

untapped **PLANNING**

Statement of Environmental Effects

“Alterations and Additions to existing Dwelling”

34 The Serpentine, Bilgola Beach

Lot 2 DP 546543

Prepared for: Eric and Alison Hodges
Date: April 2023

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1. Executive Summary

1.1 Introduction

Untapped Planning has been commissioned by Eric and Alison Hodges to prepare a Statement of Environmental Effects for the alterations and additions to an existing dwelling on Lot 2 DP 546543 at 34 The Serpentine, Bilgola Beach.

1.2 Site Details

The subject site comprises Lot 2 DP 546543 with a street address of 34 The Serpentine, Bilgola Beach.

The site has a total combined area of 1438m², with a street frontage of 30.48m to The Serpentine.

The site is zoned C4– Environmental Living under the Pittwater Local Environmental Plan (LEP) 2014.

Development for the purposes of a Dwelling and ancillary uses are permissible within the zone, with the consent of Council.

The following plan shows the site location in the context of the local area.

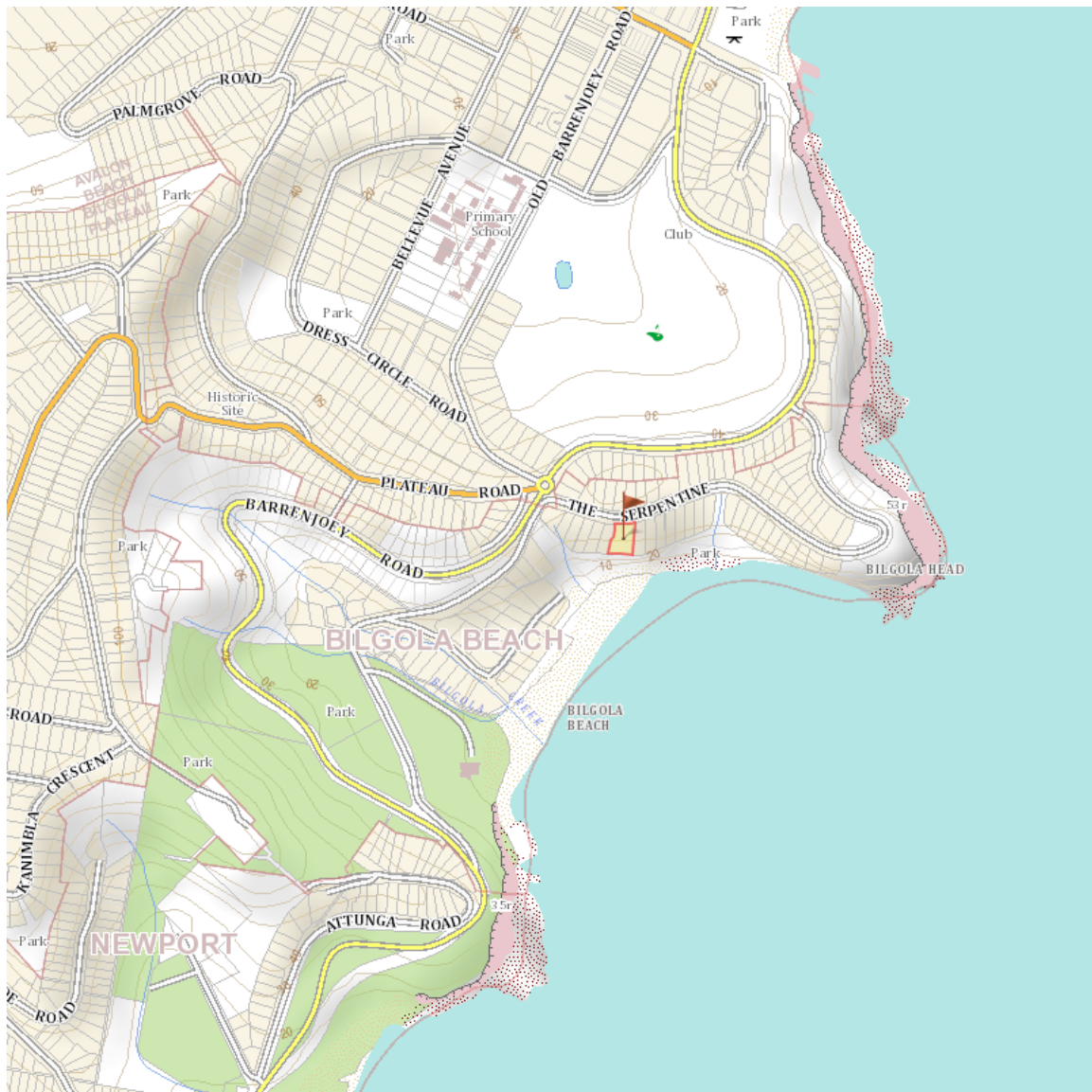


Figure 1: Locality of the subject site.

