage with Guest Room Below
133 Riverview Road, Avalon Beach (Lot 1 in DP 1176452)

Pittwater 21 Development Control Plan		
Control	Compliance	Comment
<u>SECTION A: SHAPING DEVELOPMENT IN PITTWATER</u>		
A1 Introduction		
A1.7 Considerations Before Consent Is Granted		
<i>Before granting development consent, Council must be satisfied that the development is consistent with:</i> ▪ <i>Pittwater Local Environmental Plan 2014; and</i> ▪ <i>the desired character of the Locality; and</i> ▪ <i>the development controls applicable to the development.</i> <i>Council will also have regard to the matters for consideration under section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979.</i> <i>Before granting consent for development within a Locality, Council may consider the provisions of a neighbouring Locality to the extent to which it affects the subject site.</i>	YES	The proposed development has considered the PLEP2014, the character of the locality, as well as the relevant DCP.
A4 Localities		
A4.1 Avalon Beach Locality		
<u><i>Desired Character</i></u> <i>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.</i> <i>Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native</i>	YES	The Site is located within the Avalon Beach Locality. The proposed development maintains the low-density residential environment with dwellings in a landscaped setting that integrates with the natural landform. The design preserves the "houses amongst the trees" philosophy by retaining existing native vegetation and canopy trees, while using natural materials and colours that harmonise with the environment. Building heights



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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.		remain below the tree canopy, and the stepped design along slopes minimises site disturbance, supporting the locality's informal seaside village character.
<u>SECTION B: GENERAL CONTROLS</u>		
B3 Hazard Controls		
B3.1 Landslip Hazard		
All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5). Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development. The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.	YES	The geotechnical report (Appendix 6) has been prepared in accordance with the Geotechnical Risk Management Policy for Pittwater - 2009, includes comprehensive risk analysis of identified hazards, and concludes that "Acceptable Risk Management" criteria can be achieved for the 100-year design life through specified mitigation measures including drainage systems, ground support, and construction controls that reduce all risks to acceptable levels.
B3.6 Contaminated Land and Potentially Contaminated Land		



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<i>Council shall not consent to the carrying out of any development on land unless it has considered State Environmental Planning Policy No. 55 Remediation of Land.</i> <i>In particular, Council shall consider:</i> <i>whether the land is contaminated; and</i> <i>if the land is contaminated, whether the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out; and</i> <i>if the land requires remediation, whether the land will be remediated before the land is used for that purpose.</i> <i>Where a development would involve a change of use on land listed below, Council must consider a preliminary investigation report prepared in accordance with the contaminated land planning guidelines.</i>	YES	The geotechnical report (Appendix 6) indicates the Site is currently a waterfront residential property with an existing single-story house, and the subsurface investigation (including auger hole and dynamic cone penetrometer testing) encountered natural materials consisting of topsoil, sandy clayey colluvium, and underlying Newport Formation bedrock with no evidence of contamination. The Site has no history of industrial or potentially contaminating land uses as listed in the control, and the development involves demolition and construction of a new residential dwelling which represents a continuation of existing residential use rather than a change of use requiring contamination assessment.
B3.7 Estuarine Hazard - Low density residential		
<u>General to all Development</u> <i>The following applies to all development:</i> <i>All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes; and,</i> <i>All structural elements below the Estuarine Planning Level shall be constructed from flood compatible materials; and,</i> <i>All structures must be designed and constructed so that they will have a low risk of damage and instability due to wave action and tidal inundation; and,</i>	YES	According to Estuarine Risk Management and Coastal Engineering Report the dwelling at 21.7m AHD exceeds requirements.



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▪ All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Estuarine Planning Level; and, ▪ The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute the waterway, is not permitted below the Estuarine Planning Level; and, ▪ For existing structures, a tolerance of up to minus 100mm may be applied to the Estuarine Planning Level in respect of compliance with these controls. ▪ To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.		
B4 Controls Relating to the Natural Environment		
B4.1 Flora and Fauna Conservation Category 1 Land		
▪ Development shall not directly negatively impact on threatened species, endangered populations or endangered ecological communities. ▪ Development shall retain and enhance habitat for locally native species, threatened species, endangered populations or endangered ecological communities. ▪ Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees. ▪ Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). Landscaping is to be outside areas of core bushland and not include environmental weeds. ▪ Caretakers of domestic animals shall prevent them from entering wildlife habitat areas.	YES	The proposed development is retaining 21 native canopy trees including critical habitat features, and preserving the entire vegetated foreshore containing Pittwater and Wagstaffe Spotted Gum Forest. The development achieves no net loss of native canopy cover, exceeds the 80% native planting requirement, and implements appropriate wildlife protection measures. Comprehensive management plans ensure ongoing protection and enhancement of locally native flora and fauna habitats.



