



*Planning Direction Pty. Ltd.*  
*Town Planning & Development Services*

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Proposed alterations and upper level addition  
to an existing dwelling**

**At**

**No 5A North Avalon Road Avalon Beach**

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(Environmental Planning) - July 2025

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## 1.0 INTRODUCTION

This statement of environmental effects (SEE) has been prepared to accompany a development application that is being submitted to Northern Beaches Council. The applicant seeks development consent to undertake the following development on land known as No 5A North Avalon Road, Avalon Beach:

Construct an upper-level addition comprising of:

- Two bedrooms including a main bedroom with a walk-in robe and ensuite;
- A bathroom;
- A study; and
- An open plan rumpus room and sitting area opening out onto a deck to the side of the residence.

Alterations to the ground floor of the existing dwelling include:

- Provide additional structural support for the upper level and demolish some internal walls to install an internal staircase accessing the upper level.

The proposal has been prepared in accordance with the provisions of Pittwater Local Environmental Plan 2014 and Pittwater 21 DCP. This SEE is intended to assist Northern Beaches Council in its assessment of the development application and includes:

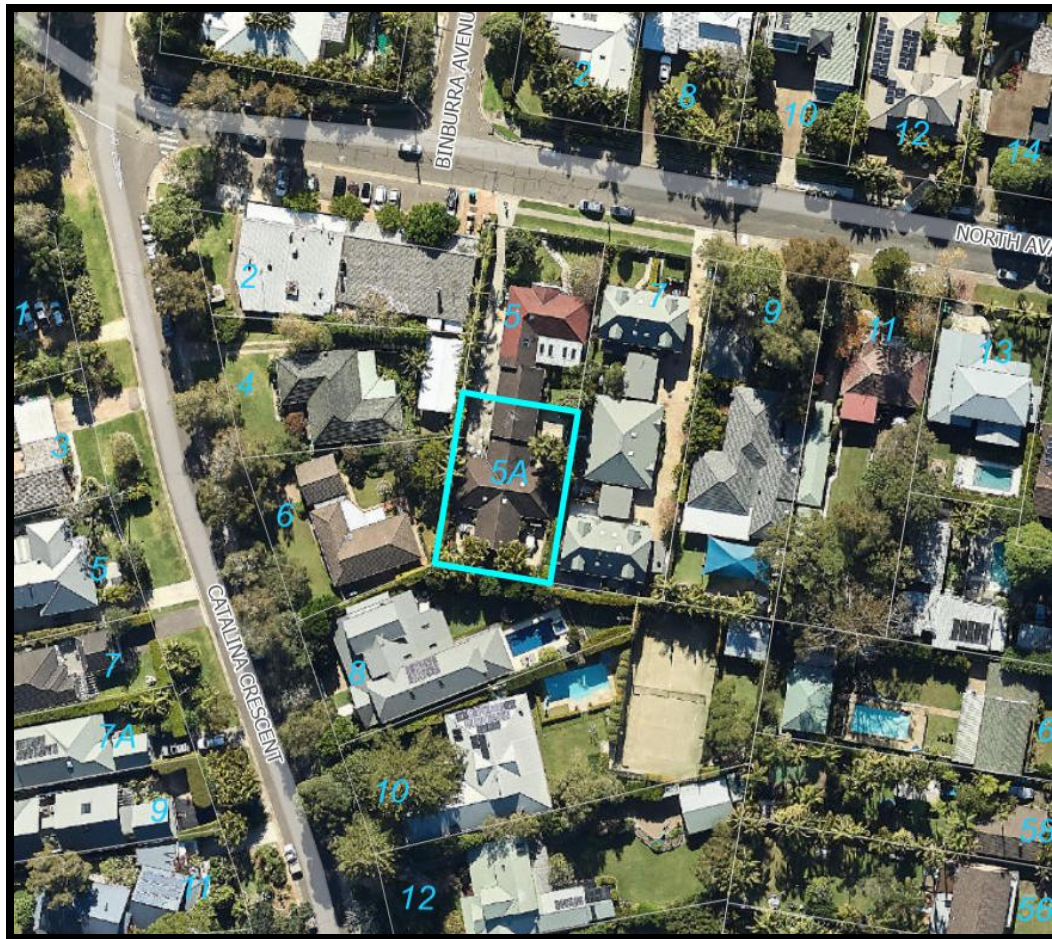
- A description of the site and the locality and a description of the proposed development; A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and the provisions of the Environmental Planning and Assessment Act 1979; and
- Conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by *Add Style Home Additions*.

