



**STATEMENT OF ENVIRONMENTAL EFFECTS  
RELATING TO A DEVELOPMENT APPLICATION  
FOR CONSTRUCTION OF A DWELLING HOUSE AT PROPOSED LOT 4 IN THE  
COMMUNITY TITLE SUBDIVISION AT  
96-104 CABARITA ROAD AVALON BEACH**



**Prepared for  
Meraki Developments Pty Ltd**

**Job No. 18120  
December 2018**

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# Executive Summary

The proposed dwelling house has been designed as an integrated part of the overall development of the site. Its footprint match that that is intended to be created by the subdivision of the land that forms part a of concurrently submitted DA for subdivision of the land. Also, its design specifically relates to the other 8 houses on the other residential lots to be created.

As the footprints form part of the subdivision DA, the vast majority of environmental impacts are considered as part of the subdivision. The main impact of this House DA relates to the visual appearance of the form and compliance with the relevant Council planning controls. As can be seen in the photomontage below, all of the Houses have been sensitively designed to sit within the landscape, stepping with the topography of the land and being no more than 2 storeys at any point. The articulation in the footprints are emphasised by the use of the different materials and colours and this ensures a harmonious response to the to the overall character of the area.

The proposed house not only complies with Council's controls but in many circumstances exceeds requirements. This together with design which is sensitive to the buildings on adjoining land and also within the site, will ensure that a high level of amenity is retained and provided. There will also be high quality landscaping that will supplement the significant number of trees being retained. This will allow vegetation to remain the dominant element in the visual character of the site (as seen below).



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## APPENDICES

APPENDIX A	Photographic survey of adjoining foreshore land prepared by MHDP Dated December 2018
APPENDIX B	BASIX Certificate prepared by Outsource Ideas Dated 10 December 2018
APPENDIX C	Summary of Compliance with LEP and DCP Controls prepared by Ingham Planning/MHDP Dated December 2018
APPENDIX D	Geotechnical Assessment and Certification Form prepared by JK Geotechnics Dated 30 November 2018
APPENDIX E	Landscape Design Statement prepared by Jamie King Landscape Architect Dated December 2018
APPENDIX F	Waste Management Plan prepared by Mark Hurcum Design Practice (MHDP) Dated November 2018

## 1. INTRODUCTION

This is a Statement of Environmental Effects (SEE) relating to a development application (DA) for the construction of a dwelling house on Proposed Lot 4 in the Community Title subdivision of 96-104 Cabarita Road Avalon Beach.

The SEE contains the following sections:

- **Section 2** examines the characteristics of the subject property;
- **Section 3** details the nature of the surrounding locality;
- **Section 4** provides a detailed description of the proposal;
- **Section 5** discusses the zoning and development controls relating to the land; and
- **Section 6** provides an assessment of the proposal in relation to the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979.

In addition to the SEE and the relevant application forms and cost estimate report, also submitted with the DA are:

A3 size architectural documents prepared by Mark Hurcum Design Practice Architects

A4.000A LOT 4 - COVER SHEET

A4.001A LOT 4 - SITE ANALYSIS

A4.002A LOT 4 - LOT / ROOF PLAN

A4.101A LOT 4 - LOWER GROUND FLOOR PLAN

A4.102A LOT 4 - GROUND FLOOR PLAN

A4.103A LOT 4 - FIRST FLOOR PLAN

A4.201A LOT 4 - NORTH-EAST ELEVATION

A4.202A LOT 4 - SOUTH-EAST ELEVATION

A4.203A LOT 4 - SOUTH-WEST ELEVATION

A4.204A LOT 4 - NORTH-WEST ELEVATION

A4.301A LOT 4 - SECTION A-A

A4.302A LOT 4 - SECTION B-B

A4.SK01ALOT 4 - PLANNING COMPLIANCE LOT AND LANDSCAPED AREA

A4.SK02ALOT 4 - PLANNING COMPLIANCE BUILDING HEIGHT AND ENVELOPE

A4.SK03ALOT 4 - EXTERNAL FINISHES SCHEDULE

A4.SK04ALOT 4 - WASTE MANAGEMENT SITE PLAN.pdf

A005A SITE PLAN

A008A CUT & FILL PLAN

SK203A DESIGN RESPONSE

SK202A PLANNING COMPLIANCE BUILDING HEIGHT

SK204A SHADOW DIAGRAM JUNE 21 - 9AM

SK205A SHADOW DIAGRAM JUNE 21 - 12PM

SK206A SHADOW DIAGRAM JUNE 21 - 3PM

A4 size architectural documents prepared by Mark Hurcum Design Practice Architects

A4.N01A LOT 4 - NOTIFICATION PLAN – ELEVATION

N01A NOTIFICATION PLAN SITE PLAN

A3 size survey plans prepared by Byrne & Associates:  
10937D5 LEVEL AND DETAIL SURVEY SHEETS 1-10

A1 size landscape plans prepared by Jamie King Landscape Architect  
SHT-101 LANDSCAPE MASTERPLAN  
SHT-105 LOT 4

A3 size landscape plans prepared by Jamie King Landscape Architect  
SHT-401 PLANT PALETTE  
SHT-402 MATERIALS PALETTE

A3 size stormwater engineering plans prepared by NB Consulting Engineers  
D01C SITE STORMWATER DRAINAGE PLAN  
D02B MUSIC CATCHMENT PLAN  
D03A STORMWATER DRAINAGE NOTES  
D04A STORMWATER DRAINAGE DETAILS SHEET 1  
D05A STORMWATER DRAINAGE DETAILS SHEET 2  
D06B SOIL AND WATER MANAGEMENT PLAN  
D07A SOIL AND WATER MANAGEMENT DETAILS SHEET 1  
D08A SOIL AND WATER MANAGEMENT DETAILS SHEET 2

A1 size civil engineering plans prepared by NB Consulting Engineers  
C05A ROAD & DRIVEWAY ACCESS PLAN SHEET 5  
C10A LONGITUDINAL SECTION SHEET 4  
C11A LONGITUDINAL SECTION SHEET 5