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Fencing, where permitted, shall be passable by native wildlife.		
B4.16 Seagrass Conservation		
- Development shall not significantly affect seagrass beds. - Development shall replace seagrass in areas where it has been lost or damaged. - No filling, dredging or other disturbance shall be undertaken within a 50m buffer area of seagrass beds. - Development proposed adjacent to seagrass beds shall incorporate a buffer zone of at least 50 metres between the development and the seagrass beds. - Jetties, ramps, wharves, pontoons and other instream structures shall be designed and constructed in accordance with NSW Department of Primary Industries specifications to maximise light filtration to seafloor. Proponents are advised to consult with the Department of Primary Industries to discuss their existing requirements. - Compliance with Council's Water Management for Development Policy is required.	N/A	While the Site is adjacent to Pittwater, it will not have any impact on seagrass.
B4.19 Estuarine Habitat		
- Development shall not be permitted which could result in the destruction of mangroves or seagrass beds, saltmarsh and other estuarine habitats. - Development in an estuarine habitat catchment shall not adversely impact on the wetlands. - Compliance with Council's Water Management for Development Policy is required. - Development shall provide adequate buffering to estuarine habitat. - Existing wildlife corridors are to be maintained and functional habitat links provided wherever possible.	YES	No development is proposed within Pittwater, as the development is set back behind the foreshore building line.



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▪ Development shall ensure 80% of the area that is not covered by approved buildings or associated structures, is native vegetation either through retention of existing bushland or planting with locally native plant species (as per species found on the site or those listed in 'Native Plants for your Garden' on Pittwater webpage). ▪ Development within the Pittwater Waterway shall have regard to any adjoining important estuarine habitats at all time, particularly during the construction phase. Any impact upon estuarine habitats within the Pittwater Waterway, particularly mangroves, saltmarsh and seagrass beds, must be minimised. ▪ Adequate compensatory works shall be undertaken where damage to estuarine habitats occurs. ▪ Habitat for locally and migratory birds shall not be reduced or degraded. Development that will result in increased disturbance to migratory wading bird habitat shall not be permitted.		
B5 Water Management		
B5.13 Development on Waterfront Land		
▪ Any waterfront land (as defined in the Water Management Act 2000) on a the property shall be retained in their natural state to: carry stormwater/flood flows, maintain aquifers, retain stability, and provide habitat functions. ▪ Natural or artificially modified water courses cannot be diverted onto adjoining lands, filled, channelised and/or dammed. ▪ Waterfront land in a degraded state, should be restored and rehabilitated. ▪ Development within waterfront land shall incorporate appropriately sized riparian corridor zones into the design based on Controlled Activities on Waterfront Land: Guideline for outlet structures on waterfront land (NSW Office of Water, July 2012).	YES	No development is proposed within Pittwater, as the development is set back behind the foreshore building line. Stormwater plans are included with the application.



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- Development adjoining waterfront land is to be landscaped with local native plants. - Council encourages the replacement of a piped stormwater system where appropriate with a restored watercourse with appropriate flow carrying capacity, wherever feasible. - The piping or artificial channelling of natural watercourses and drainage channels is not permitted. - A Water Management Plan with supporting documentation is to be submitted demonstrating the feasibility of the proposed watercourse works within the site.		
B5.15 Stormwater		
- Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like. - The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	YES	The Geotechnical investigation provides a comprehensive stormwater management including direct piping of all runoff to the waterfront, installation of cut-off drains, oversized infrastructure designed for extreme rainfall, and professional engineering oversight. The natural Site fall to waterfront with no significant surface flows ensures no downstream flooding risk, while the controlled drainage system minimises environmental impact and protects Council assets in accordance with the Water Management for Development Policy.
B6 Access and Parking		
B6.2 Internal Driveways		
<u>General</u> An Internal Driveway must be provided for in: - any new development; - development where additional car parking spaces and/or garages are required by Council's plans or policies;	YES	A short internal driveway will be provided to the proposed double garage providing compliant car parking arrangements.



