



## **35A PLATEAU ROAD AVALON BEACH**

**STATEMENT OF ENVIRONMENTAL EFFECTS  
FOR ALTERATIONS AND ADDITIONS  
TO AN EXSITING DWELLING**



Report prepared for  
**Jess Nosworthy**  
December 2020

## **Contents**

1. INTRODUCTION
2. THE SITE AND ITS LOCALITY
3. SITE PHOTOS
4. BACKGROUND
5. PROPOSED DEVELOPMENT
6. STATUTORY FRAMEWORK
7. SECTION 4.15
8. CONCLUSION

## **1. Introduction**

- 1.1** This is a statement of environmental effects for alterations and additions to the existing dwelling at 35A Plateau Road Avalon Beach NSW 2107. The proposed development is for ground floor alterations, a minor ground floor addition and the addition of a first floor master bedroom.
- 1.2** The report describes how the application addresses and satisfies the objectives and standards of relevant State Environmental Planning Policies, the Pittwater Local Environmental Plan 2014, the Pittwater 21 Development Control Plan 2014 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3** This statement of environmental effects has been prepared with reference to the following:
- Site visit
  - Survey prepared by Waterview Surveying Services
  - Architectural drawings and BASIX Certificate prepared by Barker Architects
  - Waste Management Plan
  - Cost of works estimate
  - Landscape Plan prepared by Barker Architects
  - Stormwater plan prepared by NB Consulting Engineers
  - Erosion and sediment control plan prepared by NB Consulting Engineers
  - Geotechnical Report prepared by White Geotechnical Group
  - Bushfire Report prepared by Bushfire Planning and Design
  - Arborist report prepared by Hugh the Arborist
- 1.4** The proposed alterations and additions are consistent with the objectives of all Council controls, considerate of neighbouring residents and will result in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

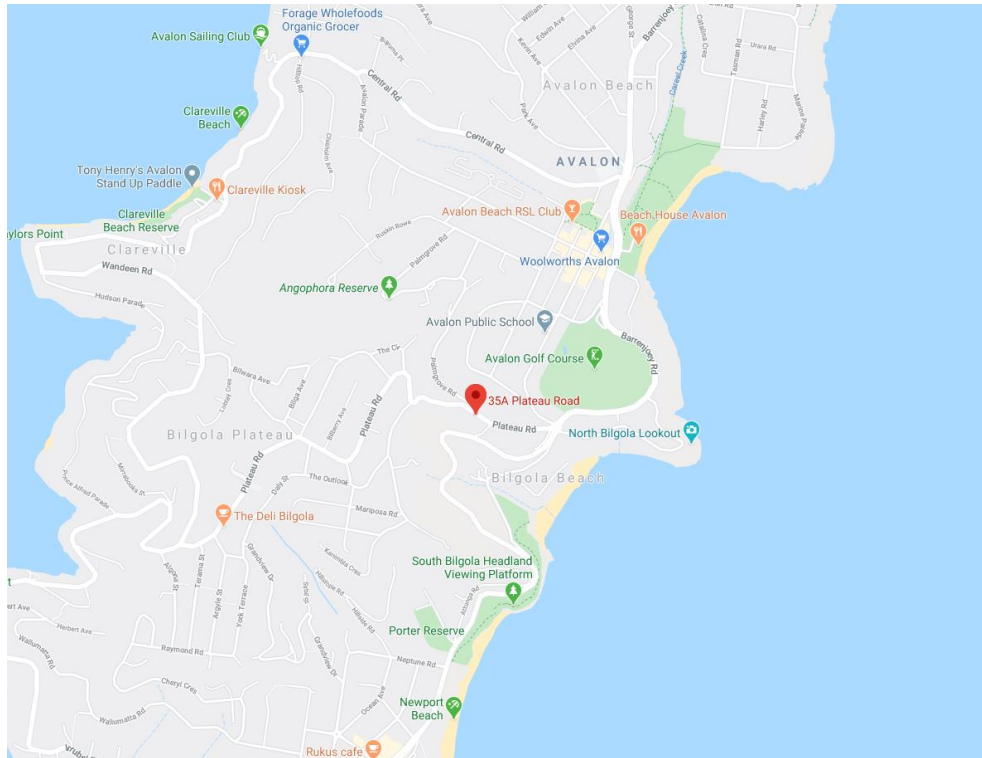
## 2. The site and its locality

- 2.1** The site is located on the northern side Barrenjoey Road and southern side of Plateau Road. The site is accessed via a right of way from Plateau Road, with the vehicular entrance located approximately 35 metres south east of the intersection of Plateau Road and Palmgrove Road. The site is legally described as Lot 138 DP 16902.
- 2.2** It is a generally rectangular shaped lot with boundaries of 15.455 metres (north – frontage to the right of way), 32.715 metres (east), 35.31 metres (west) and 15.24 metres (south – Barrenjoey Road frontage). The site has an area of 519.8m<sup>2</sup> and slopes steeply to the south (to the Barrenjoey Road frontage).
- 2.3** The subject site is currently occupied by a two storey, brick and timber residence with a tile roof and backyard studio. There is a drainage easement running along the north west side boundary.
- 2.4** The property is surrounded by detached residential dwellings to the north and east, vacant and heavily vegetated lots to the west and Barrenjoey Road to the south. The site is located in close proximity to Bilgola Beach and the shops and services are available at Avalon to the north and Newport to the south.

