

STATEMENT OF ENVIRONMENTAL EFFECTS

RENOVATIONS TO AN EXISTING INCLINATOR

145 RIVERVIEW ROAD, AVALON
LOT 12 DP DP1303339



SEPTEMBER 2025

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APPENDICES			
INDEX	PLANS AND DOCUMENTATION	PREPARED BY	DATE
Appendix 1	Survey Plan	JBW Surveyors	09.11.2025
Appendix 2	Title Deeds	Wayne Diver-Tuck	01.12.2023
Appendix 3	Architectural Plans	Jasmax Architects	19.08.2025
Appendix 4	Inclinor Plans	Inclinor Services	23.07.2025
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Appendix 6	Clause 4.6 Variation	Levy Planning	28.08.2025
Appendix 7	Ecological Advice	Kingfisher Urban Ecology	06.11.2024
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1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared to accompany a Development Application (**DA**) to Northern Beaches Council (**NBC**). The Applicants, Dr Chris Watt and Fiona Zielinski c/o Levy Planning seek approval for renovations to an existing Inclinor at 145 Riverview Road, Avalon Beach (**Lot 12 DP 1303339**).

This DA is submitted to NBC under Part 4.12 Development Assessment and Consent of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The proposed works pertain to renovations of an existing Inclinor, and include the following.

- Replacement of platform in existing location to the east
- Replacement of Inclinor rail in existing location; and
- New pit for Inclinor to the west.

The Statement provides an assessment of the development proposal having regard to the relevant legislative context, the environmental (natural and built), social and economic impacts of the proposal, the suitability of the site for the proposed development and an assessment of whether the proposal is within the public interest.

The document is arranged as follows.

- Section 1 provides an introductory overview to the proposed development.
- Section 2 describes the site and location.
- Section 3 provides the background to the proposal.
- Section 4 outlines the details of the proposed development.
- Section 5 provides an evaluation relevant legislation and planning controls.
- Section 6 addresses 'Matters for Consideration under Section 4.15 of the EP&A Act
- Section 7 provides a conclusion.

This document should be read in conjunction with the supporting documentation as listed below.

- Survey Plan and Title Deeds.
- Architectural and Inclinor Drawings:
- Evidence of Inclinor on Site.
- Clause 4.6 Variation.
- Ecological Advice Report.
- Pre DA-Advice; and
- Planning certificate.

The proposal is intended to renovate an Inclinor that is no longer 'fit for purpose'. **The renovation of the Inclinor will provide access to an approved dwelling located at Lot 215 DP 752046, which is part of 145 Riverview Road.**

The renovated Inclinor will provide the following benefits:

- Safe and easy access over steep topography.
- Will assist in the carrying of goods, luggage or equipment.
- Reduces the risk of falls and injuries.
- Provides safe access in wet or slippery condition.
- Will have a low environmental impact as located in the exact location as the existing Inclinor.
- Does not require excavation; and
- Will not result in any tree removal.

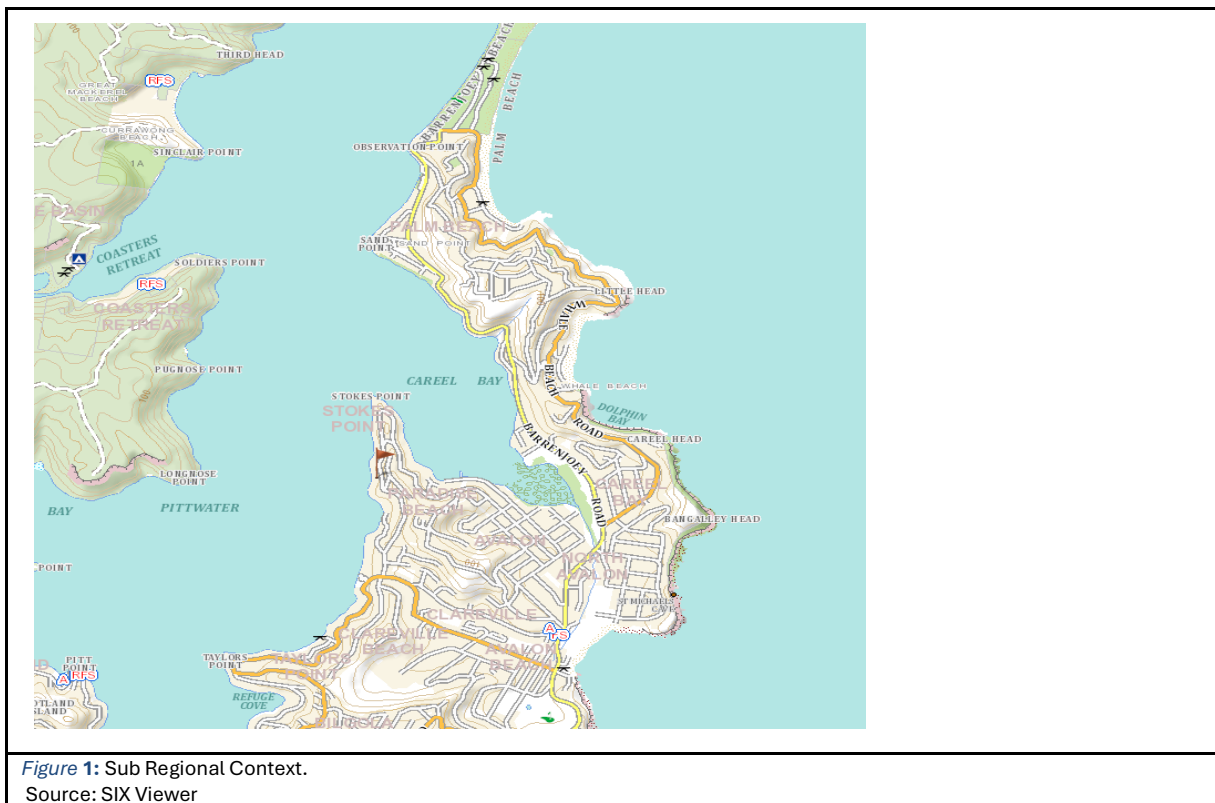
2. SITE DESCRIPTION AND LOCATION

2.1 Site Location

The subject site comprises No. 145 Riverview Road, Avalon. To the north of the suburb is Whale Beach and to south, Bilgola Plateau. The subject site is located on the eastern slope of the suburb and fronts onto the Pittwater waterway. To the north of the subject site is Stokes Point and to the south, Paradise Beach. To the west is the Pittwater waterway and views towards Morning Bay, Longnose Point and Pugnose Point which form part of the Ku-ring-gai Chase National Park.

The area is characterised by steep south slopes, with ridge tops being visually prominent. Significant water views can be obtained to the northwest and west. Much of the indigenous vegetation and tree canopy is retained in the area. The immediate surrounding area is a predominantly low-density residential area.

To the immediate north of the subject site is No 147 Riverview Road, to the south is No. 141 and 139 Riverview Road, to the east is Riverview Road and to the west is the Pittwater waterway.



The site is surrounded by residential lots to the north, east and south and by waterways to the west. Refer to Table 1 overleaf.

2.2 Surrounding Development

Table 1: Surrounding sites

Address	Cadastral Description	Description
To the immediate north is No.147 Riverview Road	Lot B DP 413022	Existing three level dwelling, the location of the dwelling is approximately mid-way along the site and is orientated in an east west direction.
To the south is No 141 Riverview Road (adjoining Riverview Road)	Lot 2 DP 833902	Currently vacant. Has an approved DA 2021/0317 for the construction of a three-level dwelling orientated in an east west direction.
To the south is No. 139 Riverview Road, adjoining the Pittwater	Lot 1 DP 833902	Contains an existing two-level dwelling orientated in an east west orientation. Garage and parking area is accessed via the shared concrete driveway.
To the west is No. 215 on the waterway	DP752046	Contains a single storey dwelling which has the same address and ownership as the subject site.

2.3 The Subject Site

The subject site is No. 145 Riverview Road, Avalon. No. 145 Riverview Road has recently been consolidated with 143 Riverview Road, Lots 1 and 2 in DP 19402 via the registration of Deposited Plan 1303339 on the 10 October 2024. New description is Lot 12 DP1303339. This is in accordance with DA REV 2023/0011 as approved by Northern Beaches Council on the 18 August 2023 for “*demolition works, lot consolidation and the construction of a dwelling house*”.

