

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR THE PROPOSED SUBDIVISION OF ONE ALLOTMENT INTO TWO

LOCATED AT

12A JOHN STREET, AVALON BEACH

FOR

TIM DONOVAN



**Prepared
November 2019**

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1.0 Introduction

This Statement of Environmental Effects accompanies a Plan of Proposed Subdivision prepared by THW Architects, Job No. 142, Sheet A 200-C dated 16 October 2019 and accompanying driveway construction plans prepared by Barrenjoey Consulting Engineers, Job No. 181005SUB, dated 7 November 2019 to detail the subdivision of one allotment into two at **12A John Street, Avalon Beach** on behalf of Tim Donovan.

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

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan*

Pre-Lodgement Meeting No. PLM2018/0228 was carried out on 25 October 2018 to discuss subdivision of one lot into two and new dwellings and secondary dwellings. The subject proposal has been prepared to address the concerns raised by Council at the meeting.

2.0 Property Description

The subject allotment is described as 12A John Street, Avalon Beach, being Lot 2 within Deposited Plan 1237357 and is zoned E2 Environmental Conservation and E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is identified as being within an Acid Sulfate Soils Area (Class 3 and Class 5).

The site is identified as Flood Prone Land, Flood Risk (Low, Medium and High) and Land within Risk to Life (H3, H5 and H6). A Flood Inundation & Risk Assessment Report has been prepared by Barrenjoey Consulting Engineers Pty Ltd and is discussed further within this submission.

The site is also noted as being affected by Estuarine Hazard and this issue is discussed further within this submission.

There are no other identified hazards affecting the land.

3.0 Site Description

The property is a battle-axe allotment located on the north-eastern side of John Street.

The site has a south-western, front boundary measuring 25.66m, with a minimum depth of 43.475m (south-eastern boundary). The total site area is 1554m².

The property falls gradually from the roadway to the rear, north-eastern boundary.

The land is currently developed with an outbuilding and landscaping. An existing driveway within the access handle provides vehicular access to the site.

The details of the existing site levels are indicated within the Survey Plan prepared by Bee & Lethbridge Pty Ltd, Reference No. 21070, dated 8 June 2018.



Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of existing entry drive to the subject site, looking north-east from John Street



Fig 3: View looking north-east along existing entry drive to the subject site



Fig 4: View looking north-east from the end of the existing entry drive to the subject site