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- any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m2; and - development where additional car parking spaces and/or garages are proposed. If the applicant proposes to retain the existing driveway, the applicant will need to demonstrate compliance with the outcomes and driveway standards of this control. <u>Driveway width for dual occupancies, dwellings, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation.</u> The Internal Driveway shall be contained within the driveway corridor. The minimum width of the driveway corridor (i.e. impervious pavements together with grassed shoulder area) shall be as follows: - Single Dwelling: 3.0 metres minimum.								
B6.3 Off-Street Vehicle Parking Requirements								
The minimum number of vehicle parking spaces to be provided for off-street parking is as follows for dual occupancies, dwelling houses, secondary dwellings, exhibition homes, rural workers' dwellings and tourist and visitor accommodation: <table><tr><td>Number of bedrooms per dwelling but not a secondary dwelling</td><td>Parking requirements per dwelling</td></tr><tr><td>1 bedroom</td><td>1 space</td></tr><tr><td>2 bedrooms or more</td><td>2 spaces</td></tr></table>	Number of bedrooms per dwelling but not a secondary dwelling	Parking requirements per dwelling	1 bedroom	1 space	2 bedrooms or more	2 spaces	YES	Two (2) off street parking spaces are proposed.
Number of bedrooms per dwelling but not a secondary dwelling	Parking requirements per dwelling							
1 bedroom	1 space							
2 bedrooms or more	2 spaces							
B8 Site Works Management								
B8.1 Construction and Demolition - Excavation and Landfill								



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<i>Excavation and landfill on any site that includes the following:</i> ▪ <i>Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation;</i> ▪ <i>Any excavation greater than 1.5 metres deep below the existing surface;</i> ▪ <i>Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property;</i> ▪ <i>Any landfill greater than 1.0 metres in height; and/or</i> ▪ <i>Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils,</i> <i>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.</i>	YES	The proposed excavations (up to 4.3m depth) exceed the 1.5m threshold requiring geotechnical assessment. Achieving "Acceptable Risk Management" levels for a 100-year design life. All geotechnical hazards have been assessed with appropriate mitigation measures including ground support systems, vibration monitoring, and drainage controls, demonstrating that excavation works will not adversely impact the Site or adjoining properties when conducted in accordance with the specified recommendations. The proposed excavations (maximum 4.3m depth) exceed the 1.5m threshold and trigger geotechnical assessment requirements. Therefore, a Geotechnical Risk Assessment is attached in Appendix 6, demonstrating management strategies that address the fundamental incompatibility between height variation control and excavation minimisation on constrained waterfront sites. The excavation strategy has been deliberately designed to work within the site's physical constraints, the narrow 13.5m width restricts maximum building height to 8m (accounting for mandatory setbacks), while the 33% slope constraint further limits practical height to 6.2m across the 5m room depth. The majority of the dwelling sits at 6-7m height, with only a small section over the steep rock outcrop requiring the disputed excavation depth. Council cannot simultaneously demand strict height compliance while restricting excavation solutions that enable appropriate building positioning



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		for streetscape protection and neighbour view preservation over rigid adherence to excavation thresholds that fail to consider site-specific topographical realities. A comprehensive Geotechnical Risk Assessment (see Appendix 6) by qualified engineer Ben White (RPGeo No. 10306) of White Geotechnical Group achieves "Acceptable Risk Management" levels for 100-year design life, following Australian Geomechanics Society Landslide Risk Management Guidelines (AGS 2007) and the Geotechnical Risk Management Policy for Pittwater. All identified geotechnical hazards have been assessed with appropriate mitigation measures including heavy ground support systems, vibration monitoring (limiting peak particle velocity to 5mm/sec), comprehensive drainage controls, and detailed foundation recommendations, demonstrating that excavation works will not adversely impact the site or adjoining properties when conducted in accordance with the specified recommendations. Council must apply excavation and height variation controls consistently across all similar steep waterfront sites to maintain policy integrity and prevent planning inequity for constrained sites requiring innovative design solutions.
B8.3 Construction and Demolition - Waste Minimisation		
<i>Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.</i>	YES	Refer to the Waste Management Plan provided as Appendix 11 .