Table 2: Subject site

Address	Cadastral Description	Site Area	Encumbrances
145 Riverview Road	Lot 12 DP1303339	1549m ²	<p>Contains a two-level brick and metal roof dwelling comprising 3 x bedrooms, kitchen, living and dining room, bathroom, outdoor terrace and lock up garage.</p> <p>The site has a concrete driveway to the east and west of the existing dwelling.</p> <p>The site has an unused drainage easement running east west.</p>

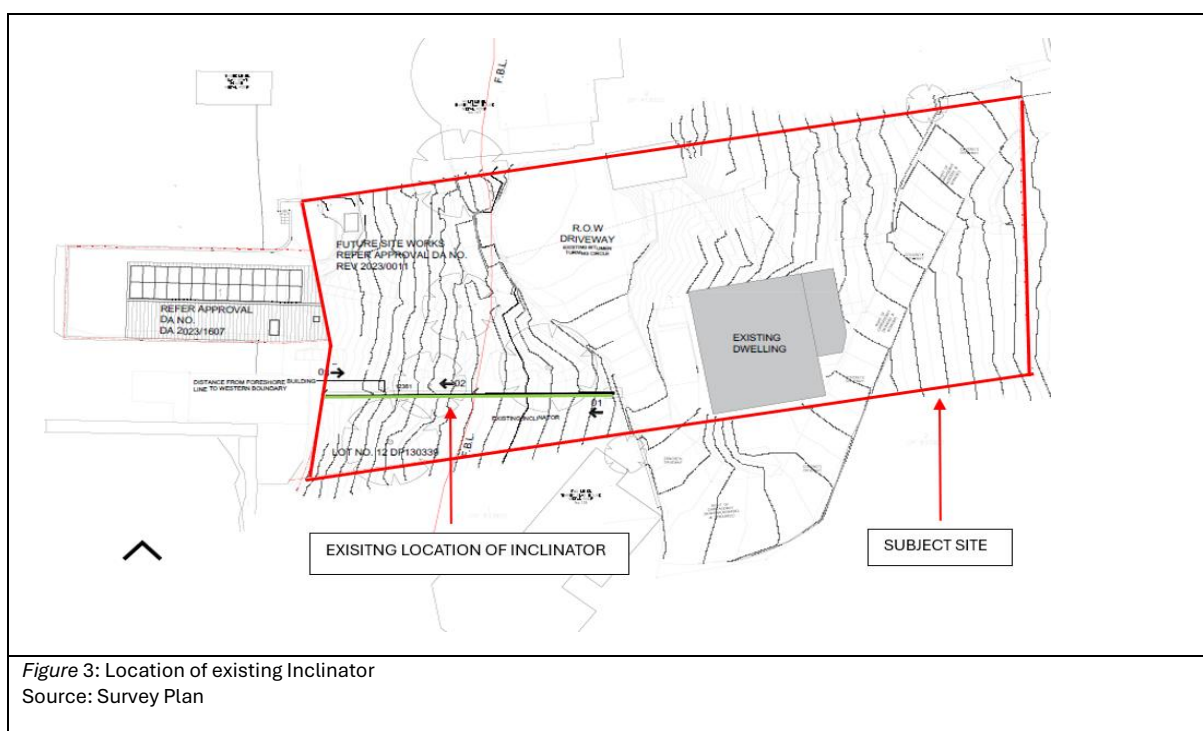
In addition, 145 Riverview Road, Avalon includes Lot 215 DP 752046.

Address	Cadastral Description	Site Area	Encumbrances
145 Riverview Road	Lot 215 DP 752046	175m ²	A cottage (dwelling house) currently under construction in accordance with DA2023/1607.



The site is accessed from Riverview Road which is a steep bushland block comprising canopy trees, irregular rocky outcrops and tiered access. The site contains two disturbed plateaus, which currently contain the existing dwelling and the garage. The gradient across the site is 25 to 28 degrees with a drop in level of approximately 35m from Riverview Road to the water's edge. **The Inclinator is required to access the cottage (dwelling house) located at Lot 215 DP 752046.** Refer to Survey Plan in **Appendix 1**.

2.4 Location of Inclinator



The existing Inclinator is within the south-western corner of the property accessed via a right of way that traverses the site and terminates in the south-eastern corner of the site. Refer to the Survey Plan in **Appendix 1** and *Figure 3* above.

2.4 Site Attributes

The site has the following key attributes as referenced in the Planning Certificate ePLC2024/08819 and Planning Report (via the Planning Portal).

- Does not contain any critical habitat nor is it within an area of ‘outstanding biodiversity value’.
- Portions of the site are within the Biodiversity Values Map area.
- Is not within a heritage conservation area nor does it contain a heritage item
- Is located within a Geotechnical Risk (Landslide Hazard H1) area
- Is not bushfire prone
- Not “significantly contaminated land”.
- Has pockets of flood prone land however is not subject to flooding.

2.6 Site Photos

Site photos taken 15 January 2025.

Note: Red dashed line refers to approximate location of Inclinator and associated footings.



Figure 4: View of existing access platform off driveway

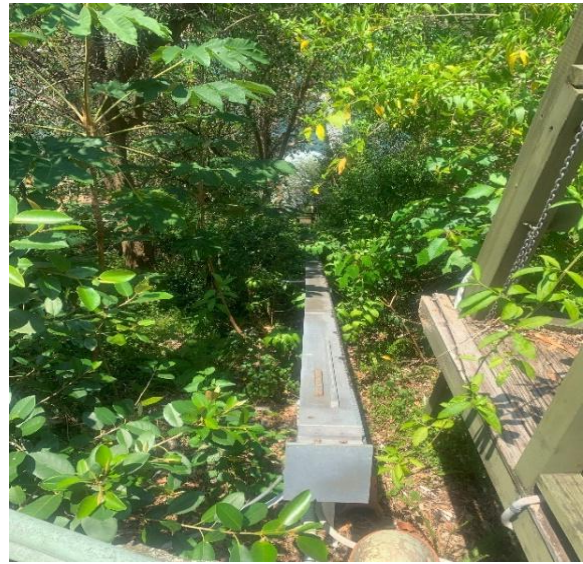


Figure 5: View of Inclinator rail in a westerly direction



Figure 6: View of Inclinator rail – horizontal view



Figure 7: View of Inclinator rail – horizontal view

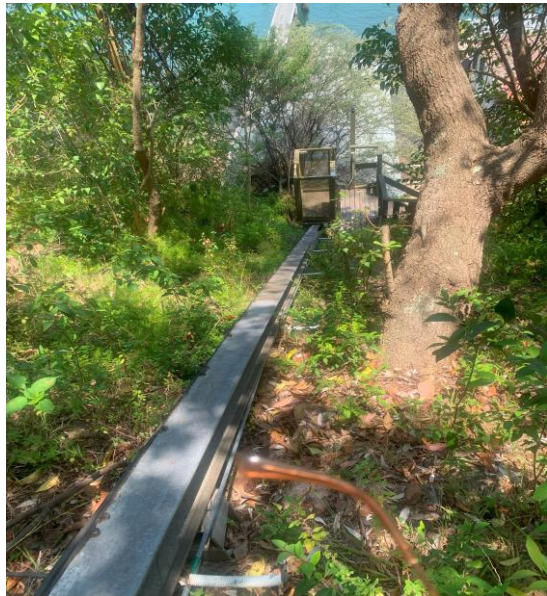


Figure 8: View of Inclinator in an easterly direction -up hill



Figure 9: View of Inclinator in an easterly direction



Figure 10: View of lift at base of slope

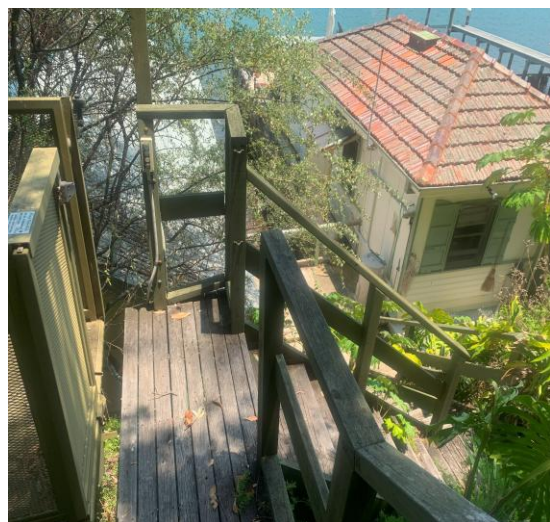


Figure 11: View of stairs at base of slope and cottage

Site photos 13 August 2025 (associated with REV2023/0011 and CC2025-042-Stage 1 works)



Figure 12: View of existing access platform off driveway



Figure 13: View of Inclinator location towards waterway



Figure 14: Inclinator route southerly view



Figure 15: View of new stairs



Figure 16: View of partially constructed retaining walls



Figure 17: View from crest of retaining wall towards Inclinator landing

3. BACKGROUND TO THE PROPOSAL

3.1 Site History

The Inclinor was approved by the Northern Beaches Council in 1999. Relevant development history associated with the subject site, and the inclinor is identified below.