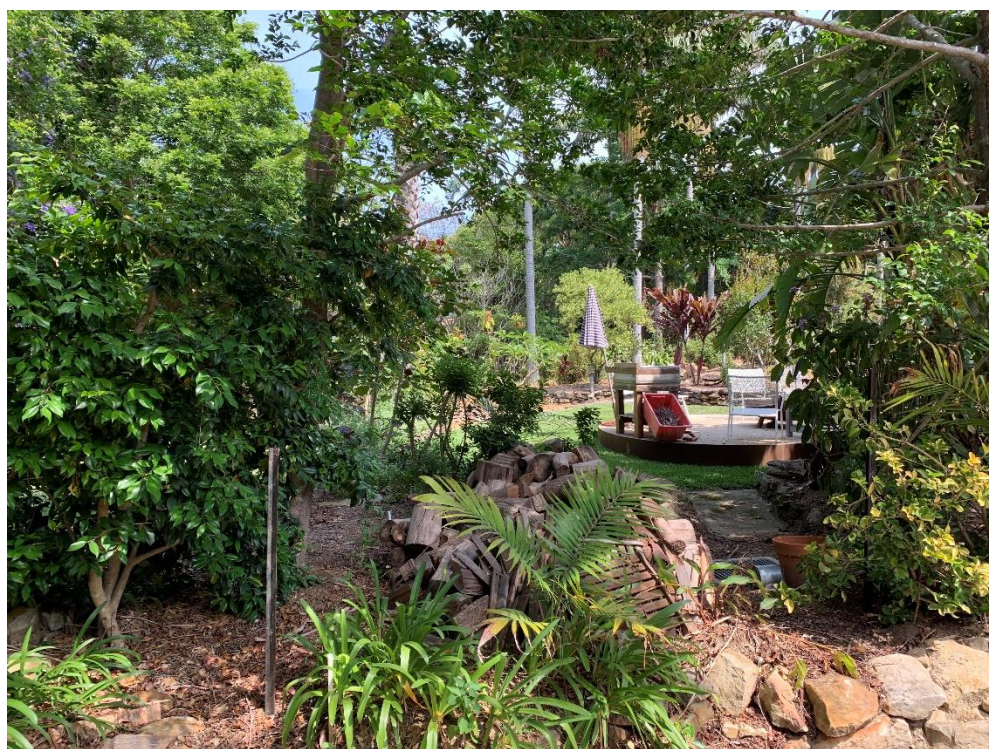


Fig 5: View looking south-east along common rear boundary with No 12 John Street



Fig 6: View looking south-west toward the end of the existing entry drive to the subject site



Fig 7: View looking north towards northern boundary of the site and the adjoining Avalon House Nursing Home



Fig 8: View looking west towards north-western boundary of the site and the adjoining Avalon House Nursing Home



Fig 9: View looking west towards north-western boundary of the site and the adjoining Avalon House Nursing Home

4.0 The Surrounding Environment

The general vicinity of the site is characterised by one and two storey residential developments within landscaped settings.

Surrounding the sites are single residences, with a variety of styles and scales of development. Battle-axe allotments are not uncommon in the locality.

The adjoining property to the north-west comprises Avalon Nursing Home.

The subject proposal is supported by a Stormwater Management Plan prepared by Barrenjoey Consulting Engineers Pty Ltd which will provide for roofwater and collected surface waters from the future dwellings to be directed to dispersion trenches traversing the rear boundary of the site.