A4 size BASIX Certificate  
CD with PDFs of all DA documentation

## 2

## The Site

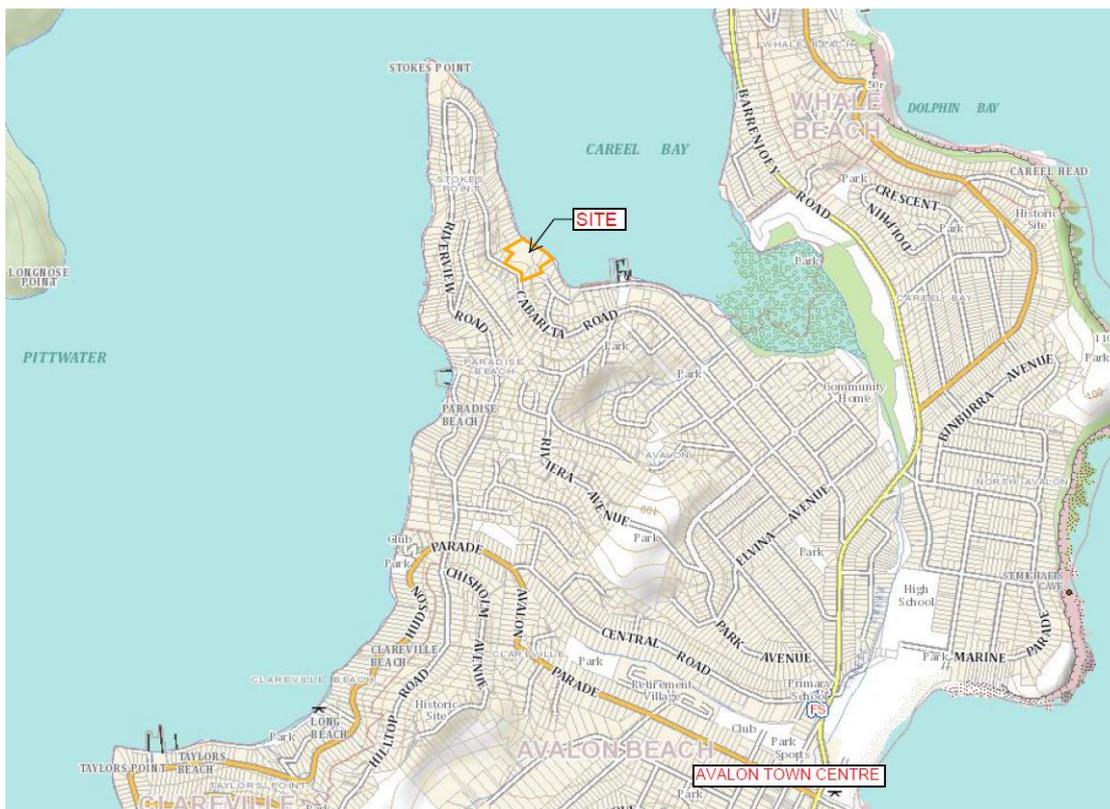
## 2. THE SITE

The land described below is the subject of a separate, concurrently submitted DA for consolidation of the lots and creation of 2 torrens title lots (Proposed Lots 1 and 2). Proposed Lot 2 will retain the existing dwelling and boatshed on the land and proposed Lot 1 will be the subject of a Community Title subdivision that will create 9 residential and 1 community lot. The subject DA relates to Proposed Lot 4 in the Community Title scheme (see **Figure 1 - Site**).



Figure 1 – Proposed Lot 4 in Community Title subdivision

The overall site is known as 96-104 Cabarita Road Avalon Beach and is comprised of 4 existing lots – Lots 8 and 9 DP 629464 and Lots 14 and 15 DP858130 (see **Figure 2 – Location and Figure 3 – Aerial View of Site and Surrounds**).



Source – Six Maps

Figure 2 – Location

The land is irregular in shape and slopes moderately to steeply down from Cabarita road to the Pittwater foreshore. The total area of the site is 12,659.1sqm. It has a road frontage of 91.16m and water frontage of around 120m. The depth is around 100-120m. There is a significant amount of vegetation on the site but also considerable built infrastructure including a dwelling, a boat shed, ancillary structures and retaining (see **Figure 3**).

Lot 8 is a waterfront lot with an area of 1566sqm and is access via a right-of-way over Lot 14. This lot contains an old boat shed, ramp and small ancillary building and structures. A jetty extends from the boatshed below Mean High Water Mark (MHW).

Lot 9 is also a waterfront lot with access via a right-of-way over Lots 8 and 14. It has an area of 1080sqm. This lot contains a two storey timber, fibro and rendered brick dwelling house and timber outhouse.

Lot 14 is a large waterfront lot with a long frontage to Cabarita Road and an area of 8792sqm. It previously contained a large dwelling house but this is now demolished. An existing driveway was used for access to the dwelling and Lots 8 and 9.

Lot 15 is located in the south-eastern part of the site adjacent to Cabarita Road. It is irregular in shape with a street frontage of around 13.7m and a depth of 51-53m. The area of the site is approximately 1230sqm.



Figure 3 – Aerial photo of site

Source – Six Maps



Figure 4 – site viewed from jetty



Figure 5 – existing boatshed, ramp, jetty, dwelling and outhouse



Figure 6 – view along foreshore towards boatshed and jetty



Figure 7 – sited viewed from Cabarita Road



**Figure 8 – view over boatshed from site toward Pittwater**



**Figure 9 – existing driveway access from Cabarita Road**

## 3

## Surrounding Environment

### 3. SURROUNDING ENVIRONMENT

The site is typical of the locality where there is a combination of recent and older style 1, 2 and 3 storey detached dwellings. The level of vegetation varies with some areas being highly vegetated and others with limited tree cover. The land is located between Cabarita Road and the Pittwater foreshore (see **Figure 2**). The development adjoining and near the site is shown in **Figures 10-13**. A photographic review of adjoining foreshore development is provided at **Appendix A**.



Figure 10 – existing driveway adjoining south-eastern boundary of Proposed Lot 10



Figure 11– looking towards north-western boundary near the bottom of Lot 5



Figure 12 – dwelling at No 80 Cabarita Road to north-west along foreshore adjoining Lot 6



Figure 13– foreshore development to south-east of site near Careel Bay Marina

## 4

## The Proposal

## 4. THE PROPOSAL

As indicated in the following drawing, the architect has based their design response on an analysis of the site and adjoining land (see **Figure 14**).