Table 2: Development Application history

Application No.	Year	Description
CC2025-042-Stage 1	2025	Construction of external access stairs and retaining walls only . In accordance with REV2023/0011 . CC approved on the 10 June 2025. Currently under construction.
CC2024-194	2024	Demolition works and construction of cottage (dwelling house) in accordance with DA2023/1607 . CC approved on the 29 October 2024. Currently under construction.
New lot and DP	2024	Consolidation of Lots 1 and 2 in DP 19402 (143 & 145 Riverview Road) into 1 lot being, Lot 12 DP 1303339 (145 Riverview Road) on the 10 October 2024. In accordance with DA2022/1030.
DA2023/1607	2024	Demolition works and construction of a cottage (dwelling house). Approved on the 8 th May 2024.
REV2023/0011	2023	Review of Determination of Application No. DA2022/1030 for demolition works, lot consolidation and the construction of a dwelling house. Approved on the 18 th of August 2023. (143 & 145 Riverview Road, Avalon).
DA2022/1030	2023	Demolition works, lot consolidation and the construction of a dwelling house refused on the 8 th of March 2023. (143 & 145 Riverview Road, Avalon).
DA 0291/00	2000	A jetty, ramp, pontoon and two piles (143 Riverview Road) approved on the 20 July 2000.
CC0208/00	2000	A new jetty, ramp and pontoon (143 Riverview Road) approved on the 20 th of July 2000.
CC0022/99	1999	Addition of inclined lift (143 Riverview Road) approved on the 19 January 1999.
DA N0032/99	1999	Addition of inclined lift (143 Riverview Road) approved on the 8 October 1999

KEY:

HOUSE DA	Refers to House DA on subject site Lot 12 DP1303339
COTTAGE DA	Refers to Cottage (dwelling house) on Lot 215 DP 752046

3.3 Pre DA-Lodgement Meeting

A pre-DA meeting PLM2024/0062 was undertaken online on 2 July 2024 where the following key issues were identified by Council.

Issues	Council Comments	Response
Clause 7.8 PLEP 2014 – Limited development on foreshore area	For Council to support the proposal, a clause 4.6 is to be submitted as the works include additional elements into the foreshore building line.	A Clause 4.6 Variation Report has been prepared and is in Appendix 6 .
	The application will need to provide a fill and excavation plan	No excavation is proposed.
	Demonstrate how pedestrian access along the foreshore will be maintained	Pedestrian access is to the rear of the cottage and existing boat shed and is improved by the CC2025-042-Stage 1 works.
Landscape and Trees	Submit an Arboricultural Impact Assessment that identifies any tree impacts (canopy pruning and root disturbances),	No trees are to be removed
	To ensure minimal disturbance to existing roots belonging to T11 and T23, tree sensitive excavation (i.e. hand digging for pier footings) will be required.	Noted and no trees are to be removed including T11 and T23.
Assessment of Biodiversity Impacts	Submit a Biodiversity Development Assessment Report (BDAR) or If the Accredited Assessor determines that a BDAR is NOT required, a concise letter report should be submitted within the DA explaining why the BAM does not apply	No trees are to be removed, therefore a BDAR is not triggered.
	The assessor is requested to add Northern Beaches Council as a case party to the BAM assessment in BOAMS and submit the case to the consent authority in BOAMs prior to the lodgement of the DA	Not applicable
	The BDAR must address SAIL Pittwater Spotted Gum Forest EEC	Not applicable.
Coastal management statutory controls	The objectives and requirements of both the Coastal Management Act 2016 and SEPP (Coastal Management) 2018 are to be addressed in the SEE	These objectives are addressed in Section 5 of this SEE.
Estuarine Risk Management	As the proposed developments are located above the adopted EPL, no Estuarine Risk Management Report will be needed, however all electrical cables associated with the Inclinor should be above EPL.	Noted and is capable of complying

Issues	Council Comments	Response
Acid Sulphate Soils	Environmental Health do not require further investigation into Acid Sulfate Soils.	Noted.
Stormwater management	Submit erosion and sediment control plans, Stormwater Plans and On-site Stormwater Detention (OSD) Checklist	No On-site Detention (OSD) is proposed for the site as the stormwater drains into the waterway, as referenced in Appendix 8 of the Pittwater DCP 21, Part 3 Onsite Stormwater Technical Specification. No excavation is proposed therefore there is no requirement for erosion and sediment control plans.
Land Stability	Submit a Preliminary Geotechnical Report	No excavation is proposed therefore there is no requirement for a preliminary Geotechnical Report.

4. PROPOSED DEVELOPMENT

4.1 Proposed Works

The proposed works pertain to renovations to an existing Inclinor, and include the following:

- Replacement of platform in existing location to the east
- Replacement of Inclinor rail in existing location; and
- New pit for Inclinor to the west.

4.2 Purpose of the Renovation

The existing Inclinor was approved by NBC on the 8 October 1999 and is now over 25 years old. The Inclinor is in poor condition and no longer “fit for purpose”.

It needs to be renovated to ensure a safe path of access across a steep site to a recently approved cottage (dwelling house). That is DA2023/1607 on Lot 215 DP 752046, approved by NBC on the 13th of May 2024. The renovated Inclinor will provide the following benefits:

- Safe and easy access over steep topography.
- Will assist in the carrying of groceries, luggage or equipment.
- Reduces the risk of falls and injuries.
- Provides safe access in wet or slippery condition.
- Will have a low environmental impact as located in the exact location as the existing Inclinor.
- Does not require excavation; and
- Will not result in any tree removal.

4.3 Ecological Impact

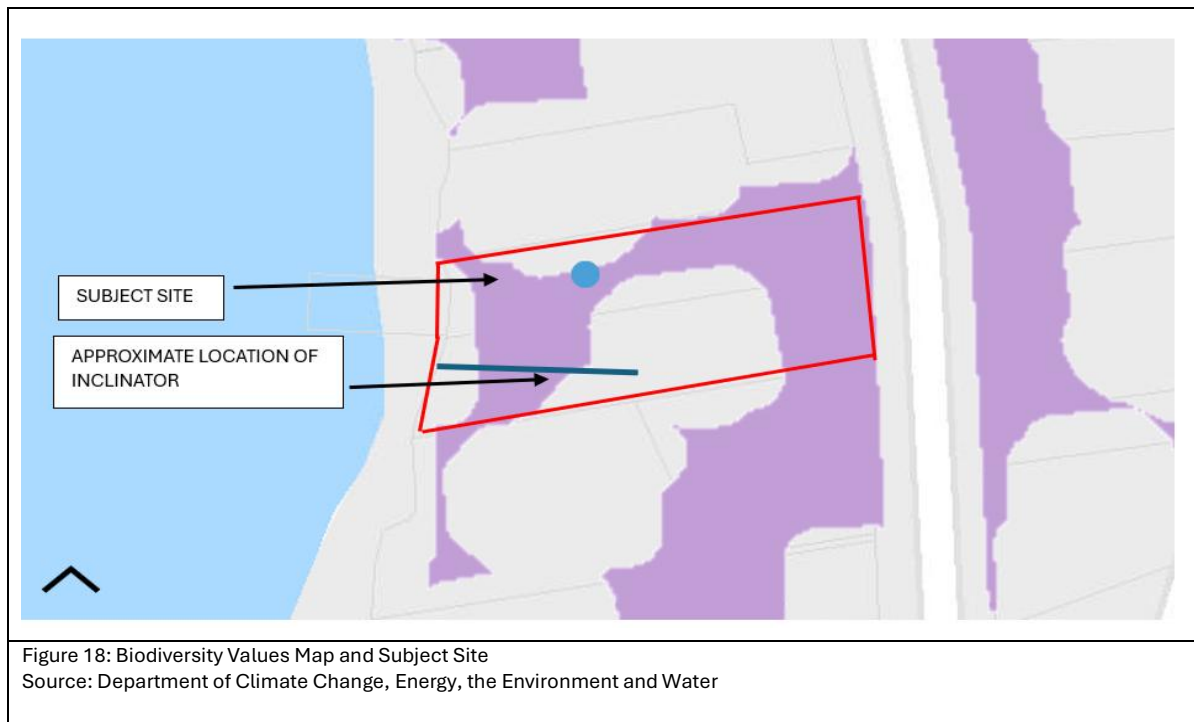
No trees are proposed to be removed. An Ecological Advice letter has been prepared and is enclosed in Appendix 7. The subject site is located within the Biodiversity Values Mapped area, and a portion of the Inclinor is within the mapped area. Refer to *Figure 18* below. A Biodiversity Development Assessment Report (BDAR) is not triggered as no native vegetation is to be removed. (Refer to Page 2 of the Ecological Advice Letter) in Appendix 7.

The Ecological Advice Letter notes (Page 2) the following findings.

- *Understory is exotic in the vicinity of the Inclinor (and most of the site).*
- *Canopy is Spotted Gum and midstory natives are Banksia integrifolia and Ficus sp.*
- *No threatened flora or fauna will be impacted, and the works are not in an area of Outstanding Biodiversity.*
- *No native vegetation will be impacted this includes confirmation from the Arborist of no impact to*
- *No native fauna (e.g., ring-tail possums) are within the proposed works area.*

Recommendations

*“The proposed works are **supported from an ecological perspective** as there is minimal environmental impact. Post works the area disturbed will have fewer weeds and native ground species can be established”.*



4.4 Geotechnical Impact

The site is located within the Geotechnical H1 Hazard area under the PLEP, 2015. No excavation is proposed as the renovations are in the exact location of the existing Inclinometer.

4.5 Stormwater management

Existing situation

Stormwater is collected on the surfaced driveway and drains halfway down the slope where it enters a drainage pit and is discharged directly into the ocean opposite Lot 215 via a 150mm uPVC pipe against the northern plot boundary.

