



INGHAM
P L A N N I N G
Pty Limited

**STATEMENT OF ENVIRONMENTAL EFFECTS
RELATING TO A DEVELOPMENT APPLICATION
FOR SUBDIVISION OF TO CREATE 1 TORRENS TITLE LOT AND 10 COMMUNITY TITLE
LOTS AND ESTABLISHMENT OF ROADS, SERVICES AND LANDSCAPING
AT 96-104 CABARITA ROAD AVALON BEACH**



Prepared for
Meraki Developments Pty Ltd

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Urban and Regional Planning, Environmental Planning and Statutory Planning
Registered Office: Lyndhurst, Suite 19, 303 Pacific Highway, Lindfield N.S.W 2070
Telephone: (02) 9416 9111 Facsimile: (02) 9416 9799
email: admin@inghamplanning.com.au
A.C.N. 106 713 768

Executive Summary

The proposed subdivision has responded to the issues raised by Council in its preDA advice. The density of the development has been reduced and a far greater number of existing trees retained. It now provides for 10 residential lots – one torrens title lot, which will accommodate the existing dwelling and boatshed and is intended to be retained by the current owner, and 9 community title lots. Community title is most appropriate way of dealing with rights of access to the lots, the provision of shared infrastructure and waste management and the ongoing protection and maintenance of important vegetation. All lots will enjoy access to the foreshore and a dinghy storage area via stairway.

The overall density of the development is 1 dwelling per 1266sqm. This far exceeds Council's requirement of 700sqm and also the average of 1 dwelling per 880sqm in the areas adjacent to the site. Keeping the density of the development low ensures that the impact on the environment of the site is minimised. There are many other design features that have been adopted to further minimise impact. These include:

- The provision of only 4 new dwellings at the waterfront and retaining the area with the greatest density of trees along the foreshore within the largest of the proposed lots – Lot 11 (which will accommodate the existing dwelling). The foreshore is also subject to a Foreshore Building Line (FSBL) which means that the building footprints are setback and allow the setback area to accommodate screening vegetation;
 - Providing the smallest lots in that part of the site that was already clear of trees as it previously accommodated a very large dwelling and ancillary structures. Also, the proposed building footprints are predominantly within this area which allows for very generous setbacks to Cabarita Road (10-23m) and the establishment of a Conservation Management Area for the Spotted Gum community in this setback;
 - The lots adjoining the side boundaries are all substantially larger in order to minimise the impacts on the neighbouring properties;
 - The road and building footprint design have prioritised the retention of trees. The road closely follows the path of the existing driveway and footprints are, where possible, within areas without large trees. The footprints are highly articulated to allow greater tree retention. Of the total of 320 identified trees on the site, only 26 healthy and non-exempt trees must be removed for the establishment of infrastructure and building footprints. This represents only 8% of the existing vegetation. The proposed planting of 109 canopy tree within the non-conservation areas will ensure there is a net increase in the canopy cover on the site. The conservation area will also accommodate planting of the Spotted Gum community species including canopy trees;
 - A bio-retention pond system provides for the natural filtration of stormwater;
 - A rigorous and detailed assessment of the ecology of the site has been undertaken. This recommends the provision of a large area (2766sqm) of the existing Spotted Gum community to be protected and enhanced. This will be enshrined in the provisions of the Community Management Statement (CMS) that will control the use of the land by future owners. In addition, there will be:
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- a contribution to the Biodiversity Conservation Trust in accordance with the Biodiversity Conservation Act (2017)(BC Act); and
- Vegetated Riparian Areas which occupy the first 40m from MHWM are provided totalling 1091sqm. This area will include 80% of the plantings as native species; and 50% local native species including Spotted Gums are to be provided in the general landscaped areas.

These measures will facilitate development of the site in a manner which meets all of Council's requirements and will result in a high quality environmental outcome. It will ensure that the landscape of the site remains dominant over built form in accordance with Council's desired future character of the locality. This is demonstrated in the following photomontage which shows the Houses proposed in concurrently submitted Development Applications (DA's).



Photomontage of the proposed subdivision and separately proposed houses

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APPENDICES

APPENDIX A	Plans of Subdivision No 10937L2 and 10937CP prepared by Byrnes & Associates Surveying
APPENDIX B	Draft Community Management Statement and Draft Section W88B Instrument prepared By Addisons Lawyers Dated 12 December 2018
APPENDIX C	Traffic Impact Assessment prepared by Urap International Dated November 2018
APPENDIX D	Waste Management Plan prepared by Mark Hurcum Design Practice (MHDP) Dated November 2018
APPENDIX E	Stormwater Report prepared by Northern Beaches Consulting Engineers Pty Ltd Dated 6 December 2018
APPENDIX F	Tree Assessment and Development Impact Report prepared by Growing My Way Dated December 2018
APPENDIX G	Landscape Design Statement prepared by Jamie King Landscape Architect Dated December 2018
APPENDIX H	Biodiversity Development Assessment Report prepared by GIS Environmental Dated November 2018
APPENDIX I	Estuarine Risk Management Report prepared by Horton Coastal Engineering Dated 21 November 2018
APPENDIX J	Summary of Compliance with LEP and DCP Controls prepared by Ingham Planning/MHDP Dated December 2018
APPENDIX K	Geotechnical Assessment and Certification Form prepared by JK Geotechnics Dated 30 November 2018
APPENDIX L	Flood Control Certificate prepared by Northern Beaches Consulting Engineers Dated 26 November 2018
APPENDIX M	Construction and Site Management Plan prepared by MHDP Dated November 2018
APPENDIX N	Photographic survey of adjoining foreshore land prepared by MHDP Dated December 2018
APPENDIX O	Waterways Impact Statement prepared by GIS Environmental dated November 2018
APPENDIX P	Applicant's Response to PreDA matters prepared by Ingham Planning dated December 2018

1. INTRODUCTION

This is a Statement of Environmental Effects (SEE) relating to a development application (DA) seeking development consent for subdivision to create 1 torrens title lot and 10 community title lots and establishment of roads, services and landscaping at 96-104 Cabarita Road Avalon Beach.

The DA is an integrated development as approval will be required by the Department of Industry due to the proximity of the proposal to Pittwater.

As part of the design process, the applicant attended a preDA meeting with Northern Beaches Council on 10 May 2018. The applicant has considered Council's comments in the revised design, reducing the number of lots and reducing the number of trees requiring removal. At **Appendix P** is a table indicating how the proposal has responded to the matters raised. 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.

Apart from this SEE (including its appendices), the following is also submitted with the DA:

A1 size architectural documents prepared by Mark Hurcum Design Practice Architects

A001A SITE ANALYSIS
 A002A BUILDING FOOTPRINT PLAN
 A003A TREES TO BE REMOVED & RETAINED
 A004A DEMOLITION PLAN
 A005A SITE PLAN
 A006A DRIVEWAY PLAN
 A007A SITE SERVICES PLAN
 SK201A PLANNING COMPLIANCE – SUBDIVISION
 SK203A DESIGN RESPONSE
 SK207A EXISTING CANOPY
 SK208A REMOVED CANOPY
 SK209A REPLACEMENT CANOPY

A3 size architectural documents prepared by Mark Hurcum Design Practice Architects

A000 COVER SHEET
 N01A NOTIFICATION PLAN SITE PLAN
 SK210A WASTE MANAGEMENT SITE PLAN
 SK211A WASTE STORAGE AREA
 SK212A PERSPECTIVE VIEW FROM JETTY

A1 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-111 COMMUNAL AREAS MASTERPLAN
SHT-112 COMMUNAL AREAS
SHT-113 COMMUNAL AREAS 2
SHT-401 PLANT PALETTE
SHT-402 MATERIALS PALETTE

A1 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
B01A PROPOSED CUT/FILL – ROAD & DRIVEWAY ACCESS PLAN SHEET 1
B02A PROPOSED CUT/FILL – ROAD & DRIVEWAY ACCESS PLAN SHEET 2
B03A PROPOSED CUT/FILL – ROAD & DRIVEWAY ACCESS PLAN SHEET 3
B04A PROPOSED CUT/FILL – TYPICAL BULK EARTHWORKS NOTES & DETAILS
C01A ROAD & DRIVEWAY ACCESS PLAN SHEET 1
C02A ROAD & DRIVEWAY ACCESS PLAN SHEET 2
C03A ROAD & DRIVEWAY ACCESS PLAN SHEET 3
C04A ROAD & DRIVEWAY ACCESS PLAN SHEET 4
C05A ROAD & DRIVEWAY ACCESS PLAN SHEET 5
C06A ROAD & DRIVEWAY ACCESS PLAN SHEET 6
C07A LONGITUDINAL SECTION SHEET 1
C08A LONGITUDINAL SECTION SHEET 2
C09A LONGITUDINAL SECTION SHEET 3

CD with PDFs of all DA documentation.