## 2.0 SITE AND CONTEXT

### 2.1 Subject Site

The subject site is situated on the southern side of North Avalon Road and is known as No 5A North Avalon Road, Avalon Beach.



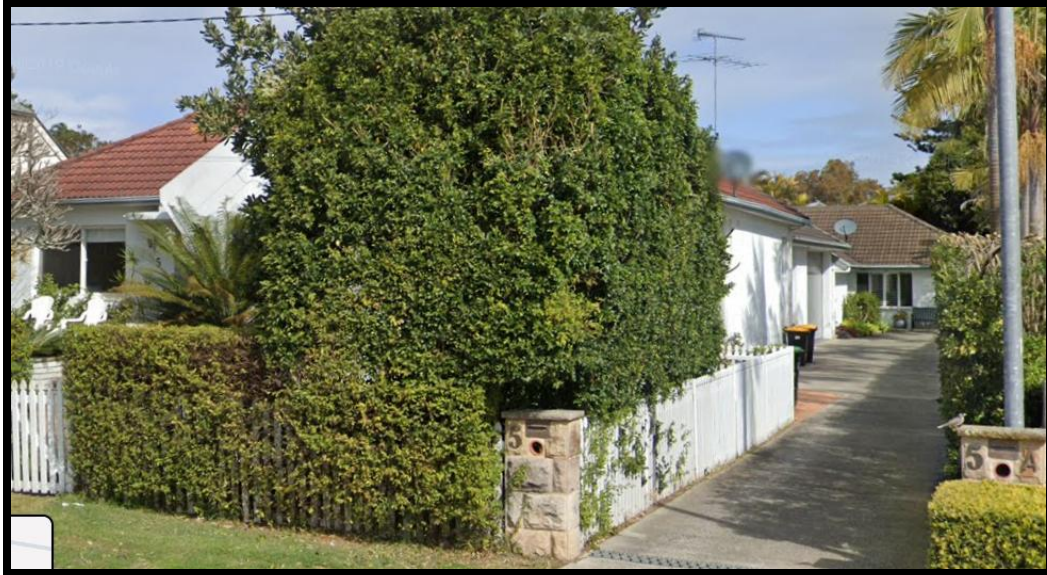
**Subject Site**

The subject site is legally identified as Lot 2 in Deposited Plan 874992.

The subject site is essentially regular in configuration however is a battle axe style allotment accessed via a shared right of carriageway and easement for services 3.5m wide and variable. The subject site has a slight fall from the rear boundary towards the frontage. The subject site can adequately drain stormwater via an existing drainage easement burdening the front allotment being No 5 North Avalon Road. The subject site has a total site area of approximately **634m<sup>2</sup>**.



Existing improvements on the subject site consists of a well-presented single storey rendered brick dwelling with a tiled roof and an attached double garage. The subject dwelling is situated within a landscaped environment and is largely obscured from vision when viewed from the street being situated at the end of an access handle. The existing improvements are in good condition but offer limited amenity for the existing residents and limited streetscape appeal.



**Subject Site**

No trees require removal as part of the subject application.

The applicant proposes to connect into the existing drainage system on-site. No additional hard surfacing is proposed on-site. Ample green space exists at the around the dwelling to assist with natural absorption.

The subject site is not heritage listed or within a conservation zone, is not prone to flooding, is distant from bushland, coastline hazards and estuarine hazards. The subject site is not situated within a recognised biodiversity area.

## **2.2 Site Context**

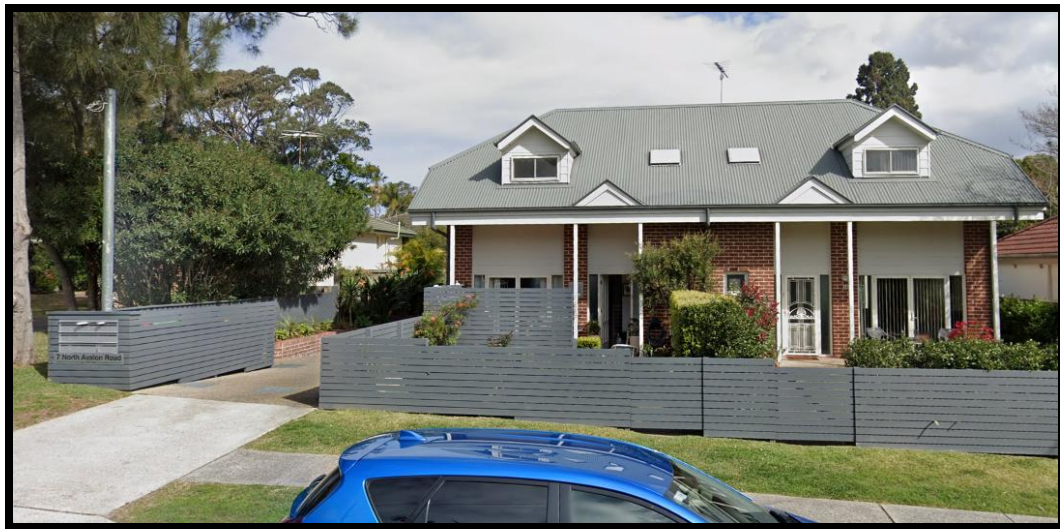
The subject site is situated within an established low density residential precinct characterised by large single and two storey dwellings. The dwellings in the precinct are generally well presented and are designed