1.3 Purpose of the Report

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act and accompanying Regulation.

Its purpose is to:

- describe the proposed development;
- identify and summarise the relevant controls which guide assessment of the proposal;
- provide information on the site and its context; and
- review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to the Council's guidelines in preparing this Statement of Environmental Effects as well as the full range of other relevant legislation and development guidelines.

2. Proposed Development

2.1 Proposal Objectives

The development proposes an addition to the existing residential dwelling comprising.

- Driveway Modifications
- New Double Carport
- Conversion of Existing Carport to a Single Garage
- Site Landscaping
- Swimming Pool and associated porch extension

3. Characteristics of the Site and Locality

3.1 The Site

The subject site comprises Lot 2 DP 546543, and is known as 34 the Serpentine, Bilgola Beach.

The site has a combined total area of 1438m², with a street frontage of 30.48m to The Serpentine.

The site is within the Bilgola Beach locality, sited on the southern side of The Serpentine.

The site slopes sharply to the rear having approximately a 11m fall to the rear.

The site contains scattered vegetation consisting of maintained gardens and scattered large trees contained generally within the front setback.



Figure 2: The Serpentine Frontage

3.2 The Locality

The subject site is located on the southern side of The Serpentine.

The immediate locality is characterised by a mix of new and older single dwellings. The area is moderately vegetated.

The following figure shows the location of the subject site within its immediate local context.



Figure 3: Aerial View of Subject Site.

3.3 Land Uses

The subject site currently contains a two storey residence.

Parking on the site consists of a single carport attached to the front of the dwelling accessed via a formed driveway.

The site is lightly vegetated, and vegetation will be retained through the development.

3.4 Topography

The site fall sharply to the rear of the site. The alterations retaining to the new carparking space will necessitate excavation and retaining.

The proposed pool will be suspended to eliminate reshaping of the natural landform.

3.5 Contamination and Geotechnical Considerations

3.5.1 Contamination

The site is not known to have any past contaminating uses.

3.5.2 Acid Sulfate Soils

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

3.5.3 Land Slip

The development site is identified in the Geotechnical Hazard Map as being within the H1 Geotechnical Hazard Zones.

A Geotechnical Report by Ascent Geo has been submitted to address this issue.

3.6 Vegetation

The site is lightly vegetated within maintained gardens and scattered large trees within the front setback.

An Arborist Report has been prepared by Hugh The Arborist. The report recommends the removal of;

- 4 Category A Trees
- 0 Category Z Trees

The report recommends;

9.1 This report assesses the impact of a proposed development at the site to all significant trees within ten metres of proposed development works. Nine trees have been identified and assessed.

9.2 In appendix 1 two site plans have been prepared, where the tree information including canopy spread, TPZ and SRZ have been overlaid onto the site plans. The following site plans are included;

- Appendix 1A: Proposed site plan overall*
- Appendix 1B: Proposed site plan garage floor*

9.3 Four trees have been recommended to be removed to accommodate the development works, including tree 5, 7, 8, and 9. See section 8.1 for a list of the trees by retention value.

9.4 One other tree (tree 3) will require tree sensitive design and construction to be retrained in a viable condition, see section 7 and 8.2 for specifications.

9.5 All other trees can be retained in a viable condition, including tree 1, 4, 6 and 10.

9.6 All trees to be retained must be protected in accordance with AS4970-2009 for the duration of the demolition and development works, see section 10 for more information.

9.7 No landscape plan has been assessed in this report. See section 10.10 for general guidance in relation to minimising the impact of proposed landscaping to retained trees.