2. THE SITE

The 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 1 – Location** and **Figure 2 – Aerial View of Site and Surrounds**).

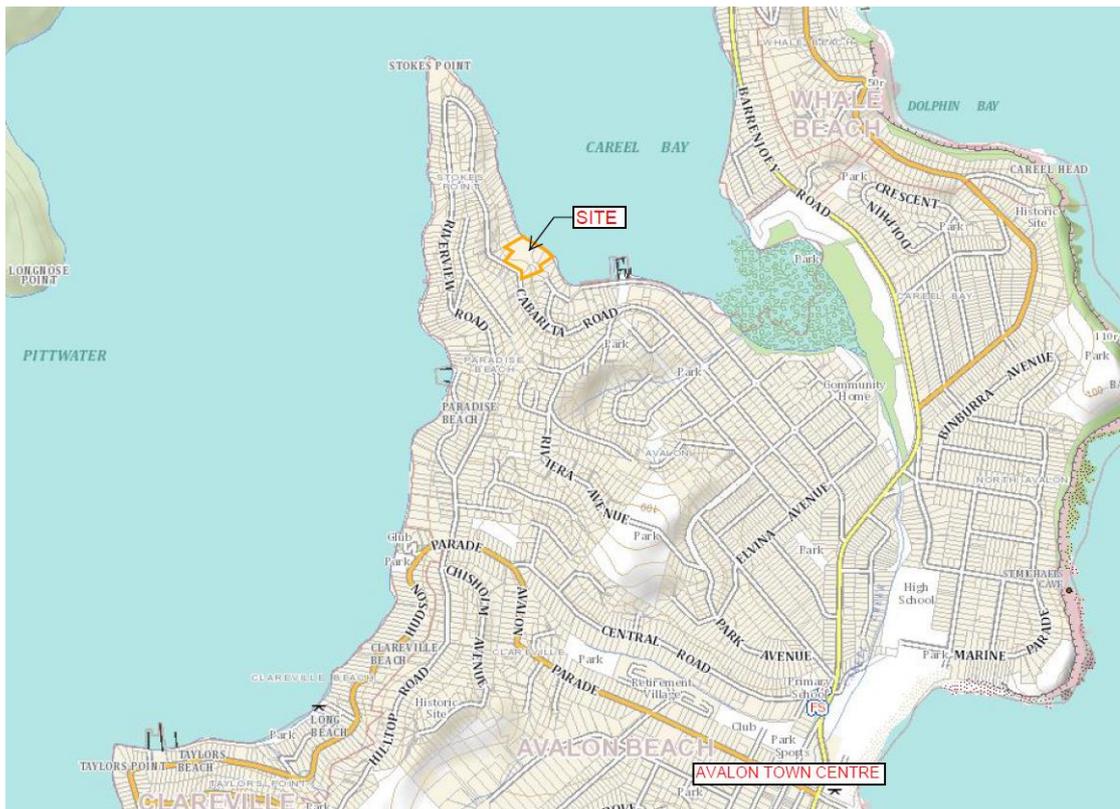


Figure 1 - Location

Source – Six Maps

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 2**).

Lot 8 is a waterfront lot with an area of 1566sqm and has 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 (MHWM).

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.

There are significant disturbed areas and landscaped structures from the previous formal gardens on the site. An existing driveway was used for access to the dwelling and Lots 8 and 9. It contains a Council drainage easement near the north-western boundary.

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.

The land includes some significant areas of vegetation including important vegetation communities. The environmental aspects of the site are addressed in detail in the Tree Assessment and Development Impact Report at **Appendix F** and the Biodiversity Development Assessment Report at **Appendix H**.



Source – BDAR by GIS Environmental

Figure 2 – Aerial photo of site



Figure 3 – site viewed from jetty



Figure 4 – existing boatshed, ramp, jetty, dwelling and outhouse



Figure 5 – view along foreshore towards boatshed and jetty



Figure 6 – sited viewed from Cabarita Road



Figure 7 – view over boatshed from site toward Pittwater



Figure 8 – existing driveway access from Cabarita Road

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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 9-13**. A photographic review of adjoining foreshore development is provided at **Appendix N**.



Figure 9 – existing driveway adjoining south-eastern boundary



Figure 10– dwelling at No 108 Cabarita Road to south of proposed Lot 10



Figure 11 – dwelling at No 15 Careel Bay Close to south of proposed Lot 10



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



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

Proposed Lot 2 to Cabarita Road. Any redundant easements will be extinguished. All the existing infrastructure is adequate to service Proposed Lots 1 and 2.

Notwithstanding the above, the above arrangements will not be required in practical terms as they will be superseded by the proposed CT subdivision of Lot 1. However, they are needed to enable registration of the Stage 1 subdivision which is in turn required to allow Stage 2 to be registered.

- Stage 2 is the Community Title (CT) subdivision of Proposed Lot 1 in the Stage 1 subdivision. It includes 9 residential lots (see lot sizes below) and a community lot (Lot 1) of 1258sqm (see **Figure 15**). The community lot will accommodate the shared pedestrian and vehicular access road, the waste storage area adjacent to the streetfront, a pathway to the foreshore and dinghy storage area and services and stormwater infrastructure.

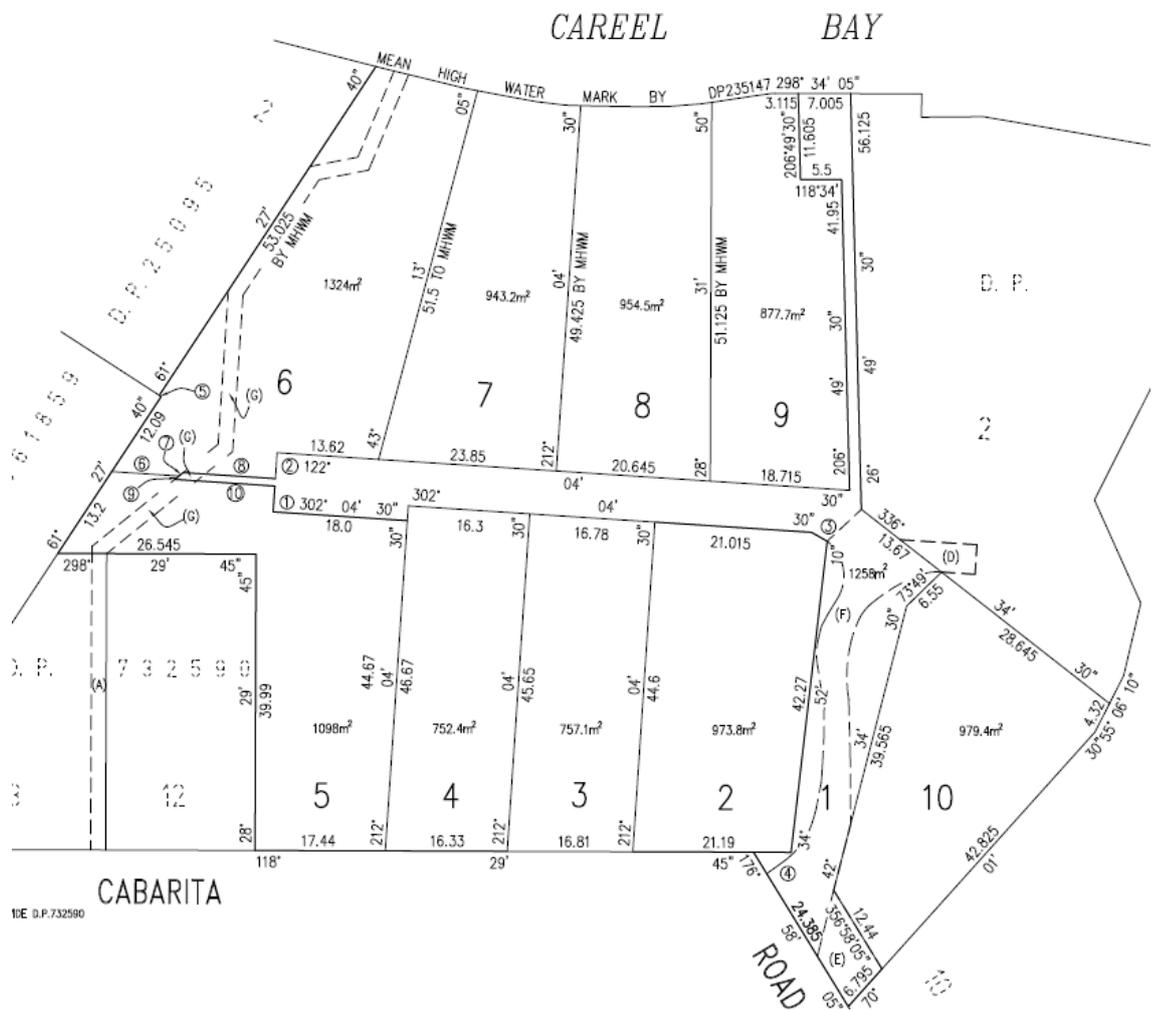


Figure 15- Stage 2 subdivision into 10 Community Title lots

The residual torrens title lot – referred to as Lot 11 (Lot 2 in the Stage 1 subdivision) will be provided with rights over parts of the community lot to allow for access to Cabarita Road, the provision of services and access to the Waste Storage Area at the street. It is noted that in order to reduce confusion and for ease of reference in the submitted documentation, apart from the surveyor’s subdivision plans (see **Appendix A**), the ‘final’