to take advantage of the beachside location and potential views towards the coastline.

The subject site is relatively well-serviced by public transport, being within close proximity to the single bus service travelling from Palm Beach to Manly CBD.

Existing development on the immediately adjoining properties comprises of the following:

- Adjoining the subject site to the east is a multi-unit development known as No 7 North Avalon Road. This adjoining dwelling development is reasonably well setback from the subject site.



**Adjoining eastern dwelling – No. 7 North Avalaon Road**

There will be minimal additional overshadowing of the rear yard of the adjoining eastern property because of the proposed addition.

No privacy loss arises in this instance given the use of highlight type and obscure glass windows in the upper-level eastern side elevation.

- Adjoining the subject site to the west is several dwellings fronting Catalina Crescent that back on to the subject site. These dwellings have their rear yards backing on to the subject site and as such are suitably distant from the proposed development. Some minor additional overshadowing to the western properties will occur during the morning periods because of the proposed upper level addition.

Privacy issues are well resolved using highlight type windows in the proposed upper-level addition along the western elevation and an increased off-set from the boundary. The proposed upper level deck will provide views along the driveway access towards the street rather than across any neighbouring dwellings.



**Neighbourhood Shops to the west of the subject site**

The subject site benefits from access to local shopping facilities that immediately adjoin the driveway access to the subject site fronting North Avalon Road.



### **3.0 PROPOSED DEVELOPMENT**

The applicant seeks development consent to undertake the following at No 5A North Avalon Road, Avalon Beach:

Construct an upper-level addition comprising of:

- Two bedrooms including a main bedroom with a walk-in robe and ensuite;
- A bathroom;
- A study; and
- An open plan rumpus room and sitting area opening out onto a deck to the side of the residence.

Alterations to the ground floor of the existing dwelling include:

- Provide additional structural support for the upper level and demolish some internal walls to install an internal staircase accessing the upper level.

The proposed upper level has been centred over the lower level and is to incorporate similar finishes to the lower level.



**Artists Impression**



### **3.1 Design Approach**

The proposed alterations and addition to the dwelling will improve the quality of living space on-site to meet the growing needs of the residents. The proposed addition is modest in size when compared to other large dwellings in the immediate vicinity of the subject site. The proposed addition has been suitably designed to integrate with the cross shaped existing dwelling.

The proposed addition is contained over the lower-level footprint and articulated to present well to the street frontage. The proposal includes a low profile pitched roof and the upper-level addition maintains a consistent roof profile with that of the lower level.

Views from the proposed addition will be across the roofline of the adjoining street front dwelling and towards the street.

The proposed upper-level addition will maintain a low profile when viewed from the street particularly as it is situated within a battle axe allotment. The subject dwelling is not situated within a recognised view corridor and won't detract from any nearby views from adjoining dwellings.