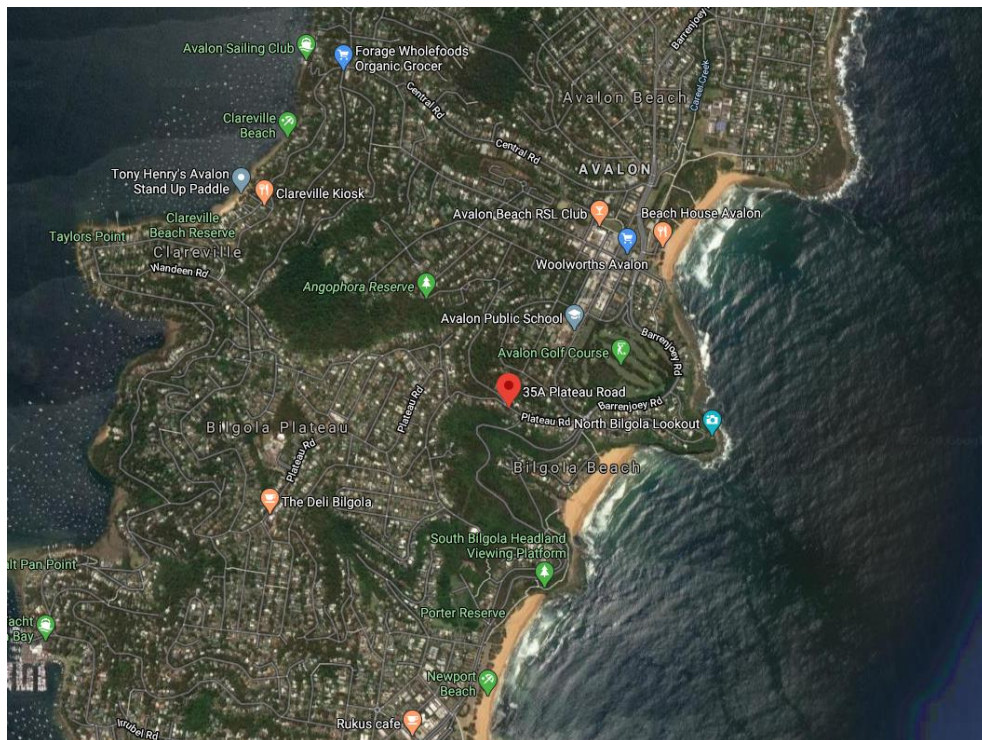


Figure 1. Aerial Image of the subject site





**Figure 2. The site within the locality**



**Figure 3. Aerial Image of the site within the locality**

### 3. Site Photos



Figure 4: View to Bilgola Beach, looking south east



Figure 5: The existing parking area





Figure 6: The existing dwelling, studio and deck, looking north.



Figure 7: The existing dwelling and deck, looking south





**Figure 8: The existing grounds and retaining walls, looking north.**



**Figure 9: The existing grounds, looking east to neighbouring park.**





**Figure 10: The existing right of way, looking south, from Plateau Road.**



**Figure 11: The existing right of way, looking north towards Plateau Road.**





**Figure 12: Looking south towards Barrenjoey Road**



**Figure 13: Existing decking, looking north west.**



## 4. Background

A prelodgement meeting was held with Council on 4 June 2019 (PLM2019/0103). In accordance with the advice from this meeting the following additional information and amendments are included with this development application:

### Issues Raised

<b>Issue Raised</b>	<b>Council Response</b>	<b>Comment</b>
<b>Heritage - neighbour</b> The site is located next to Environmental Heritage Item – 2270031 - Grove of Cabbage Tree Palms ( <i>Livistona australis</i> )  <u>Relevant PLEP / PDCP clauses</u>  <i>5.10 Heritage conservation</i>  <i>Schedule 5 Environmental heritage</i>  <i>B1.1 Heritage Conservation – Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014</i>  <i>B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites</i>  <i>B1.3 Heritage Conservation – General</i>	Heritage considers that the new upper storey and internal works to the ground floor are unlikely to negatively impact upon the adjoining heritage item.  However, concern is raised regarding the proposed deck extension on the ground and lower ground floors.  The survey provided indicates a palm tree is located close to the south-western corner of the existing dwelling. The proposed plans do not clearly indicate if this palm tree is to be removed or retained. Heritage would recommend that if it is a cabbage tree palm, it be retained as it would have a contributory character to the adjoining heritage item. Given the proposed works in this area are for a deck extension, any proposed posts or footings should be located to avoid impact to the palm tree or its root system.  A Heritage Impact Statement is not required. However the Statement of Environmental Effects for the proposal must	It is considered the development will not impact on the adjoining heritage item as proposed works are located entirely within the subject site.  To address Council's pre-DA comments, the palm tree located in the south western corner of the site will be removed. The tree is identified as a Phoenix canariensis, therefore, not a cabbage tree palm. Both the Arborist Report and the Bushfire Report propose the removal of this tree.  A schedule of materials is provided with the DA plan set.