9.8 No services plan has been assessed in this report, all services plans should be subject to review by a consulting Arborist. Where possible underground services should be located outside the TPZ of trees to be retained. All underground services located inside the TPZ of any tree to be retained must be installed via tree sensitive techniques in accordance with AS4970-2009, see section 10.11 for more information.

9.9 This report does not provide approval for tree removal or pruning works. All recommendations in this report are subject to approval by the relevant authorities and/or tree owners. This report should be submitted as supporting evidence with any tree removal/pruning or development application

It is considered that the development is suitable from an Arboicultural perspective if these recommendations are adhered to.

3.7 Bushfire

The development site is not noted as being bushfire prone.

No further Bushfire Assessment is required.

3.8 European and Aboriginal Archaeological Heritage

The site is not known to contain any items of European heritage significance, nor is it located within a heritage conservation area.

The site is not known to contain any items of Aboriginal archaeological significance. Though again, given that the proposal is for the purpose of a boundary adjustment it is considered that any possible Aboriginal relics located on the site will not be affected.

3.9 Traffic, Access and Road Network

Given the minor scale of the development and the fact that no modification to the existing site access is required, it is not anticipated that there will be any adverse impacts to traffic levels in the locality as a result of the proposal.

3.10 Coastal Zone

The development site is subject to the provisions of the NSW Coastal Policy.

3.11 Services and Utilities

The site is currently serviced with both reticulated water and sewer.

4. Planning Controls

4.1 State Planning Controls

Environmental Planning and Assessment Act 1979

Section 91

The development is not considered to constitute integrated development under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021

Part 2.2 – Development Controls for Coastal Management Areas

Division 1 Coastal Wetlands and Littoral rainforest area.	
2.7 Development on certain land within coastal wetlands and littoral rainforests area (1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> only with development consent— (a) the clearing of native vegetation within the meaning of Part 5A of the <i>Local Land Services Act 2013</i>, (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the <i>Fisheries Management Act 1994</i>, (c) the carrying out of any of the following— (i) earthworks (including the depositing of material on land), (ii) constructing a levee, (iii) draining the land, (iv) environmental protection works, (d) any other development. Note— Clause 2.14 provides that, for the avoidance of doubt, nothing in this Part— (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or (b) permits the carrying out of development without development	The site is not noted as containing Coastal Wetlands or Littoral Rainforests.

consent where another environmental planning instrument provides that the development may be carried out only with development consent.

- (2) Development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.
- (3) Despite subsection (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map* may be carried out by or on behalf of a public authority without development consent if the development is identified in—
 - (a) the relevant certified coastal management program, or
 - (b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993*, or
 - (c) a plan of management under Division 3.6 of the *Crown Land Management Act 2016*.
- (4) A consent authority must not grant consent for development referred to in subsection (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.
- (5) Nothing in this section requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the *Biosecurity Act 2015*.
- (6) This section does not apply to the carrying out of development on land reserved under the *National Parks and Wildlife Act 1974* if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.

2.8 Development on land in proximity to coastal wetlands or littoral rainforest (1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> unless the consent authority is satisfied that the proposed development will not significantly impact on— (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest. (2) This section does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i>.	The development site is not in close proximity to coastal wetlands or littoral rainforests.
Division 2 Coastal Vulnerability Area	
2.9 Development on land within the coastal vulnerability area Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the <i>Coastal Vulnerability Area Map</i> unless the consent authority is satisfied that— (a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and (b) the proposed development— (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and	The development site is not mapped as being within the Coastal Vulnerability Area.

(iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and (c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.	
Division 3 Coastal Environment Area	
2.10 Development on land within the coastal environment area	
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following— (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, (b) coastal environmental values and natural coastal processes, (c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1, (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (f) Aboriginal cultural heritage, practices and places, (g) the use of the surf zone.	(1) The site is mapped as being within the Coastal Environment Area. (a) The proposal will have no impact on the integrity and resilience of the biophysical, hydrological or ecological environment. (b) The development will not impact upon the natural coastal processes or coastal environmental values (c) The development will not result in increase water runoff or a decrease in water quality. Water runoff may be decreased through water harvesting in water tanks. (d) No vegetation, fauna or habitat will be impacted upon. (e) The development will have no impact on public access to the foreshore. (f) No aboriginal cultural heritage, practices or places will be disturbed. (g) The development is not near the surf zone and will have no impact.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact. (3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, Chapter 6.	(2) The development is expected to have no adverse impacts on the Coastal Environment.
Division 4 Coastal Use Area	
2.11 Development on land within the coastal use area	
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority— (a) has considered whether the proposed development is likely to cause an adverse impact on the following— (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores, (iii) the visual amenity and scenic qualities of the coast, including coastal headlands, (iv) Aboriginal cultural heritage, practices and places, (v) cultural and built environment heritage, and	The development site is within the Coastal Land Use Area. (a) The development is unlikely to have an adverse impact upon; (i) safe access to the foreshore. (ii) overshadowing or views from public places to the foreshore. (iii) The development will be consistent with the existing visual amenity. (iv) the Aboriginal Heritage Due Diligence report is expected to show the development will not impact on and Aboriginal cultural Heritage, practices or places. (v) No impact is envisaged.