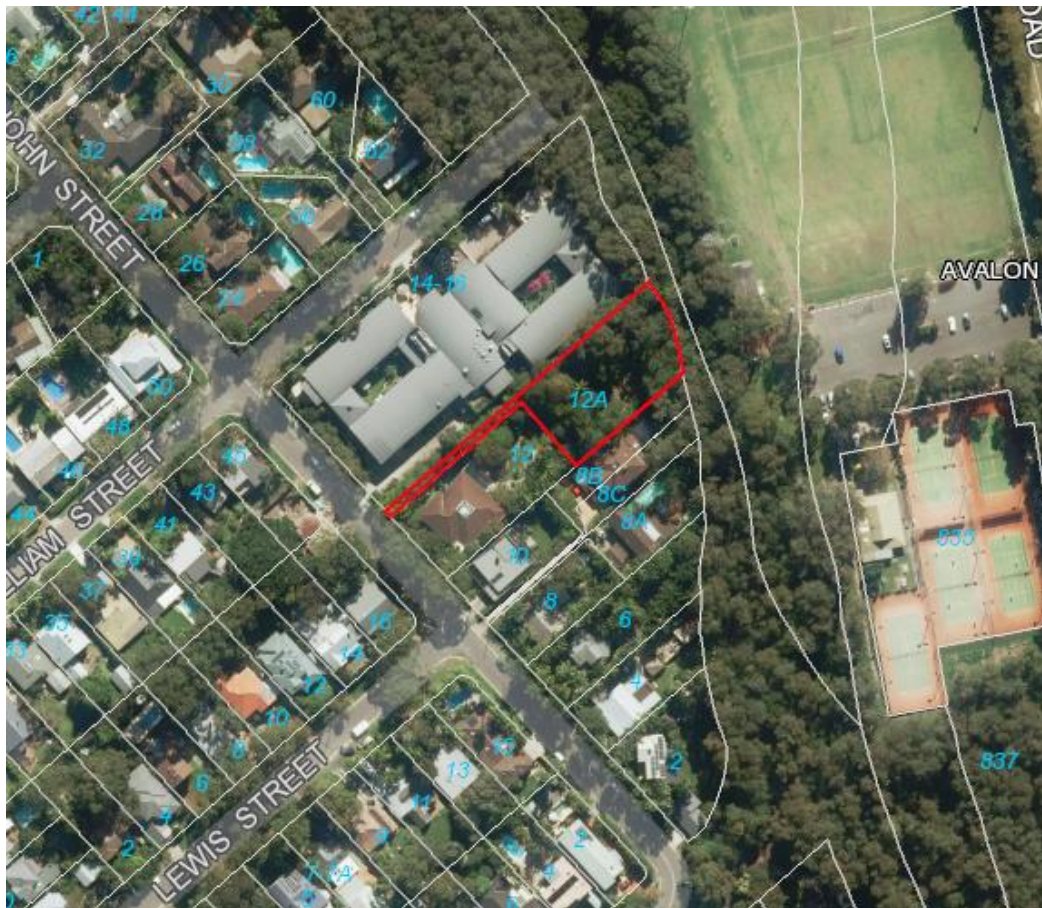


Fig 10: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, it is proposed to subdivide the existing battle-axe shaped allotment into two LOTS.

The details of the proposed subdivision layout are indicated on the plans prepared by THW Architects, Reference No. 142, dated 16 October 2019.

The subdivision of the lot will create an additional allotment which will be developed for residential purposes. The new boundary alignment will bisect the existing allotment in a generally north-east to south-west direction.

A driveway construction design has been prepared by Barrenjoey Consulting Engineers Pty Ltd, Job No 181005SUB, dated 7 November 2019.

The existing driveway, layback and crossing will be retained in its current location.

The existing right of carriageway over the north-western portion of No. 12 John Street will be maintained and allow for vehicular access over the driveway to the proposed lots.

The development indices for each allotment are summarised as:

Proposed Lot 12A:

Site Area	700m ²
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Proposed Lot 12B:

Site Area	700m ²
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The location of the future dwellings on the new lots will be in accordance with the established setback pattern for the surrounding developments and the lot can be readily developed.

The proposal includes future building platforms and is supported by an Arboricultural Impact Appraisal and Method Statement has been prepared by Naturally Trees, dated 20 September 2019, which addresses the trees within the site.

The report addresses 54 trees within the subject site and the immediate neighbours. The proposal seeks to remove 13 high category trees, with the remaining trees to be removed having low and very low retention value. Replacement plantings will be provided as outlined in the report. Tree protection measures will be carried out to protect the remaining significant trees.

The future development of the proposed allotment is to be carried out in accordance with the requirements of Pittwater 21 DCP, in particular the Avalon Beach Locality. The design of new development on the site will respect the Section B General Controls, Section C Development Type Controls and Section D4 Avalon Beach Locality Controls.

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

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

6.2 State Environmental Planning Policy (Coastal Management) 2018

The subject site is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of*

- coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
 - (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
 - (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
 - (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
 - (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
 - (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under SEPP (Coastal Management) 2018 are addressed as follows:

Division 3 Coastal environment area

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the 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,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

The proposal provides for the Torrens Title subdivision of one lot into two. The proposed works will be carried out in accordance with the recommendations of the consulting Structural Engineer, which will ensure that appropriate structural integrity for the site will be maintained.

The collected stormwater will be directed to the proposed new stormwater dispersion system. The proposed stormwater management system will be designed to comply with Council's Water Management Policy.

Sediment and erosion control measures will be carried out as part of any future development on site to minimise the impact of the works on the coastal locality.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
 - (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment

The proposal is separated from any foreshore and will not result in the removal of any existing public access along a foreshore area.

The site does not contain any heritage items, nor is it within a conservation area. The site has been previously cleared, and it is not anticipated that any items of Aboriginal heritage will be encountered.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

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.

Comment

The proposal provides for the Torrens Title subdivision of one lot into two. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

16 Development in coastal zone generally — coastal management programs to be considered

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.

Comment: No coastal management programs have been identified.

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment: Noted

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment

Noted

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

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Pittwater Local Environmental Plan 2014.

The aims of the SEPP are detailed in Clause 3 and note:

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

The proposal includes future building platforms and is supported by an Arboricultural Impact Appraisal and Method Statement has been prepared by Naturally Trees, dated 20 September 2019, which addresses the trees within the site.

The report addresses 54 trees within the subject site and the immediate neighbours. The proposal seeks to remove 13 high category trees, with the remaining trees to be removed having low and very low retention value. Replacement plantings will be provided as outlined in the report. Tree protection measures will be carried out to protect the remaining significant trees.