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B8.4 Construction and Demolition - Site Fencing and Security		
<i>All sites are to be protected by site fencing for the duration of the works.</i> <i>Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the Roads Act 1993.</i>	YES	Site fencing will be installed for the during of works to ensure adequate security and safety.
<u>SECTION C: DEVELOPMENT TYPE CONTROLS</u>		
C1 Design Criteria for Residential Development		
C1.1 Landscaping		
<i>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</i> <i>In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.</i> <i>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be</i>	YES	The landscaping controls by requiring at least 80% of planting species to be native to the Pittwater area (exceeding the majority requirement), retaining twenty-one native canopy trees including high-value specimens like Tree 8 which provides wildlife habitat, and providing 704m ² of landscaped area representing 62% of the Site (exceeding the 60% requirement for single dwellings). As the Site contains Pittwater Spotted Gum Forest EEC, a comprehensive Vegetation Management Plan will guide restoration and regeneration activities, while appropriate soil depths and tree setbacks from structures ensure long-term canopy retention and tree health.



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<i>of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</i> ▪ <i>Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ within this area to ensure growth is not restricted.</i> ▪ <i>The following soil depths are required in order to be counted as landscaping:</i> ○ <i>300mm for lawn</i> ○ <i>600mm for shrubs</i> ○ <i>1metre for trees</i> ▪ <i>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</i> ○ <i>A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments,</i> ○ <i>60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and</i> ○ <i>50% for all other forms of residential development.</i> ▪ <i>Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.</i> ▪ <i>Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.</i> ▪ <i>Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.</i> ▪ <i>Noxious and undesirable plants must be removed from the site</i>		
C1.2 Safety and Security		
.1. Surveillance		



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- Building design should allow visitors who approach the front door to be seen without the need to open the door. - Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance. - Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners. - Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: Control of the obtrusive effects of outdoor lighting. - Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours. - Where provided, public facilities (toilets, telephone, ATMs, etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces. - Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas. <u>2. Access Control</u> - Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry. - Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit. - Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night. - The street number of the property is to be clearly identifiable.	YES	The design incorporates clear designations between the driveway, and the pedestrian access, by using appropriate landscaping and neutral but distinctive materials. Appropriate lighting will be incorporated to ensure Crime Prevention through Environmental Design (CPTED).



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- Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.		
3. Territorial reinforcement - Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas. - Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided. - Blank walls along all public places (streets, open space etc) shall be minimised.		
4. <u>Space management</u> - Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for. - Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned-out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements. - A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.		
C1.3 View Sharing		
▪ All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	YES	The proposed development complies with the view sharing policy outcomes and controls. The massing study demonstrates reasonable view sharing is achieved through strategic building positioning that



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- The proposal must demonstrate that view sharing is achieved though the application of the Land and Environment Court's planning principles for view sharing. - Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials. - Views are not to be obtained at the expense of native vegetation		preserves primary view corridors from neighbouring properties 131 and 135 Riverview Road to Pittwater. The single-storey street presentation protects public domain views, while all significant canopy trees are retained with the building design adapted to work within existing vegetation constraints rather than requiring tree removal. The proposal applies established Land and Environment Court planning principles and delivers superior view sharing outcomes compared to a compliant alternative.
C1.4 Solar Access		
- The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. - Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows). - Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter. - Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings. - The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	YES	The proposed development complies with all solar access requirements, with shadow diagrams (Appendix 2) for June 21st showing hourly shadow patterns from 9am to 3pm that demonstrate main private open spaces and principal living area windows of the proposed and adjoining dwellings receiving the required minimum 3 hours of sunlight. Solar collectors are positioned for adequate mid-winter sunshine, and clothes drying areas maintain appropriate solar access in accordance with planning controls as detailed in the accompanying shadow analysis drawings.
C1.5 Visual Privacy		
Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building	YES	The proposal has incorporated careful design elements, to ensure privacy for both the Site, as well as it's