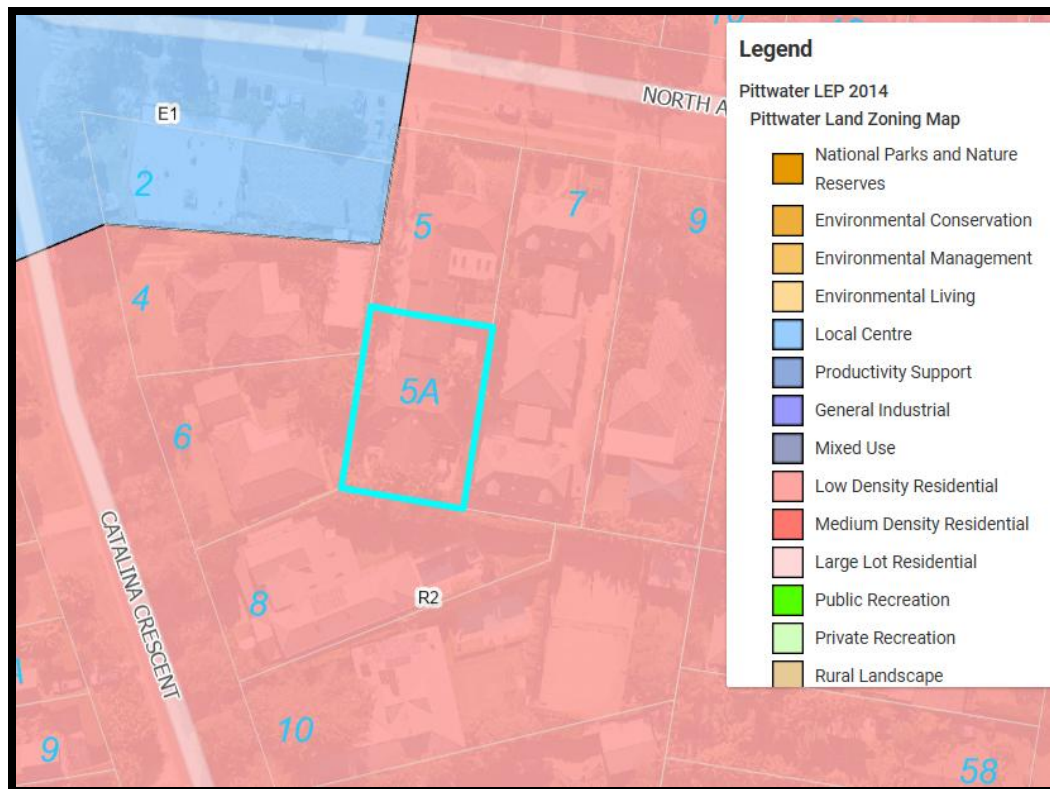
The design solution ensures that privacy issues are well resolved through design initiatives. The outlook from the proposed addition is oriented towards the street front and rear yard only.

Shadows cast by the proposed addition will generally fall in a sweeping motion within the site and partially projected towards the rear of the adjoining eastern and western dwellings. The existing separation between dwellings will ensure that privacy and overshadowing is well resolved.

## 4.0 PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

### 4.1 Zoning and Zone Objectives

The subject land is zoned R2 Low Density Residential pursuant to Pittwater LEP 2014.



Extract from the zoning map

A dwelling is defined to mean *a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

The proposed works/use are ancillary to a dwelling and complies with the above definitions. The proposal is permissible in the zone with development consent.

The specified zone objectives for the R2 zone are as follows:

- *To provide for the housing needs of the local community within a low density residential environment.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of the residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

Comment:

The salient elements of this assessment follow:

- The proposed development provides an enhanced level of amenity to the residents on-site by providing additional floor space on an underutilised parcel of land. No change in intensification of the use of the dwelling is proposed. A low impact residential development is proposed on-site. Ample green space will be retained on-site, particularly in the rear yard.
- The issues of external amenity and the relationship of the development to the adjoining properties have been addressed previously in this statement of environmental effects. The proposal is appropriate in this regard.
- The urban design, streetscape and residential character issues relating to the development of the site have also previously been considered, the proposal is appropriate in respect of such considerations.
- There are no trees requiring removal to facilitate the proposed development ensuring that the low scale nature of the proposal is in keeping with the zone objectives which seek to lessen impacts in areas of high aesthetic appeal and to minimise disruption to the environment and existing landscape.
- The proposed development will contribute to the quality of housing stock in the precinct and act as a catalyst for future home improvements in the locality. The proposal will therefore be consistent with desired future development character of the locality and will establish an appropriate form of housing, which is in harmony with the environment. The current application does not propose an alternate land use.

Having regard to the above, the proposal is consistent with the zone objectives and represents a form of development that by virtue of the objectives is encouraged in the locality.

#### **4.3 Relevant Clauses of the LEP**

**Clause 4.3** of the LEP sets a maximum height for development in accordance with the building height map.

The building height map specifies a maximum height limit within the zone of 8.5m. The proposed development accords with the building height standard as it sits well within the 8.5m height limit.

**Clause 4.4** of the LEP relates to **FSR**:

There is no floor space ratio control applicable to the site.

**Clause 4.6** relates to Exceptions to development standards.

1. *The objectives of this clause are as follows:*
  - a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

#### **Comment:**

The applicant is not seeking to vary a development standard as part of this application.

#### **5.10 Heritage conservation**

The subject site is not identified as being of heritage significance nor is it situated within a recognised conservation area.