	<p>address the heritage item adjoining the site as well as clause 5.10 of the Pittwater Local Environmental Plan 2014 (PLEP) and clauses B1.1, B1.2 and B1.3 of the Pittwater 21 Development Control Plan (PDCP).</p> <p>The development application must also state the proposed colours and materials of the proposal.</p>	
<p><b>Setback to Barrenjoey Road</b></p> <p>Clarification was sort regarding the setback requirements to Barrenjoey Road and whether works can occur in the SP2 – Infrastructure zoned portion of the site.</p> <p><u>Relevant PLEP Clause</u>  <i>Zone SP2 Infrastructure</i>  <i>5.1A Development on land intended to be acquired for public purposes</i></p>	<p>The front portion of the site towards Barrenjoey Road is zoned SP2 – Infrastructure and is land that can be acquired for public purposes, in this case a classified road by the RMS.</p> <p>The front portion of the site is zoned SP2 – Infrastructure and is land that can be acquired for public purposes, in this case a classified road by the RMS. Council does not support the proposed addition to the dwelling encroaching into this area.</p> <p>Any works such as retaining walls and the like located within the acquisition zone will require concurrence from the RMS. If the applicant wishes to do this then Council recommends that they contact the RMS prior to lodgement.</p>	<p>The proposed development is consistent with the feedback received, in that no works are proposed within the portion of the lot zoned SP2.</p>
<p><b>Improvement to Access driveway</b></p> <p>The site is a rear allotment</p>	<p>Clause B6.2 Internal Driveways of the PDCP requires any alterations and additions where the sum of the</p>	<p>In accordance with Councils advice the development, subject to this application, proposes an additional GFA</p>



<p>that shares a driveway/ right of way with several other properties. The applicant raised concern about being required to upgrade the entire shared driveway as a result of the proposal.</p> <p><u>Relevant PLEP Clause</u> <i>B6.2 Internal Driveways</i></p>	<p>additional Gross Floor Area (GFA) of the dwelling exceeds 30m<sup>2</sup>, to demonstrate compliance with the outcomes and driveway standards of this control.</p> <p>An upgrade to the driveway is not required if it can be demonstrated as per the variation to clause B6.2 through a Traffic Assessment Report and the relevant certification that the Internal Driveway including surface finish is safe for its intended use.</p> <p>The GFA of the proposed addition is approximately 43m<sup>2</sup>. If a favourable traffic assessment report cannot be provide an alternative is to reduce the size of the addition to comply with the 30m<sup>2</sup> requirement or split the proposal into two separate applications to remain below the 30m<sup>2</sup> requirement.</p>	<p>less than 30m<sup>2</sup>, thus the driveway is not required to comply with current Australian Standards.</p>
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All relevant LEP and DCP controls are set out and assessed within the following sections of this Statement of Environmental Effects.

## **5. Proposed Development**

- 5.1** The proposed development is for ground floor alterations, a minor ground floor addition and the addition of a first-floor master bedroom.
- 5.2** The development remains consistent with the streetscape and the locality, is consistent with Council controls and ensures privacy and solar access are maintained for surrounding properties and the subject site.
- 5.3** The alterations and additions to the dwelling will be made up as follows:

### **Ground Floor**

- Demolish the internal wall between bed 1 and bed 2.
- Demolish bed 1 robe, door and southern and eastern external walls.
- A 4m<sup>2</sup> ground floor addition to extend Bed 1.
- Refurbish the existing kitchen and living room, including new windows to the western and northern facades and the addition of a fireplace.
- A new hallway and staircase to access the first floor
- A new European laundry.
- An extension to the existing deck on the southern side of the dwelling.

### **New First Floor**

- A new master bedroom with WC.
- Staircase to access the ground floor.
- New decking.



## 6. Statutory Framework

### 6.1 Rural Fires Act

The subject site is mapped as Bushfire Prone Land - Vegetation Buffer.



**Figure 14: Extract – Bush Fire Prone Land Map**

The Rural Fires Act 1997 (RF Act) aims to protect the community from injury or death, and property from damage, arising from fires, and protect infrastructure and environmental, economic, cultural, agricultural and community assets from damage arising from fires. Clause 100B of the RF Act requires applicants to obtain a bush fire safety authority (BFSa) for subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes or development of bush fire prone land for a special fire protection purpose. If a proposal requires a BFSa it is considered integrated development under Clause 4.46 of the EPA Act.

Section 4.14 of the EPA Act requires that a council does not approve any development on bush fire prone land area unless the development application complies with Planning for Bush Fire Protection (PBP) requirements. All developments on land that is designated as bush fire prone have a legal obligation to consider bush fire and meet the requirements of Planning for Bush Fire Protection.

**Comment:** The proposal is not for subdivision or a special fire protection purpose and is therefore not integrated development and does not require a BFSa from RFS. The site is however bush fire prone land, and therefore the proposal must comply with Planning for Bush Fire Protection. A Bushfire Assessment Report is provided with this application which concludes that the property has a BAL – FZ construction requirement.

Appropriate construction standards will be adhered to for compliance with relevant Australian Standards and Planning for Bushfire Protection 2006 Bushfire Attack Level BAL- FZ.