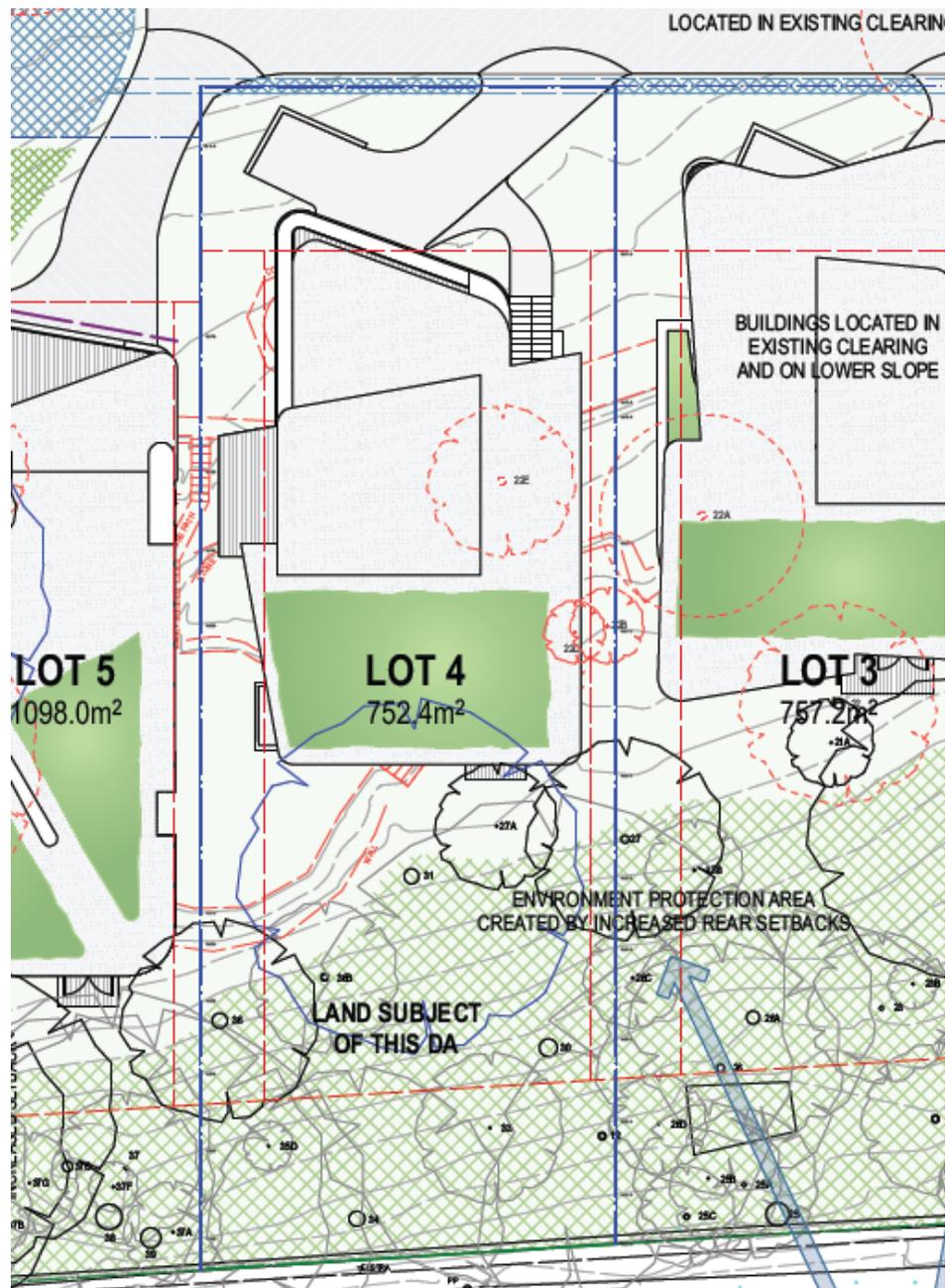


Figure 14– architects design response for the site

All of the dwellings proposed have been designed in an integrated manner to ensure the highest level of amenity and minimisation of impacts on the environment and adjacent neighbours. The project architect has provided the following comments about the overall design of the dwellings

### Overall dwelling design

Each building has been designed to respond to the topography of the site and around significant trees to be retained. All of the relevant planning expectations have been exceeded including lot size, setbacks and landscaped area. Highly articulated building footprints allow for privacy between buildings and increase the opportunity for landscaping between buildings. Views to Careel Bay are maintained with large setbacks between buildings. Highly articulated façades to Careel Bay and Cabarita Road will reduce the visual impact of the buildings when viewed from a public place. The buildings step down follow the topography to reduce cut and fill and excavated material is to remain on site as fill. The buildings step down to ensure they are only two storeys at all locations.

The forms of the buildings are inspired by natural elements visible from Pittwater. Each house is unique and varied, with shapes that mimic sandstone outcrops with shaded overhangs set among trees. The proposed landscaping around and between the buildings emphasise the natural setting and further reduce the impact of the buildings to be subservient to the surrounding trees. Materials and colours reference and respond to the area. The dwellings are primarily concrete and masonry with sandstone elements. The masonry is rendered or face brickwork in dark and earthy tones. The material palette is slightly varied between each house, with timber cladding, metal cladding and painted brickwork used as contrasting materials to the dark masonry. The variety of forms and materials differentiate each of the houses, while the base materials of sandstone and dark masonry used in all houses brings the development together as a whole.

The houses have been designed to accommodate ageing occupants and families. All houses have lifts between main levels. The primary living levels are flat slabs and have no steps or height changes.

The houses face views to Careel Bay and North towards Sand Point. The main living areas and deck are also oriented to maximise northern aspect.

The waterfront houses are designed with garages at the top level, living areas and master bedroom on the middle level, and secondary bedrooms and living areas on the lower level. These houses have been designed to follow the topography to allow level external access where possible. The façades facing Careel Bay present a narrow and articulated profile to the water. The upper levels are set back into the centre of the site so the building presents as two storeys when viewed from the water.

Along Cabarita Road the houses are two storeys with garage and bedrooms on ground level with living areas and master bedroom areas at the top. These houses have split-level ground floors to accommodate access to the garages on the sloping site while maintaining a flat slab to the first floor. This results in generous ceiling heights to houses 2, 3 and 5 that can be used for elevated storage. It is not feasible to reduce this ceiling height as this would mean that cantilevered sections of the building aimed at protecting trees would have to be excavated, compromising environmental outcomes.