**Clause 7.1** of the LEP relates to Acid Sulfate Soils:

The subject site is identified as being within a Class 5 acid sulphate soils area.



Accordingly acid sulphate soils do not constitute a constraint to the development of the subject site.

**Clause 7.2** of the LEP relates to **Earthworks**:

As the proposal relates to an upper-level addition contained within the footprint of the existing dwelling, no excavation of the subject site is required to facilitate the development.

Fill will not be imported onto the subject site. The extent of earthworks proposed will be negligible in this instance.

**7.5 Coastal risk planning**

- (1) The objectives of this clause are as follows—
- (a) to avoid significant adverse impacts from coastal hazards,
  - (b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,
  - (c) to enable the evacuation of land identified as coastal risk in an emergency,
  - (d) to avoid development that increases the severity of coastal hazards.

**7.6 Biodiversity**

- (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.

**Comment:**

The subject site is not identified as being subject to biodiversity considerations or within a coastal risk area. The existing treed environment will be maintained ensuring the biodiversity of the area is not impacted upon.

**Clause 7.7 of the LEP relates to Geotechnical hazards:**

*(1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards:*

- (a) matches the underlying geotechnical conditions of the land, and*
- (b) is restricted on unsuitable land, and*
- (c) does not endanger life or property.*

*(2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.*

*(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,*
- (b) the development’s design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

*(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 waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*

*(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*

*(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, or*

*(iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk.*

**Comment:**

The subject site is not situated within an area identified as a Geotechnical Hazard. Accordingly, the development is not constrained by geotechnical hazards.

#### 4.4 LEP Summary

<b>Map</b>	<b>Control</b>
Additional Permitted Uses	N/A
Acid Sulfate Soils	Class 5
Biodiversity	N/A
Coastal Risk Planning	N/A
Foreshore Building Line	N/A
Floor Space Ratio	N/A
Geotechnical Hazard	N/A
Heritage	N/A
Height	8.5m – complies
Land Application	N/A
Land Reservation Acquisition	N/A
Lot Size	634sqm
Land Zoning	R2 Low Density Residential
Urban Release Area	N/A

## **5.0 PITTWATER 21 DEVELOPMENT CONTROL PLAN**

Pittwater 21 DCP was first adopted by Council on the 8<sup>th</sup> December 2003 and came into force on the 1st February 2004.

The DCP provides complimentary controls and considerations to the Pittwater Local Environmental Plan (LEP) 2014.

The DCP is to be read in conjunction with Pittwater LEP 2014.

### **5.1 Context and Site Analysis**

A site analysis plan accompanies the architectural plans. A written analysis of the site and context supplements the site analysis plan under section 2 of this statement of environmental effects.

### **5.2 Part A- Introduction**

#### **Locality Specific Development Controls – Avalon Beach**

##### **Desired Future Character**

*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.*

Comment:

The proposed development is consistent with the desired character of the Avalon Beach locality by providing a proportionate upper-level addition which will be suitably integrated with the main dwelling in terms of architectural treatment and finishes. The proposed works are modest in the context of the locality which generally includes large dwellings of two storeys in height and the two storey commercial development to the east of the property.

The proposed upper-level addition is positioned within the existing footprint of the dwelling. No encroachments are proposed into the side building envelope.

There are no plans to alter or modify the existing parking facilities on site.

The applicant does not seek to remove trees from the subject site to facilitate the proposal.

The subject site does not have heritage significance and is significantly distant from any heritage items.

The subject site is not situated within a recognised view corridor. The proposed upper-level addition is not likely capture or interfere with any existing views from nearby or adjoining dwellings. Existing established vegetation along the driveway access to the subject site also assist in screening the dwelling and reducing viewing opportunities.

The proposed development is compliant with the desired character established for the locality by providing a conservative design in a landscaped setting.

### **5.3 Part B – General Controls**

#### **B1 Heritage Controls**

B1.1 – Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014.

*Outcomes*

- *Conservation of items and areas of local heritage significance*

B1.2 – Development in the vicinity of a heritage item, heritage conservation areas, archaeological sites listed in Pittwater Local Environmental Plan 2014.

*Outcomes*

- *Conservation of heritage items, heritage conservation areas, archaeological sites and areas of heritage significance.*

#### **B1.3 – General**

*Outcomes*

- *Conservation of items and areas of heritage significance.*

#### **B1.4 – Aboriginal heritage significance**

*Outcomes*

- *Provide protection for Aboriginal place of heritage significance or Aboriginal object.*
- *Potential Aboriginal places of heritage significance and Aboriginal objects are identified and protected.*

**Comment:**

The subject site does not have heritage value and is suitably distant from other known heritage items.