lot layout is shown on all the plans. In this regard Lots 1-10 are community title lots and Lot 11 is the residual torrens title lot (ie Proposed Lot 2 in the Stage 1 subdivision).

Lot 2 – 973.8sqm	Lot 5 – 1098sqm	Lot 8 – 954.5sqm
Lot 3 – 757.1sqm	Lot 6 – 1324sqm	Lot 9 – 877.7sqm
Lot 4 – 752.4sqm	Lot 7– 943.2sqm	Lot 10 – 979.4sqm

Building footprints for future dwelling houses are also indicated within Lot 2-10 (see Drawing A005A of the submitted architectural plans)(**Figure 16**). As indicated in the submitted photomontage (see **Figure 17**), the development facilitated by the proposed subdivision will maintain the dominance of landscape over built form on the site when viewed from Pittwater in accordance with Council’s Desired Future Character statements.

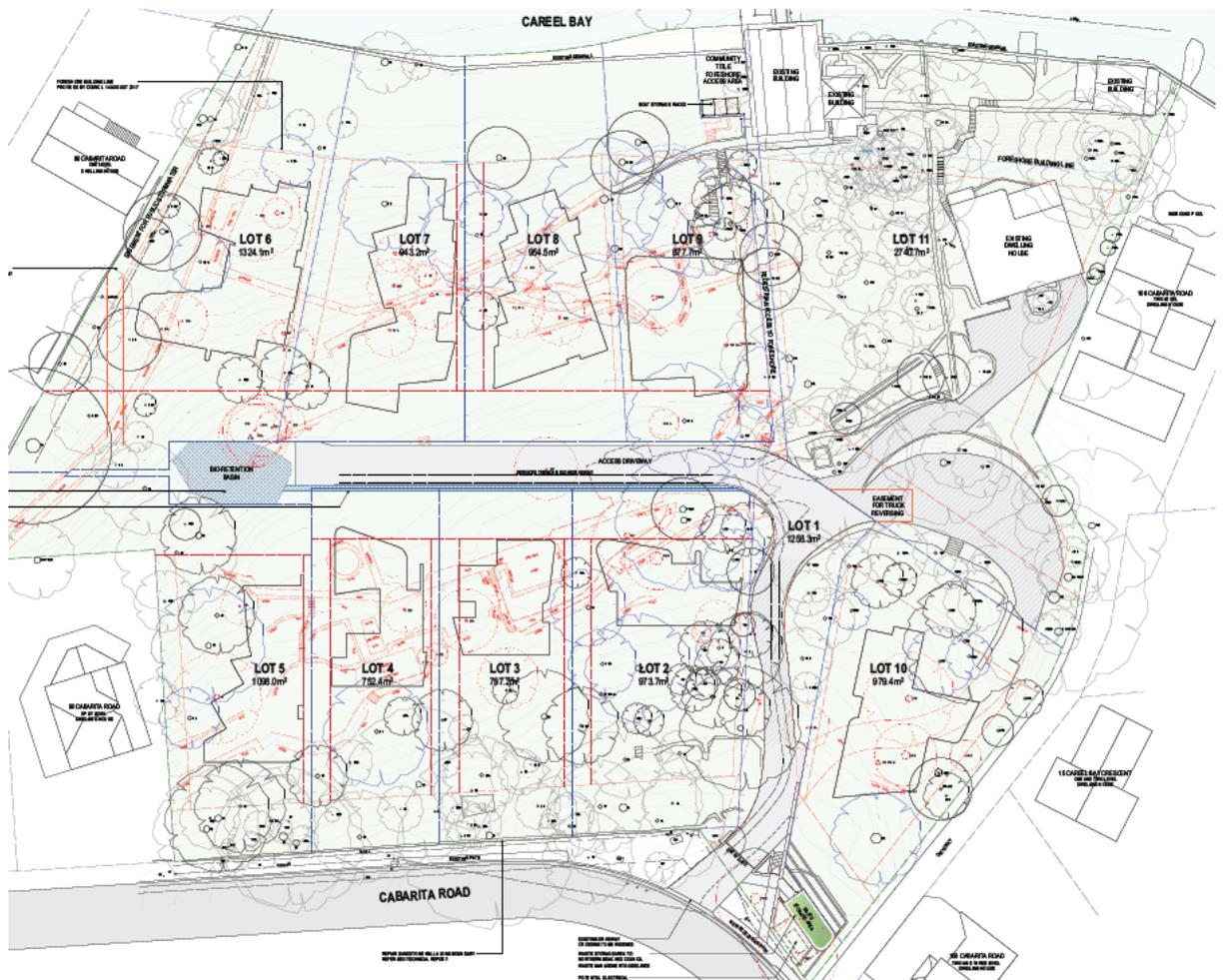


Figure 16– Building footprints plan



Figure 17– photomontage of the site viewed from Pittwater as intended to be developed by subdivision and concurrently submitted House DA's

To facilitate the subdivision the following works are proposed:

- Demolition of all existing structures within the proposed Community Title lots;
- Earthworks to prepare the site for construction;
- Provision of access and drainage infrastructure and services. Part of this will involve the relocation of an existing Council stormwater easement and infrastructure from adjacent to the north-western boundary to be partly along that boundary. These changes are reflected in a revision to the existing easement (see **Figures 14 and 15**);
- Removal of vegetation to allow construction of the above. In relation to the building footprints whilst consent is sought for removal of affected trees (so as to provide certainty for future owners), no removal will occur until a consent is granted for the development of each lot and construction is ready to commence;
- Landscaping of the part of the site including the Community Lot and Conservation Management areas as indicated in the submitted landscape plans. Note landscaping of the remaining areas within the House lots form part of the separate House DA's.

4.2 Details of the proposal

4.2.1 Building footprint and building design

The proposed development has been designed to directly respond to the features and constraints of the site. Lot boundaries and the buildings have been located to maximise the retention of significant trees. Lots with critical trees to be retained and that are adjacent to neighbours (lots 1, 2, 5, 6 and 10) are provided with additional site area.

The building footprints have been designed to maximise the retention of significant trees. Working with the project arborist, trees of significant value were identified on each lot. The volume of space created between the trees to be retained and their tree protection zones, as well as planning controls such as setbacks and building height, defined the area in which each house was designed. The final building designs were reconfirmed by the arborist for the retention of the significant trees.

The footprints will facilitate the construction of 9 new 2 storey dwelling houses of concrete floors and masonry walls. Whilst the Subdivision DA does not include the dwellings, they have been designed as an integral part of the process and 9 DA's for the dwellings have been concurrently submitted. All dwellings include:

- Kitchen, dining and main living areas
- Master bedroom suite
- 2-3 additional bedrooms
- Secondary living areas
- Laundry
- Garage to accommodate 2 car spaces

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.

4.2.2 Community Management Statement (CMS)

A draft CMS and W88B instruments have been prepared (see **Appendix B**) which detail how it is intended to manage the Community Title for the land. This outlines the procedures for establishing a Community Association (CA) and the matters that will need to be managed in the ongoing operations of the Community Scheme. These matters are wide and varied and include the following:

- future development to be in accordance with the approved plans including the building footprints for each house. The mechanisms for amending such details are described. Any changes will need to be approved by the CA and Northern Beaches Council (NBC)(if required);
- guidelines for building design and materials and colours. Whilst these are specified in the concurrently lodged DA's for the houses, guidelines are required to deal with any changes that may occur in the future. Any changes will need to be approved by the CA and NBC (if required);
- maintenance of buildings and landscaping;
- maintenance of the Environment Protection Area, Native Revegetation Area (which will be collectively known as the Conservation Management Area), the details for which will be in the Biodiversity Management Plan (BMP) to be prepared and appended to the CMS;
- waste management;
- use of the dinghy storage area.