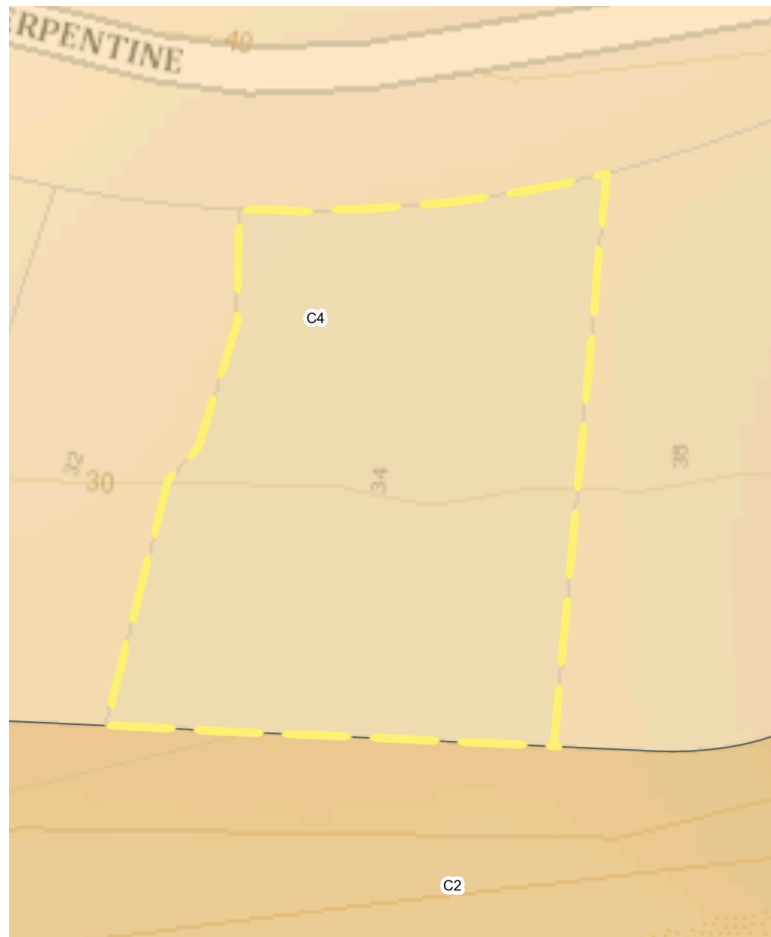
(b) is satisfied that— (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. (2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of <u>State Environmental Planning Policy (Biodiversity and Conservation) 2021</u>, Chapter 6.	(b) The development will demonstrate that the development has no impact under clause (1)(a).
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4.2 Local Planning Controls

The development site is currently controlled by the provisions of the Pittwater Local Environmental Plan 2014.

Pittwater Local Environmental Plan 2014

Under the Pittwater Local Environmental Plan 2014, the site is zoned C4 – Environmental Living.



The provisions for the C4 zone state;

1 Objectives of zone

- 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.

Comment: The alterations are considered to be consistent with the objectives of the C4 – Environmental Living Zone.

The alterations of an existing dwelling will not result in an intensification of the site use, nor will it alter the natural landscape, topography or vegetation on the site. The proposal is consistent with development in the general locality.

The addition of an additional parking space and pool will not contravene the objectives of the zone.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Comment: Under subclause 3, Dwellings and ancillary development are permissible with Consent.

Part 4 - Principal Development Standards

Clause 4.3 Height of Buildings.

