

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
INCLUDING EXTENSION OF EXISTING DECK WITH NEW ROOF, PROPOSED FIRST FLOOR
ADDITION, SWIMMING POOL, CABANA WITH SHED BELOW, DEMOLITION OF EXISTING
CARPORT AND CONSTRUCTION OF A NEW GARAGE AND LANDSCAPING**

LOCATED AT

15 CHISHOLM AVENUE, AVALON BEACH

FOR

MICHAEL MANGAN



**Prepared
June 2025**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Michael Mangan prepared by AH Design, Sheets 1-4, dated 24 April 2025, to detail the alterations and additions to an existing dwelling including a new garage, swimming pool and cabana on land at **15 Chisholm Avenue, Avalon Beach**.

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

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Pittwater Local Environmental Plan 2014 (PLEP 2014)*
- *Pittwater 21 Development Control Plan (P21 DCP)*

3.0 Property Description

The subject allotment is described as 15 Chisholm Avenue, Avalon Beach, being Lot Y within Deposited Plan 370617 and is zoned C4 Environmental Living under the provisions of PLEP 2014.

The site is identified as being within the Hazard H1 area on the Geotechnical Hazard Map of PLEP 2014. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J6040, dated 24 June 2025 and will be discussed in further detail within this submission.

The site has been identified as being mapped within the Department of Planning and Environment's Biodiversity Values Map (BV Map). Accordingly, the site is also mapped within the area identified as 'Biodiversity' of the Biodiversity Map of PLEP 2014. This issue will be further discussed within this submission.

The application is supported by an Arboricultural Impact Assessment, dated April 2025, and this will be addressed in further detail within this submission.

The site is also identified as being within Area 5 on the Acid Sulfate Soils Map of PLEP 2014 and this will be discussed in further detail within the report.

There are no other identified hazards affecting the land.

4.0 Site Description

The property is located on the eastern, lower side of Chisolm Avenue, Avalon Beach.

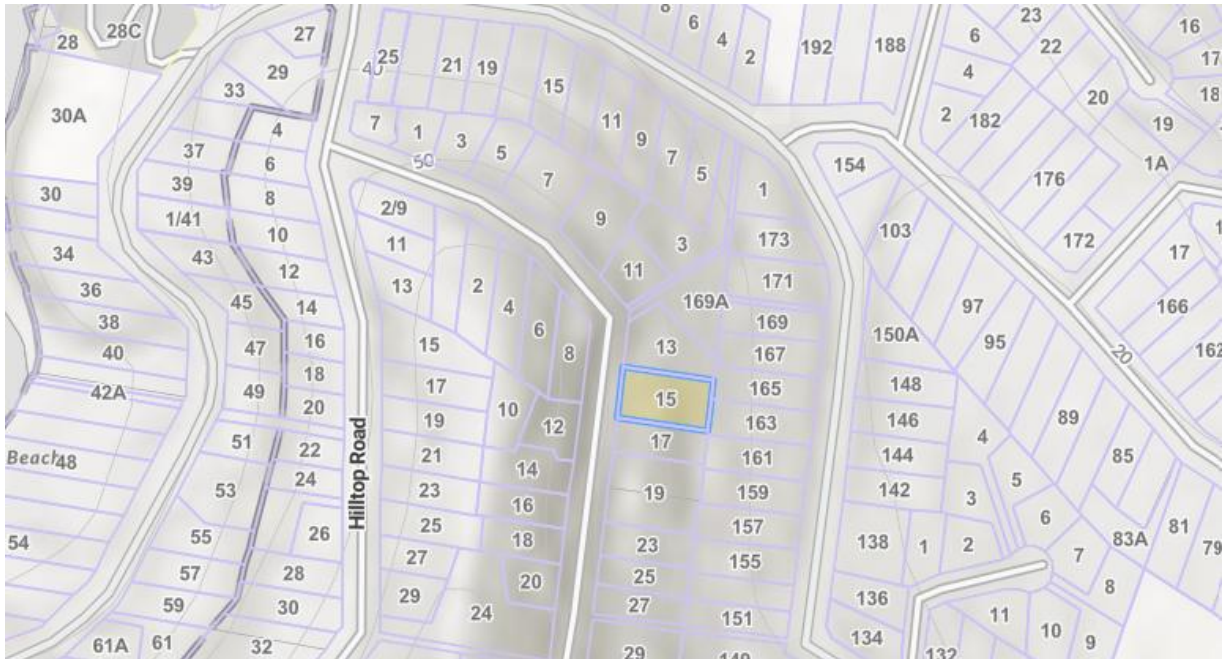
The site is generally regular in shape, with a frontage of 27.43m to Chisolm Avenue. The northern and southern side boundaries measure 48.265m and 48.375m respectively. The rear boundary measures 27.43m. The total site area is 1322m².