## 6.2 State Environmental Planning Policies

### State Environmental Planning Policy (Coastal Management) 2018

The subject site is mapped as 'Proximity to Littoral Rainforest' by State Environmental Planning Policy (Coastal Management) 2018, accordingly the consent authority must consider clause 11 of the SEPP.

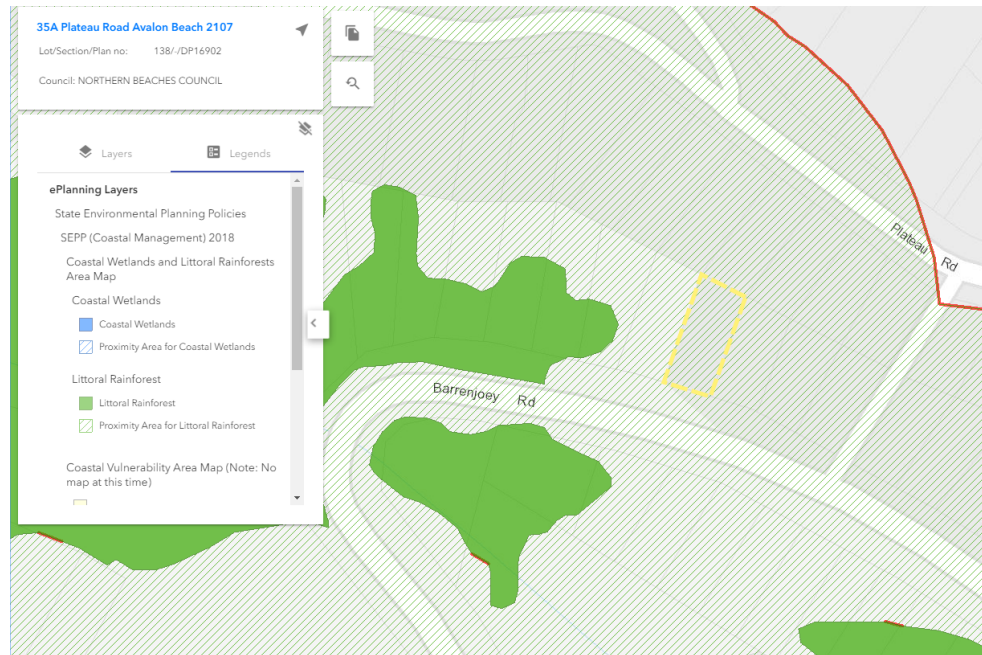


Figure 15: Extract – SEPP (Coastal Management) 2018

### **11 Development on land in proximity to coastal wetlands or littoral rainforest** **Note.**

*(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

The proposed development is located predominantly within the footprint of the existing dwelling, on a highly disturbed portion of the site, as such there will be no impact on the biophysical or ecological integrity of the nearby littoral rainforest.

Stormwater from the site will be managed in accordance with Councils controls and incorporates onsite detention and reuse of rainwater onsite. The proposal will not impact on the quality or quantity of surface and ground water flows to and from the adjacent littoral rainforest.

In accordance with the pre-DA comments the proposal includes a sediment arrestor pit prior to stormwater being discharged from the land to capture organic matter and coarse sediments.

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

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

#### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of the standard instrument LEP relating to the preservation of trees and vegetation.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development remains consistent with the provisions of the SEPP as it is located within the already disturbed site area and proposes the removal of two trees in accordance with the Bushfire Report and Arborist Report (see Reports attached to this application).

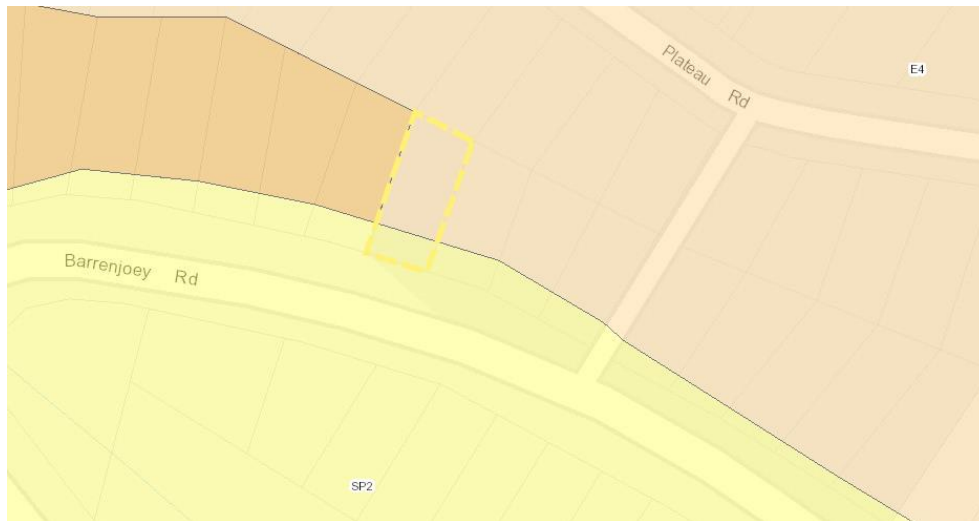


### 6.3 Pittwater Local Environmental Plan 2014

The relevant clauses of the Pittwater Local Environmental Plan 2014 are addressed below.

#### Zoning

The site is zoned E4 Environmental Living and SP2 Infrastructure, pursuant to the provisions of the Pittwater Local Environmental Plan 2014.