The lower half of the land below the lower driveway discharges as sheet flow over natural rock and vegetation, discharging into the ocean via gaps in the retaining sea wall opposite Lot 215 and the boathouse.

Proposed Stormwater Drainage and Storage

The driveway will remain the dominant drainage feature, carrying water into a concrete tank beneath the 'proposed House garage. Additional stormwater pits and drains have been constructed in accordance with CC CC2025-042-Stage 1. The overflow then discharges into the ocean via the sea wall opposite Lot 215.

No On-Site Detention tanks are required as per Appendix 8 of the Onsite Stormwater Detention Technical Specification; Part 3 indicates that the site is exempt from OSD because the site discharges directly into the ocean.

4. 6 Public access along the foreshore

There is a publicly accessible path to the rear of the boatshed and Cottage (dwelling house) which is maintained and has been improved via the works associated with CC 2025-042-Stage 1.



Figures 19 & 20: Publicly accessible path photos. Improved by CC 2025-042-Stage 1 works

5. LEGISLATION AND PLANNING CONTROLS

The proposed works occur within a legislative framework, and the following statutory controls apply to the site.

Instrument	Commentary
The Environmental Planning and Assessment Act, 1979 and Regulations	Specifically, <i>Clause 4.15 Evaluation (1) Matters for consideration – general in determining a development application.</i>
State Environmental Planning Policy (Resilience and Hazards) 2021	The site is located within the following areas: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Reviewed but does not apply as no trees to be removed.
Pittwater Local Environmental Plan 2014	<ul style="list-style-type: none"> Zoning Acid Sulphates Earthworks Geotechnical Hazards
Pittwater 21 Development Control Plan	Character Incline lifts

5.1 Environmental Planning and Assessment Act, 1979

Clause 4.15 Evaluation of the EP&A Act prescribes the specific matters which must be considered in the assessment and determination of development application proposals under Part 4 of the Act. “*Matters for Consideration*” are addressed in Section 6 of this SEE. The legislation, statutory and policies relevant to the assessment of the proposed development are noted below.

5.2 State Environmental Planning Policies

The following SEPPs apply to the site.

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

5.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

This State Environmental Planning Policy applies to the subject site as being partially within the **Coastal Environment Area** and the **Coastal Use Area**.

The coastal environment area identifies the environmental features of the coastal zone, such as state waters, estuaries, coastal lakes and coastal lagoons. It also includes land adjoining those features including beaches, dunes, coastal headlands and rock platforms.

The coastal use area is land adjacent to coastal waters, estuaries, coastal lakes and lagoons, where development is or may be carried out and impacts of development on the scenic and cultural values and use and enjoyment of the beaches, foreshores, dunes, headlands, rock platforms, estuaries, lakes and the ocean need to be considered.

Coastal Environment Area

The site is mapped as being within the coastal environment area. The subject site is situated some distance from the water's edge. The spatial separation between the site and the waterway largely minimises opportunities for the development to have adverse impacts on the waterway, its ecology, or the coastal processes.

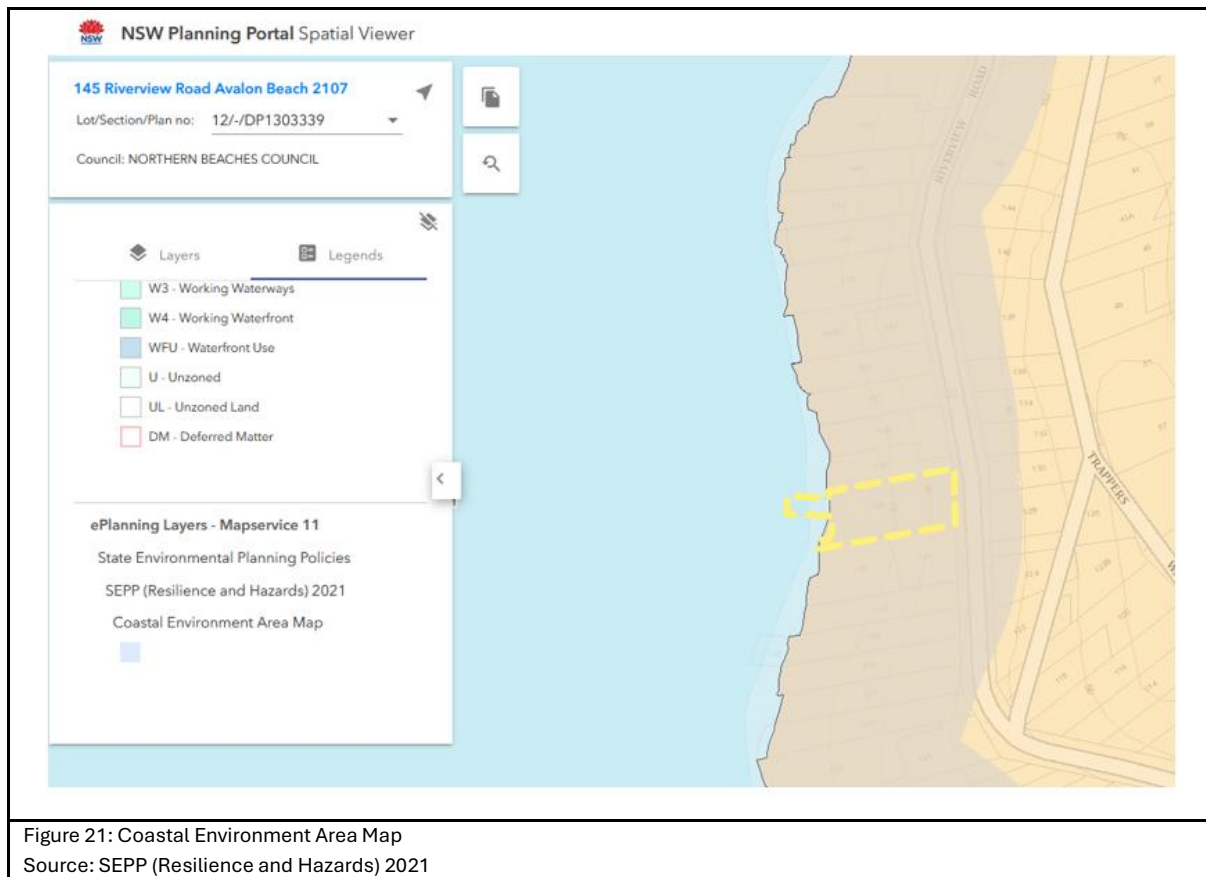


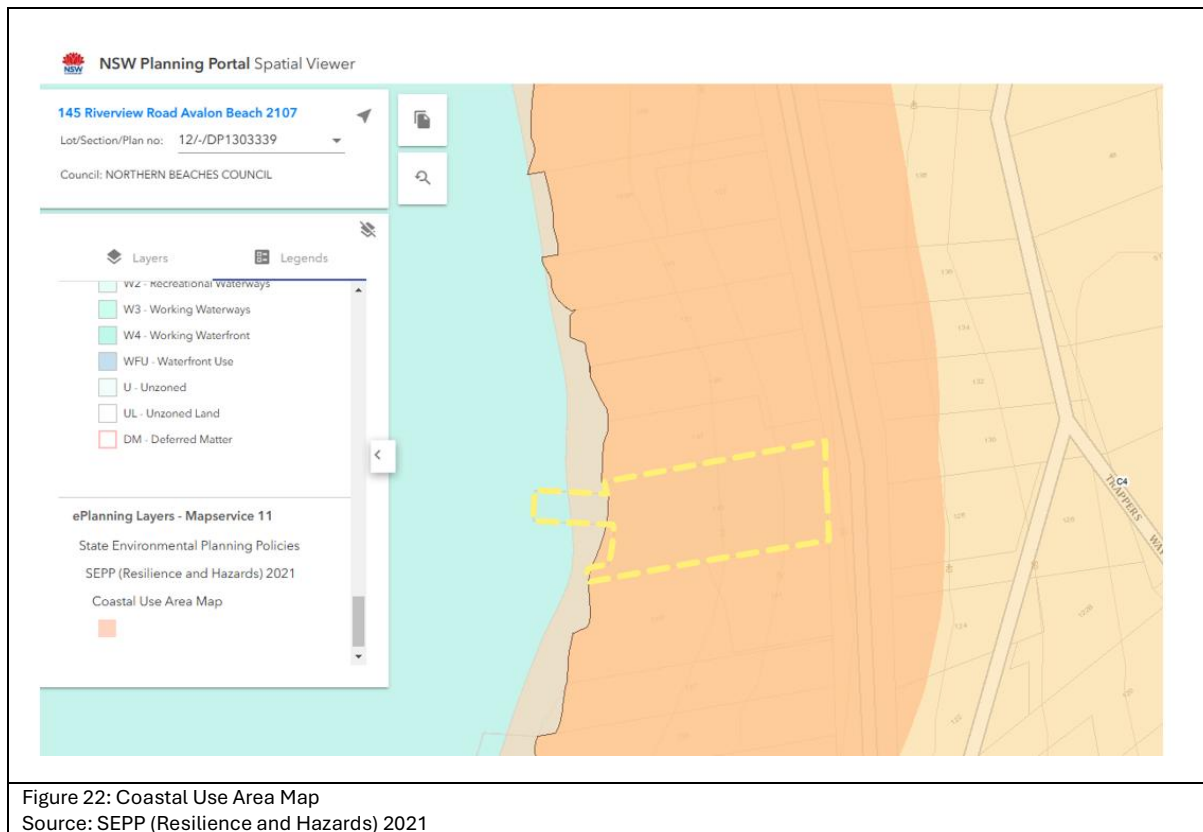
Figure 21: Coastal Environment Area Map
Source: SEPP (Resilience and Hazards) 2021