The site falls from Chisholm Avenue to the east, with an approximate fall of 13m across the site.

The land is currently developed with a single storey weather board residence. Vehicular access is available via a shared concrete driveway to a detached single carport.

The site contains extensive vegetation, however most of the landscaping included garden beds and mature native canopy in the front and rear of the site. The site has a steep slope towards the rear with some retaining walls and dense vegetation.

The details of the existing site levels are indicated within the Survey Plan prepared by N.K. Bennett & O'Donnell, Reference No 10575-1L1 dated 22 April 2024.



**Fig 1: Location of Subject Site
(Source: Six Maps)**



Fig 2: View of the subject site, looking north-east from Chisholm Avenue



Fig 3: View of subject site, looking east from Chisholm Avenue



Fig 4: View of the existing shared driveway access to the site, looking north-east from Chisholm Avenue



Fig 5: View of the neighbouring site and driveway access at 17 Chisholm Avenue, looking east from the street



Fig's 6 & 7: Views of the existing development on the higher side of Chisholm Avenue off to the subject site, noting the elevated position of the dwellings which allows for views out over the subject site towards the east, looking north-west and south-west respectively



Fig 8: View looking up this shared driveway to the subject site, looking south-west



Fig 9: View of the existing carport to be demolished and replaced with a new garage, looking south-east from the access driveway



Fig 10: View looking south across the rear, eastern elevation of the subject dwelling

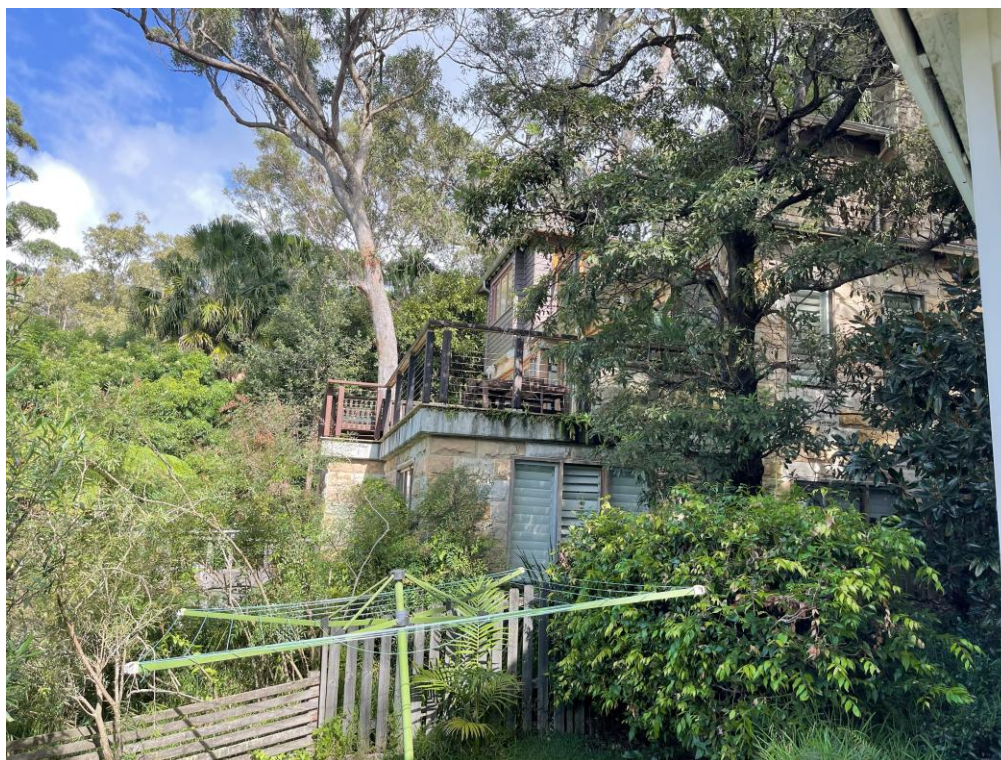


Fig 11: View looking south towards the neighbouring dwelling at 17 Chisholm Avenue



Fig 12: View looking north across the rear, eastern of the nation of the dwelling



Fig 13: View of the proposed location of the swimming pool and cabana area looking east over the rear yard

5.0 The Surrounding Environment

The general vicinity of the site is characterised by residential developments between one and three storeys in height within landscaped settings. The surrounding dwellings enjoy views towards Pittwater.