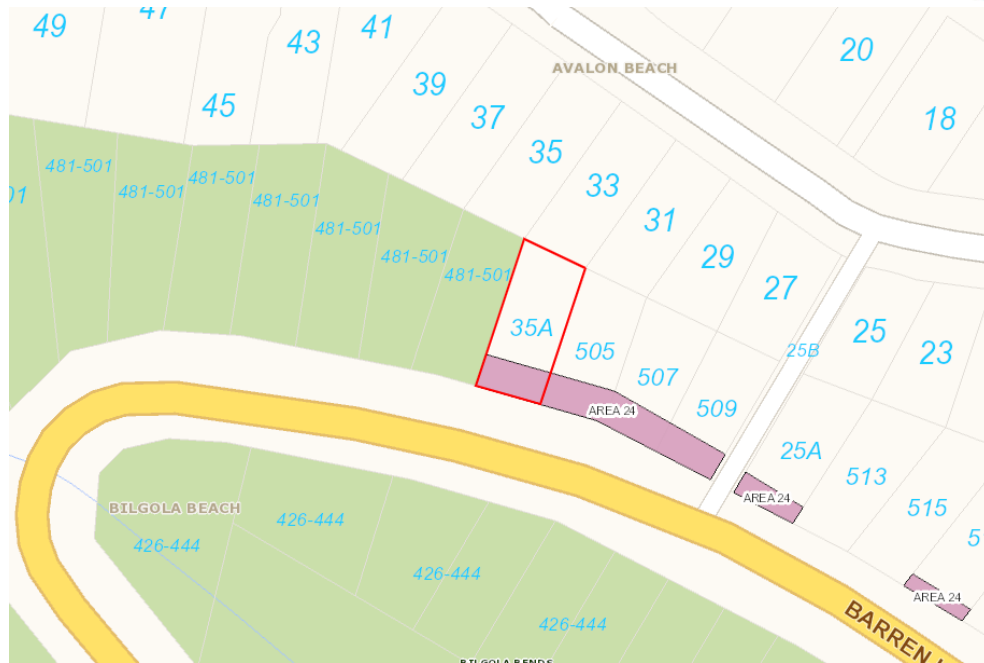
**Figure 16: Extract from Pittwater LEP 2014 Zoning Map**

The proposed development is for alterations and additions to the existing dwelling house. The existing dwelling and all proposed works are located within the portion of the lot zoned E4 – Environment al Living and dwelling houses are permissible with development consent in the E4 zone. No works are proposed within the portion of the lot zoned SP2 – Infrastructure.

#### Additional Permitted Uses

The subject site is mapped as 'Area 24' on the Pittwater, Additional Permitted Uses map. As such development for the purposes of enabling access to a dwelling is permissible and can be considered by the consent authority.

The development proposes to retain the existing vehicular access, via the right of way from Plateau Road and no access from Barrenjoey Road is proposed.



**Figure 17: Extract from Pittwater LEP 2014 Additional Permitted Uses Map**

### **Demolition**

Consent is sought for minor demolition works as detailed on the attached DA plans.

### **Minimum Lot Size**

The site is mapped with a minimum subdivision lot size of 700m<sup>2</sup>. The subject site is an existing undersized parcel, comprising an area of 519.8m<sup>2</sup> and no subdivision is proposed.

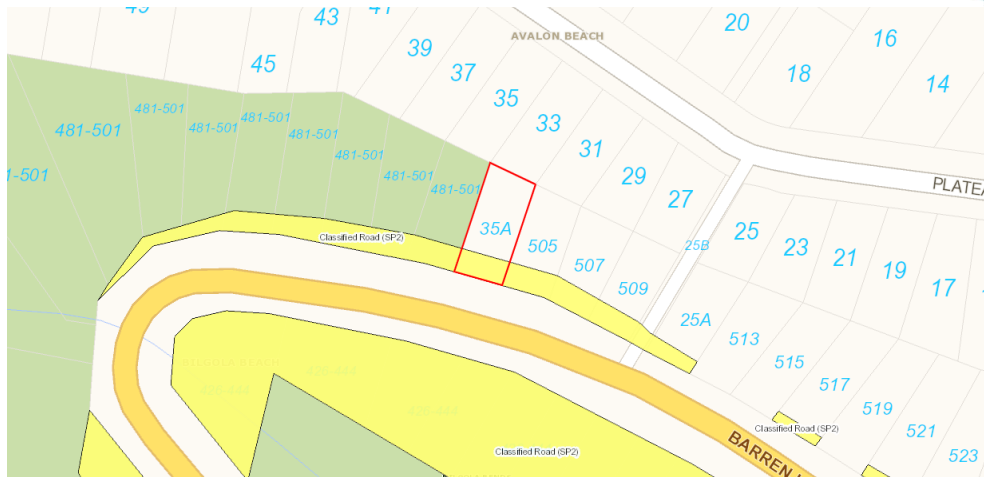
### **Height of Buildings**

The LEP restricts the height of any development on the subject site to 8 metres. The development proposes a compliant maximum building height as illustrated on the attached sections.