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<i>layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</i> ▪ <i>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</i> ▪ <i>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</i>		neighbouring properties including use of screens and landscaping.
C1.6 Acoustic Privacy		
▪ <i>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.</i> ▪ <i>Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).</i> ▪ <i>Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</i> ▪ <i>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</i>	YES	As above, careful design ensures noise sensitive rooms are located away from noise sources and any noise generating sources are also appropriately located within the Site.
C1.7 Private Open Space		
<i>a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-</i>	YES	The proposed development provides private open space exceeding 80m ² at ground level, 16m ² principal area with 4m minimum dimension, direct access from living areas, appropriate solar orientation and privacy



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▪ <i>Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</i> ▪ <i>Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</i> ▪ <i>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</i> ▪ <i>Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</i> ▪ <i>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</i> ▪ <i>Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.</i> ▪ <i>A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.</i> ▪ <i>Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.</i> ▪ <i>An accessible and usable area for composting facilities within the ground level private open space is required.</i>		screening, and integrated clothes drying and composting facilities.
C1.10 Building Facades		



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Control	Compliance	Comment
▪ <i>Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.</i> ▪ <i>For multi dwelling housing, residential flat buildings or seniors housing and similar development that includes multiple dwellings with multiple letterboxes, where possible mailboxes should be orientated obliquely to the street to reduce visual clutter and the perception of multiple dwellings.</i>	YES	Careful design has ensured effective and well position facades and balconies, posing no threat to public places.
C1.12 Waste and Recycling Facilities		
<i>All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan</i>	YES	It is proposed to source separation and recycling practices with a 35% recovery rate, including on-site reuse of excavated materials and off-site recycling through approved facilities. The Waste Management Plan, located in Appendix 11 , incorporates appropriate waste storage design, follows Council's Waste Management Guidelines, and ensures proper documentation to minimise environmental impacts and support sustainable waste management throughout demolition and construction phases.
C1.13 Pollution Control		
<i>Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.</i> <i>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</i>	YES	It is proposed to manage silt and erosion, strict prohibition of sullage disposal and refuelling at the jetty, and dark-sky friendly lighting to minimise environmental impacts. While delivering positive environmental outcomes that protect public health and prevent pollution of air, water, and land resources.
C1.14 Separately Accessible Structures		



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Control	Compliance	Comment
<i>A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:</i> <i>it is ancillary to a dwelling;</i> <i>it is not designed for separate habitation and does not contain any cooking facilities.</i>	YES	The guest room below the garage is ancillary to the proposed dwelling, is not designed for separate habitation and does not include any cooking facilities.
C1.15 Storage Facilities		
<i>A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.</i>	YES	The design incorporates numerous locations for internal storage.
C1.17 Swimming Pool Safety		
<i>Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.</i>	YES	The swimming pool will incorporate an appropriate fence with the correct signage aligning with <i>Swimming Pools Act 1992</i> .
C1.23 Eaves		
<i>Dwellings shall incorporate eaves on all elevations.</i> <i>Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.</i>	YES	The eaves exceed 450mm in width.
C1.25 Plant, Equipment Boxes and Lift Over-Run		
<i>Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air conditioning units on the roof of residential flat buildings and multi dwelling housing. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement.</i>	YES	No external air conditioning units, plant equipment boxes, or lift over-runs are proposed on roof areas or external building facades. All mechanical systems will be internally integrated within the building design fabric, ensuring acoustic privacy for residents and neighbours is maintained. The development's design approach eliminates noise-generating equipment from visible external locations, with any required mechanical systems to be housed within the building envelope and