Surrounding the site are single residences, with a variety of styles and scales of development. As indicated on the aerial photograph, a number of properties in the locality have similar footprints and recreational structures such as pools in their rear yards.

The development in the area is heavily influenced by the sloping topography, with dwelling stepped to follow the slope of the land.

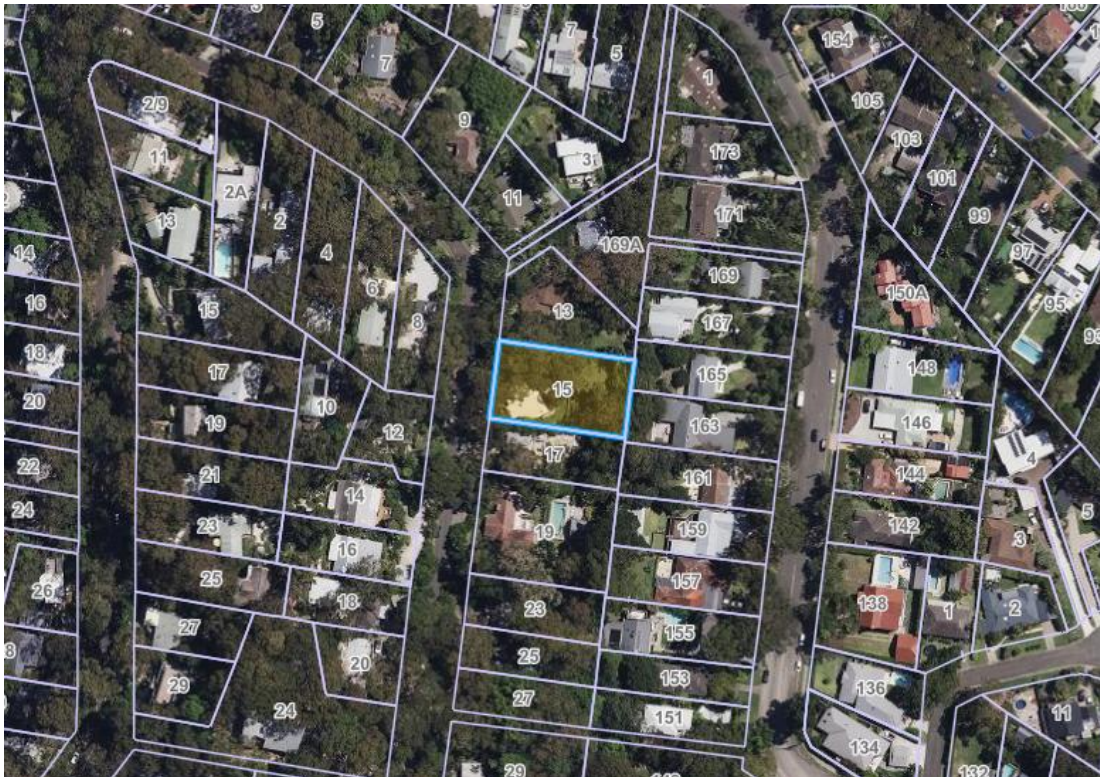


Fig 14: Aerial Photograph
(Source: Six Maps)

6.0 Proposed Development

As detailed within the accompanying plans, the application proposes to provide for the construction of alterations and additions to an existing dwelling.

The proposal will comprise the following:

Ground Floor Level

- Alterations and additions to the existing ground floor

First Floor Level

- New first floor level to provide for a family room, master bedroom and bathroom

External Works

- New swimming pool, decking and cabana
- New garage with habitable floor area detached from the primary dwelling

The proposed works represent a high-quality architectural design solution that will provide a significant enhancement to the amenity and usability of the site and provide minor additions to an existing dwelling that corresponds with the topography of the site.

The height and setbacks maintain the rhythm of development within the existing streetscape and provides appropriately for spatial separation, landscape opportunity, privacy, solar access and view sharing.

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

The proposal seeks to remove one tree to accommodate the new works. Accordingly, an Arborist Impact Assessment by Coastal Care Horticultural Services, dated April 2025 accompanies this application.

The Arborist Impact Assessment identifies one trees for removal and four other trees for retention and protection. Whilst these trees are located within the portion of the site that is identified on the Biodiversity Values (“BV”) Map, the four trees are not to be adversely impacted by the proposed works with all four identified trees to be retained without compromise to individual Useful Life Expectancy, subject to recommended mitigation measures.