### **Development on Land Intended to be Acquired for Public Purposes**

The portion of the site mapped as SP2 – Infrastructure, is land intended to be acquired, for the purpose of a classified road.

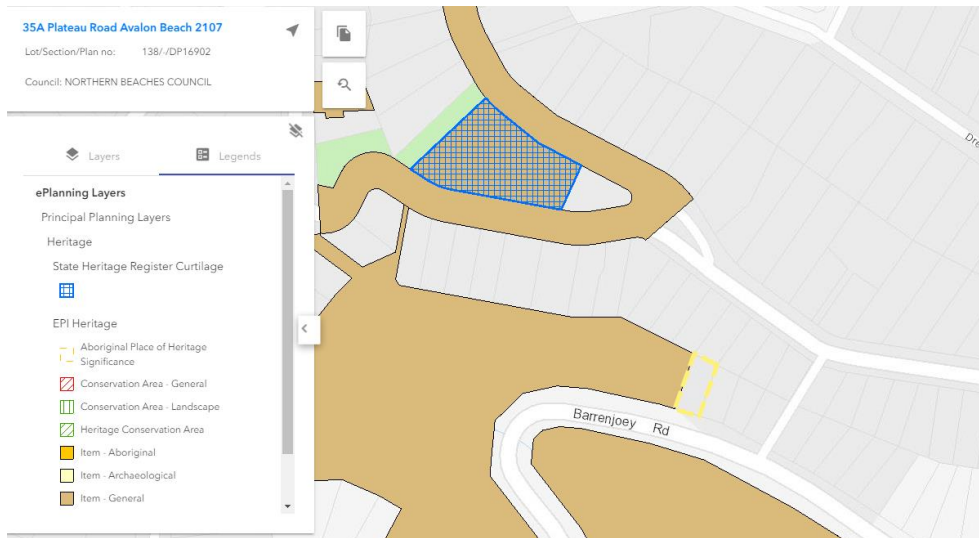
The development is compliant with this clause as it does not propose any works within the portion of the lot reserved for acquisition.



**Figure 18: Extract from Pittwater LEP 2014 Land Reservation Acquisition Map.**

## Heritage Conservation

The site is not a heritage item or located within a heritage conservation area. It is located in proximity to a heritage item 2270031 – Grove of Cabbage Tree Palms (*Livistona australis*).



**Figure 18: Extract from Pittwater LEP 2014 Heritage Map**

It is considered the development will not impact on the adjoining heritage item as proposed works are located entirely within the subject site.

To address Councils pre-DA comments, the palm tree located in the south western corner of the site is not a cabbage tree palm and will be removed as recommended in both the



Bushfire Report and the Arborist Report. The tree is identified as *Phoenix canariensis* (see Arborist Report).

A schedule of materials is provided with the DA plan set.

### **Acid Sulfate soils**

The site is mapped with class 5 acid sulfate soils. The proposed works are minor and are not likely to lower the watertable below 1 metre AHD on adjacent class 1,2,3 or 4 land.

### **Earthworks**

Compliant earthworks are proposed to prepare the site for construction of the minor ground floor addition. All works will be undertaken in accordance with engineering specifications, Councils controls and any consent conditions.

### **Biodiversity**

The subject site is mapped as Biodiversity, as such the consent authority development consent must not be granted unless the consent authority is satisfied that the development:

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

It is considered the proposed development is compliant with clause 7.6 of LEP 2014, as the proposed works are located within an already disturbed portion of the subject site and the two trees to be removed will be in accordance with the recommendations of both the Arborist Report and the Bushfire Report.



Figure 19: Extract from Pittwater LEP 2014 – Terrestrial Biodiversity Map

### Geotechnical Hazards

The subject site is identified as Geotechnical Hazard H1. A Geotechnical Assessment in support of the proposed development is provided with this application.

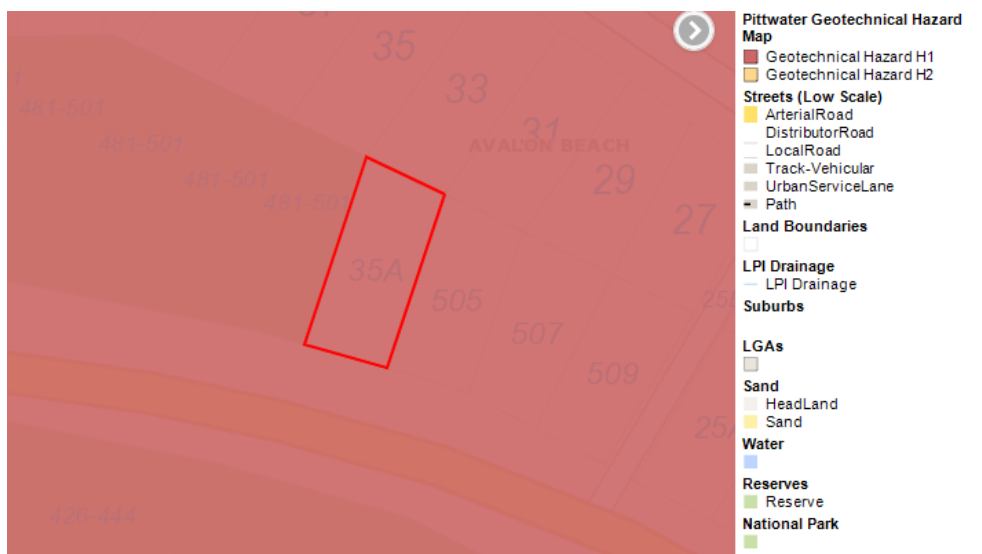


Figure 20: Extract from Pittwater LEP 2014 – Geotechnical Hazard Map

### Essential services

All services are existing on the site.