The subject site is mapped as having a maximum building height of 8m.

No change is proposed to the roof or overall height of the existing structure.

Clause 4.4 Floor Space Ratio

While the Floor Space Ratio Maps do not identify a Floor Space Ratio for the subject site, the development is consistent with the objectives of this clause. The objectives of clause 4.4 state;

- (1) *The objectives of this clause are as follows:*
- (a) *to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
 - (b) *to minimise adverse environmental effects on the use and enjoyment of adjoining properties and the public domain,*
 - (c) *to minimise any overshadowing and loss of privacy to neighboring properties and to reduce the visual impact of any development,*
 - (d) *to maximise solar access and amenity for public places,*
 - (e) *to minimise the adverse impact of development on the natural environment, heritage conservation areas and heritage items,*

- (f) to manage the visual impact of development when viewed from public places, including waterways,
- (g) to allow for the reasonable sharing of views.

The minor scale and footprint of the development will ensure that the character of the locality is not compromised. The siting of the proposal also ensures that no vegetation will be removed.

The development as viewed from the street does not detract from the existing streetscape and character.

Part 7 - Additional Local Provisions

Clause 7.1 Acid Sulfate Soils

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

Clause 7.7 Geotechnical Hazards

The development site is identified in the Geotechnical Hazard Map as being within the H1 Geotechnical Hazard Zones.

A Geotechnical Report has been undertaken by Ascent Geo. The report concludes that;

The proposed development is considered to be suitable for the site. No significant geotechnical hazards will result from the completion of the proposed development provided the recommendations presented in Table 4 are adhered to during design and construction.

These recommendations can form a part of the development consent.

Clause 7.10 Essential Services

The subject site is serviced by reticulated water and sewer.

Pittwater Development Control Plan 21

The following relevant controls have been considered in the preparation of the subject application.

The development is considered to be generally compliant with the DCP controls.

B3 - Hazard Controls

Controls	Response
B3.1 Landslip Hazard All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5). Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development. The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.	The development site is identified in the Geotechnical Hazard Map as being within the H1 Geotechnical Hazard Zones. A Geotechnical Report has been undertaken by Ascent Geo. The report concludes that; <i>The proposed development is considered to be suitable for the site. No significant geotechnical hazards will result from the completion of the proposed development provided the recommendations presented in Table 4 are adhered to during design and construction.</i> These recommendations can form a part of the development consent.
B3.2 Bushfire Hazard All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development. Development land to which this control applies must comply with the requirements of: - Planning for Bushfire Protection (2006) - AS 3959 - Construction of a Building in a Bushfire Prone Area	The development site is not noted as being bushfire prone. No further Bushfire Assessment is required.

B3.5 Acid Sulfate Soils

Works involving the disturbance of soil or the change of groundwater levels, as described in the following table, shall not be carried out on land of the class specified for those works, unless it has been determined whether acid sulphate soils are present and whether the proposed works are likely to disturb these soils.

If it is determined that acid sulphate soils are present or are likely to be present on the land, consideration must be given to:

- the likelihood of the proposed development resulting in the discharge of acid water; and
- any comments from the Department of Planning.

Consent for development to be carried out by Councils or drainage utilities is required despite:

- clause 35, and items 2 and 11 of Schedule 1, to the Environmental Planning and Assessment Model Provisions 1980, as adopted by Pittwater LEP 1993; and
- clause 10 of SEPP No 4 Development Without Consent and Miscellaneous Complying Development.

The subject site is identified as containing potential Acid Sulfate Soils, class 5.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

B8 Site Works Management

Control	Response
B8.1 Construction and Demolition - Excavation and Landfill Excavated and landfill areas must be constructed to have no adverse impact on any structures, bushland or significant trees to be retained on the site. Excavation and landfill must be constructed to have no adverse impact on any adjoining public or private lands due to settlement or structural instability. Excavation and landfill areas must be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties so as to cause a nuisance. Excavation and landfill on any site that includes the following: - Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation, and/or; - Any excavation greater than 1.5 metres deep below the existing surface, and/or; - Any excavation that has the potential to destabilise a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property, and/or; - Any landfill greater than 1.0 metres in height, and/or; - Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils, must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council.	Excavation is proposed through the realignment of the driveway. Excavation is supported by a Geotechnical Report prepared by Ascent Geo. Retaining is proposed to be via an engineered DINCEL wall.