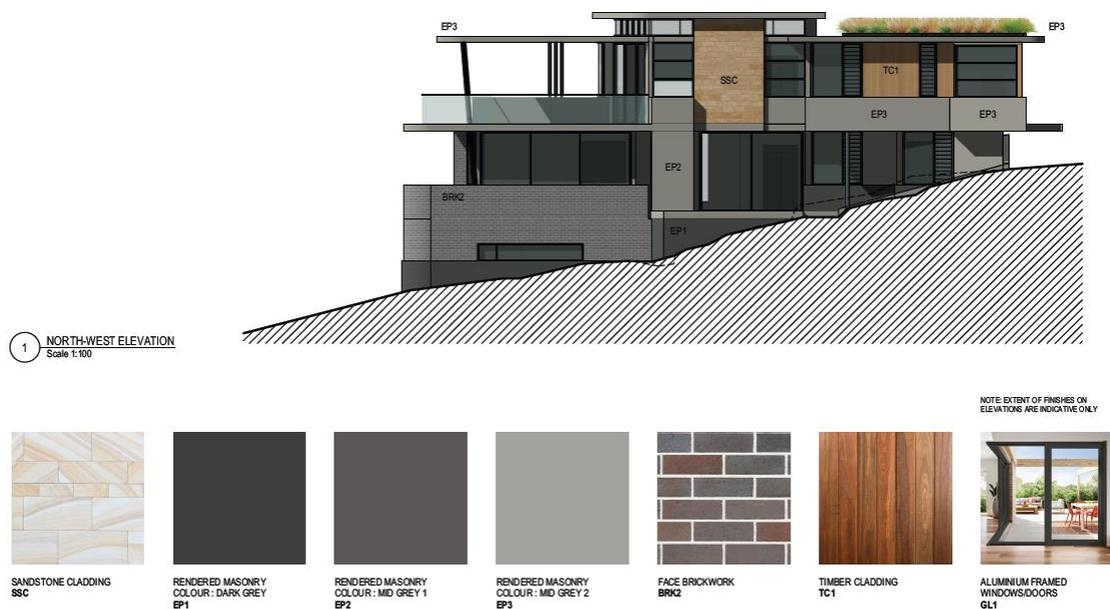
The Cabarita Road houses are located towards the internal access driveway with large rear setbacks to Cabarita Road to maximise retention of the significant trees along the street boundary. This area along Cabarita Road will be maintained as an Environment Protection Area. Being located down the slope of the site the buildings will be minimally visible from the public domain and will allow for public views to Careel Bay over the roofs.

### Discussion of House 3

The building footprint has been designed to maximise the retention of significant trees. The footprint is located in an existing clearing where a now-demolished house previously stood. Significant trees on the south-western half of the lot remain as part of a Conservation Management Area.

### Details of the proposal

The proposal involves the construction of a 2 storey dwelling house within the building footprint specified for Proposed Lot 4 in the Community Title subdivision of the land. As indicated in **Figure 15**, the proposed building will be of concrete and rendered brick construction with feature elements of sandstone cladding, metal cladding, timber cladding and face brickwork. As indicated in **Figure 16**, where the building faces the adjoining existing dwellings, a combination of highlight windows and privacy louvres are provided to limit overlooking. A green roof and planter boxes will contribute to the overall softening of the appearance of the building.



**Figure 15– proposed north-west elevation of House 4 and schedule of colours and materials**

The proposed accommodation includes:

- At Lower Ground Level – a double garage with internal access to the dwelling.
- At Ground Floor Level - main building entry, three bedrooms, two bathrooms, a laundry and a rumpus room with large adjoining deck;

- At First Floor Level – an open plan kitchen/living/dining area with a large adjoining deck facing Pittwater, a main bedroom with ensuite, a lounge and a powder room.

A lift and stairs provide for vertical access. Access to the proposed double garage will be via a driveway connected to the main access road for the development located within the community lot. The site is to be landscaped as detailed in the submitted landscape plans. This will include a minimum of 50% native species in accordance with Council's requirements.



Figure 16– proposed south-east elevation of House 4

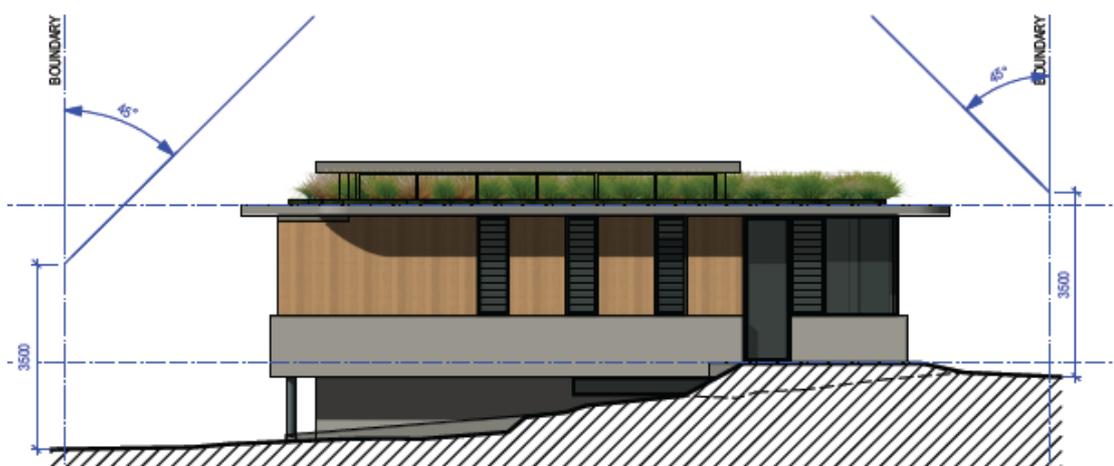


Figure 17– proposed south-west elevation of House 4



Figure 18– proposed north-east elevation of House 4



Figure 19– 3D view of house from access road

# 5

## Zoning and Development Controls

### 5. ZONING AND DEVELOPMENT CONTROLS

#### 5.1 Zoning

Pursuant to the provisions of Pittwater Local Environmental Plan 2014 ('the LEP') the subject property is zoned E4 Environmental Living. The proposed use can be categorised as a dwelling house. This use is permitted with consent pursuant to the zoning table for the E4 zone and Clause 2.3 of the LEP.

#### 5.2 Development Controls

The following legislation and planning documents are relevant to the assessment of the subject DA:

- Coastal Management Act 2016 and State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy (BASIX) 2004;
- State Environmental Planning Policy No 55—Remediation of Land;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- Pittwater Local Environmental Plan 2014;
- Pittwater 21 Development Control Plan.

## 6

## Evaluation under Section 4.15

## 6. EVALUATION UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1997

### 6.1 Environmental planning instruments

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

Pursuant to Clause 6 of this SEPP the subject land is identified as being within the 'Coastal Environment Area' and the 'Coastal Use Area' on the relevant mapping (see **Figures 20 and 21**). These areas are within the 'Coastal Zone' and as such the provisions of the Coastal Management Act 2016 (CMA) apply. The matters raised by the CMA are generally dealt with under the SEPP.

The relevant clauses of the SEPP generally relate to the protection of the environment and foreshore access. The environmental impacts of the development of the land are dealt with in the subdivision DA. The building footprint will result in retention of 2 of the 5 existing non-exempt trees near the building footprint. Loss of trees will be offset by the overall tree retention achieved including within the conservation area to the rear of the lot and supplementary planting.

The subject lot is not near the foreshore and will not affect foreshore access. However, as part of the Community Title scheme, this lot will have access to the foreshore and dinghy store area.