## 6.4 Pittwater 21 Development Control Plan

The relevant sections of the DCP are addressed below.

### Objectives

The proposed development is entirely consistent with the ecologically sustainable, environmental, social and economic objectives as specified in the DCP. The proposal is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

### Part A Localities

#### Bilgola Locality

The site is located within the Bilgola Beach Locality.

The desired character statement for the Bilgola Beach locality and The Plateau Area is:

*The Bilgola 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. Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.*

*The three distinct areas within the Bilgola locality (as identified in Bilgola Locality Map 2) will, by their unique differences, require differing and distinct degrees of control to ensure the individual characteristics and essence of each area are maintained and enhanced:*

#### The Plateau Area:

*Will provide for some dual occupancies, on land that does not have tree canopy coverage, species and habitat diversity, or other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.*

The proposed development has been designed taking into consideration the desired character of the location. The scale of the proposal is well designed to ensure retention of the character sought by Council and provide a modern dwelling, whilst being mindful of the natural environment.



## **Part B General Controls**

### **Heritage Conservation**

As described above the site is not a heritage item or located within a heritage conservation area, however it is located in proximity to a heritage item 2270031 – Grove of Cabbage Tree Palms (*Livistona australis*).

It is considered the development will not impact on the adjoining heritage item as proposed works are located entirely within the subject site.

To address Councils pre-DA comments, the palm tree located in the south western corner of the site will be removed. The tree is not a cabbage tree palm and has been identified as Phoenix canariensis. Removal of this tree has been recommended by both the arborist report and bushfire report provided with this application. A schedule of materials is provided with the DA plan set.

### **Aboriginal heritage Significance**

The site is not known or anticipated to be home to any aboriginal relics. Should any objects be discovered during construction, appropriate measures will be taken according to NSW Office of Environment and Heritage.

### **Landslip Hazard**

The subject site is identified as Geotechnical Hazard H1. A Geotechnical Assessment in support of the proposed development is provided with this application.

### **Bushfire Hazard**

The site is mapped as Bushfire Prone Land. A Bushfire Assessment Report is provided with this application which concludes that the property has a BAL – FZ construction requirement.

Appropriate construction standards will be adhered to for compliance with relevant Australian Standards and Planning for Bushfire Protection 2006 Bushfire Attack Level BAL-FZ.

### **The Natural Environment**

The proposal will have no impact on the natural environment in the locality as the development is located entirely within a disturbed portion of the site. The development is consistent with the controls for land adjoining bushland and proposes the removal of two trees as recommended by both the arborist report and the bushfire report.

### **Water management**

The site is connected to the reticulated sewer system.

The architectural plans prepared by Barker Architects demonstrate that the proposed development will result in an additional impervious surface area of less than 50m<sup>2</sup>, as such no onsite detention tank is required by the Pittwater 21 DCP.

Stormwater from the proposed development will be dealt with in accordance with the recommendations of the consulting engineers. See the stormwater/drainage plans attached to this application. In accordance with the pre-DA comments the proposal includes a sediment arrestor pit prior to stormwater being discharged from the land to capture organic matter and coarse sediments.

### **Access and parking**

The subject site is accessed via an existing right of way from Plateau Road which does not comply with current Australian Standards.

In accordance with the DCP, as the proposed additions have a GFA less than 30m<sup>2</sup> (24m<sup>2</sup> is proposed) and no new car parking or garages are proposed, no upgrade to the existing driveway is required.

No change is proposed to the existing parking area.

### **Site works and management**

All Council controls and conditions of consent will be complied with in the construction works. Appropriate devices will be used during the construction process to ensure no issues arise with regard to erosion and sedimentation.

## **Part C Design Criteria for Residential**

### **Landscaping**

The subject site is mapped as landscaped area 1 and requires a minimum landscaped area of 60% between the front boundary and any built structures. As the subject site is a battle axe lot, it is considered this control does not apply.

The development will retain the existing landscaping on the site, with the minor ground floor extension located over existing deck area. The proposed deck extension is pervious and located in an area which is already disturbed.

### **Safety and Security**

The proposed alterations and additions do not alter the existing, adequate safety and security of the site.

### **View Sharing**

The subject site and surrounding properties enjoy water views to Bilgola Beach.



A site visit has been undertaken and it is considered that no views will be impacted as a result of the proposed development. The site is steep, with the adjacent houses, sitting well above the subject site along Platea Road, ensuring views will be maintained for these properties.

### **Solar Access**

The DCP requires 3 hours of solar access is maintained for the windows of principal living areas, solar collectors and private open space of the site and adjoining properties on 21 June.

Pre and post development shadow diagrams are provided in the attached plan set and the following observations are made:

9am: a very minor increase in shadowing on the subject site and the adjoining property to the west (the grove of cabbage palm trees).

12pm: a very minor increase in shadowing to the subject site.