4.2.3 Access Road

The proposed access road is a two-way carriageway which is located within the proposed Community Lot. It generally follows the path and levels of the existing driveway. It is generally 5m in width however it narrows to a minimum of 3.5m in some locations in order to minimise impact on trees. It will provide access to the proposed 9 Community Residential Lots and the single Torrens Title lot proposed (Lot 11). A vehicle manoeuvring area is provided where the driveway changes direction between Proposed Lots 10 and 11 and will require an easement over a small part of Lot 11. This is designed to allow small trucks to access the site and enter and leave in a forward direction. This issue is further discussed in the Traffic Report at **Appendix C**.

4.2.4 Waste

A Waste Storage Area is provided adjacent to the access road entry, within the Community Lot. This is large enough to accommodate bins from the proposed dwellings and the existing dwelling in accordance with Council's requirements. Residents will drop off garbage as necessary and Council will empty the bins from the roadside store on garbage days. This issue is further discussed in the Waste Management Plan at **Appendix D**. This area will also accommodate waste from the residual torrens title lot (Lot 11 on the plans).

4.2.5 Stormwater

The proposed stormwater system utilises natural elements where possible including a series of bioretention ponds at the end of the driveway. All stormwater will be appropriately treated prior to entering Pittwater to ensure that water quality is not diminished (refer to submitted stormwater plans). The proposed methodology is discussed further in **Appendix E**.

4.2.6 Landscaping

The proposal requires the removal only 26 healthy or non-exempt trees of the 320 trees identified on the site. This represents only 8% of all trees. Subject to detailed root investigation, a further 5 trees may require removal however, the sensitive location of building footings and specific construction methods to avoid roots will increase the chance of retention. Even including these trees, this represents only 10% of all the trees on the site. This is considered to be a modest amount to allow for the necessary infrastructure and establishment of building footprints. Tree removal is discussed in further detail in **Appendix F**.

The proposed landscape design is further discussed in **Appendix G**. Note that this design has been prepared in an integrated manner and therefore, it deals with both landscaping for the subdivision ie within the Community Lot and also proposed within each House lot (refer to concurrently submitted DA's). Note that the landscape design does not cover the area that forms part of the Conservation Management Area on the site (see discussion below).

4.2.7 Ecological features

As noted a number of different ecological management areas will be established on the site. The southern side of the property is proposed to be protected and managed as an Environment Protection Area (EPA) as habitat for native animals and plants and the Endangered Pittwater and Wagstaffe Spotted Gum Forest. Areas that will be temporarily disturbed by construction (road and infrastructure and building footprints) will have the native Pittwater and Wagstaffe Spotted Gum Forest re-established by planting of a Native Revegetation Area (NRA) in the north-western side of the property and behind the upper row of houses.

These two areas will be collectively known as the Conservation Management Area. This area will be established at the start of construction and will involve removal of weeds and replanting of Spotted Gum community species including canopy trees. This work will be carried out and be maintained by bush regenerators during and after construction. These areas will need to be maintained in perpetuity and the Community Management Statement

(CMS) will ensure all owners are aware of these obligations. The details of how the Conservation Management Area is to be managed will be through a Biodiversity Management Plan (BMP) that will form part of the CMS.

The conservation and improvement of the Conservation Management Area will counterbalance the impact of the proposal on this flora community. The other aspects in which the ecological impacts are balanced are:

- through the payment of a contribution to the Biodiversity Conservation Trust in accordance with the Biodiversity Conservation Act (2017)(BC Act);
- provision of Vegetated Riparian Areas which occupy the first 40m from MHW. This area will include 80% of the plantings as native species; and
- The inclusion of 50% local native species in the landscaping, including Spotted Gums.

These areas are shown in the following figure. These matters are discussed in further detail in the Biodiversity Development Assessment Report (BDAR) at **Appendix H** and the Waterways Impact Statement at **Appendix O**.

4.2.8 Construction

A Construction and Site Management Plan has been prepared and is provided at **Appendix M**. Compliance with these requirements, the recommendations of the submitted reports and conditions of consent will ensure that the proposed construction will not have any unreasonable impacts on the environment or the amenity of the area.



Figure 16 – Extent of proposed managed vegetation areas on the site

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 (see **Figure 18**). The proposed use can be categorised as subdivision. This use is permitted with consent pursuant to Clause 2.6 of the LEP.



Source – legislation.nsw.gov.au

Figure 18 – extract from zoning map of Pittwater 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;
- Water Management Act 2000;
- 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 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1997

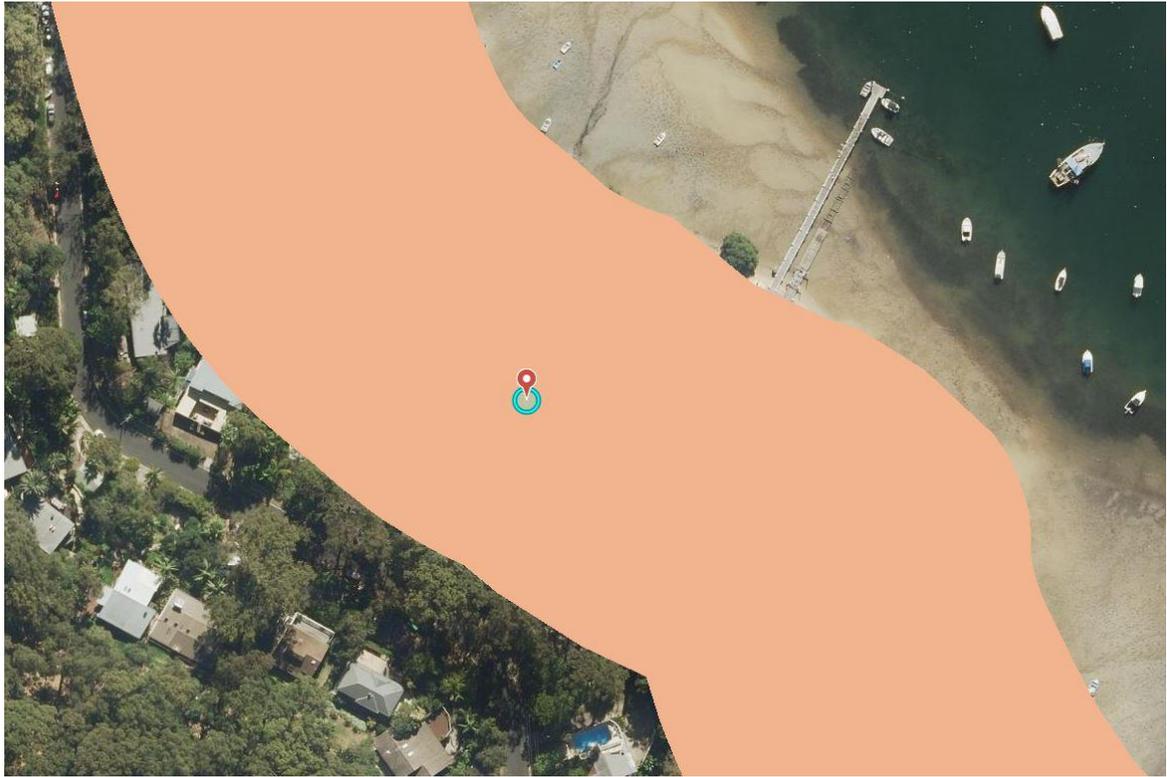
6.1 Environmental planning instruments

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 19 and 20**). 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. In this regard the relevant clauses are addressed in the following table.