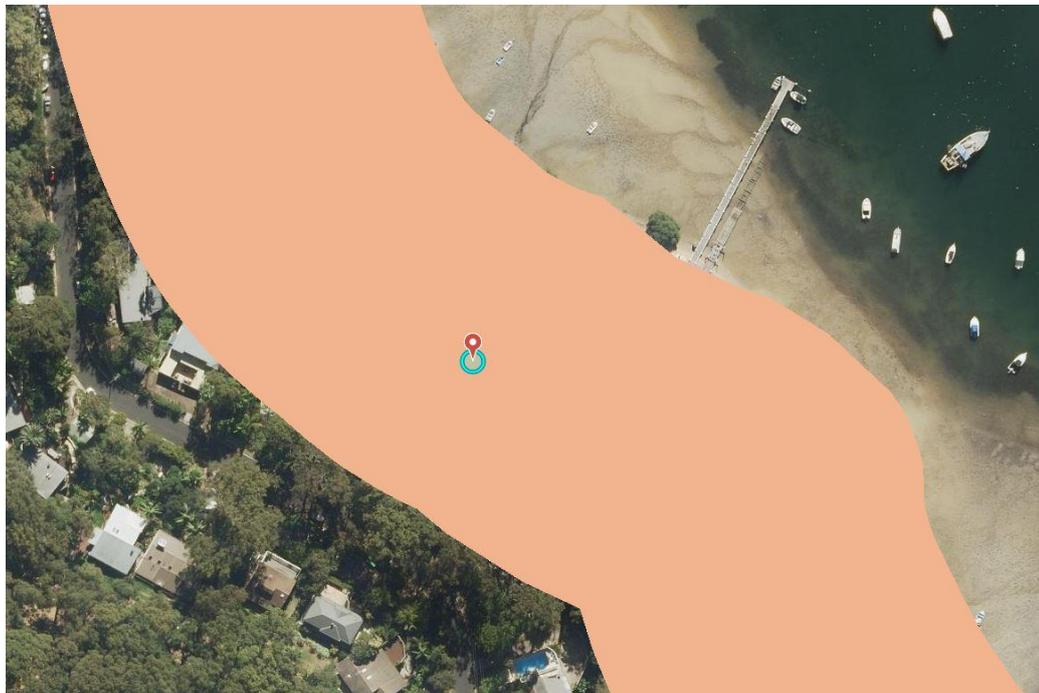


Figure 20 – Coastal Management SEPP Coastal Use Area Map

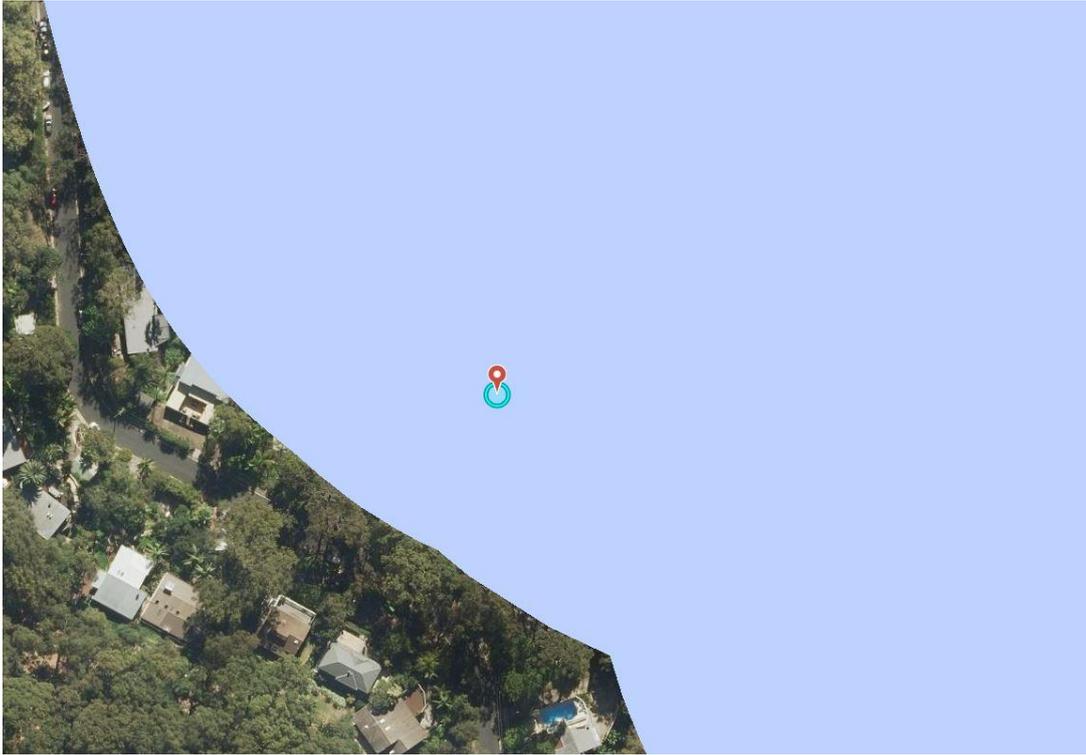


Figure 21 – Coastal Management SEPP Coastal Environment Area Map

6.1.2 State Environmental Planning Policy (BASIX) 2004

A BASIX certificate is provided for the proposed dwelling at **Appendix B**.

6.1.3 State Environmental Planning Policy No 55—Remediation of Land

The subject land has a long history of residential use and is unlikely to have been used for any purpose likely to have resulted in contamination.

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

Under this SEPP consent is required for the removal of vegetation. However, this issue is dealt with in the proposed Community Title subdivision which established building footprints for each lot. As noted above this footprint will result in retention of 2 of the 5 existing non-exempt trees near the building footprint. This will be offset by the overall tree retention achieved including within the conservation area to the rear of the lot and supplementary planting.

6.1.5 Pittwater Local Environmental Plan 2014

In addition to the zoning discussed above the following clauses of the LEP are relevant. Note that a summary of compliance with the numeric controls of the LEP and DCP is provided at **Appendix C**.

Clause 4.3 Height of Buildings – pursuant to this clause and the relevant map, the site is subject to an 8.5m height control. The proposal complies with this control as indicated in **Figures 22 and 23**.



Figure 22 – 3D 8.5m building height plane over site (fully complies)



Figure 23 – Section of 8.5m building height plane over site (fully complies)

Clause 7.1 Acid Sulfate Soils – the site is identified as containing Class 5 acid sulfate soils. The proposal includes works within 500 metres of adjacent Class 1 land that is below 5 metres Australian Height Datum, however the watertable is not likely to be lowered below 1 metre Australian Height Datum on the adjacent Class 1 land. Therefore, an acid sulfate management plan is not required.