## **B2 Density Controls**

### **B2.2 – Subdivision: Low density residential areas**

- Land to which this control applies: Land zoned **R2 Low Density Residential**, E3 Environmental Management or C4 Environmental Living

#### *Outcomes*

- *Achieve the desired future character of the locality.*
- *Maintenance of the existing environment.*
- *Equitable preservation of views and vistas to and/or form public/private places.*
- *The built form does not dominate the natural setting.*
- *Population density does not exceed the capacity of local and regional infrastructure and community services.*
- *Population density does not exceed the capacity of local and regional transport facilities.*

#### **Comment:**

Subdivision is not sought as part of this application.

## **B4 Controls Relating to the Natural Environment**

### **B4.22 Preservation of trees or bushland vegetation**

#### *Outcomes*

- *To protect and enhance the amenity that trees and/or bushland vegetation provide*
- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide*
- *To protect, enhance and account for the contribution trees and/or bushland vegetation provide to the ecological value and biodiversity of Pittwater, including habitat for locally native plant and animal species, threatened species populations and endangered ecological community.*
- *To promote the benefits that corridors of trees and/or bushland vegetation provide for the movement of flora and fauna.*

#### **Comment:**

No trees require removal to facilitate the proposal.



## **B5.15 Stormwater**

*Requirements Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.*

### Comment

The applicant does not seek to alter the existing stormwater arrangements on site. The proposed upper level will link into existing drainage systems.

## **B6 Access and Parking**

### B6.1 – Access driveways and works on the public road reserve – Low density residential

#### *Outcomes*

- *Safe and convenient access*
- *Adverse visual impact of driveways is reduced.*
- *Pedestrian safety*
- *An effective road drainage system.*
- *Maximise the retention of trees and native vegetation in the road reserve.*

### B6.3 - Internal driveways – Low density residential

#### *Outcomes*

- *Safe and convenient access.*
- *Reduce visual impact of driveways.*
- *Pedestrian safety.*
- *An effective road drainage system.*
- *Maximise the retention of trees and native vegetation.*
- *Reduce contaminate runoff from driveways.*

#### **Comment:**

The applicant does not seek to alter the existing parking arrangements on site as part of this application.

### B6.5 - Off-street vehicle parking requirements – Low density residential

#### *Outcomes*

- *Safe and convenient parking.*

#### Comment:

Noted. The existing on-site car parking is safe, conveniently located and appropriate for the subject site.

## **B8 Site Works Management**

### B8.1 - Construction and demolition – excavation and landfill

#### *Outcomes*

- *Site disturbance is minimised*
- *Excavation, landfill and construction not to have an adverse impact*
- *Excavation and landfill operates not to cause damage on the development or adjoining property*

#### Comment:

Minimal excavation is required on-site to facilitate the proposed addition and to shore up the existing dwelling. As the proposed works are centred on-site, no adverse impacts to neighbours are envisaged. The importation of fill onto the site is not required.

### B8.3 – Construction and demolition – Waste minimisation

#### *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.*

#### Comment:

Appropriate waste management procedures will be implemented during the construction phase.

B8.4 – Construction and demolition – Site fencing and security

*Outcomes*

- *Ensuring public safety*
- *Protection of public domain*

Comment: Noted.

B8.5 – Construction and demolition – Works in the public domain

*Outcomes*

- *Protection of Infrastructure.*
- *Ensuring Public Safety.*
- *Compliance with the Roads Act 1993.*

B8.6 – Construction and demolition – Traffic management plan

*Outcomes*

- *Minimal disturbance to the residential community*
- *Protection of roads*

Comment: Not applicable.

**5.4 Part C – Development Type Controls**

**C1 Design Criteria of Residential Development**

C1.1 – Landscaping

*Outcomes*

*Achieve the desired future character of the Locality. The bulk and scale of the built form is minimised. A reasonable level of amenity and solar access is provided and maintained.*

*Vegetation is retained and enhanced to visually reduce the built form. Conservation of natural vegetation and biodiversity. Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

*To preserve and enhance the rural and bushland character of the area. Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*

Comment:

The proposed development does not erode existing landscaping on-site or adversely affect native vegetation.

No trees are proposed to be removed as part of the application. The extent of green space on-site remains substantial given the large lot size.

### C1.2 – Safety and Security

#### *Outcomes*

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

Comment:

The proposed development introduces improved safety and security on-site with the inclusion of the proposed upper-level addition and side deck allowing a view along the access corridor to the street front. The residents on-site will be able to see the street frontage from the proposed upper level thereby being able to monitor visitors to the site and people at street level.