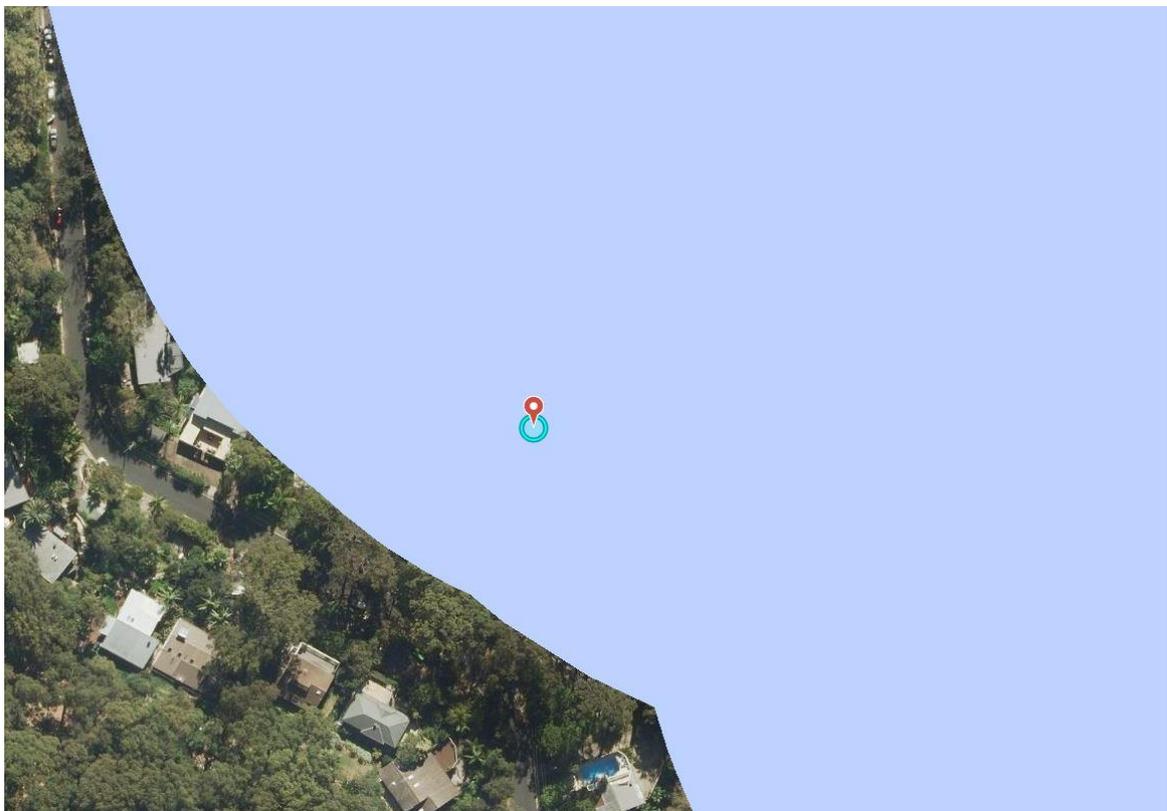
Provision	Comment
<p>13 Development on land within the coastal environment area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</p> <p>(b) coastal environmental values and natural coastal processes,</p> <p>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>(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,</p> <p>(f) Aboriginal cultural heritage, practices and places,</p> <p>(g) the use of the surf zone.</p>	<p>As indicated below, the DA has adequately addressed all the relevant matters:</p> <p>(a) the proposal minimises the physical impact on the subject land. In this regard the area of land that will be 'disturbed' by the proposal is 36.6%. This is considerably below the 40% permitted by Council's controls (ie area that is not landscaped area). The proposed stormwater management is as 'natural' as possible as detailed in the submitted plans. The ecology of the site has been appropriately protected as detailed in Appendices H and O;</p> <p>(b) the proposal will not have any impact on coastal processes and the overall environmental value of the land will be suitable maintained;</p> <p>(c) the proposed stormwater management is as 'natural' as possible as outlined in the submitted plans;</p> <p>(d) there are no works proposed below MHW and subject to appropriate construction methodology, there will be no unreasonable impacts on marine vegetation. The ecological report at Appendix H and Waterway Impact Assessment at Appendix O, indicate that the retention of the vast majority of existing vegetation and other mitigation measures including improvements to the riparian zone will ensure that there will be no unreasonable impacts on the flora and fauna of the site;</p> <p>(e) the proposal does not alter the existing public access which is along the beach when the tides permit;</p> <p>(f) the land is not identified as having any aboriginal cultural significance and has been used for residential purposes for many years. Appropriate conditions of consent can provide adequate protection in the event of any items being uncovered during construction;</p> <p>(g) the site is not within the surf zone.</p>
<p>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p>	<p>The overall DA submission demonstrates that the proposal has been specifically designed to minimise impact within the planning framework that applies. The impacts that do occur cannot be reasonably avoided as the land is zoned to accommodate residential development of the land to the</p>

Provision	Comment
<p>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>density proposed or even greater. The proposal includes specific measures aimed at minimising adverse environmental impacts.</p>
<p>14 Development on land within the coastal use area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p>	<p>There is an overlap of the coastal use and coastal environment areas on the relevant mapping. Those matters not already addressed above are commented upon as follows.</p> <p>The proposal will not result in the additional overshadowing of public places.</p> <p>As indicated in the submitted photomontages, the retention of the vast majority of trees together with sensitive design and use of appropriate building materials and colour and replacement planting, will ensure that the visual amenity of the site will remain high and be of superior quality compared to many nearby areas with similar planning controls.</p> <p>The site has no identified heritage significance. The existing dwelling house and boatshed on the site are being retained within Proposed Lot 11.</p>
<p>15 Development in coastal zone generally—development not to increase risk of coastal hazards</p> <p>Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.</p>	<p>The proposal does not increase the risk of coastal hazards. This is discussed in detail at Appendix I.</p>
<p>16 Development in coastal zone generally—coastal management programs to be considered</p> <p>Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.</p>	<p>We are not aware of any certified coastal management programs that apply to the land.</p>



Source – NSW Planning Portal

Figure 19 – Coastal Management SEPP Coastal Use Area Map



Source – NSW Planning Portal

Figure 20 – Coastal Management SEPP Coastal Environment Area Map

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. The proposed subdivision infrastructure and establishment of building footprints will require the removal of vegetation. As discussed in this SEE, the overall level of impact on trees is small – only 26 of existing non-exempt and healthy trees require removal. A further 5 require further root investigation however these will be retained if possible, with sensitive placement of footings and tailored construction methods.

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 J**. For the sake of getting an understanding of the whole scheme, this includes details contained in the 9 concurrently submitted House DA's.

Clause 4.1 Minimum lot size – this clause does not apply to the proposal as Community Title subdivision is proposed.

4.1AA Minimum subdivision lot size for community title schemes – this clause requires all dwelling lots within a community title subdivision to meet the minimum lot sizes indicated on the relevant map ie in this case 700sqm. The proposed lot sizes are detailed **Section 4.1** above and are all well in excess of the minimum. Further the proposed lots will allow the objectives of Clause 4.1 to be achieved as follows.

(a) to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,

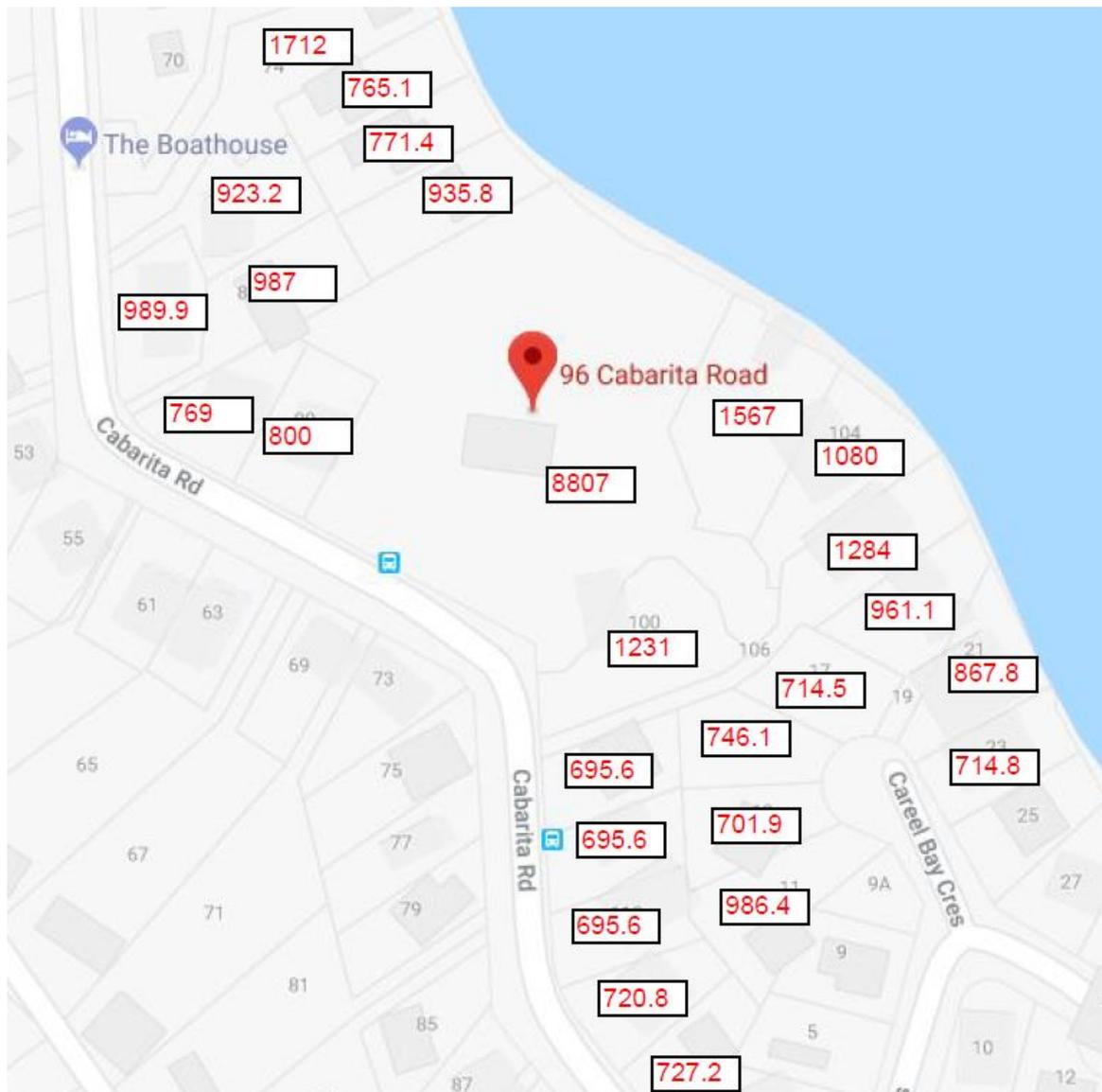
Comment – as indicated on **Figure 21**, the 22 adjoining properties provide for a variety of lot sizes ranging from 695.6sqm to 1712sqm with an average lot size of 880.2sqm. It is noted that this includes access handles which should technically be excluded. The proposed 10 residential lots range in size from 752.4sqm to 2740.7sqm and have an average size of 1140sqm (this excludes the community lot). However, as access handles are included in the average existing lot areas, a fairer comparison of lot size would be expressed as a density. In this regard, including the community lot area the density of the proposal is 1 dwelling per 1266sqm (compared to 1 dwelling per 880sqm for existing surrounding development).