Clause 7.2 Earthworks – the amount of cut and fill proposed is not unreasonable having regard to the sloping nature of the site. The areas where cut and fill are required is shown in **Figure 24**. The proposal will meet the objectives of this clause as demonstrated by comments elsewhere in this report.

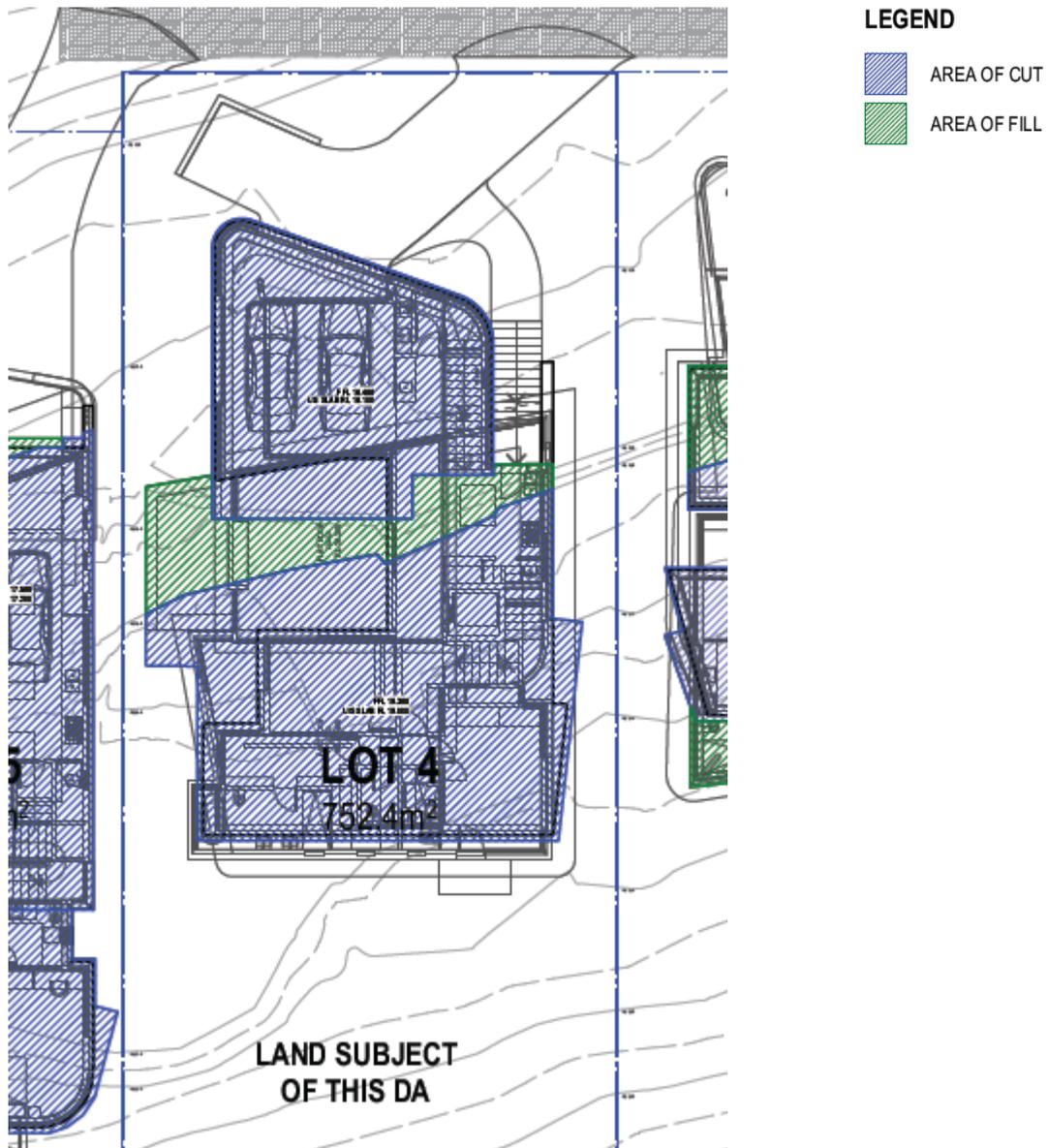


Figure 24 – areas of proposed cut and fill

Clause 7.3 Flood Planning – this lot is not subject to flood risk.

7.5 Coastal risk planning – this lot is not indicated as being subject to coastal risk on the relevant map and is not subject to estuarine inundation.

Clause 7.6 Biodiversity – the subject site is affected by this clause as indicated on the relevant map. However, all of the potential ecological impacts of the proposal are dealt with in the separate subdivision DA. The proposed dwelling will not have any additional impact beyond that already assessed in the other DA. The proposed landscaping of the site includes a minimum of 50% native species that will assist in improving biodiversity.

Clause 7.7 Geotechnical hazards – the subject site is affected by this clause as indicated on the relevant map. As indicated in the Geotechnical Report at **Appendix D**, the proposal

will not have any unreasonable adverse impacts in relation to the matters raised in this clause and as such the objectives of the clause will be met.

Clause 7.10 Essential services – in accordance with this clause the following services are/will be available to the proposed lot:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

## 6.2 Draft environmental planning instruments

There are no draft EPI's of relevance to the proposal.

## 6.3 Development control plans

### 6.3.1 Pittwater 21 DCP

The relevant provisions of this DCP are considered in the following table. Note that a summary of compliance with the numeric controls of the LEP and DCP is provided at **Appendix C**.

Provision	Comment
A3.4 Key objectives of the Pittwater 21 Development Control Plan	The proposal is consistent with the environmental, social and economic objectives of the DCP. The proposed development is compatible with the existing and desired future character of the area and in fact is less intensive than other development in the vicinity. Unlike many existing developments, it has been specifically designed to minimise the impact on the environment.
A4.1 Avalon Beach Locality  The Avalon Beach 'Desired Character' statement includes the following:  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	The proposed dwelling is a maximum of 2 storeys and are highly articulated;  The built form is highly integrated with the landscape with the retention of 2 of the 5 existing non-exempt trees near the building footprint. Many more trees are retained within the conservation area to the rear and supplementary planting will be undertaken;  There is adequate infrastructure to service the development including a bus service along Cabarita Road;  All car parking associated with the development is accommodated on-site;  The height of the buildings complies with the LEP control and will be well below the existing tree canopy. As indicated in the photomontages, the development on Proposed Lot 4 will not be highly visible from Pittwater. The dwelling is setback 19.8m from Cabarita Road and the retention of existing vegetation and new planting will ensure that the existing quality of the streetscape is maintained. No fencing is proposed.