Control	Commentary
<i>Division 3 Coastal environment area</i>	
<i>13 Development on land within the coastal environment area</i>	
<i>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</i>	
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	The integrity of the biophysical, hydrological and ecological environment is not impacted by the proposed works
<i>(b) coastal environmental values and natural coastal processes,</i>	As above.
<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts</i>	Water quality is not impacted

<i>of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i>	
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>	These ecological areas are not impacted, and their integrity is retained.
<i>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	There is no existing public open space on this site. However public access along the foreshore area is retained. Refer to Figure 19 above.
<i>(f) Aboriginal cultural heritage, practices and places,</i>	The proposed works do not impact Aboriginal heritage, practices or places
<i>(g) the use of the surf zone.</i>	The subject site is not located in proximity to the surf zone.
<i>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i> <i>(a) the development is designed, sited and will be managed to avoid any adverse impact referred to in subclause (1),</i>	The integrity of the biophysical, hydrological and ecological environment is not impacted by the proposed works
<i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	There is no impact on the natural environment therefore mitigation strategies are not required.
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact</i>	Not applicable
<i>(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>	The subject site is not located within the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Coastal Use Area

The subject site is mapped as being within the coastal use area. Given the separation of the subject site to the coast, the consent authority can be satisfied that the proposed works will avoid adverse impacts.



Clause	Commentary
<i>Division 4 Coastal use area</i>	
<i>14 Development on land within the coastal use area (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—</i>	
<i>a) has considered whether the proposed development is likely to cause an adverse impact on the following—</i>	There is no change to the existing access. There is a publicly accessible path to the rear of the cottage (dwelling house) on Lot 215 which is not located on the subject site. Refer to <i>Figure 19</i> .
<i>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	
<i>ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i>	The proposed works will not result in any overshadowing or wind funnelling from public places to the foreshores. The “public places” in this instance is the Pittwater waterway.
<i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i>	The visual amenity and scenic qualities of the ‘coast’ will be largely unchanged as the existing Inclinor is not visible from the coast, and the renovation will similarly be obscured.

(iv) Aboriginal cultural heritage, practices and places,	The proposed works will not impact any aboriginal cultural heritage, practices and places.
(v) <i>cultural and built environment heritage, and</i>	The site is not a heritage item or within a heritage conservation area and nor is it within the vicinity of such.
(b) <i>is satisfied that—</i> (i) <i>the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	The proposed development will not impact access from a public place as it is a privately owned residential site.
(ii) <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	The site does not impact access for members of the public.
(iii) <i>if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	Not applicable.
(c) <i>has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	The bulk, scale and size of the proposed works is comparable to the existing Inclinor and will not impact the surrounding coastal and built environment.
(2) <i>This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>	The subject site is not located within the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

5.4.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Controls	Commentary
<p>Clause 2.3 (b)</p> <p>(b) <i>land within the following zones under an environmental planning instrument—</i></p> <p><i>Zone RU5 Village, ...RE1 Public Recreation, Zone RE2 Private Recreation, Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living or Zone W3 Working Waterways</i></p>	<p>The subject is identified as C4 Environmental Living which pertains to E4 Environmental Living in this Clause.</p> <p>As no trees are proposed to be removed, no sections of this SEPP apply.</p>

5.3 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 (PLEP 2014) is the primary local planning instrument controlling development of the site. The table below provides a summary of the key controls that apply to the proposed development.

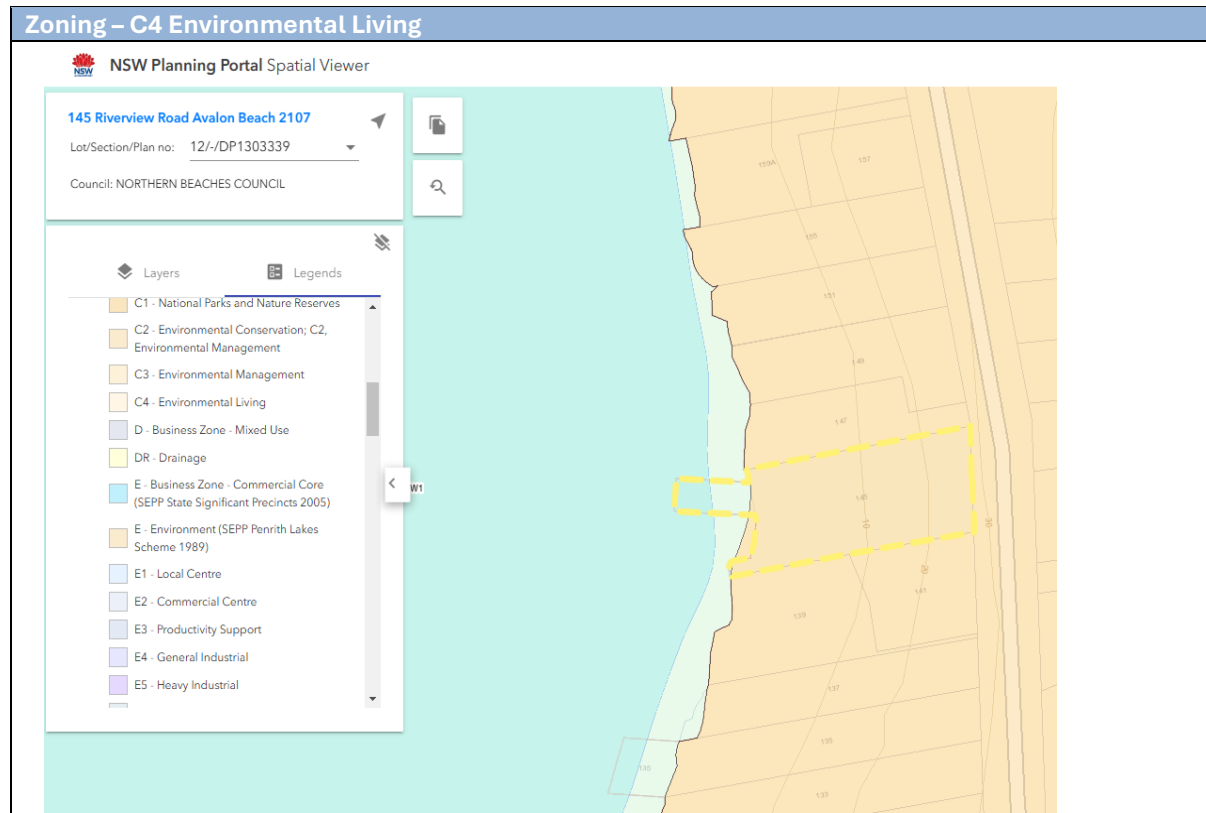
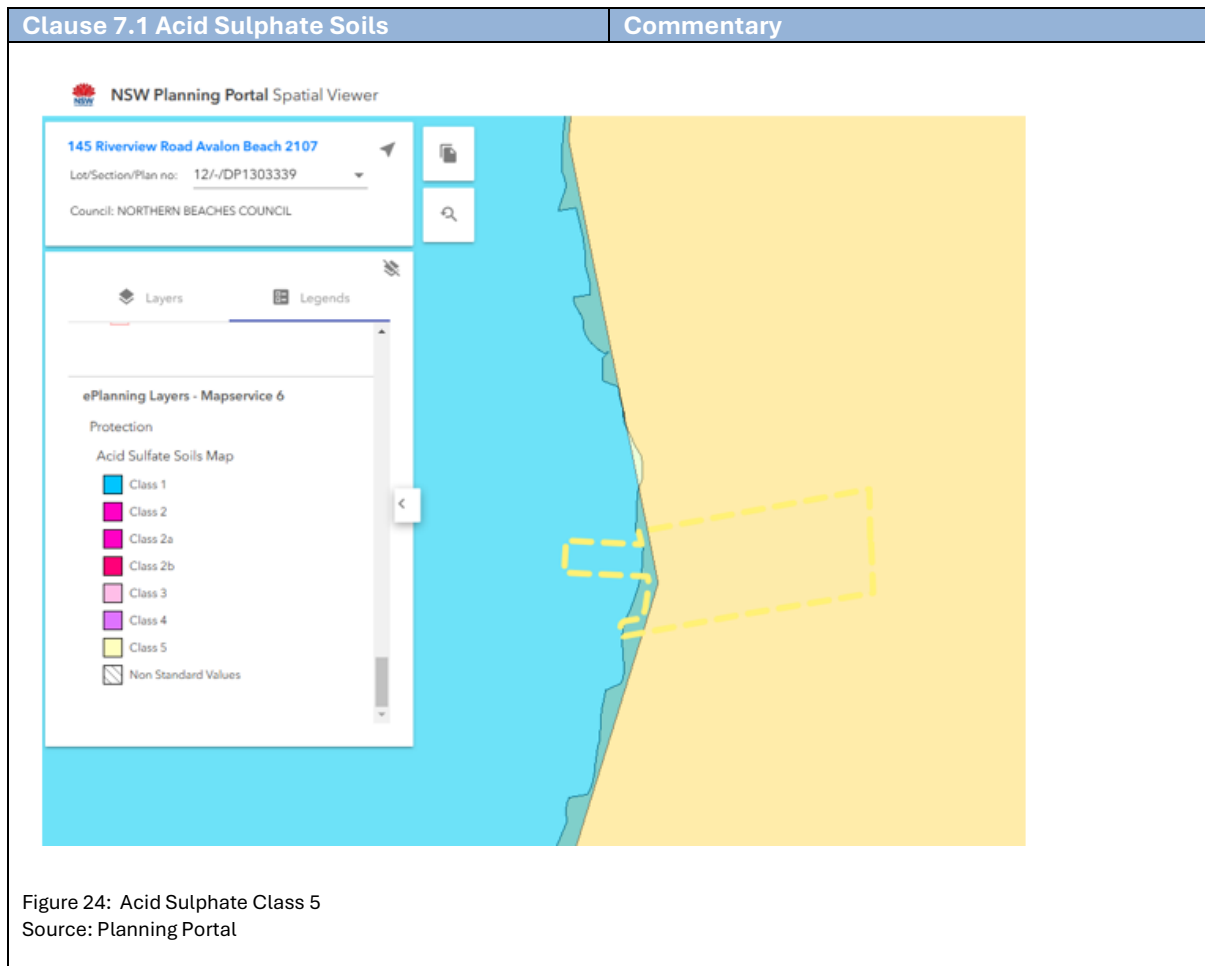