The configuration of the lots is typical of the locality however the provision of a communal lot for access means that battleaxe handles are avoided. The lots are perpendicular to the road and the foreshore as is typically the case.

The proposed larger lots together with the sensitive design that provides for building footprints with minimal tree loss, ensures that the residential character and amenity of the area will be maintained.

(b) to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,

Comment – the proposed lots can all provide dwellings which are compliant with the Foreshore Building Line (as noted on the submitted plans and in **Appendix J**) and also above the Estuarine Planning Level for inundation (as discussed in **Appendix I**). Appropriate construction techniques will ensure that landslip risks are avoided as discussed in **Appendix K**. The land is not subject to bushfire threat.



Source – google maps and LPI spatial portal

Figure 21 – Lot sizes of adjacent existing lots

(c) to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,

Comment – as indicated in **Appendix J**, the proposed lots are all compliant with the relevant design requirements. The provision of specific building footprints demonstrate that despite the site constraints, each lot can accommodate an area for a large dwelling as one would expect in a location such as this. These footprints have been carefully designed to account for the characteristics of each lot and in particular existing trees. Only 26 non-exempt or healthy existing trees will require removal (out of a total of 320 in total) as the building footprints and proposed construction methods ensuring that the overall impact on the natural environment of the site is minimised. The lots proposed near neighbouring properties are larger and allow for the dwellings to have greater than required setbacks, again minimising potential impacts.

Further, the 9 concurrently submitted DA's for the dwellings also demonstrates that each lot can accommodate an appropriate dwelling which generally comply with all of the relevant standards.

(d) to provide for subdivision that does not adversely affect the heritage significance of any heritage item or heritage conservation area,

Comment – there is no heritage significance on the site or in close proximity. The existing house and boatshed are retained within Proposed Lot 11.

(e) to provide for subdivision where all resulting lots can be provided with adequate and safe access and services,

Comment – the proposed lots all have adequate and safe access and service provision.

(f) to maintain the existing function and character of rural areas and minimise fragmentation of rural land,

Comment - NA

(g) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

Comment – as noted above and in the concurrently submitted DA's for the houses, each lot is able to accommodate development which is consistent with the relevant development controls (see **Appendix J**).

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 works associated with the subdivision are low scale and do not breach this height. As indicated in **Appendix J** and the concurrently submitted House DA's, the proposed dwellings also comply with this control as indicated on the submitted drawings.

Clause 5.7 Development below mean high water mark – there are no works proposed below MHWB apart from connection to existing sewer infrastructure. Subject to

appropriate conditions of consent, such works can be carried out in a manner that does not unreasonably impact on the environment.

Clause 5.10 Heritage conservation – the site contains no heritage items and is not in the vicinity of any heritage items. The existing dwelling and boatshed are being retained within the proposed torrens title residential lot (Lot 11).

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 minimised by the modification of the existing driveway for access and by the new section being across the slope in a similar location to the previous driveway and dwelling house. As indicated in the road design drawings the maximum cut or fill is less than 2m and this will be further reduced by battering of the slope as part of the dwelling house and individual driveway construction (refer to concurrently submitted DA's). The proposal will meet the objectives of this clause as demonstrated by comments elsewhere in this report.

Clause 7.3 Flood Planning – the site is subject to low risk flooding as indicated on the plan at **Figure 22**. As discussed in **Appendix L**, the proposal will not be adversely affected by flooding and will not exacerbate flooding. There is the potential for inundation from the Pittwater waterway. The proposed dwellings are sited well above the Estuarine Planning Level (EPL) as advised by Northern Beaches Council. The issues raised in this clause are discussed in detail in **Appendix I**.



Figure 22 – DCP Flood Map

7.5 Coastal risk planning – the site is not indicated as being subject to coastal risk on the relevant map however it is subject to estuarine inundation. Accordingly Council has advised an Estuarine Planning Level (EPL) of RL2.61m. All of the proposed works are above this level with the exception of the open dinghy storage area and stair access to the foreshore. However such works are not required to be above the EPL. This issue is addressed in detail in **Appendix I**.

Clause 7.6 Biodiversity – the subject site is affected by this clause as indicated on the relevant map (see **Figure 23**). As indicated in **Appendix H**, 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.



Source – legislation.nsw.gov.au

Figure 23 – extract from biodiversity map of Pittwater LEP

Clause 7.7 Geotechnical hazards – the subject site is affected by this clause as indicated on the relevant map. As indicated in **Appendix K**, 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 7.8 Limited development in foreshore areas – the site is subject to a foreshore building line (see **Figure 24**). As indicated on the submitted plans, all of the proposed building footprints are outside this line. The only works proposed within the foreshore area relate to the provision of access to the foreshore, the open dinghy storage area and landscaping. Such uses are permitted in the foreshore area. The matters raised in this clause have generally been addressed elsewhere in the SEE.



Source – legislation.nsw.gov.au

Figure 24 – extract from Foreshore Building Line map of Pittwater LEP

In relation to public access it is noted that the existing public access to the foreshore will not be altered by the proposal. Access to the foreshore will be improved as all the residents of the site will have access to the foreshore and dinghy storage area via access stairs within the Community Lot. The opportunity for future provision of public access along the foreshore is not compromised as all significant development is located outside the foreshore building line.

The proposal will meet the objectives of this clause.

Clause 7.10 Essential services – in accordance with this clause the following services are/will be available to the proposed lots, as indicated on the submitted services plan:

- (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 J**.