Provision	Comment
<p>transport and community facilities. Retail, commercial, community and recreational facilities will serve the community.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 Beach 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.</p> <p>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.</p>	<p>The proposed dwelling has a contemporary design and is highly articulated, partly in response to the preservation of existing large trees. Building form steps down with the slope as much as is practicable on this moderately to steeply sloping site.</p> <p>Tree removal is minimised to a degree that ensures that the landscape of the site will be the dominant element. With new planting the proposal will provide for a net increase in tree canopy.</p> <p>The aquatic environment of Careel Bay will not be affected by the proposal (subject to appropriate conditions of consent relation to construction).</p>

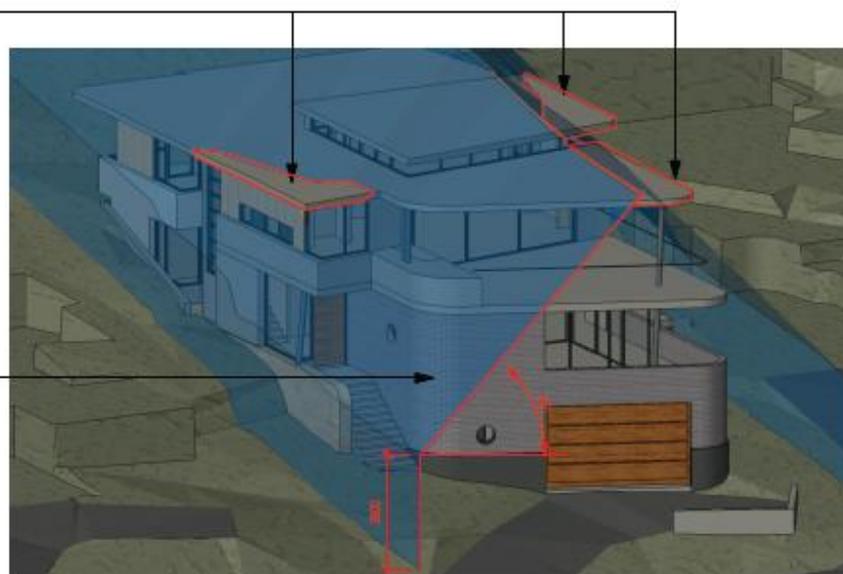
Provision	Comment
<p>A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into 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.</p> <p>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.</p>	
B1.4 Aboriginal Heritage Significance	The site is not identified as one of aboriginal archaeological significance.
B3.1 Landslip Hazard	The Geotechnical Report at <b>Appendix D</b> . has had appropriate regard to the <a href="#">Geotechnical Risk Management Policy for Pittwater</a> and therefore will meet the objectives of this clause.
B3.2 Bushfire Hazard	The site is not subject to bushfire threat.
B3.6 Contaminated Land and Potentially Contaminated Land	The land is unlikely to have been used for any use that could cause contamination.
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	As noted previously the proposed dwelling will not have any greater ecological impact beyond that assessed in the DA for Community Title subdivision.
B4.7 Pittwater Spotted Gum Forest Endangered Ecological Community	As noted previously the proposed dwelling will not have any greater ecological impact beyond that assessed in the DA for Community Title subdivision.
B4.16 Seagrass Conservation	There are no works proposed below MHWM. The water quality measures proposed and required by conditions of consent will ensure that there are no adverse impacts on this vegetation.
B4.19 Estuarine Habitat	There are no works proposed below MHWM and therefore subject to appropriate water quality treatment during construction and as proposed in the submitted stormwater details, the proposal will not have any adverse impacts on the estuarine environment.
B4.20 Protection of Estuarine Water Quality	Subject to appropriate water quality treatment during construction and as proposed in the submitted stormwater details in the subdivision DA, the proposal will not have any adverse impacts on the estuarine water quality.
B5 Water Management	The report submitted with the subdivision DA outlines an integrated approach to the water management of the site aimed at achieving the objectives of this section and the relevant requirements of the various applicable subsections.
B6 Access and Parking	The dwelling is provided with a double garage in accordance with DCP requirements. Visitor parking is provided in the form of a widened driveway area in front of the garage.
B8 Site works management	Appropriate measures will be put in place during construction to ensure protection of the environment. Refer to the submitted Soil management plans.

Provision	Comment
C1 DESIGN CRITERIA FOR RESIDENTIAL DEVELOPMENT	
C1.1 Landscaping	The details provided at <b>Appendix E</b> and the submitted landscape plan ensures the outcomes for this section are achieved.
C1.2 Safety and Security	The submitted architectural plans ensure the outcomes for this section are achieved.
C1.3 View Sharing	The proposal is unlikely to have any impacts on views from surrounding dwellings. In any event, the proposed dwelling sits well below the relevant 8.5m height control and complies all the other relevant LEP and DCP controls and as such the level of impact cannot be considered unreasonable.
C1.4 Solar Access	As indicated in the submitted shadow diagrams, the degree of overshadowing of adjoining properties will be minimal and will not result in less than 3 hours of solar access to living areas and private open space between 9am and 3pm at midwinter.
C1.5 Visual Privacy	<p>The proposal been sensitively designed to ensure that the privacy of neighbouring properties has been protected. In this regard, greater than complying setbacks, minimal openings, privacy screens and landscaping will all contribute to mitigating the potential for overlooking.</p> <p>The views from the proposed decks are elevated and toward Pittwater. Therefore, privacy screens to these decks is considered unnecessary.</p>
C1.6 Acoustic Privacy	The design measures referred to above will also mitigate acoustic impacts. All plant provided will meet the relevant noise standards.
C1.7 Private Open Space	The amount of private open space provided for this dwelling is in excess of the 80sqm required as detailed on the Site analysis plan and in <b>Appendix C</b> . Whilst not all the areas indicated are suitable for active recreation, any increase in these types of spaces would require further cut and fill and would potentially affect more existing vegetation.
C1.12 Waste and Recycling Facilities	<p>The waste storage area is provided as part of the Community Title subdivision. It adjoins the access road entry and it is large enough to meet the requirements for all of the dwellings. Therefore, are no dedicated waste storage areas within Proposed Lot 4 apart from the kitchen. There will be space in the garage for this purpose however residents will typically take their daily garbage and recycling to the communal bins.</p> <p>A WMP has been prepared and is attached at <b>Appendix F</b>. A Waste Site Management Plan forms part of the submitted drawings.</p>
C1.15 Storage Facilities	The dwelling has space larger than 8cu.m within each garage to meet this requirement.
C1.20 Undergrounding of Utility Services	All utility services will be provided underground.
C1.23 Eaves	The dwelling has eaves of at least 450mm.
D1 AVALON BEACH LOCALITY D1.1 Character as viewed from a public place	The proposed dwelling sits well below the level of Cabarita Road and will not be highly visible. The building is highly articulated and integrates with the landscape. The proposal will result in a high quality visual outcome when viewed from the street and also the Pittwater waterway. The low density of the development together with retention of existing trees, the net increase in tree canopy and the sensitive building design will ensure that the site has a more natural appearance than many other nearby residential areas.
D1.4 Scenic Protection general	The material provided with the DA demonstrates that the bushland character of the site will be dominant over the built