In this instance, the proposal is therefore considered to be consistent with the aims of the SEPP.

6.4 Pittwater Local Environmental Plan 2014

The site is zoned E2 Environmental Conservation & E4 Environmental Living under the provisions of the PLEP 2014.

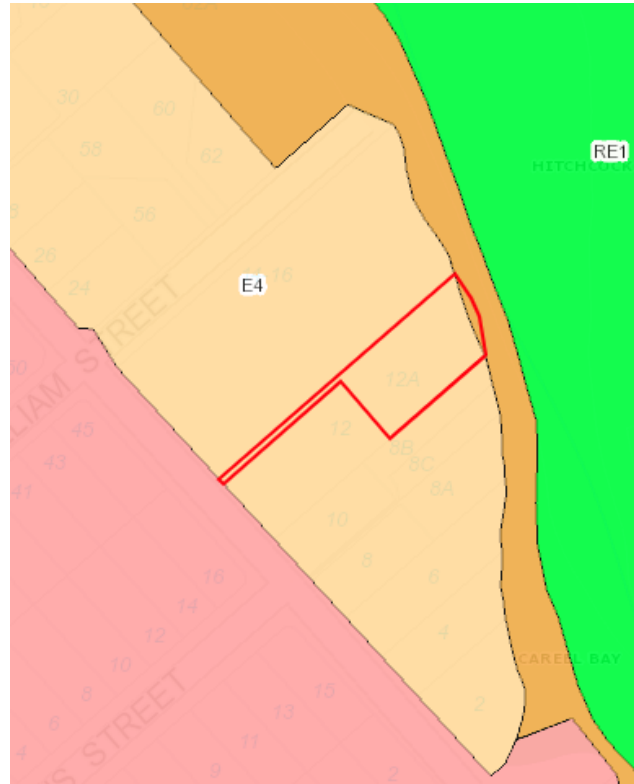


Fig 11: Zoning extract – Pittwater LEP 2014 – Northern Beaches Council Planning Maps

The development of and continued use of the land for residential purposes is consistent with the E4 Environmental Living Zone objectives, which are noted as:

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

Furthermore, the development of and continued use of the land for residential purposes is consistent with the E2 Environmental Conservation Zone objectives, which are noted as:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

It is suggested that the proposed subdivision of the land in the manner proposed will be consistent with the LEP provisions as the resulting allotments will provide for the future residential development within the proposed building platforms.

Clause 2.6 – Subdivision

Clause 2.6 of PLEP 2014 requires the prior consent of Council for any subdivision of land. This application seeks consent in accordance with the Clause.

Clause 4.1 – Minimum subdivision lot size

In accordance with the Lot Size Map, the minimum allotment size in this locality is 700m². The proposed Lots 12A and 12B are 700m² respectively and therefore comply with the minimum 700m² control.

Clause 7.1 relates to acid sulfate soils. The site is in the Class 3 and 5 Acid Sulfate Soils areas. No works are proposed at this stage, and therefore no acid sulfate soils will be encountered.

Clause 7.3 – Flood Planning

The site is noted as being identified as Flood Prone Land, Flood Risk (Low, Medium and High) and Land within Risk to Life (H3, H5 and H6). A Flood Inundation & Risk Assessment Report has been prepared by Barrenjoey Consulting Engineers Pty Ltd.

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

An Overland Flow Study has been prepared by Barrenjoey Consulting Engineers Pty Ltd, dated 30 September 2019, which concludes that the proposed subdivision will not result in any adverse overland flows.

Clause 7.6 – Biodiversity Protection

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

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

The proposal is accompanied by a Flora and Fauna Report prepared by Ecological Consultants Australia Pty Ltd, dated October 2019. Subject to compliance with the recommendations contained within this report, the proposal will satisfy the provisions of this clause.

Clause 7.10 – Essential services

The services available to the existing dwelling will be provided to the proposed new lots. The proposed subdivision would comply with the PLEP 2014 subdivision controls.