Figure 23: Zoning Map
Source: Planning Portal

Clause 2.1 Land Use Zones	Commentary
1 Objectives of zone <i>To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</i>	<p>The proposed use is ancillary to a low impact residential development.</p> <p>The impact of the Inclinator is low impact as it is in the same location as an existing Inclinator, which has been in operation for approximately 25 years.</p>
<i>To ensure that residential development does not have an adverse effect on those values.</i>	<p>The DA does not include a residential use. The renovation to the existing Inclinator is a use that is ancillary to a residential use.</p>
<i>To provide for residential development of a low density and scale integrated with the landform and landscape.</i>	<p>Not applicable.</p>
<i>To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.</i>	<p>All native vegetation is to be retained.</p>


2 Permitted without consent <i>Home businesses; Home occupations</i>	Noted and not applicable.
3 Permitted with consent <i>Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures</i>	<p>It is noted that an Inclinor is not a use that is specifically identified.</p> <p>However, it is an ‘ancillary use’ to “Dwelling houses.</p> <p>There would be no need for an Inclinor unless it supported the functioning of a ‘Dwelling house’.</p> <p>“Inclinor” or “Incline Lift” is not separately defined in the PLEP “Dictionary”.</p> <p>It is therefore a use that is ‘permitted with consent’</p>
4 Prohibited <i>Industries; Local distribution premises; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3</i>	Not applicable

Clause 2.7 Demolition	Commentary
<i>The demolition of a building or work may be carried out only with development consent.</i>	The purpose of this Development Application is to seek approval for renovations to an existing Inclinor and demolition is implied.

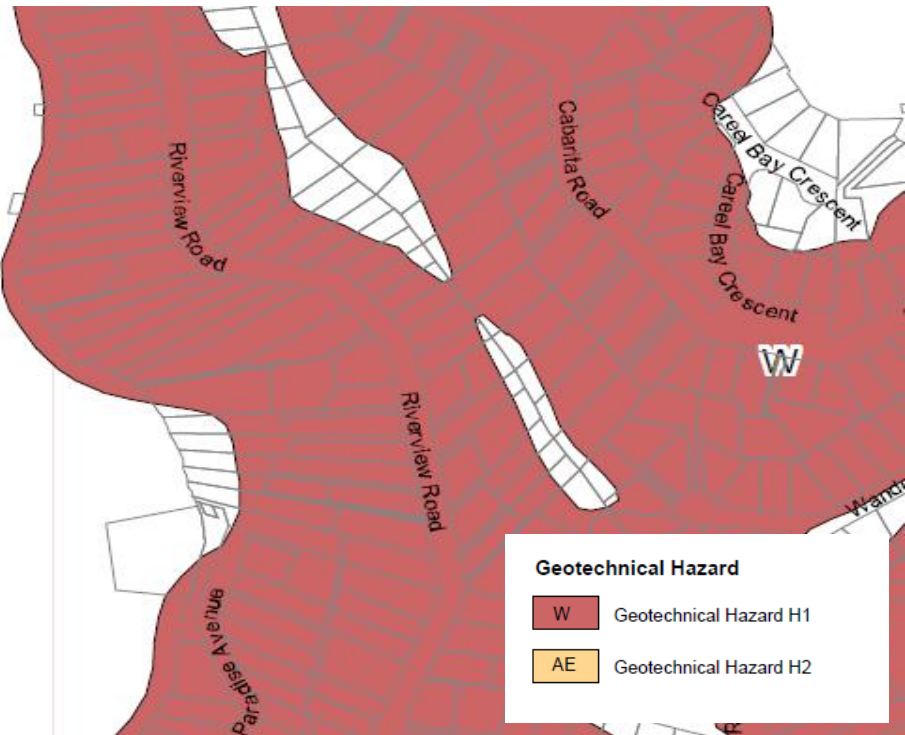


(1) <i>The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</i>	The subject site is within Class 5. Class 5 land is not itself typically acid sulfate soil, but it is located within 500 metres of adjacent Class 1, 2, 3, or 4 land.
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Clause 7.2 Earthworks	Commentary
(1) <i>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i>	No earthworks are proposed.
(3) <i>In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i> (a) <i>the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i>	There will be minimal disruption, as the existing Inclinometer is to be replaced in the same location.
(b) <i>the effect of the development on the likely future use or redevelopment of the land,</i>	There will no impact on the future use of the subject site.
(c) <i>the quality of the fill or the soil to be excavated, or both,</i>	No excavation is proposed therefore no fill will be coming onto the site.
(d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i>	The proposed works will not impact the amenity of the adjoining properties.
(e) <i>the source of any fill material and the destination of any excavated material,</i>	It is not proposed to introduce additional 'fill' to the subject site.
(f) <i>the likelihood of disturbing relics,</i>	The site is not located within an area of aboriginal significance.
(g) <i>the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i>	There will be minimal impact on the waterway as the works are entirely within the subject site and do not extend past the Mean High Watermark.
(h) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</i>	It is to be located in an already disturbed location, which is where the existing Inclinometer is located.
(i) <i>the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.</i>	The site is not located in close proximity to any heritage items

Clause 7.6	Commentary
 <p>Figure 25: Biodiversity Map Source: PLEP 2014</p>	
<p>7.6 Biodiversity</p> <p>(1) <i>The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by—</i></p> <p>(a) <i>protecting native fauna and flora, and</i></p>	<p>The proposed development is consistent with the objective of this clause as no native trees are to be removed and the Ecological Assessment Letter in Appendix 7 confirms that,</p> <p><i>“The proposed works are supported from an ecological perspective as there is minimal environmental impact.”</i> (page 4)</p>
<p>(b) <i>protecting the ecological processes necessary for their continued existence, and</i></p>	<p>As above</p>
<p>(c) <i>encouraging the conservation and recovery of native fauna and flora and their habitats.</i></p>	<p>the Ecological Assessment Letter Appendix 7 confirms that, <i>“Post works the area disturbed will have fewer weeds and native ground species can be established.”</i> (page 4)</p>
<p>(2) <i>This clause applies to land identified as “Biodiversity” on the Biodiversity Map.</i></p>	<p>Noted, as above.</p>
<p>(3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider—</i></p> <p>(a) <i>whether the development is likely to have—</i></p> <p>(i) <i>any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i></p>	<p>The proposed development is supported from an ecological perspective. Refer to Appendix 7.</p>
<p>(ii) <i>any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i></p>	<p>As above.</p>

(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and	As above.
(iv) any adverse impact on the habitat elements providing connectivity on the land, and	As above.
(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	As above.