Provision	Comment
	form. This results from the design features of the proposal noted above.
D1.5 Building colours and materials	The materials and colours of the proposal are naturalistic and are in keeping with the character of the locality. Any changes to this will be carefully controlled through the Community Management Statement for the subdivision that includes provisions that ensure that any future development will have an appropriate design aesthetic and will be required to be approved by the Community Association.
D1.8 Front building line	There is no established building line and the proposed 19.8m setback is much greater than 6.5m min required (see <b>Appendix C</b> ).
D1.9 Side and rear building line	The required side setbacks are 1m to one side and 2.5m to the other side. The proposal generally complies with this requirement and where there is a minor variation, there is no adverse impacts (refer to <b>Appendix C</b> ).
D1.11 Building envelope	The proposal generally complies with the 3.5m/45 deg building envelope control. There is minor encroachment on the both sides (see <b>Figures 25 and 26</b> ). The projections are mostly eaves which is permitted. Other minor protrusions will not have any unreasonable impacts.
D1.14 Landscaped Area - Environmentally Sensitive Land	As indicated on Plans SK01 and <b>Appendix C</b> , the proposed landscaped area is 61% slightly greater than the 60% required.
D1.16 Fences - Flora and Fauna Conservation Areas	No fencing is proposed.
D1.17 Construction, Retaining walls, terracing and undercroft areas Outcomes	Due to the slope of the land some retaining and filling of the land is required. However, the site will be suitably landscaped to ensure that these areas do not have an adverse visual impact.
D1.20 Scenic Protection Category One Areas	The issues raised in this section have been addressed elsewhere. The retention of existing trees and now planting to provide a net increase in canopy will ensure that the scenic quality of the area is suitable maintained.
D15 WATERWAYS LOCALITY	There are no proposed works below MHWM.

MINOR NON-COMPLIANCE  
EAVES ARE PERMITTED TO  
EXTEND OUTSIDE THE  
BUILDING ENVELOPE

BUILDING ENVELOPE AT  
SIDE BOUNDARY  
DCP D1.11



1 PERSPECTIVE VIEW - FROM NORTH-EAST

Figure 25 – building envelope compliance (SE boundary)

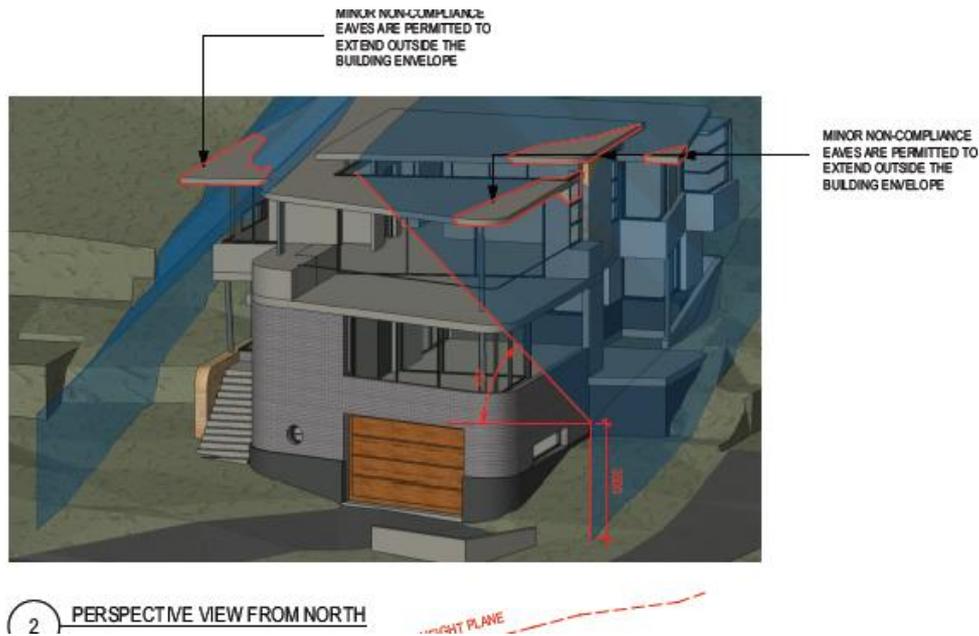


Figure 26 – building envelope compliance (NW boundary)

**6.4 Any planning agreement that has been entered into or draft agreement offered**

There are no planning agreements or draft planning agreements that are of relevance to the proposal.

**6.5 Any matter prescribed by the regulations that apply to the land**

There are no regulations of specific relevance to the proposal.

**6.6 The likely impacts of that development**

The potential impacts of the proposal have been addressed in **Section 6.1** and **Section 6.3** of this report or in the assessment of specific issues in the attached appendices.

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

The proposal provides for the development of the proposed lot as envisaged in the proposed Community Title subdivision.

**6.9 Submission made in accordance with this Act or the regulations**

This is a matter for Council to consider however the proposal has been designed to minimise impacts on surrounding development.

**6.10 The public interest**

The proposal is considered to be in the public interest as it generally complies with the provisions of the LEP and DCP and will maintain the visual quality of the locality through a design which is sensitive to the site and its surrounds.

## 7

# Conclusion

## 7. CONCLUSION

The proposed dwelling is accommodated within the building footprint to be established through the DA for Community Title subdivision. The design generally complies with the provisions of the LEP and DCP and in most cases significantly exceeds requirements. It will facilitate development which will not have any unreasonable impacts on neighbouring properties and will maintain the visual quality of the locality.

We believe the development provides a quality planning outcome for the site and seek Council's support for the proposal.

# Appendix A

Photographic survey of adjoining foreshore land  
prepared by MHDP Dated December 2018

# Appendix B

BASIX Certificate prepared by Outsource Ideas  
Dated 10 December 2018

# Appendix C

Summary of Compliance with LEP and DCP Controls  
prepared by Ingham Planning/MHDP  
Dated December 2018

# Appendix D

Geotechnical Assessment and Certification Form  
prepared by JK Geotechnics  
Dated 30 November 2018

# Appendix E

Landscape Design Statement  
prepared by Jamie King Landscape Architect  
Dated December 2018

# Appendix F

Waste Management Plan  
prepared by Mark Hurcum Design Practice (MHDP)  
Dated November 2018