Provision	Comment
<p>A3.4 Key objectives of the Pittwater 21 Development Control Plan</p>	<p>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 much existing development, the proposal has been specifically designed to minimise the impact on the environment.</p>
<p>A4.1 Avalon Beach Locality</p> <p>The Avalon Beach ‘Desired Character’ statement includes the following:</p> <p>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.</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</p>	<p>The proposal is consistent with this desired future character as follows:</p> <p>The proposal provides for a much lower density than permitted by the LEP (1 dwelling per 1,266sqm* instead of 1 per 700sqm) and lower than the average lot size in the vicinity (1 per 880sqm);</p> <p>*site area divided by 10 dwellings</p> <p>The proposed building footprints are highly articulated and will allow future dwellings to be a maximum of 2 storeys. This is confirmed by the separately submitted House DA’s.</p> <p>The built form is highly integrated with the landscape with 91% of all existing trees being retained and a landscaped area of 63.4% provided (3.4% greater than required);</p> <p>There is adequate infrastructure to service the development including a bus service along Cabarita Road;</p> <p>All car parking associated with the development is accommodated on-site;</p> <p>Based on the proposed building footprints, future dwellings will be able to comply with the LEP height control and be well below the existing tree canopy. This is confirmed in the separately submitted House DA’s.</p> <p>As indicated in the photomontages which show the Houses, the site can be developed in a way that sets the built form amongst the trees and does not replicate other areas near the site where structures dominate with sporadically retained trees.</p> <p>The footprints are highly articulated, partly in response to the preservation of existing large trees. This will allow the building form to step down with the slope as much as is practicable on this moderately to steeply sloping site.</p>

Provision	Comment
<p>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>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>	<p>The buildings areas are all set well back from Cabarita Road and no fencing is proposed.</p> <p>The proposal provides an appropriate balance for the development of the site, providing a density much lower than permitted and existing. 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 (around 5%).</p> <p>No fencing is proposed. This will allow for the movement of wildlife through the site. The aquatic environment of Careel Bay will not be affected by the proposal (subject to appropriate conditions of consent relation to construction).</p>
<p>B1.4 Aboriginal Heritage Significance</p>	<p>The site is not identified as one of aboriginal archaeological significance.</p>

Provision	Comment
B3.2 Subdivision Low Density areas	<p>In accordance with this section each lot:</p> <ul style="list-style-type: none"> • Has a depth of at least 27m; • Has a width at the building line of at least 16m; • Has a width at the FSBL of at least 9m; • Is not in excess of 30%; • Each dwelling has a footprint of at least 175sqm. <p>As detailed at Appendix J, the proposed lots not only meet, but significantly exceed, the relevant requirements, ensuring that the objectives of the clause are achieved.</p>
B3.1 Landslip Hazard	The Geotechnical Report at Appendix K . has had appropriate regard to the Geotechnical Risk Management Policy for Pittwater 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.
B3.7 Estuarine Hazard – Low Density Residential Development	Council has advised that the Estuarine Planning Level (EPL) for the site RL2.61m. The proposed building footprints are well above this level and therefore will not be affected by this hazard.
B3.10 Estuarine Hazard - Subdivision	The proposed subdivision meets the requirements of this section.
B3.11 Flood Prone Land	As indicated on Figure 23 a small part of the site is shown as being affected by flooding. This issue is addressed in the Flooding Report at Appendix L ;
B3.12 Climate Change	The EPL includes consideration of climate change. This is further addressed in Appendix I .
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	<p>Consistent with the requirements of this section, as discussed in detail in the Ecological Report at Appendix H the proposal will:</p> <ul style="list-style-type: none"> • retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species • provide flora and fauna habitat by active restoration, regeneration, and / or creation • not result in a significant onsite loss of canopy cover or a net loss in native canopy trees. In this regard whilst some canopy trees need to be removed to facilitate reasonable development, this loss will be more than compensated for by the new planting which will create a net gain in canopy of 5%; • ensure that at least 60% of any new planting incorporates native vegetation (as per species listed in <i>Native Plants for Your Garden</i> available on the Pittwater Council website). Landscaping is to be outside areas of core bushland and not include environmental weeds • include a Biodiversity Management Plan (BMP) that will outline the ongoing management of protected areas. The BMP will form part of the Community Management Statement (CMS) for the site; • exclude fencing which will ensure adequate passage by native wildlife.
B4.7 Pittwater Spotted Gum Forest Endangered Ecological Community	<p>Consistent with the requirement of this section, as discussed in Appendix H, the proposal will:</p> <ul style="list-style-type: none"> • not have an adverse impact on Pittwater Spotted Gum Endangered Ecological Community • restore and/or regenerate Pittwater Spotted Gum Endangered Ecological Community and provide links between remnants and

Provision	Comment
	<p>be in accordance with any Pittwater Spotted Gum Forest Recovery Plan</p> <ul style="list-style-type: none"> • result in no significant onsite loss of canopy cover or a net loss in native canopy trees • retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations; • include a BMP that will outline the ongoing management of protected areas. The BMP will form part of the CMS for the site; • ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community) • ensure any landscaping works are outside areas of existing Pittwater Spotted Gum Endangered Ecological Community and do not include Environmental Weeds.
B4.16 Seagrass Conservation	There are no works proposed below MHW. The water quality measures proposed and required by conditions of consent will ensure that there is no adverse impacts on this vegetation.
B4.19 Estuarine Habitat	There are no works proposed below MHW 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, the proposal will not have any adverse impacts on the estuarine water quality. The stormwater methodology is provided at Appendix E .
B5 Water Management	The submitted stormwater plans and report at Appendix E provide 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	<p>The proposed road partly follows the line of the existing driveway in order to minimise additional impact on existing trees. The width of the road generally complies with the min of 5m required by the DCP, however, in order to minimise impact on trees it is narrower in some areas. However adequate passing areas are available to ensure that this does not compromise safety. The truck turning area between Proposed Lots 1 and 10 allows a small rigid truck to manoeuvre and leave the site in a forward direction. Cars are able to turn within the proposed driveways to the individual dwellings.</p> <p>Each building footprint has been designed to accommodate at least a 2 car garage in accordance with DCP requirements. This is confirmed in the concurrently submitted House DA's which also indicate that visitor parking is provided in the form of a widened driveway area in front of the garages.</p> <p>This issue is also addressed in Appendix C.</p>
B8 Site works management	Appropriate measures will be put in place during construction to ensure protection of the environment. Refer to the submitted Site Management Plans. A Construction and Site Management Plan is provided at Appendix M .

Provision	Comment
C1 DESIGN CRITERIA FOR RESIDENTIAL DEVELOPMENT	
C1.1 Landscaping	The submitted landscape plan ensures the outcomes for this section are achieved as discussed in Appendix G .
C1.2 Safety and Security	The proposed pedestrian and vehicular access are designed to be shared and will be appropriately safe and secure.
C1.3 View Sharing	The proposal will not directly impact on views however the building footprints establish the dwelling locations. However, any impact is likely to be compensated for by the removal of some trees. In any event, as indicated in the concurrently submitted House DA's each of the proposed dwellings comply with all the relevant LEP and DCP controls and as such the level of impact cannot be considered unreasonable.
C1.4 Solar Access	The proposed building footprint setbacks to adjoining properties are all much larger than required (see Appendix J) and due to the orientation of the existing and proposed dwellings, the degree of overshadowing will be minimal. This matter will be more fully addressed in the House DA's.
C1.5 Visual Privacy	The proposed building footprints will facilitate sensitively designed forms that will ensure that the privacy of neighbouring properties is protected. As can be seen in Appendix J , the setbacks of the building footprints to existing dwellings is generally much greater than the minimum requirements. This matter will be more fully addressed in the House DA's.
C1.6 Acoustic Privacy	The proposed access road is kept away from the site boundaries to assist in maintaining acoustic amenity. As part of the CMS there are requirements relating to future owners providing for the 'peaceful enjoyment' of each lot. During construction, all plant used will meet the relevant noise standards as required by conditions of consent.
C1.7 Private Open Space	Each lot is large enough to accommodate the required private open space outside the building footprint. The House DA's confirm that the subdivision will facilitate complying development as detailed in Appendix J .
C1.12 Waste and Recycling Facilities	The waste storage area is provided adjoining the access road entry and it is large enough to meet the requirements for this development as discussed in Appendix D .
C1.15 Storage Facilities	The Community lot provides for a dinghy storage area that will allow each lot owner to accommodate a small vessel.
C1.20 Undergrounding of Utility Services	All utility services will be provided underground.
C1.23 Eaves	NA
D1 AVALON BEACH LOCALITY D1.1 Character as viewed from a public place	The proposed building footprints sit well below the level of Cabarita Road and with the retention of vegetation and the setbacks proposed, the future dwellings will not be highly visible. 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 sensitive building design will ensure that the development of the site will have a more natural appearance than many other nearby residential areas. As indicated in the submitted photomontage, landscape will remain the dominant element on the site when viewed from Pittwater (see Figure 17).