The tree to be removed (Tree # 1) is a *Eucalyptus pilularis* which is located on the northern boundary between the subject property and the neighbouring property at number 13 Chisholm Avenue. The tree is been noted as being heavily asymmetrical and poor form due to being heavily pruned in the past and the canopy is quite sparse. Tree has been given a low retention value and as it is within 2 m of the carport structure for the property, it is considered to be exempt under Council’s tree protection policy.

All other trees within the site will be retained.

The development indices for the proposal are summarised over as:

Site Area:	1322m²
Required soft landscaped area:	60% or 793.2m ²
Existing soft landscaped area:	74.3% or 982.79m ²
Proposed soft landscaped area:	64.37% or 850.7m ² (excluding 6% variation)

7.0 Zoning and Development Controls

7.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

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

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

7.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Vegetation in Non-Rural Areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

Portions of the site are identified on the Department of Planning and Environment's Biodiversity Values Map (BV Map). Under the NSW Biodiversity Conservation Act, any removal of native vegetation from within mapped areas will trigger the Biodiversity Offset Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR).

The proposed development seeks consent for the removal of one tree which has been identified as being exempt as it is within 2m of the carport for the property and is also of low retention value with poor form and with a sparse canopy, as outlined in the accompanying Arboricultural Impact Assessment prepared by Coastal Care Horticultural Services, dated April 2025.

On the basis that the tree is considered to be exempt and of low retention value, it is suggested that no further consideration by an Ecologist under the SEPP is not necessary, as there is no other significant vegetation to be removed.

Compensatory tree planting to offset the tree to be removed can be provided as required by Council.

7.3 State Environmental Planning Policy (Sustainable Buildings) 2022

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application. In accordance with the provisions of the SEPP, the proposed swimming pool meets the standards required by BASIX, with a BASIX Certificate submitted as part of the application.

7.4 Pittwater Local Environmental Plan 2014

The site is zoned C4 Environmental Living under the provisions of the PLEP 2014.

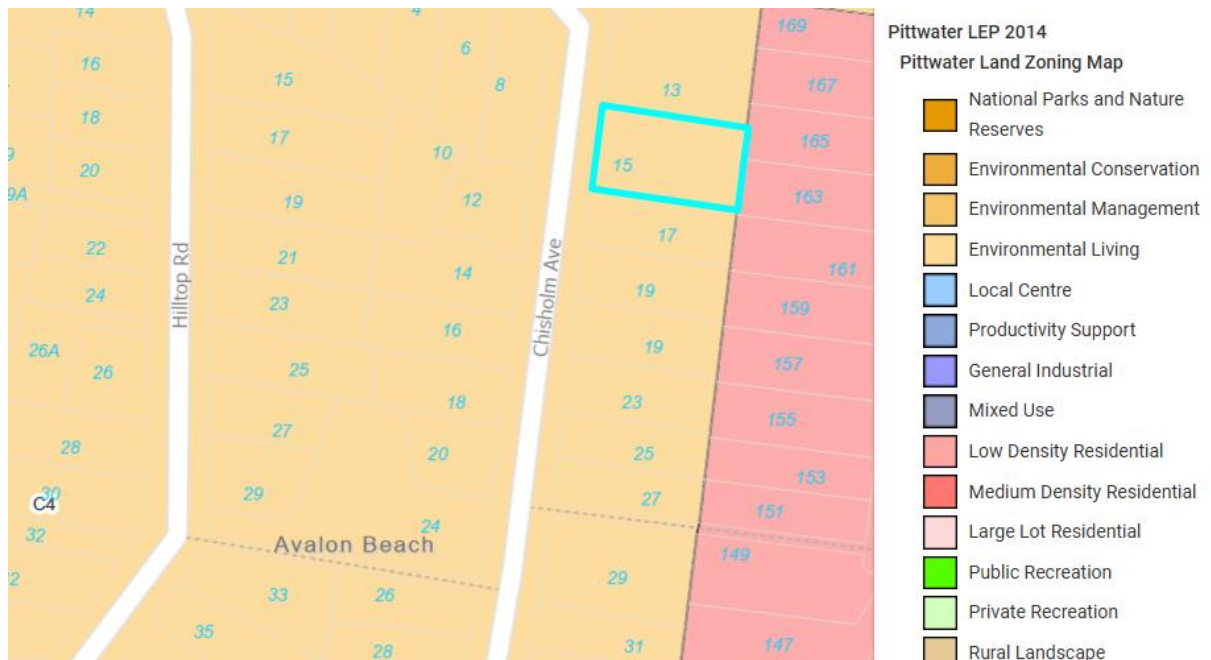


Fig 15: Extract of Zoning Map of PLEP 2014

The development of and use of the land for residential purposes within the C4 Environmental Living Zone is consistent with the zone objectives, which are noted over as:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for residential development of a low density and scale integrated with the landform and landscape.
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