6.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D4 Avalon Beach Locality Statement provides a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.5.1 Shaping Development – Desired Character

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

A4.1 Avalon Beach Locality

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

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

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

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

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

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

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

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

The residential subdivision will not present any significant noise or traffic issues associated with the normal vehicle movements to and from the site, with the additional traffic generated by the development not being discernible in the existing traffic flows of John Street and this area of Avalon.

6.2.2 Section B General Controls

The General Controls applicable to the proposed land subdivision are summarised as:

B2.2 Land Subdivision – Low Density Residential Areas

The controls seek to achieve the outcomes:

Achieve the desired future character of the locality.

Maintenance of the existing environment. (En)

Equitable preservation of views and vistas to and/or from public/private places. (S)

The built form does not dominate the natural setting. (En)

Population density does not exceed the capacity of local and regional services. (En, S, Ec)

Population density does not exceed the capacity of local and regional transport facilities. (En, S, Ec)

The proposal seeks to provide for the Torrens Title subdivision of the existing lot into two.

Proposed lots will have a total area of 700m², which complies with the required minimum lot size of 700m².

The following table summarises the controls of Clause B2.2:

Requirement	Proposal	Compliance
Minimum Allotment Size – 700m ²	Lot 12A: 700m ² Lot 12B: 700m ²	Yes Yes
Minimum Allotment Width – 16m	Lot 12A: 13.155m Lot 12B: 13.155m	Yes – on merit Yes – on merit
Minimum Allotment Depth – 27m	Lot 12A: approx. 41.3m Lot 12B: 43.475m	Yes Yes

The indicative building envelopes note that notwithstanding the minor non-compliance with the minimum lot width control, the future dwellings within Proposed Lot 12A and 12B can be readily accommodated and will retain substantial setbacks to the adjoining neighbours and provide for an appropriate level of residential amenity.

The proposal addresses the objectives of this provision in the following manner:

- The proposal provides for the subdivision of one lot into two, which will generally meet the minimum lot size for the locality and is therefore consistent with the desired future character
- The proposal maintains the existing environment through the minimisation of vegetation loss, with the proposed building footprint seeking to minimise the impacts on the more significant trees within the site. The loss of any trees from the future dwelling locations can be compensated with further planting within each lot.
- The proposal results in an additional allotment which is not considered to result in any unacceptable demand on local services or transport facilities

Whilst the width of the proposed lots does not comply, the proposed lot depth significantly exceeds the minimum requirement provided within this clause. Accordingly, the proposed allotment is considered capable of accommodating a future dwelling which provides good amenity for the occupants and surrounding properties, and is therefore worthy of support.

B3.10 Estuarine Hazard - Subdivision

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

The site is noted as being affected by Estuarine Hazard. Council's Pre-Lodgement Advice provided an estuarine planning level (EPL) of RL 2.22m AHD. The future dwellings on the site will have regard for the EPL and therefore comply with the provisions of this clause.

B3.11 Flood Prone Land

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

The site is identified as Flood Prone Land, Flood Risk (Low, Medium and High) and Land within Risk to Life (H3, H5 and H6). A Flood Inundation & Risk Assessment Report has been prepared by Barrenjoey Consulting Engineers Pty Ltd. Subject to compliance with the recommendations contained within the report, the proposal will satisfy the provisions of this clause.

B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

The site is identified as Flood Prone Land, Flood Risk (Low, Medium and High) and Land within Risk to Life (H3, H5 and H6). A Flood Inundation & Risk Assessment Report has been prepared by Barrenjoey Consulting Engineers Pty Ltd. The future development of the lots will be carried out in accordance with the recommendations of the Flood Engineer and will observe Council's relevant flood controls.

B3.13 Flood Hazard – Flood Emergency Response Planning

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

A Flood Inundation & Risk Assessment Report has been prepared by Barrenjoey Consulting

Engineers Pty Ltd. Subject to compliance with the recommendations contained within the report, the proposal will satisfy the provisions of this clause.

B4.15 Saltmarsh Endangered Ecological Community

The controls seek to achieve the outcomes:

To conserve and enhance saltmarsh vegetation. (En)

The proposal is wholly contained within the site, with stormwater suitably managed, and will therefore minimise any potential adverse impacts for nearby saltmarsh vegetation.