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Control	Compliance	Comment
<i>Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours</i>		detailed on development assessment plans in accordance with Council requirements
<u>SECTION D: LOCALITY SPECIFIC DEVELOPMENT CONTROLS</u>		
D1 Avalon Beach Locality		
D1.1 Character as viewed from a public place		
▪ <i>Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.</i> ▪ <i>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</i> ▪ <i>Any building facade to a public place must incorporate at least two of the following design features:</i> ○ <i>entry feature or portico;</i> ○ <i>awnings or other features over windows;</i> ○ <i>verandahs, balconies or window box treatment to any first floor element;</i> ○ <i>recessing or projecting architectural elements;</i> ○ <i>open, deep verandahs; or</i> ○ <i>verandahs, pergolas or similar features above garage doors.</i> ▪ <i>The bulk and scale of buildings must be minimised.</i>	YES	The proposed development has been designed to prioritise streetscape protection, tree retention and neighbour amenity over rigid building envelope compliance. The building has been deliberately sited to preserve public views, to achieve the objectives of this control. The Site has a narrow width of 13.5m which necessitates a bespoke design approach. With mandatory 1m and 2.5m boundary setbacks, the practical maximum building height is restricted to 8m. The existing 33% natural slope further reduces achievable heights - a 5m room length results in a maximum practical height of 6.2m due to slope constraints. The majority of the proposed dwelling operates within a 6-7m height, with only a small portion (positioned over a steep rock outcrop) requiring additional height owing to the slope of the land.



Pittwater 21 Development Control Plan		
Control	Compliance	Comment
▪ <i>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</i> ▪ <i>Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.</i> ▪ <i>Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.</i> ▪ <i>General service facilities must be located underground.</i> ▪ <i>Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.</i>		The development prioritises character protection through building placement rather than strict adherence to envelope controls. This approach delivers superior built form and neighbour outcomes while maintaining design excellence through varied roof forms, compatible materials, strategic window placement, entry features, recessed architectural elements, and integrated balcony treatments. Extensive landscape integration and tree retention ensures the built form appears secondary to the established natural bushland setting. All service infrastructure remains concealed from public view. The design responds to the Site's unique topographical constraints while delivering a dwelling within the landscape.
D1.4 Scenic protection - General		
<i>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</i>	YES	The proposed development minimises visual impact by utilising a stepped building form that follows the Site's natural topography. The configuration cascades down the slope, reducing the perceived building mass and breaking up the overall scale when viewed from waterways, roads and public reserves. This design approach distributes the building volume across multiple levels rather than concentrating it in a single structure, thereby reducing visual prominence. The building's integration with the natural grade preserves the existing landscape character while providing the required residential accommodation within the site's constraints.



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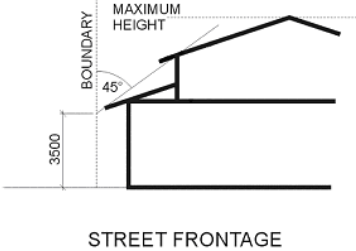
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Control	Compliance	Comment														
D1.5 Building colours and materials																
External colours and materials shall be dark and earthy tones. Finishes are to be of a low reflectivity.	YES	The proposed development fully complies with material and colour requirements through its use of dark and earthy tones including dark grey aluminium glazing, natural grey exposed concrete facades, and earthy-toned coloured concrete elements. The material palette (at Appendix 2) features low reflectivity finishes with sandstone wall cladding, natural concrete surfaces, and dark grey metal elements that align with the specified colour guidelines. The design avoids white, light, red, or orange colours while incorporating the required stone, timber, and landscaping feature elements that create visual interest and complement the natural Pittwater setting.														
D1.8 Front building line																
<table><tr><th>Land</th><th>Front Building Line (metres)</th></tr><tr><td>Land adjoining Barrenjoey Rd</td><td>10 or established building line, whichever is the greater</td></tr><tr><td>Land zoned R2 Low Density Residential on the southern side of Avalon Parade between Ruskin Rowe and Bellevue Avenue (being numbers 61 to 93 inclusive).</td><td>18</td></tr><tr><td>Land zoned R2 Low Density Residential along Avalon Pde, on the southern side between Gunjulla Place and Ruskin Rowe (being No's 97 to 121 inclusive), and on the northern side (being no's 50 to 112 inclusive).</td><td>10</td></tr><tr><td>All other land zoned R2 Low Density Residential, R3 medium Density Residential or E4 Environmental Living</td><td>6.5, or established building line, whichever is the greater</td></tr><tr><td>Land zoned B1 Neighbourhood Centre or B2 Local Centre</td><td>3.5</td></tr><tr><td>All other land</td><td>Merit assessment</td></tr></table>	Land	Front Building Line (metres)	Land adjoining Barrenjoey Rd	10 or established building line, whichever is the greater	Land zoned R2 Low Density Residential on the southern side of Avalon Parade between Ruskin Rowe and Bellevue Avenue (being numbers 61 to 93 inclusive).	18	Land zoned R2 Low Density Residential along Avalon Pde, on the southern side between Gunjulla Place and Ruskin Rowe (being No's 97 to 121 inclusive), and on the northern side (being no's 50 to 112 inclusive).	10	All other land zoned R2 Low Density Residential, R3 medium Density Residential or E4 Environmental Living	6.5, or established building line, whichever is the greater	Land zoned B1 Neighbourhood Centre or B2 Local Centre	3.5	All other land	Merit assessment	Non-compliant with numerical control but achieves outcomes	The control requires a 6.5m front building line setback, or established building, whichever is greater. However, of relevance to the Site, variations are included in circumstances including: ▪ Considering established building lines; ▪ Retention of trees and vegetation; ▪ where it is difficult to achieve acceptable levels for building; ▪ for narrow or irregular shaped blocks; On steeply sloping or constrained sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site
Land	Front Building Line (metres)															
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All other land	Merit assessment															