Clause 7.7 Geotechnical Hazards	Commentary
 <p>Figure 26: Geotechnical Hazards Map Source: PLEP 2014</p>	
<p>7.7 Geotechnical hazards</p> <p>(1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards—</p> <p>(a) matches the underlying geotechnical conditions of the land, and</p>	<p>Noted and no excavation works are proposed.</p> <p>A detailed Geotechnical Site Investigation Report dated May 2022 was undertaken on the subject in accordance with DA2022/1030 and REV2023/0011. One of the conclusions stated that the,</p> <p><i>“Excavation at the base of the existing slope is proposed followed by the construction of a new retaining wall” (page 21)</i></p> <p>It should be noted that the retaining wall is under construction and is authorised by CC2025-042-Stage 1. Refer to Figures 15-19 above. This has significantly improved any landslip issues.</p>

<i>(b) is restricted on unsuitable land, and</i>	The land is suitable for an Inclinator as Council has approved an Inclinator in the location previously.
<i>(c) does not endanger life or property.</i>	The proposal will not endanger life or property.
<i>(2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.</i>	Noted.
<i>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks— (a) site layout, including access</i>	The location of the Inclinator and access is similar to the existing situation.
<i>(b) the development’s design and construction methods,</i>	Refer to Appendices 3 and 4 for the Architectural Plans and Inclinator Design.
<i>(c) the amount of cut and fill that will be required for the development,</i>	No cut and fill are proposed.
<i>(d) wastewater management, stormwater and drainage across the land,</i>	Stormwater will drain into existing pipes and overland as is the current situation.
<i>(e) the geotechnical constraints of the site,</i>	Any constraints will not impact the renovation of the Inclinator
<i>(f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	Noted.
<i>(4) Development consent must not be granted to development on land to which this clause applies unless— (a) the consent authority is satisfied that the development will appropriately manage wastewater, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and</i>	Stormwater management is not impacted by the proposal.
<i>(b) the consent authority is satisfied that— (i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or</i>	The Inclinator designers will ensure that the installation of the Inclinator is certified by the relevant disciplines.
<i>(ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact(iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact. , or</i>	There are minimal risks associated with the “Renovation of the Inclinator”.
<i>(iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.</i>	As above.

Clause 7.8 Limited development on foreshore area

Commentary



Figure 27: Foreshore Building Line Map
Source: Planning Portal

7.8 Limited development on foreshore area

(1) The objectives of this clause are as follows—
(a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,

The proposed development will not impact on the natural foreshores processes or impact the significance and amenity of the area in a negative manner.

(b) to ensure continuous public access along the foreshore area and to the waterway.

The proposed development does not impact public access as the works are within the subject site.



Figure 28: Public access route is retained
Source: SIX Viewer

	<p>The area behind the boat shed is retained as per previously approved plans DA2023/1607. Refer to <i>Figures 18, 19 and 28</i>.</p> <p>This area has been enhanced in terms of safety and accessibility in accordance with CC2025-042-Stage 1 works.</p>
<p><i>(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—</i></p> <p><i>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,</i></p>	<p><u>Definition of ‘building’</u></p> <p><i>“Building’ is defined in the PLEP and the EP&A - Clause 1.4 Definitions as “</i></p> <p><i>Building includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the Local Government Act 1993.”</i></p> <p>The Inclinor is a ‘structure’ and falls with the above definition.</p> <p><u>Rebuilding</u></p> <p>The proposed rebuilding (within the foreshore area) is to the new rail and the lower-level landing platform.</p> <p>The footprint will not extend further into the foreshore area.</p> <p>Refer to <i>Figures 29 and 30</i> overleaf.</p> <p>Therefore, the Council has the authority to grant development consent on land in the foreshore area as the proposed development is consistent with Clause 2(a).</p>

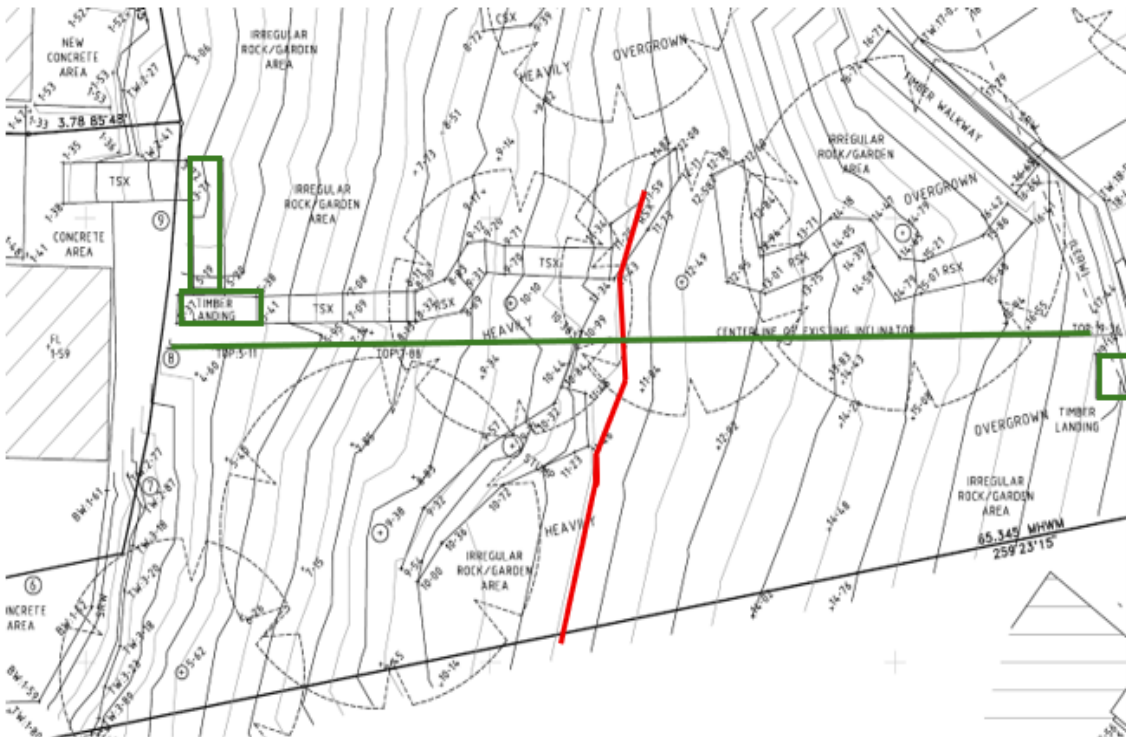


Figure 29: Location of Existing Inclinor and stairs to Lot 215
Source: Survey Plan



Figure 30: Location of Proposed Inclinor providing access to Lot 215
Source: Extract from Architectural Plan DA-04

(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

A proposed Inclinator is not a use specifically identified. That said the original Inclinator was approved in 1999 and has been operational for 25 years.

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that—

The proposed development is consistent with the (a) objectives of the zone (as discussed previously) and (b) will not be visible from the waterway as the Inclinator is screened by the existing boatshed

(a) the development will contribute to achieving the objectives for the zone in which the land is located, and

Refer to Architectural Plans DA-04 Inclinator Proposed Elevation and as below.

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

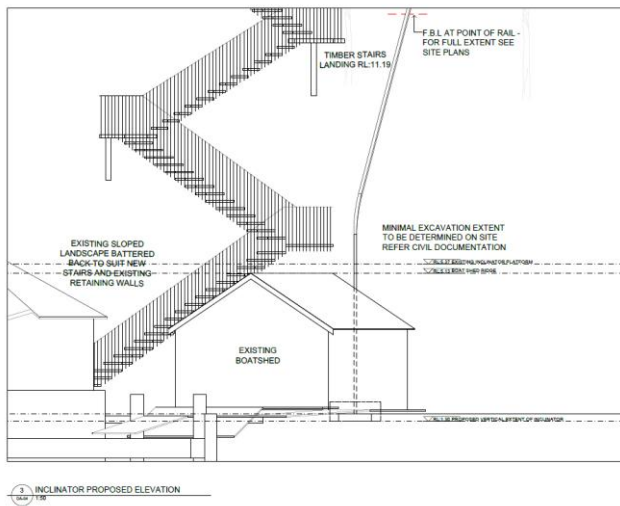


Figure 25: Inclinator landing is screened by existing boatshed
Source: Extract from Architectural Plan DA-04



Figure 26: Approximate location of Inclinator rail as viewed water's edge

<i>(c) the development will not cause environmental harm such as— (i) pollution or siltation of the waterway, or</i>	The proposed development will not impact pollution or siltation of the waterway.
<i>(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or</i>	The proposed development will not impact on surrounding uses, marine habitat, wetland areas, fauna and flora habits as discussed in the Ecological Assessment Letter in Appendix 7.
<i>(iii) an adverse effect on drainage patterns, or</i>	The existing drainage pattern is retained
<i>(iv) the removal or disturbance of remnant riparian vegetation, and</i>	No native vegetation is to be removed. Refer to Ecological Assessment Letter in Appendix 7.
<i>(d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and</i>	No change to the existing position.
<i>(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and</i>	No change to the existing position.
<i>(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and</i>	Noted.
<i>(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and</i>	The alteration to the Inclinator will not be visible from the waterway. Refer to Elevations in Architectural Plans, Appendix 3.
<i>(h) sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.</i>	The Inclinator will not be impacted by the impacts of climate change.
<i>(4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following— (a) continuous public access to and along the foreshore through or adjacent to the proposed development,</i>	The continuous public access is retained and has been enhanced in accordance with CC2025-042-Stage 1 works. Refer to <i>Figures 18, 19 and 28.</i>
<i>(b) public access to link with existing or proposed open space,</i>	The only 'open space' is the waterway and access is retained.
<i>(c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,</i>	Not applicable to the subject site.
<i>(d) public access to be located above mean high water mark,</i>	The continuous public access is retained as per the status quo.
<i>(e) the reinforcing of the foreshore character and respect for existing environmental conditions.</i>	The foreshore character is retained.
<i>(5) In this clause— foreshore area means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the Foreshore Building Line Map. foreshore building line means the line shown as the foreshore building line on the Foreshore Building Line Map.</i>	Noted.