It is considered that the proposed alterations and additions to the existing dwelling will be consistent with the zone objectives and the desired future character of the surrounding locality for the following reasons:

- The proposal has been designed to respect the scale and form of the low impact residential development in the immediate locality, together with preserving trees and minimising the footprint of the development to reinforce the special ecological, scientific and all aesthetic values of the locality.
- The proposed development respects the scale and form of other new recreational development in the vicinity and therefore complements the locality.

- The proposal provides for the construction of alterations and additions to an existing dwelling to provide the safe and functional vehicle covered parking to the site and including a swimming pool, which will not have any substantial impact to the neighbouring properties.
- The setbacks of the works are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.
- The proposed new works will provide for increased residential amenity, together with improved functionality through the introduction of improved recreational areas, parking and new balcony area.

Clause 4.3 relates to building height.

The maximum building height for development at the subject site is 8.5m.

As a consequence of the prior excavation of the site for elements of the existing lower ground floor level, the introduction of the new first-floor addition will result in an overall height of up to 9.54m, which exceeds the maximum building height.

Accordingly, a Written Request under clause 4.6 of the PLEP 2014 has been prepared to accompany the submission.

Clause 7.1 relates to acid sulfate soils. The site has been identified as being within the Class 5 Acid Sulfate Soils Area. The proposed works are not anticipated to lower the water table, and therefore acid sulfate soils will not be encountered.

Clause 7.2 relates to earthworks. The works to the turning circle and the proposed swimming pool necessitate excavation.

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J6040, dated 24 June 2025 has been provided to support the application.

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality, nor will it result in unreasonable amenity impacts on adjoining properties. The earthworks will also not generate any adverse impacts on surrounding bushland environment or waterway.

Subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

Clause 7.6 relates to biodiversity protection.

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

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

As discussed within the Arboricultural Impact Assessment prepared by Coastal Care Horticultural Services, dated April 2025, the proposal intends to remove only one tree which has been identified as

an exempt species as it is within 2m of the carport for the property. The tree has been identified as low retention value and with poor form and a sparse canopy.

Further supplementary planting can be provided as required by Council.

Is there are no other significant protected trees to be removed, further assessment under the provisions of the biodiversity controls is not considered necessary.

It is considered that the development will achieve the Objectives of Clause 7.6.

Clause 7.7 relates to geotechnical hazards. The works to the ground floor and the proposed swimming pool necessitate excavation.

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J6040 dated 24 June 2025 has been provided to support the application.

The Geotechnical Investigation concludes:

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.

Subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

Clause 7.10 – Essential Services

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

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

7.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D Avalon Beach Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

7.5.1 Shaping Development – Desired Character

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

A4.1 Avalon Beach Locality

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

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

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

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

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

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

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

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

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of alterations and additions to an existing dwelling including a new swimming pool and cabana, which are consistent with the scale and style of the newer development in the vicinity.

The design quality and visual aesthetic of development on this site is significantly enhanced as a consequence of the contemporary design, natural material treatments and landscaping proposed.

The height, form and massing of the development is complementary and compatible with that established by adjoining dwelling houses, and other swimming pool structures within the site's visual catchment. The proposal has been designed to reflect the existing setbacks provided to all boundaries existing in the immediate area.

The proposed swimming pool will provide for increased residential amenity, while providing improved and safe site access functionality.

The height, bulk and scale of the development will not give rise to any adverse streetscape impacts and will enhance the scenic amenity/ built form quality of the area when viewed from surrounding public and private land.

The proposed development will result in an enhancement of landscaping to improve and soften the visual impact of the development and enhance the landscape character of the area.

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

The proposal includes a new garage to improve residential amenity and provide additional off street car parking.

7.5.2 Section B General Controls

The General Controls applicable to the proposed construction of additions and alterations to the existing dwelling are summarised as:

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The site is identified as being within the Hazard H1 area on the Geotechnical Hazard Map of PLEP 2014. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J6040, dated 24 June 2025 has been provided to support the application.

The Geotechnical Investigation concludes:

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.

Subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

B3.6 Contaminated Land and Potentially Contaminated Land

The controls seek to achieve the outcomes:

Protection of public health. (S)

Protection of the natural environment. (En)

Successful remediation of contaminated land. (En, S)

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community

The controls seek to achieve the outcomes:

Conservation of intact Pittwater Spotted Gum Forest EEC. (En)

Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC. (En)

Reinstatement of Pittwater Spotted Gum Forest to link remnants. (En)

Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)

The proposed development seeks consent for the removal of only one tree, with the remaining significant trees on the site to be retained and protected as outlined in the accompanying Arborist Construction Impact & Management Statement prepared by Coastal Care Horticultural Services, dated April 2025.

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

B5.15 Stormwater Management

The controls seek to achieve the outcomes:

Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;

Minimise the risk to public health and safety;

Reduce the risk to life and property from any flooding and groundwater damage;

Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.

Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle

Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources

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

The proposed works will see only a modest increase in the hard surfaces within the site, with up to 132m² of additional site coverage, of which 46m² will encompass the proposed swimming pool which will provide for a detention facility for capture of some rainwater. The site maintains a substantial area for dispersal of stormwater in accordance with the existing arrangements and further hydraulic details can be provided with the Construction Certificate information.

The proposal is therefore considered to satisfy the provisions of this clause.

B6.1 Access driveways and works on the Public Road Reserve – Low Density Residential

The controls seek to achieve the outcomes:

Safe and convenient access. (S)

Adverse visual impact of driveways is reduced. (En)

Pedestrian safety. (S)

An effective road drainage system. (En, S)

Maximise the retention of trees and native vegetation in the road reserve. (En, S)

The site will provide for the construction of alterations and additions to an existing dwelling.

The current driveway crossing arrangements will be retained, with the driveway to be altered to extend to the proposed new garage which is largely in the location of the existing carport.

B6.2 Internal Driveways – Low Density Residential

The controls seek to achieve the outcomes:

- Safe and convenient access. (S)*
- Reduce visual impact of driveways. (S)*
- Pedestrian safety. (S)*
- An effective road drainage system. (En, S)*
- Maximise the retention of trees and native vegetation.*
- Reduce contaminate run-off from driveways.*

The existing driveway will remain unchanged and will remain as a right of way for access to the subject site and adjoining site. The driveway will be modified to provide access to the wide and garage structure to replace the existing carport.

B6.3 Off-street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

- Safe and convenient parking (En,S)*

The controls require a minimum of 2 parking spaces for a dwelling with 2 bedrooms or more. The proposal will provide for a double garage and will therefore comply with the parking requirement.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

- Site disturbance is minimised. (En)*
- Excavation and construction not to have an adverse impact. (En)*
- Excavation operations not to cause damage on the development or adjoining property. (S)*

Minor excavation is required for the construction of the new swimming pool, cabana and associated shed and the garage and habitable rooms.

All new works will be carried out in accordance with the recommendations of qualified Structural and Geotechnical Engineers.

B8.2 Construction & Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

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

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

Public safety is ensured. (S)

Protection of the public domain. (S, En)

As required, appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties.

A Sedimentation Drawing has been prepared by AH Design, noted as SED-165 dated April 20 tree five and details the proposed sedimentation control measures.

B8.3 Construction & Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

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

As required, appropriate waste management controls will be implemented throughout construction. A Waste Management Plan accompanies this application.

7.5.3 Section C Development Type Controls

The Development Controls applicable to the proposed development and are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcome:

A built form softened and complemented by landscaping. (En)

Landscaping reflects the scale and form of development. (En)

Retention of canopy trees by encouraging the use of pier and beam footings. (En)

Development results in retention of existing native vegetation. (En)

Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)

Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)

Landscaping enhances habitat and amenity value. (En, S)

Landscaping results in reduced risk of landslip. (End, Ec)

Landscaping results in low watering requirement. (En)

The proposal seeks to remove one trees to accommodate the new works. Accordingly, an Arborist Construction Impact & Management Statement prepared by Coastal Care Horticultural Services, dated April 2025 which has been identified an notes the tree as an exempt species as it is within 2m of the existing carport. The trees also been noted as being of low retention value with poor form and heavily pruned in the past.

The proposal will retain a suitable area of soft landscaping on site and will maintain its contribution to the landscaped character of the locality.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

On-going safety and security of the Pittwater community. (S)
Opportunities for vandalism are minimised. (S, Ec)
Inform applicants of Council's requirements for crime and safety management for new development. (S)
Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)
Identify crime and safety priority areas in Pittwater LGA (S, Ec)
Improve community safety and reduce the fear of crime in the Pittwater LGA (S)
Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)

The site will retain and enhance opportunities for casual surveillance of the driveway and streetscape.

