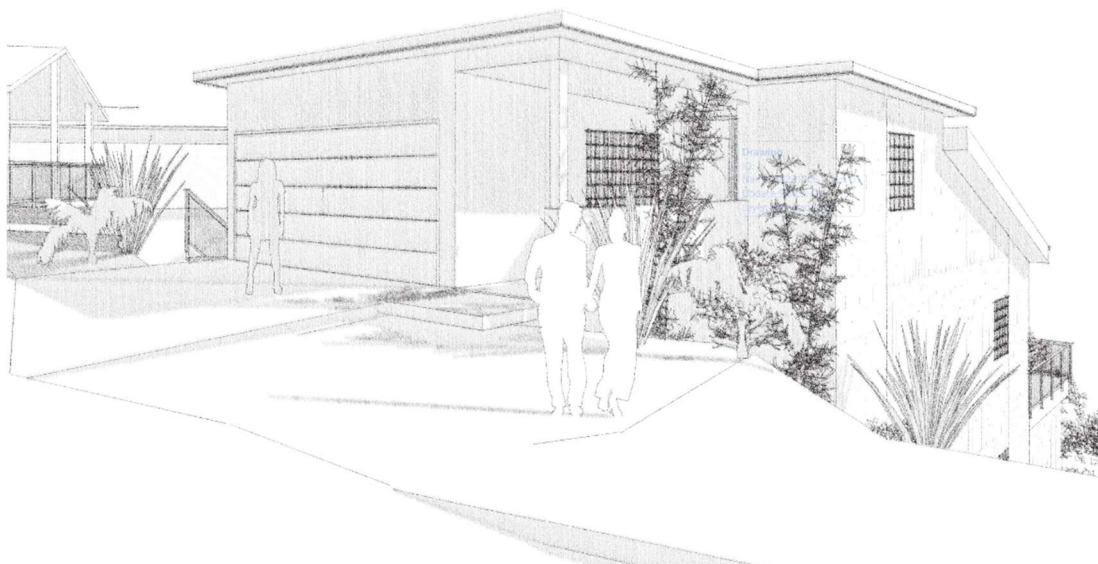


STATEMENT OF ENVIRONMENTAL EFFECTS

For

Proposed Dwelling
No. 100 Hilltop Road, Avalon
Lot 2 DP 260241



Prepared by

Oliver Keaveney

Unit 4/101 Darley Street Mona Vale NSW 2103

18th March 2025 Statement of Environmental Effects

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1.0 Introduction:

This Statement of Environmental Effects has been prepared by Oliver Keaveney to accompany a Development Application for a new four-level residential dwelling at 100 Hilltop Road, Avalon Beach NSW.

Specifically, this Statement includes:

- an analysis of the site and the surrounding locality;
- a detailed description of the proposed development;
- an analysis of the proposal against the provisions of the Pittwater Local Environmental Plan 2014, Pittwater 21 Development Control Plan 2014, relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- summary and conclusion.

The proposed house satisfies all the controls in the Pittwater Development Control Plan apart from the Front building line, Building Envelope and Height of Buildings controls.

A Clause 4.6 Variation is included with this application. The proposed development features a design height of approximately 11.6 m, which exceeds the LEP height standard of 8.5 m. In accordance with the flexibility provided by this clause, a variation is sought. Technical and contextual evidence has been provided to demonstrate that strict adherence to the height standard would be unreasonable given the site's topography and the stepped, sensitive design approach that minimises visual impact. Comprehensive justification addressing subclause (3) has been submitted to show that compliance is unnecessary and that adequate environmental planning grounds exist to support the contravention of the conventional height limit. The variation is therefore requested subject to the consent authority's assessment and record keeping as mandated under the clause.