B4.16 Seagrass Conservation

The controls seek to achieve the outcomes:

The conservation of seagrass beds in Pittwater. (En)

The replacement of lost/damaged seagrass beds. (En)

The proposal is wholly contained within the site, with stormwater suitably managed, and will therefore minimise any potential adverse impacts for nearby seagrass.

B4.19 Estuarine Habitat

The controls seek to achieve the outcomes:

To protect and enhance the mangroves, saltmarsh, seagrasses, intertidal sand/mud flats and other foreshore habitats that comprise the estuarine habitat of Pittwater. (En)

Development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development. (En)

The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)

The social and cultural values of estuarine habitats are conserved and enhanced. (S)

Biodiversity, ecological processes and other estuarine habitat values are conserved. (En)

The proposal is wholly contained within the site, with stormwater suitably managed, and will therefore minimise any potential adverse impacts on any nearby estuarine habitat.

B4.20 Protection of Estuarine Water Quality

The controls seek to achieve the outcomes:

To ensure that water quality is not adversely affected by pollutants including increased nutrient levels, pathogens, and siltation. (En)

To protect the mangroves, seagrasses, intertidal sand/mud flats and other habitats that comprise the estuarine habitat of Pittwater. (En)

Development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development. (En)

The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)

The social and cultural values of estuarine habitats are conserved and enhanced. (S)

Biodiversity, ecological processes and other estuarine habitat values are conserved. (En)

The subject proposal is supported by a Stormwater Management Plan prepared by Barrenjoey Consulting Engineers Pty Ltd which will provide for roofwater and collected surface waters from the future dwellings to be directed to dispersion trenches traversing the rear boundary of the site.

The runoff will largely comprise clean water collected from the roof forms of the future dwellings, and is not anticipated to result in any water quality issues within the locality.

B5.1 Water Management Plan

The controls seek to achieve the outcomes:

Effective management of all water and wastewater resources. (En, S)

Protection of receiving environments downstream of all water management systems. (En, S)

The subject proposal is supported by a Stormwater Management Plan prepared by Barrenjoey Consulting Engineers Pty Ltd which will provide for roofwater and collected surface waters from the future dwellings to be directed to dispersion trenches traversing the rear boundary of the site. The proposal will therefore satisfy the provisions of this clause.

B5.11 Stormwater Discharge into Waterways and Coastal Areas

The controls seek to achieve the outcomes:

All new development to have no adverse environmental impact at the discharge location. (En, S)

The subject proposal is supported by a Stormwater Management Plan prepared by Barrenjoey Consulting Engineers Pty Ltd which will provide for roofwater and collected surface waters from the future dwellings to be directed to dispersion trenches traversing the rear boundary of the site. The impact of the proposal within the locality will be suitably minimised and will therefore satisfy the provisions of this clause.

6.2.3 Section C Development Type Controls

C4.1 Subdivision - Protection from Hazards

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

A Flood Inundation & Risk Assessment Report has been prepared by Barrenjoey Consulting Engineers Pty Ltd.

The future development of the lots will be carried out in accordance with the recommendations of the Flood Engineer and will observe Council's relevant flood controls.

The site is noted as being affected by Estuarine Hazard. Council's Pre-Lodgement Advice provided an estuarine planning level (EPL) of RL 2.22m AHD. The future dwellings on the site will have regard for the EPL.

No further hazards have been identified.

C4.2 Subdivision – Access Driveways and Off-Street Parking Facilities

The controls seek to achieve the outcomes:

Safe and functional access for vehicles, cyclists and pedestrians. (S)

Safe and convenient access and parking is provided on each lot.

This clause requires that the design of each individual lot created is to provide for off street parking facilities compatible with the proposed development uses for that lot. Residential dwellings require two parking spaces. It is considered that each allotment is of sufficient area and dimension to allow for 2 parking spaces on site.

A driveway construction design has been prepared by Barrenjoey Consulting Engineers Pty Ltd, Job No 181005SUB, dated 7 November 2019. The proposed driveway will provide suitable access to the respective lots.