The proposed development provides enhanced surveillance opportunities by introducing the proposed upper-level.

The entrance to the building is easily identified and well lit.

### C1.3 – View sharing

#### *Outcomes*

- *A reasonable sharing of views amongst dwellings*
- *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*
- *Canopy trees take priority over views*

Comment:

The subject site is not situated within an existing view corridor. The proposed addition will not impact on any views enjoyed by adjoining or nearby dwellings.

#### C1.4 – Solar access

##### *Outcomes*

- *Residential development is sited and designed to maximise solar access during mid-winter.*
- *A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development*
- *Reduce usage and/dependence for artificial lighting*

Comment:

The adjoining properties will continue to benefit from reasonable sunlight access to their rear yard and living space in the context of site orientation and in the context of the small-scale nature of the proposed addition. Minimal additional overshadowing will occur to the rear of the adjoining eastern and western properties.

Appropriate design measures have been incorporated into the design to ensure solar access is reasonably maintained on-site and to the adjoining properties.

#### C1.5 – Visual privacy

##### *Outcomes*

- *Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design*
- *A sense of territory and safety is provided for residents*

Comment:



The proposed development does not result in any significant loss of privacy to adjoining dwellings.

The proposed upper-level addition to the dwelling is suitably designed to direct outlook towards the street and the rear yard. Privacy is well maintained between sites. Highlight type windows are proposed along the side elevations. The adjoining dwellings are orientated away from the subject dwelling and are well setback.

The proposal is consistent with the privacy provisions of the DCP, which seek to protect the amenity of residents.

#### C1.6 – Acoustic privacy

##### *Outcomes*

- *Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited.*
- *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 private open space areas.*

Comment:

The proposed upper-level addition is reasonably distant from adjoining dwellings.

No adverse noise is anticipated from a typically domestic use.

#### C1.7 – Private open space

##### *Outcomes*

- *Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants.*
- *Private open space is integrated with, and directly accessible from, the living areas of dwellings.*
- *Private open space receives sufficient solar access and privacy.*

Comment:

The proposal will not impact on the existing levels of private open space on site.

#### C1.10 - Building facades

##### *Outcomes*

- *Improved visual aesthetics for building facades.*

Comment:

The proposed upper-level addition improves the overall appearance of the dwelling and streetscape presentation. The façade is well articulated and will complement the existing lower level of the dwelling. The roof design and consistent colour scheme will add further visual interest to the property when viewed from the street.

#### C1.15 – Storage facilities

##### *Outcomes*

- *Provision of convenient storage with the development.*

Comment:

Opportunity for storage exists in the rooms of the dwelling and under the stairway.

#### D11.6 Front Building Line

##### *Outcomes*

*Achieve the desired future character of the Locality.  
Equitable preservation of views and vistas to and/or from public/private places.*

*The amenity of residential development adjoining a main road is maintained.*

*Vegetation is retained and enhanced to visually reduce the built form.  
Vehicle manoeuvring in a forward direction is facilitated.  
To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.  
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.*

*Controls*

*The minimum front building line shall be in accordance with the following table.*

*Comment:*

The proposed addition do not intrude into the building line in the street. No further encroachment is proposed.

D11.7 – Side and rear building line

*Outcomes*

*To achieve the desired future character of the Locality. The bulk and scale of the built form is minimised. Equitable preservation of views and vistas to and/or from public/private places.*

*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.*

*Substantial landscaping, a mature tree canopy and an attractive streetscape.*

*Flexibility in the siting of buildings and access. Vegetation is retained and enhanced to visually reduce the built form. To ensure a landscaped buffer between commercial and residential zones is established.*

*Controls*

*The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table:*

*2.5 to at least one side; 1.0 for other side*

*6.5 rear (other than where the foreshore building line applies)*

Comment:

The proposed upper-level is setback 2.6mm from the western side boundary and 3.06m from the eastern side boundary. The proposal meets the intent of the control as no impacts to the adjoining properties arise.

The rear setback remains compliant. It is noted that the subject dwelling is a battle axe property and adjoins the street facing dwelling.

The proposed built form is compatible with existing dwellings and minimal impacts arise because of the design.

The proposed upper-level addition is proportionate to its boundaries and presents well to the street. The proposed side setbacks are reasonable in this instance.