C1.3 View Sharing

The controls seek to achieve the outcomes:

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

The proposal provides for the construction of alterations and additions to an existing dwelling including a first floor addition.

The subject site and neighbouring properties on the high side of Chisholm share local views and distant views towards Avalon beach.

Given the dwelling is located on the low side of Chisholm Road and the steep sloping topography of the subject site and adjoining sites it is not expected to result in any loss of views to adjoining properties.

It is therefore considered that the proposal will not adversely impact the views of neighbouring properties and that view sharing is achieved.

C1.4 Solar Access

The controls seek to achieve the outcomes:

Residential development is sited and designed to maximise solar access during mid-winter. (En)
A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)

Reduce usage and/dependence for artificial lighting. (En)

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

Given the orientation of the subject and neighbouring properties, the proposed works are not expected to unreasonably impact upon solar access to the primary living spaces or private open space areas of any neighbouring properties.

Shadow diagrams have been prepared which confirm that the adjoining neighbours will continue to receive access to at least three hours of solar access between 9.00am – 3.00pm. The majority of the additional shadows are noticeable at 12.00pm and 3.00pm, however the additional shadows fall mainly within the site.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)

A sense of territory and safety is provided for residents. (S)

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The alterations and additions seek to replace existing centrally located balcony and are not expected to have any further impact on visual privacy.

While the swimming pool is elevated, this is a result of the sloping topography of the site. The swimming pool displays compliant setbacks and is centrally located on the site, and plantings are provided to the perimeter of the proposed swimming pool in order to maximise privacy for the adjoining neighbours.

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

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)

Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or recreation areas (S)

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, there will not be any significant Impact on the surrounding locality in terms of acoustic privacy. The works will maintain the current ample separation to living areas of adjoining properties, thereby maintaining existing levels of acoustic privacy. The proposed pool equipment will be contained in a sound attenuating enclosure.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)

Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)

Private open space receives sufficient solar access and privacy (En, S).

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation. The proposal retains the existing areas of private open space which enjoy good solar access.

C 1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

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

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

C 1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)

Compliance with Swimming Pools Act 1992 and Regulations (En, S)

Swimming pool fencing and warning notices are to be provided in accordance with the *Swimming Pools Act 1992* and regulations. The proposed swimming pool fencing will comply with this control.

7.5.4 Section D Design Criteria

The **D1 Avalon Beach Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

A summary of the DCP controls for the **D1 Avalon Beach Locality** is provided below:

D1.1 Character as Viewed from A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)

To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)

High quality buildings designed and built for the natural context and any natural hazards. (En, S)

Buildings do not dominate the streetscape and are at 'human scale'.

To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including textures, natural materials, spatial separation, landscaping etc.

The proposal will provide for the construction of alterations and additions which will maintain a bulk and scale which is in keeping with existing surrounding development.

View sharing corridors forward of the dwelling will be retained for the neighbouring dwellings to the east and west of the subject site.

The setbacks provided reflect the setbacks of the adjoining properties.

The visual impact of the swimming pool to neighbouring sites will be reduced by the use of complementary colours and natural materials where appropriate and the enhancement of landscaping proposed, ensuring that the proposed works will be secondary to landscaping as seen from neighbouring sites.

D1.5 Building Colours, Materials and Construction

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape. (S)
To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

An informal beachside appearance of the Clareville Village. (S, Ec)

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

The materials and finishes include sandstone cladding and natural finished screening, which will complement the external finishes of the existing dwelling.

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

D1.8 Front Building Line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)

The amenity of residential development adjoining a main road is maintained. (S)

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

Vehicle maneuvering in a forward direction is facilitated. (S)

To encourage attractive street frontages and improve pedestrian amenity.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment

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

The proposed first floor addition is located over the existing ground floor level and maintain similar setbacks to the street, without any significant impact on the streetscape

The balance of the new works are located towards the rear of the site and therefore readily complies with the front building line control.

D1.9 Side and rear building line

The controls seek to achieve the outcomes:

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

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

All new works are sited in a manner that is consistent with these requirements, with a 1m minimum setback to the eastern side boundary and a 2.5m setback to the western side boundary.

The existing dwelling remains non-compliant with the side boundary setback, no further assessment required.

D1.11 Building Envelope

The controls seek to achieve the outcomes:

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

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

The proposal is constrained by the sloping topography and existing location of the dwelling on the subject site. The design of the proposed works will provide a complaint building envelope on the eastern elevation of the new front terrace and the pool structure.