B8.2 Construction and Demolition - Erosion and Sediment Management Erosion and sedimentation prevention measures must be installed on all sites to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands. Erosion and sedimentation prevention measures must be installed in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) on the downstream side of any works undertaken on the boundary of the site or on public lands adjoining the site to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands. Appropriate devices are to be in place at all times to prevent the migration of sediment off the site.	Erosion and Sediment fencing will be implemented during the construction of the swimming pool. It is not anticipated that this component of the development will result in any adverse impacts on surrounding properties.
B8.3 Construction and Demolition - Waste Minimisation Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	Noted.
B8.4 Construction and Demolition - Site Fencing and Security All sites are to be protected by site fencing for the duration of the works. Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the Roads Act.	The site will be appropriately secured during construction. Works will be undertaken to the rear of the existing dwelling minimising impacts on the public domain.

B8.6 Construction and Demolition - Traffic Management Plan

All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.

All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance.

All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.

No works are proposed to be undertaken within the public road reserve.

Sufficient off street manoeuvring space exists to ensure that no public nuisance is caused during the construction period.

C1 Design Criteria for Residential Development

Control	Response
Section C1.1 – Landscaping	
All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.	The development will necessitate the removal of some vegetation. An Arborist Report by Hugh The Arborist has been submitted to support vegetation impacts.
In all development a range of low lying shrubs, medium high shrubs and canopy trees shall be retained or provided to soften the built form.	The development will retain low lying and medium shrubs.
At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the longterm. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.	The site contains canopy trees within the rear building setback, these are proposed for retention. It is not considered that any supplemental plantings will be required by the development due to its minimal impact on the existing vegetated state and appearance.
Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m ³ within this area to ensure growth is not restricted.	N/A
The following soil depths are required in order to be counted as landscaping: • 300mm for lawn • 600mm for shrubs • 1metre for trees	The site provides for the required soil depths.
The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows: • A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments, • 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and • 50% for all other forms of residential development.	The realignment of the driveway will necessitate a minor reduction in landscaping in the front setback area. This is considered to be negligible and will not impact on the overall quality of landscaping on the site.

Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.	No screening is required or proposed.
In bushfire prone areas, species shall be appropriate to the bushfire hazard.	The site is not constrained by bushfire.
Landscaping shall not unreasonably obstruct driver and pedestrian visibility.	No landscaping will obstruct driver or pedestrian visibility.
Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.	Landscaping is being reduced from 879.06m ² to 718.61m ² . It is considered that the site still retains adequate levels of landscaping.
Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.	No new canopy trees are proposed to be introduced to supplement the existing vegetation and canopy trees.
Noxious and undesirable plants must be removed from the site	No noxious plants have been identified on site.
Section C1.2 – Safety and Security	
1. Surveillance Building design should allow visitors who approach the front door to be seen without the need to open the door. Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance. Development design and design of the public domain (including landscaping) is to minimize opportunities for concealment and avoid blind corners. Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 42821997: Control of the obtrusive effects of outdoor lighting. Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbors. Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.	No change will occur to the existing levels of site Surveillance. The front façade will remain unaltered with no loss of windows.

2. Access Control Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry. Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit. Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night. The street number of the property is to be clearly identifiable. Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.	No change to the existing site entry is proposed with the exception of improvements to vehicle parking and movements.
3. Territorial reinforcement Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas. Blank walls along all public places (streets, open space etc) shall be minimised.	Walkways with in the site clearly delineate the entries to the dwelling and direct people to the correct entrance. No blank walls facing public places are proposed. The façade and site entry will remain unchanged.
C1.3 – View Sharing	
All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The nature of the site ensures that no view corridors or views will be obscured.
The proposal must demonstrate that view sharing is achieved though the application of the Land and Environment Court's planning principles for view sharing.	As no obstruction of views is envisage, and assessment against the Land and Environment Courts planning principles for view sharing is not required. Due to the steepness of the site, dwellings on the opposite site of the street are elevated relative to the proposal and no blocking of views will occur.
Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.	N/A
Views are not to be obtained at the expense of native vegetation.	N/A