D 11.9 – Building envelope

*Outcomes*

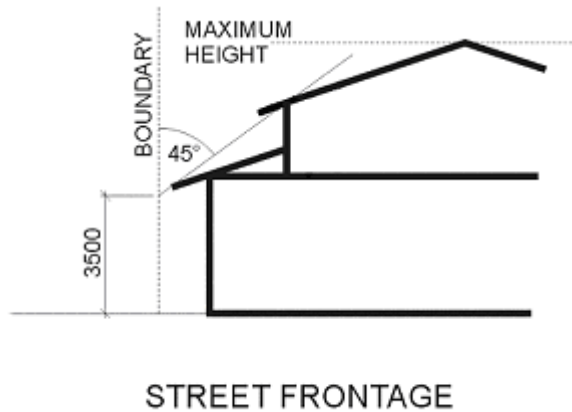
*To achieve the desired future character of the Locality.  
To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.  
To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.  
The bulk and scale of the built form is minimised.  
Equitable preservation of views and vistas to and/or from public/private places.*

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

*Vegetation is retained and enhanced to visually reduce the built form.*

*Controls*

*Buildings are to be sited within the following envelope:*



#### Comment:

The proposed upper level will present as a suitable two storey dwelling to the street. No encroachments from the walls of the proposed upper level will occur.

The dwelling will remain a modest sized dwelling despite the addition when compared to other dwellings in the locality. The proposed addition is comfortably contained over the footprint of the existing lower level and the dwelling will not appear as bulky or out of character when viewed from the street frontage given its battleaxe location.

#### D11.10      Landscaping

##### *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.*

*Vegetation is retained and enhanced to visually reduce the built form.  
Conservation of natural vegetation and biodiversity.  
Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

*To preserve and enhance the rural and bushland character of the area.  
Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management*

### *Controls*

*The total landscaped area on land zoned R2 Low Density Residential shall be 50% of the site area.*

*The use of porous materials and finishes is encouraged where appropriate.*

*Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped area.*

### *Comment:*

There will be no loss of green space because of the proposal and no increase in site coverage.

A high proportion of existing landscaped and recreation area will remain to service the site.

## **6.0      SECTION 4.15 CHECKLIST**

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

*(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) 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*

*(iii) any development control plan, and*

*(iiia) 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*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

Comment:

The proposal is permissible pursuant to the Pittwater LEP 2014.

The proposed development will significantly improve the visual presentation of the built form on-site by providing a high-quality design and upgrade to the existing dwelling.

The proposal is consistent with the aims and objectives of the accompanying DCP.



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

Comment:

No significant adverse visual or acoustic privacy issues arise as no intensity of use is proposed. Outlook from the addition is directed towards the street and the rear and not towards adjoining properties.

The proposed addition does not give rise to any significant overshadowing impacts or privacy loss.

The proposal has favourable social and economic implications by minimising impacts and provides a quality dwelling alterations and addition to the benefit of the streetscape.

*(c) The suitability of the site for the development.*

Comment:

The subject site is suitably large and capable of accommodating the proposed development. The proposed addition will retain privacy levels between properties given the reasonable separation between dwellings.

*(d) Any submissions made in accordance with the Act or the regulations.*

Comment: Nil.

*(e) The public interest*

*Note.*

*See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.*

Comment:

No adverse matters relating to the public interest are expected to arise.

*(2) Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:*

*(a) is not entitled to take those standards into further consideration in determining the development application, and*

*(b) must not refuse the application on the ground that the development does not comply with those standards, and*

*(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.*

*(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:*

*(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and*

*(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.*

*Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).*

Comment:

The application has merit and is consistent with the intent of the controls given the site context.

*(3A) Development control plans*

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

*(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*

*(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

*(c) may consider those provisions only in connection with the assessment of that development application.*

*In this subsection, standards include performance criteria.*

Comment:

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard.

*(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.*

*(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).*

*(6) Definitions In this section:*

*(a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and*

*(b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.*

Comment: Not applicable.

## **7.0 CONCLUSION**

The proposal is consistent with the zoning and zone objectives. The proposal is satisfactory in consideration of the design principles prescribed under the DCP and in the main relates to improving the quality of living space on-site.

The applicant has specifically sought to provide a development with a high-quality design, which reflects contemporary planning and design initiatives.

The proposed development provides for an improved level of amenity for the residents. The proposal has been designed to enhance the appearance of the dwelling without compromising the amenity enjoyed by adjoining residents.

The proposed development does not give rise to adverse overshadowing or loss of privacy in the context of site circumstances. The proposal is reasonable pursuant to the provisions of the LEP and DCP.

In view of the above, the proposed development is appropriate, and Council approval is recommended.