3pm: a very minor increase in shadowing to the side yard and south western corner of No. 33A Plateau Road.

It is concluded the proposal will result in a minor increase in shadowing of 33A Plateau Road and the subject site, however both lots will maintain the minimum 3 hours solar access on the winter solstice.

### **Visual Privacy**

The proposed alterations and additions will have no impact for neighbour's visual privacy with ample setbacks and no direct overlooking into any key living areas.

The ground floor is visually separated from the adjoining property by the existing timber boundary fencing and landscaping. The first floor addition offsets new windows or orients them away from the adjoining property to ensure privacy is maintained between dwellings.

There is some overlooking between the existing balconies of the subject site and No 33A, however, privacy screening is not considered appropriate in this case, as it would result in loss of water views.

### **Acoustic Privacy**

The development is appropriate and will not result in noise levels inappropriate to a residential area.

**Private Open Space**

The DCP requires a minimum private open space requirement of 80sqm. The development proposed a compliant private open space area in the yard fronting the right of way and on the deck areas.

**Waste and Recycling Facilities**

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

The dwelling has an existing bin storage area behind the building line, with waste to be collected by Councils regular service.

**Eaves**

A minimum 450mm eaves are incorporated on all elevations in accordance with this clause.

**Part D – Bilgola Locality**

The site is located in the Bilgola Locality and is consistent with the desired character, built form and natural environment criteria as specified in the DCP. The proposed alterations and additions are appropriate within residential and natural setting.

**Character**

The proposed development is an appropriate architectural design for the locality. Materials and colours complement the area and are consistent with the site, while sitting comfortably in the locality.

**Scenic Protection**

The proposed alterations and additions are consistent with this clause, in that there will be no negative visual impacts from a waterway, road or public reserve, as a result of the development.

**Building colours, materials and construction**

The proposed materials include metal wall cladding and metal roofing and glass, in colours consistent with the existing dwelling and residential environment. A full schedule of materials is provided in the DA plan set.

**Front Building Line**

The DCP requires a front building line setback of 10 metres or the established building line on the site.

The dwelling on the subject site has an existing, setback from Barrenjoey Road of 13.715 metres. The development proposes to retain this setback to the dwelling, with a setback of

9.21 metres to the proposed deck. This setback is consistent with the setback of the adjoining property at No. 33A Plateau Road.

No change is proposed to the existing setback to the right of way from Plateau Road.

#### **Side and Rear setbacks**

Side setbacks of 2.5 metres on 1 side setback and 1 m for the other side setback are required.

The dwelling has existing side setbacks of 1.72 metres (east) and 1.21 metres (west) and no change is proposed.

#### **Building envelope**

A building envelope of 45° measured at a height of 3.5 metres applies to the site. The existing dwelling and new works breach the building envelope control, as illustrated on the attached elevation drawings.

A variation to the building envelope control is considered appropriate, in this case, as the site does not have a traditional street frontage and does not present with excessive bulk. Views from the subject site and adjoining properties are not impacted and privacy, solar access and amenity will be maintained despite the proposed variation.

#### **Landscaped Area – General**

The subject site is mapped and landscaped area 1 and requires a minimum landscaped area of 60%. The development proposes retaining most of the existing landscape area, with only a small area of elevated deck extending. This will be a 12m<sup>2</sup> reduction in landscape area. Given the extended parkland adjoining this small reduction considered reasonable in this instance.

#### **Fences – General**

No changes are proposed to the existing fencing on the site.

#### **Construction of Retaining walls, terracing and undercroft areas**

Minor retaining walls are proposed on the Barrenjoey Road side of the yard to create safer and more usable spaces on the site.



## 7. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

### **The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations**

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Pittwater LEP and DCP.

The development is permissible in the E4 zone.

### **The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality**

#### 7.1 *Context and Setting*

*What is the relationship to the region and local context in terms of:*

- *the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement, appendices and attached specialist reports.

*What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed alterations and additions have been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

## **7.2 Access, transport and traffic**

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

No conflict or issues will arise as a result of the proposed development.

## **7.3 Public domain**

There will be no impact.

## **7.4 Utilities**

There will be no impact on the site, which is already serviced.

## **7.5 Flora and fauna**

There will be no impact.

## **7.6 Waste**

There will be no impact.

## **7.7 Natural hazards**

The site is mapped as bushfire prone land and geotechnical hazard. The specialist reports provided with this application, support the development in its current form.

## **7.8 Economic impact in the locality**

There will be no impact, other than the possibility of a small amount of employment during construction.

## **7.9 Site design and internal design**

*Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is appropriate to the site with regards to all of the above factors. The development fits well within the context of the surrounds and the development is well suited to the residential surrounds.

*How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

## **7.10 Construction**

*What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

### **The suitability of the site for the development**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*



- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

**Are the site attributes conducive to development?**

The site is appropriate for the proposed development.

**Any submissions received in accordance with this Act or the regulations**

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

**The public interest**

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

## **8. Conclusions**

- 8.1** The proposed development for alterations and additions to the existing dwelling at 35A Plateau Road Avalon Beach, is appropriate considering all State and Council controls.
- 8.2** When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 8.3** Considering all the issues, the development is considered worthy of Council's consent.