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Control	Compliance	Comment
- The minimum front building line shall be in accordance with the above table. - Built structures (including swimming pools), other than driveways, fences and retaining walls are not permitted within the front building setback. - Where new streets or access ways are proposed in residential flat building and multi dwelling housing development, a minimum front setback of 3m must be provided between the carriageway and dwellings		must satisfy or exceed the minimum building line applicable. Having regard for the established building line, retention of trees and vegetation irregular nature of the front boundary and steepness of the Site, a variation is considered warranted in the circumstances of this application. The design successfully presents as a single-storey form to Riverview Road, maintaining the established low-scale streetscape character while ensuring the main dwelling remains completely screened from street view. This approach demonstrates compliance with bulk and scale minimisation requirements, ensuring parking structures do not dominate the street presentation and the building appears appropriately integrated within the existing neighbourhood context.
D1.9 Side and rear building line		
2.5 at least to one side; 1.0 for other side 6.5 rear (other than where the foreshore building line applies)	Non-compliant with numerical control but achieves outcomes	The control requires a 2.5m setback to one side boundary and a 1.0m setback to the other side boundary. The proposed dwelling complies with the minimum numerical side building line requirements with side setbacks from 1.0m to 2.5m. The garage structure has been strategically located to avoid impacts on tree root zones. This approach is consistent with established precedents along Riverview



Pittwater 21 Development Control Plan		
Control	Compliance	Comment
		Road where similar flexibility has been applied to Sites with comparable constraints.
D1.11 Building envelope		
<i>Buildings are to be sited within the following envelope:</i> 	Non-compliant with numerical control but achieves outcomes	As noted in TABLE 1 of the SEE, the Council's acknowledgement of 'full numerical compliance with the building envelope control requirement on a steeply sloped Site is often unrealistic'. A variation is included with the control 'where the building footprint is situated on a slope over 16.7 degrees (i.e. 30%), variation to this control will be considered on a merits basis.' The slope of the site is 33%. Accordingly, it is appropriate to consider a variation. The building envelope non-compliances have been reduced through design refinement. The Massing Study demonstrates the proposed design achieves superior view-sharing outcomes compared to a fully compliant scheme, steps down the natural slope, and sits comfortably below the 10m height limit, consistent with approved precedents on similar constrained sites.
D1.14 Landscaped Area - Environmentally Sensitive Land		
The total landscaped area on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living shall be 60% of the site area.	YES	The total landscape area of the site is required to be 60%.



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<i>The use of porous materials and finishes is encouraged where appropriate.</i> <i>Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area.</i>		The proposed development will result in a total landscape area of 62%, exceeding the requirements.
D1.17 Construction, Retaining walls, terracing and undercroft areas		
<i>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</i> <i>Retaining walls and terracing shall be kept to a minimum. Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</i> <i>In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.</i> <i>Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.</i>	YES	Care has been taken throughout the design process to minimise impacts on environmentally sensitive parts of the Site. The proposed dwelling has been designed to step down the site and avoid cut and fill where possible. Undercroft areas are minimised and appropriate landscape will screen undercroft areas.