The following design plans prepared by Oliver Keaveney, Project No.18456, Drawing No.A1.1 to A1.8, A2.1 to A2.5 and A3.1 to A3.8, have been assessed in this application. The design plans are accompanied by:

- Landscape Plan by Andrew Davies Landscape Designer dated 14/02/2025
- Stormwater Plans by NITMA Consulting dated 01/07/2024
- Erosion and Sediment Control Plan by NITMA Consulting dated 01/07/2024
- Aboriginal Cultural Heritage and Archaeological Advice by Associates Archaeology & Heritage dated 16/05/2024
- Arboricultural Impact Assessment by Arborlogix dated 16 /07/ 2024
- Biodiversity Development Assessment Report by Kingfisher Urban Ecology & Wetlands dated 15/02/2025
- Bushfire Hazards Assessment by Bushfire Planning & Design dated 25/06/2024
- Geotechnical Investigation by White Geotechnical Group dated 30/07/2024
- NatHERS Certificate by 10 Star Building and Assessments dated 29/07/2024
- Survey Plan by Geographic Solutions Surveyors, Ref No.3458 dated 16/02/2018
- Basix Certificate by 10 Star Building and Assessments

2.0 The Site and Locality:

The subject site is a vacant, overgrown, tree-covered block measuring 1004 square meters. The site has never been developed. The trees and vegetation on the site are consistent with those found in the surrounding area. The highest point of the site is along the eastern boundary, adjacent to Hilltop Road. Hilltop Road and its grass verge sit significantly higher than the site itself, with an existing concrete crib wall supporting the embankment. The height of this crib wall varies across the block, ranging from 2.85 meters on the northeastern side to 4.52 meters on the southwestern side.

The site slopes steeply downward in a north-westerly direction from Hilltop Road at an approximate angle of 30 degrees, with exposed rock outcrops creating vertical drop-offs throughout. Refer Figure 1, Figure 2 & Figure 3.

To the south of the site is a three-story brick dwelling with a swimming pool and an elevated carport, with the southern corner built to the front boundary line. To the north, there is a modest single-story timber-clad dwelling with an elevated carport, both surrounded by mature trees and dense vegetation.

Due to site constraints and the extreme slope of the land, the proposed dwelling does not comply with Pittwater LEP 2014 in relation to Clause 4.3 (Height of Buildings) and DCP controls D1.11 (Building Envelope) for the dwelling and D1.9 for the garage structure front setback. However, the DCP allows for non-compliance on steep and challenging sites such as this. A Clause 4.6 Variation report has been included with this development application to address the LEP Height non-compliance.



Figure 1 – Site slope: Looking Upslope towards 98 Hilltop Road:

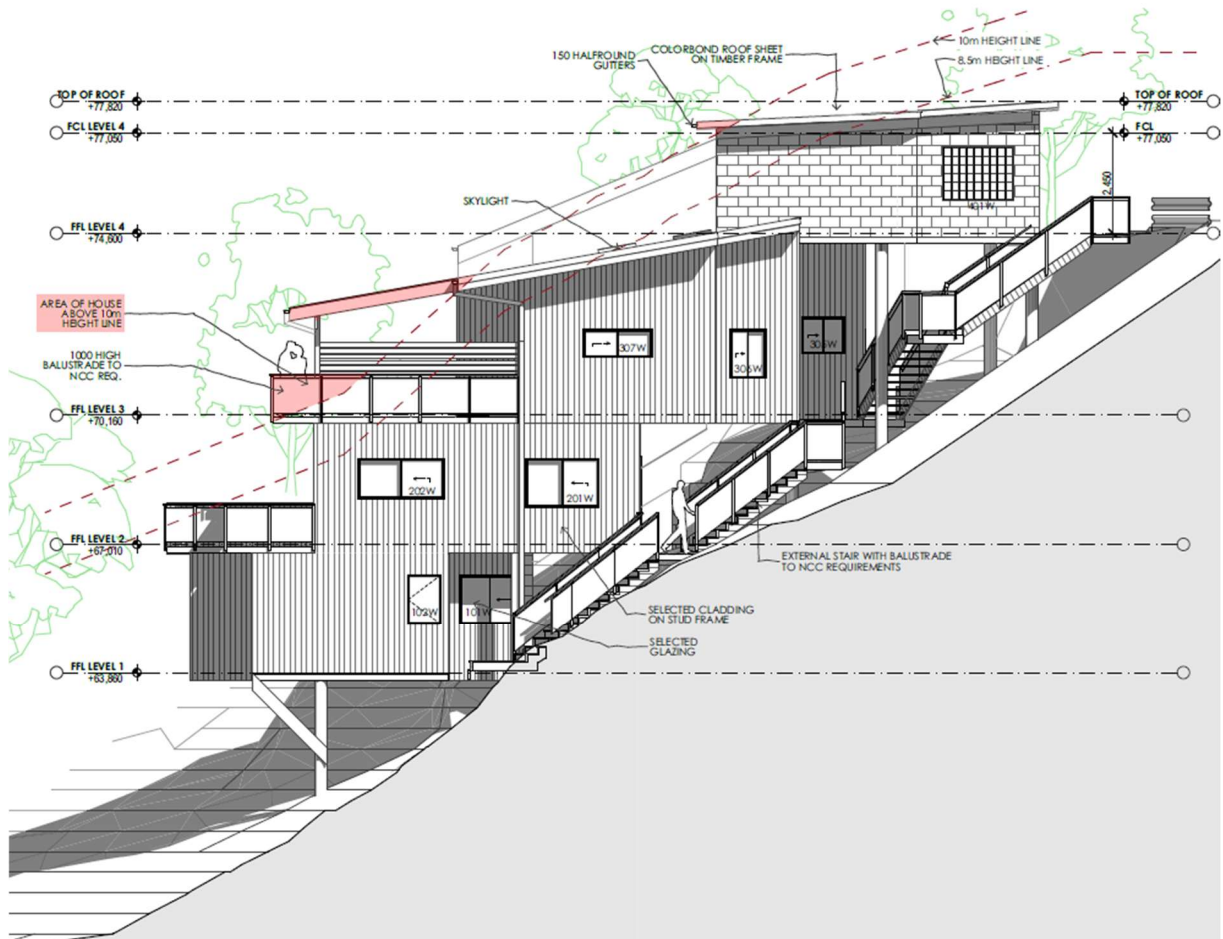


Figure 2: South West Elevation showing Site slope of 30 degrees

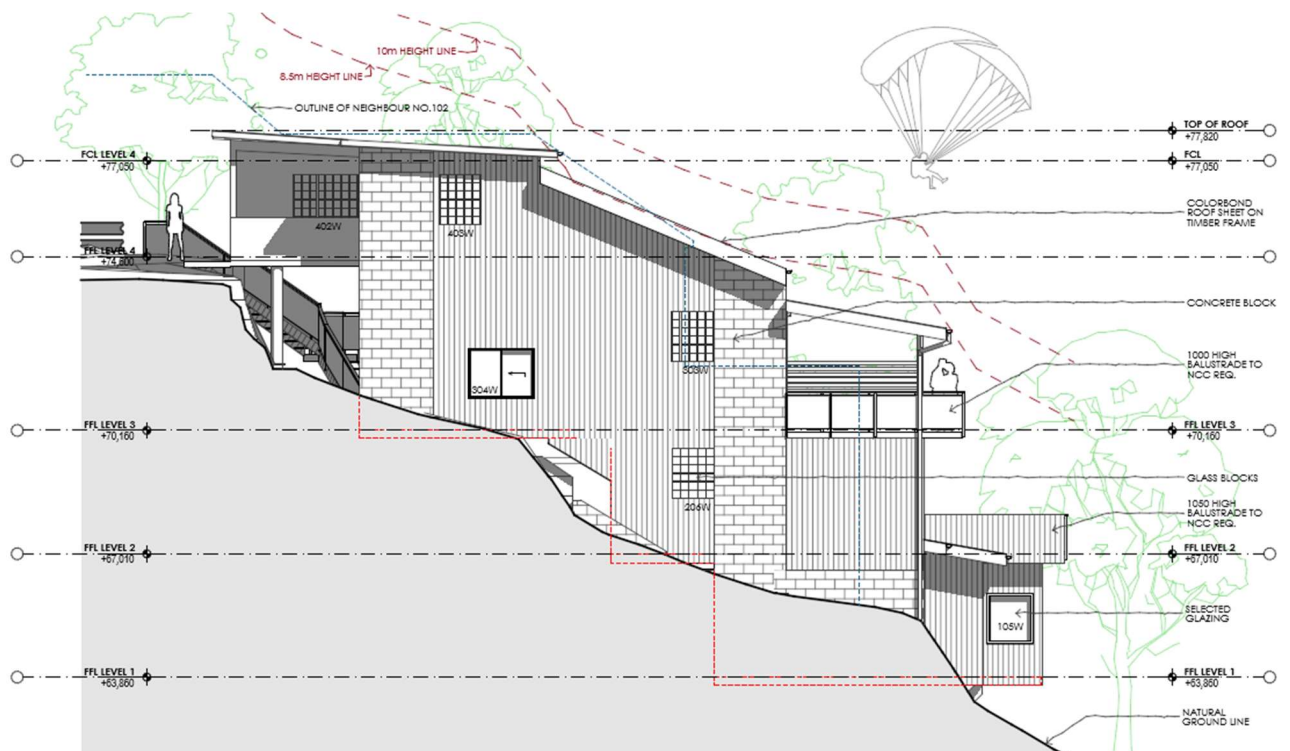


Figure 3: North East Elevation showing compliance with 8.5m height requirement.

- The site is in Zone C4 Environmental Living under the Pittwater Local Environmental Plan 2014 (the LEP). The proposed dwelling house is permissible with the consent of Council.
- The site is underdeveloped and contains landscape features such as remnant native trees and rock outcrops.
- The subject site is located on the Bushfire Map A bushfire Assessment is included with this application.
- The site is not a local heritage item and is not in a conservation area.
- There are no local heritage items in the vicinity of the site.
- The site is in a Geotechnical Hazard H1 area. A Geotechnical Assessment by White Geotechnical Group is included in this application.
- The site is zoned as Class 5 Acid Sulfate soils.
- The subject site noted to be mapped as Pittwater Spotted Gum Endangered Ecological Community and contains land mapped on the Dept. Planning and Environment Biodiversity Values Map under the Biodiversity Conservation Act. A Biodiversity Development Assessment Report by *Ecological Consultants Australia PTY LTD TA Kingfisher Urban Ecology and Wetlands* dated 18th February 2024 is included with this application

3.0 Proposal Description:

The proposal involves the construction of a four-level detached dwelling designed to accommodate four bedrooms, multiple bathrooms, and expansive living spaces arranged across Levels 1, 2, and 3. The topmost Level 4 functions primarily as a two-car garage with internal storage facilities, bin storage, and direct internal access to the dwelling. External materials are specified to meet bushfire standards and include off-form concrete, block walls, stone clad walls, fire-rated composite decking, and fibre cement cladding.

Key Building Elements:

- Four-level structure with a Maximum height of approximately 11.6m.
- Floor areas generally comprising (approximately.): Level 1 at 90.27sqm, Level 2 at 107.43sqm, Level 3 at 108.85sqm, and Level 4 rooftop level (garage) at 11.37sqm plus a 60.34sqm garage space.
- Two generous decks for outdoor living (approximately 20.85sqm on Level 2 and 69.81sqm on Level 3).
- Internal lift and multiple stair connections between floors for improved accessibility.
- Two on-site car parking spaces located in the enclosed upper-level garage.

4.0 Key Issues:

4.1. Compliance

The proposed house satisfies all the controls in the Pittwater Development Control Plan apart from the Front building line, Building Envelope and Height of Buildings controls. Justification for this non-compliance is addressed in part 5.2 of this report. The height limit non-compliance occurs on the south side of the site and is only applicable to a section of the eaves on the upper level, a section of the patio roof and a section of the balustrading on the second level deck. Refer Figure 4.