Provision	Comment
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 form. This results from the design features of the proposal noted above.
D1.5 Building colours and materials	Whilst specific materials and colours are detailed in the concurrently submitted House DA's, the draft CMS 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 all of the building footprints along Cabarita Road are setback much greater than 6.5m (refer to Appendix J)
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 provides for much greater setbacks than this (refer to Appendix J).
D1.11 Building envelope	The proposed building footprints will generally allow future development to comply with the 3.5m/45 deg building envelope control as detailed in Appendix J . There are some minor breaches, however these do not affect adjoining properties and occur only within the proposed lots where specific design has been undertaken to ensure that there are no adverse impacts on the amenity of each dwelling.
D1.14 Landscaped Area - Environmentally Sensitive Land	As indicated on the plans and Appendix J , the proposed landscaped area is 63.4%, considerably more than the 60% required, both on each lot and over the whole site. Note that 6% impervious recreation area is allowed.
D1.16 Fences - Flora and Fauna Conservation Areas	No fencing is proposed for the development, allowing the free movement of fauna through the site.
D1.17 Construction, Retaining walls, terracing and undercroft areas Outcomes	Various aspects of the proposal will require retaining however these will generally not exceed 1-2m. Where visible from the public domain, including the waterway, sandstone is the intended construction material.
D1.20 Scenic Protection Category One Areas	The issues raised in this section have been addressed elsewhere. The retention of existing trees and new planting to provide a net increase in canopy (5%) will ensure that the scenic quality of the area is suitable maintained.
D15 WATERWAYS LOCALITY	There are no works below MHWL with the exception of connection to existing infrastructure. In any event, the issues raised in relation to the waterway have generally been addressed elsewhere in this report. The proposal does not affect the waterway or its useability.

6.4 Any planning agreement that has been entered 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 generally addressed in **Section 6.1** and **Section 6.3** of this report or in the assessment of specific issues in the attached appendices. However there is one issue that requires further discussion – visual impact.

6.6.1 Visual impact

The design team acknowledge that the primary factor in determining the visual impact of the development of the site is the retention of existing trees and new planting. As can be seen in the submitted documentation, great care has been taken to retain as many existing trees as possible. The density of the development has been kept low – only 9 new dwellings and an overall density of 1 dwelling per 1266sqm, compared to the permitted density of 1 dwelling per 700sqm and the density of existing nearby development of 1 dwelling per 880sqm. This provides the opportunity for a design that will have a superior visual appearance to existing foreshore development in the locality (a comparison is shown below). At **Appendix N** is a photographic review of the areas to the north and south of the site along the Pittwater foreshore.



Figure 25 – existing foreshore development to the north of the site



Figure 26 – existing foreshore development to the south of the site

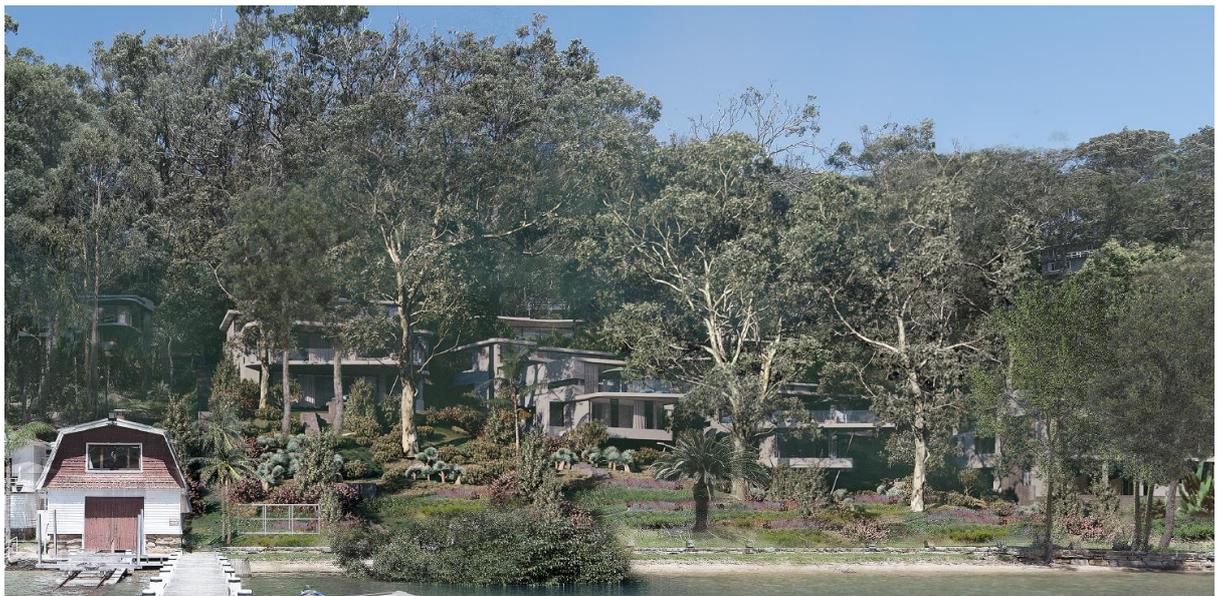


Figure 27 – proposed development (including separately proposed houses)

Only 4 new dwellings are provided at the waterfront and the area with the greatest density of trees along the foreshore is accommodated within the largest of the proposed lots – Lot 11 (which will accommodate the existing dwelling). The foreshore is also subject to a Foreshore Building Line (FSBL) which means that the building footprints are setback and allow the setback area to accommodate screening vegetation.

The area with the smallest lots is in that part of the site that previously accommodated a very large dwelling, ancillary structures and formal landscaping and so was already clear

of trees. Also, the proposed building footprints are predominantly within this area which allows for very generous setbacks to Cabarita Road (10-23m) and the establishment of a Conservation Management Area between the houses and Cabarita Road.

Of the total of 320 identified trees on the site, only 26 healthy non-exempt existing trees (8% of all trees) require removal. The proposed planting of 109 canopy within the non-conservation areas and additional planting (including canopy trees) in the Conservation Management Area will ensure that the overall tree canopy on the site is increased (a minimum of 5%).

The above design elements have minimised the need for removal of vegetation and allow for significant areas to accommodate existing and proposed vegetation adjoining the public domain of Cabarita Road and Pittwater. This will make a great contribution to the achievement of a high quality outcome in terms of visual appearance.

The future development of the site is also an important aspect of the overall visual impact. Accordingly, the design team has provided detailed designs for a dwelling-house on each of the proposed 9 residential lots. These houses are documented in 9 separately submitted DA's. These buildings are highly articulated both in plan (stepping around significant trees) and in height (stepping with the topography of the land). The materials and colour palette to be adopted is naturalistic and will allow the buildings to blend with the existing and proposed vegetation. As can be seen in the photomontage at **Figures 17 and 27**, the overall result will be an appearance where the landscape dominates over built form. This is in accordance with Council's desired future character for this locality.

6.7 The suitability of the site for the development

The subject land is a very large parcel that is capable of accommodating increased development. Whilst it is constrained by existing vegetation, this has been taken into account and the proposed average residential lot size of 1150sqm is significantly greater than the 700sqm permitted by the LEP. It is also significantly greater than the average size of lots in the vicinity of the site (880sqm). The submitted documentation demonstrates that the site can be developed in a sensitive way and allows the retention of the vast majority of existing trees.

6.8 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.

6.9 The public interest

The proposal is considered to be in the public interest as it 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 existing dwelling and its surrounds.

7. CONCLUSION

The proposed subdivision of the site has been sensitively designed to minimise its impact on the environment and in particular on existing vegetation. This has been achieved as only 26 healthy non-exempt existing trees (8% of all trees) require removal to facilitate the development of the site. This will be offset by greater compensatory planting, ensuring the tree canopy on site will be increased and that the existing high quality visual appearance will be maintained.

The design not only complies with the provisions of the LEP and DCP but 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

Plans of Subdivision No 10937L2 and 10937CP
prepared by Byrnes & Associates Surveying

Appendix B

Draft Community Management Statement and Draft Section
W88B Instrument
prepared By Addisons Lawyers
Dated 12 December 2018

Appendix C

Traffic Impact Assessment
prepared by Urap International
Dated November 2018

Appendix D

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

Appendix E

Stormwater Report
prepared by Northern Beaches Consulting Engineers Pty Ltd
Dated 6 December 2018

Appendix F

Tree Assessment and Development Impact Report
prepared by Growing My Way
Dated December 2018

Appendix G

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

Appendix H

Biodiversity Development Assessment Report
prepared by GIS Environmental
Dated November 2018

Appendix I

Estuarine Risk Management Report
prepared by Horton Coastal Engineering
Dated 21 November 2018

Appendix J

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

Appendix K

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

Appendix L

Flood Control Certificate
prepared by Northern Beaches Consulting Engineers
Dated 26 November 2018

Appendix M

Construction and Site Management Plan
prepared by MHDP Dated November 2018

Appendix N

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

Appendix O

Waterways Impact Statement
prepared by GIS Environmental dated November 2018

Appendix P

Applicant's Response to PreDA matters
prepared by Ingham Planning dated December 2018