The innovative design of the works are logically placed, is not visually prominent or jarring when looking at the dwelling as a whole and does not contribute to any adverse impacts for neighbouring properties in terms of views, overshadowing or general amenity.

The proposal is considered to be in keeping with the desired outcomes of the clause.

D1.14 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)
The bulk and scale of the built form is minimised. (En, S)
A reasonable level of amenity and solar access is provided and maintained. (En, S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
Conservation of natural vegetation and biodiversity. (En)
Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)
To preserve and enhance the rural and bushland character of the area. (En, S)
Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)

The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 60% of the site area or for this site, a landscaped area of 793.2m².

The proposed development will maintain a landscaped area of 850.7m² or 64.37% which complies with Council's requirement, exclusive of the 6% (79.32m²) allowance for functional landscaped space.

The proposal complies with the 60% requirement and the proposed development is consistent with the desired future character of the Avalon Beach Locality, as the development is designed to ensure that the visual impact of the development is secondary to landscaping.

In addition, it can be said that the proposal has been effectively integrated within the landform, through retaining existing trees, particularly at the rear of the site and ensuring a considerable landscape buffer areas across the entire site remain.

The proposal will not result in any unreasonable impact on light, solar access or privacy. This is as a result of the sufficient orientation and separation of the proposed swimming pool.

D1.15 Fences – General

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)
To ensure fences compliment and conserve the visual character of the street and neighbourhood

To define the boundaries and edges between public and private land and between areas of different function.

To contribute positively to the public domain.

An open streetscape that allows casual surveillance of the street. (S)

Fences, where provided, are suitably screened from view from a public place. (S)

Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)

To ensure heritage significance is protected and enhanced. (S)

To ensure an open view to and from the waterway is maintained. (S)

No change to existing site fencing.

D1.20 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

Achieve the desired future character of the Locality. (En, S)

To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En, S).

Maintenance and enhancement of the tree canopy. (En, S)

Colours and materials recede into a well vegetated natural environment. (En, S)

To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component (En, S)

To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.

Development shall minimise visual impacts on the natural environment when viewed from any waterway, road or public reserve.

The retention of earthy colours and finishes, together with the proposed new landscaping, will ensure the development integrates with the existing building, thereby minimising the visual impact of the dwelling as viewed from the surrounding public areas.

The bulk and scale of the development is generally in keeping with the extent of development in the immediate locality.

The proposal will not see any unreasonable view loss for neighbouring properties, and will maintain suitable privacy, amenity and solar access for neighbouring dwelling. The proposal is therefore considered to be in keeping with the provisions of this clause.

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

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To protect and minimise disturbance to natural landforms.

To encourage building design to respond sensitively to natural topography.

The proposed works seeks to cover the swimming pool undercroft area and construct retaining walls to assist in accommodating the elevated swimming pool due to the sloping topography of the site.

The materials and finishes for the retaining walls and undercroft area include sandstone cladding and natural finished screening, which will complement the external finishes of the existing dwelling. The recessive tones and external finishes that have been selected to further minimise the bulk and scale of the built form.

The compatible bulk and scale of the works combined with the innovative design and natural materials will ensure that the retaining walls and undercroft area are not a dominant feature within the site, not the locality and will not adversely affect the natural environment.

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

8.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of PLEP 2014. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its objectives.

The proposal has also considered all relevant SEPPs, and Council can be satisfied that the proposal is consistent with these policies.

8.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments applying to the land.

8.3 Any development control plan

The development has been designed to meet the outcomes of P21 DCP.

In accordance with the provisions of section 4.15(3A) of the EP&A Act, we request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report.

It is considered that the proposed design respects the desired character of the locality, in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity of the site.

8.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

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

8.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

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

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

It is considered that the proposal, which seeks consent for proposed construction of alterations and additions to an existing dwelling, including a new swimming pool, cabana and garage, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

8.7 The suitability of the site for the development

The subject land is zoned C4 Environmental Living under the provisions of PLEP 2014 and is considered suitable for the proposed development.

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

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

8.9 The public interest

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

9.0 Conclusion

The principal objective of this development is to provide for the construction of alterations and additions to existing dwelling, including a new swimming pool, cabana and garage, which respects and complements the site's location.

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

The proposal provides a complimentary and compatible building form when compared to the existing dwelling form, other development located along this section of Chisholm Avenue and within the site's visual catchment generally.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, landscape opportunity, privacy, solar access and view sharing.

The proposed development is a high quality design solution which seeks to maximise recreational amenity for occupants of the subject site whilst minimising impacts to adjoining properties.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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