5.4 Pittwater 21 Development Control Plan 2004

The Pittwater 21 Development Control Plan (WDCP) contains more detailed guidelines and controls for development, which supplement the development standards and provisions in the PLEP 2012.

Relevant Controls	Commentary
<p>A4.1 Avalon Beach Locality <u>Desired Character</u></p> <p><i>The most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment.</i></p>	<p>There will be no change to the character of the area it will continue to be a relaxed casual waterfront environment.</p>
<p>D1.1 Character as viewed from a public place.</p> <p><u>Outcomes</u></p> <p><i>To achieve the desired future character of the Locality. To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)</i></p> <p><i>High quality buildings designed and built for the natural context and any natural hazards. (En, S)</i></p> <p><i>Buildings do not dominate the streetscape and are at 'human scale.</i></p> <p><i>To preserve and enhance district. and local views which reinforce and protect the Pittwater's natural context.</i></p>	<p>There will no visible change from the waterway. The existing Inclinor is not visible, and it will continue to be so.</p> <p>There will no impact on views.</p>
<p>C1.5 Visual Privacy <u>Outcomes</u></p> <p><i>Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)</i></p> <p><i>A sense of territory and safety is provided for residents. (S)</i></p>	<p>There will be no impact on visual privacy as the Inclinor is not visible from the neighbouring sites or from the waterway.</p>
<p>C1.12 Waste and Recycling Facilities <u>Controls</u></p> <p><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></p>	<p>Any structures associated with the existing Inclinor will be disposed of appropriately.</p>
<p>Appendix 5 _ Geotechnical Risk Management Policy</p>	<p>No excavation works are proposed. The Inclinor rail will be placed on footings in the same location as the existing footings. Therefore, the need for a Geotechnical Report is not triggered</p>
<p>Appendix 11 _ Stormwater Management Technical Data</p>	<p>Stormwater will continue to drain towards the waterway.</p>

Clause C1.19 Incline Passenger Lifts and Stairways	Commentary
<p>C1.19 Incline Passenger Lifts and Stairways</p> <p>Land to which this control applies</p> <p>All Land</p> <p>Uses to which this control applies:</p> <p><i>“Dwelling House”</i></p>	<p>The Inclinor is ancillary to residential accommodation and applies to the subject site as the land use is a ‘<i>dwelling house</i>’.</p>
<p>Outcomes Incline passenger lifts and stairways that cause minimal visual and acoustic disturbance to the environment and neighbours.</p> <p>(En, S)</p>	<p>There will no visual impact to neighbouring sites due to the topography and distance from boundaries.</p> <p>There is minimal visual impact from the waterways as the western landing platform is screened by the existing boatshed, and the eastern platform is not visible to neighbours.</p>
i. be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees, and	No additional trees are proposed to be removed.
ii. be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures, and	It is proposed to retain the existing height of the Inclinor.
iii. be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and	The running of the Inclinor will not be audible to the southern or northern neighbours and as noted above, the acoustic impact does not exceed 60dB above the background level. (Information provided by manufacturer).
iii. be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and	The running of the Inclinor will not be audible to either the southern or northern neighbour.
iv. be painted to blend in with surrounding vegetation and screened by landscaping and	The colour palette of the Inclinor will blend in with the natural tones of the surrounding terrain. Refer to Inclinor Plans in Appendix 4.
v. be set back two (2) metres from the side boundary to the outer face of the carriage.	The Inclinor is located 2,840m at the closest point and 7,992m is the furthest point from the southern site boundary, which is the closest neighbour to the Inclinor.
vi. be located wholly on private land and	It is located wholly within private land
vii. have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling.	The Inclinor is located within a natural tree and vegetation setting and there is no direct view from the southern neighbour.
On steeply sloping existing lots, incline passenger lifts are preferred to driveways where the required driveway grade may be difficult to achieve and would have an adverse impact on the landform, appearance, vegetation and species habitat. In such cases, a proposal will be subject to assessment based on merits and should be no more than 1 metre above the existing ground level.	<p>The site is steep, and the Inclinor follows the existing natural ground level as it descends down the slope.</p> <p>This is a preferable option rather than a driveway to access the Cottage (dwelling house) on Lot 215.</p> <p>The rail is within 1m of the natural ground level. Refer to Architectural Plans in Appendix 3.</p>
Incline passenger lifts will not be accepted in lieu of vehicular access for new subdivisions.	Noted and not applicable.

The noise level shall not exceed 60dB(A), when measured one metre from any adjoining premises.	The Inclinor is located between 3,990m and 7,992m to the southern site boundary and exceeds the 1m to adjoining premises. Further it will not exceed 60 dB above the existing background noise level limit. Refer to Inclinor Plans in Appendix 4.
Variations Where an incline passenger lift is shared between lots, the 2m side boundary setback does not apply to those lots.	Not applicable.
Technical Reports and Supporting Information An acoustic assessment prepared by an acoustic engineer demonstrating that the noise level from the incline passenger lift will not exceeds 5D(b)A above background noise when measured from the nearest property boundary	Noted. The manufacturer has confirmed compliance, and it is recommended that a Condition of Consent be imposed to ensure consistency.

5.5 Strategic Planning

The continued use of an Inclinor at the subject site is consistent with the strategic planning objectives Northern Beaches Council in that it provides access across a steep site to a dwelling house (cottage) for all ages and levels of mobility for potential owners and visitors to the site.

According to .idcommunity an analysis of the service age groups of Northern Beaches Council area in 2021 compared to Greater Sydney shows that there was a higher proportion of people in **the younger age groups (0 to 17 years)** as well as a **higher proportion of people in the older age groups (60+ years)**.

The continued use of an Inclinor on the site is consistent with the objectives of the following:

- Northern Beaches Council Community Strategic Plan (Shape 2028)
- “Better Together – Social Sustainability Strategy 2040”

6. MATTERS FOR CONSIDERATION

The matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 are assessed below.

Matters for Consideration	Commentary
a. (i) The Provisions of any environmental planning instrument	<ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 <p>The relevant provisions of these environmental planning instruments have been fully addressed within this report in Section 5. The proposal achieves compliance with the objectives of these controls.</p> <p>The following controls in the PLEP 2014 have been referenced.</p> <ul style="list-style-type: none"> Zoning Permissibility Foreshore Building Line Acid Sulphate Earthworks Biodiversity Geotechnical impacts
b. a (ii) Any Draft environmental planning instrument	No relevant draft environmental planning instruments apply to the site.
c. a (iii) Any Development Control Plan	<p>The relevant sections of the PDGP 21 have been referenced.</p> <ul style="list-style-type: none"> Area and waterways character and locality Construction and demolition Visual privacy Acoustic privacy Waste management Incline Passenger Lifts and Stairways.
a (iiia) Any Planning Agreement that has been entered into under Section 93F	This is not relevant to the current application.
(iv) Any matter prescribed by the regulations that is applicable	<p>Part 4, Division 2 of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters will be addressed via a condition of consent.</p>

d. The likely impacts of the development.	<p>i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built are minimal as the Inclinor is to relocate in the exact position as the current Inclinor. No trees are to be removed.</p> <p>(ii) Social Impact</p> <p>The proposed development will have a significant positive impact for the users of the Inclinor providing a safe and accessible mode of movement across the site.</p> <p>(iii) Economic Impact</p> <p>The proposed development will have a positive economic impact on the locality as it enhances the useability of the site.</p>
e. Suitability of the Site	The site is considered suitable for the proposed development.
f. Any submissions	Submissions will be addressed via Councils consultation process.
g. The public interest	Public access along the foreshore has been maintained.

7. CONCLUSION

This SEE assesses the proposal as per the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant planning legislative requirements.

The proposed development, being the renovation of an existing Inclinor, is needed due to the age of the existing Inclinor (which has been in use for approximately 25 years) and is no longer 'fit for purpose'. It is needed to access the existing Cottage (dwelling house) located at Lot 215 DP 752046.

The renovated Inclinor will provide the following benefits:

- Safe and easy access over steep topography.
- Will assist in the carrying of groceries, luggage or equipment.
- Reduces the risk of falls and injuries.
- Provides safe access in wet or slippery condition.
- Will have a low environmental impact as located in the exact location as the existing Inclinor.
- Does not require excavation.
- Will not result in any tree removal; and
- Will not be audible to neighbours

The renovation will provide a functional and practical response to movement across a steep site and allow the owners of the site to 'age in place' and facilitate access for visitors including young children, and for older people with disability.

On balance, the proposal has considerable merit and is worthy of approval.