C4.3 Subdivision – Transport and Traffic Management

The controls seek to achieve the outcomes:

Safe and orderly traffic and pedestrian access to and from all development via the surrounding road network and transport infrastructure. (En, S)

The cost of upgrading the surrounding road, traffic and transport infrastructure to meet the needs generated by the development is met by the developer. (S, Ec)

It is not anticipated that the proposed driveway design will adequately cater for the proposed

access arrangements for the proposed subdivision. Accordingly, it is suggested that the proposal will achieve the outcomes of Clause 4.3.

C4.5 Subdivision – Utility Services

The controls seek to achieve the outcomes:

Adequate utility services capacity to meet the demands of subdivision development. (En, S)
Safety of building occupants being maintained and enhanced. (S)
Security of utility services is improved. (S)
Opportunities for street tree planting enhanced. (En)
Visual pollution by aerial cables is reduced. (En, S)
Improved safety by removal of visual clutter. (En, S)

In accordance with the suggested controls of Clause 4.5, both lots in the proposed lots will be provide with all services including electricity, water, gas, sewer and communications. All new services will be provided underground.

C4.7 Subdivision – Amenity and Design

The controls seek to achieve the outcomes:

Desired character of the locality
Protection of the natural environment. (En)
Ecologically sustainable development. (En)
Minimal design constraints. (S)
Adequate access and services. (En, S)
Access driveways to public roads are minimised.

In regard to the identified controls, the following matters are noted:

- a) *all properties, both existing and proposed, achieve/retain a level of amenity commensurate with the locality and the desired character of the area*

It is considered that the proposed allotments are of a suitable size and configuration so as to allow for the development of the lots in a manner which is consistent with the existing development pattern of the adjoining development in the locality. Both allotments will allow for a future development which will provide for good levels of residential amenity for the residents of the subject and neighbouring sites.

- (b) *the impact on the environment of the completed development (including buildings to be constructed on the proposed lots) has an acceptable impact on the environment.*

Given the appropriate allotment sizes, it is not anticipated that the development will have a significant impact on the local environment.

The development of the site will retain a number of significant trees within the land as detailed within the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees,

dated 20 September 2019, which accompanies the application. Additional plantings will be provided throughout the site.

6.2.4 Section D Locality Specific Development Controls

The **Section D4 Avalon Beach Locality Statement** contains a number of outcomes for the future development of the site. The future Development Application for the development of the new allotment will consider the Section D requirements and provide for a dwelling design which is consistent with the desired character of the Avalon Beach Locality.

Clause D4.1 relates to Character as viewed from a public space.

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

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

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

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

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

Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)

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

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.

To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)

As discussed, it is considered that the proposed allotments are of a suitable size and configuration so as to allow for the development of the lots in a manner which is consistent with the existing development pattern of the adjoining development in the locality.

The new allotments will allow for future development which will provide for good levels of residential amenity for the residents of the subject and neighbouring sites.

The streetscape view of the site will be largely unchanged.

7.0 Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

There are no draft LEP controls relevant to the proposal at this stage.

7.3 Any development control plan

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the minimum lot width control is a reasonable alternative solution to compliance

where the site conditions results in a challenge to designing for new development which fully respects the criteria.

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

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

No matters of relevance are raised about the proposed development.

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

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

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

It is considered that the proposal, which seeks consent for the subdivision of one allotment into two, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the existing residential character of the area by virtue of the resultant size of the allotments being consistent with the size and shape of the allotments in the vicinity.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP and the Avalon Beach Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned E2 Environmental Conservation and E4 Environment Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

The subject site does not exhibit any significant constraint to the proposed subdivision.

7.8 Submissions made in accordance with this Act or the regulations

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

7.9 The public interest

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

The proposed subdivision of the land also sees the economic and orderly use of the land to provide for additional housing within the area, which will be designed and constructed in an environmentally friendly and sustainable manner, to the benefit of the wider community.

8.0 Conclusion

The principal objective of this development is to provide for the subdivision of one lot into two lots, with a future application to be presented for the development of the new allotments.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area. The subdivision of the land sees the opportunity for the provision of additional housing within the area, which responds to the special nature of the site and the locality, and will present the opportunity for additional family living in a development which will be conscious of and responsive to the environmental qualities of the locality.

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

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