C1.4 Solar Access	
The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	The submitted shadow diagrams demonstrate that the proposal will not impact upon adjoining properties in terms of solar access.
Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).	The development will not impact upon windows of adjoining residences.
The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	The planning principles resulting from <i>Parsonage v Ku-ring-gai Council</i> [2004] NSWLEC 347 have been taken into account and it is considered that the development is not contrary to any of these planning principles.
C1.5 – Visual Privacy	
Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).	The development is not considered to result in any adverse impacts in terms of Visual Privacy on adjacent properties.
Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.	No new elevated decks, verandas are proposed by this addition. The proposed pool is elevated, sited at a level consistent with the existing veranda. The pool does not have a trafficable coping facing the side boundary and no privacy impacts are envisaged.
Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.	No direct views are provided from the upper storey.

C1.6 – Acoustic Privacy	
Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.	The development is compliant with this control and noise impacts to and from the proposed secondary dwelling as envisaged to be negligible. The proposed electric motor will not generate any nuisance noise.
Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).	The development will be compliant with the Building Code of Australia.
Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.	No noise generating plants are proposed.
Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.	The development does not proposed any elements that would breach the Protection of the Environment Operations Act 1997

Section D1 – Avalon Beach Locality

Control	Comment
D1.1 – Character as viewed from a public place	
Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	The dwelling will appear unchanged from any public place.
Walls without articulation shall not have a length greater than 8 metres to any street frontage.	No walls greater than 8m in length face the street frontage
Any building facade to a public place must incorporate at least two of the following design features: • entry feature or portico; • awnings or other features over windows; • verandahs, balconies or window box treatment to any first floor element; • recessing or projecting architectural elements; • open, deep verandahs; or • verandahs, pergolas or similar features above garage doors.	The building façade will be unaltered with the exception of the carport being converted to a garage, This is not visible from the street.
The bulk and scale of buildings must be minimised.	The proposed alterations to the dwelling are minor in scale and for the most part will be largely hidden when viewed from the street.
Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.	The parking areas are sited well below the level of the street. Site vegetation and retaining mask these areas from views from the street.
Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	The development is incorporating existing landscaping on site which is a mix of ornamental and indigenous trees and shrubs.
Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.	Television antennas will be hidden from view.

General service facilities must be located underground.	General Service facilities will be in accordance with existing service provisions.
Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.	No plumbing is proposed for the public facades of the structure. Where possible all electrical cabling will be hidden.
D3.2 –Scenic Protection	
Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	It is not considered that when viewed from any waterway, road or public reserve that the development will have any adverse visual impacts.
D3.3 – Building Colours and materials	
External colours and materials shall be dark and earthy tones as shown below Finishes are to be of a low reflectivity.	External colours are considered to be suitable for the locality. Colours are dark and consistent with this clause.
D3.6 – Front Building Line	
All other land zoned R2 Low Density Residential, R3 medium Density Residential or E4 Environmental Living – 6.5m or established building line, whichever is greater.	The existing front setback will be retained.
D3.7 – Side and Rear Building Line	
2.5 to at least one side; 1.0 for other side 6.5m to the rear.	No change is proposed to side setbacks.
Where alterations and additions to existing buildings are proposed, maintenance of existing setbacks less than as specified may be considered where it is shown that the outcomes of this clause are achieved.	No change is proposed to side setbacks.
D3.9 – Building Envelope	
Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).	No works are proposed that will cause new encroachments into the building envelope.
D3.11 – Landscaped Area – Environmentally Sensitive Area	
The total landscaped area on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living shall be 60% of the site area.	The site currently contains 61.13% (879.06m ²) landscaping. This will be reduced to 49.97% (718.61m ²) by the development. It is noted for alterations, a site coverage of 50% is permissible.

	While non-compliant, the site contains extensive landscaping and the minor reduction will have a negligible impact on the vegetation and scenic values of the locality. It is requested that council support the 0.03% variation.
The use of porous materials and finishes is encouraged where appropriate.	N/A
Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped Area.	The development proposed 49.97% landscaping

5. Conclusion

This proposal is for the alterations and additions to an existing Dwelling on an C4 – Environmental Living zoned parcel of land.

The proposal is considered to be consistent with the provisions of the Pittwater Local Environmental Plan 2014 and Development Control Plan 21.

Furthermore, the proposal is considered to have no adverse impacts upon the environment or the general locality or surrounding properties.

Councils support to the proposal is therefore requested.