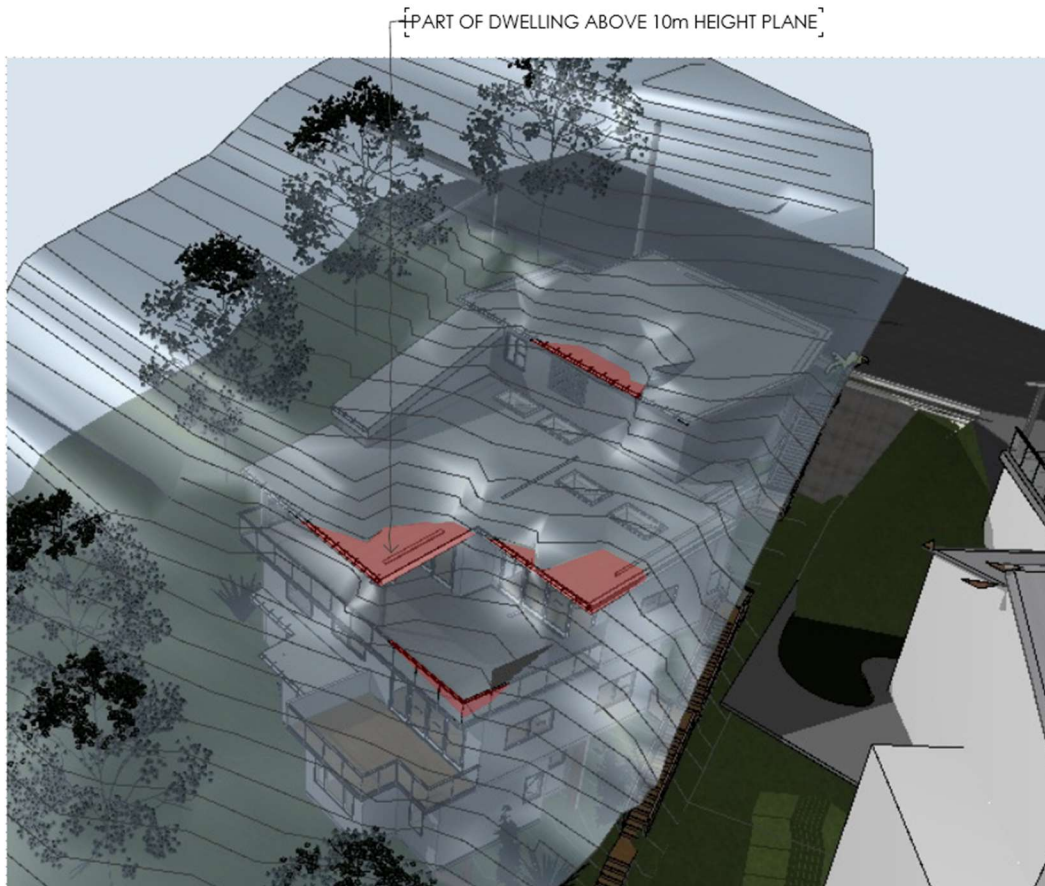


Figure 4: Aerial View Showing 10m Height plane

4.2. Impact on adjoining properties

Views –

The design of this development has carefully considered view sharing between adjoining properties and public spaces, while taking into account the site's constraints. To minimize bulk and scale, the dwelling footprint has been kept as compact as possible, ensuring sensitivity to the neighbouring properties.

The single-story dwelling to the north is set well back on its site at a lower elevation, with mature trees and vegetation forming the dominant outlook. To maintain equitable view sharing, the proposed development includes a 2.50-meter setback on this side and an elevated deck supported solely by steel posts, minimizing visual obstruction.

On the southern side, the adjacent three-story dwelling is positioned 6.30 meters from the side boundary, with its primary view oriented toward Pittwater. The proposed development maintains a setback ranging from 1 meter at the front to 4.8 meters further down the site, following the irregular boundary line. Equitable view sharing is preserved through generous setbacks on both sides and by avoiding an extended footprint downslope.

Shadowing –

Shadow Diagrams have been submitted with this application. Due to the steep nature of the site some overshadowing occurs between 9am and 11am to the dwelling directly south of the subject site. The dwelling to the south will receive more than 3 hours of sunlight during winter. The stepping of the proposed dwelling down the site allows for sunlight to the neighbour southward.

Privacy –

Private open space is provided with the Covered and Open decks on Level 3 of the dwelling. This connects directly with the primary living spaces. The decks have an area of approximately 69 sqm on this level. Privacy screening to 1.800m high is included on the south western edge of the deck for privacy to the neighbouring dwelling. Additional private open space is allocated on level 2 with a 20.85sqm deck.

4.3. Visual Impact

The height, bulk and scale of the proposed dwelling are consistent with other dwellings within the locality. Refer Figure 6.

The most prominent public view of the proposed dwelling will be from Hilltop Road Cul-de-sac. The upper floor level is the only level readily visible from this location with the other three lower levels occurring further down slope. When viewed from the cul-de-sac, the development will present as a single level dwelling. Refer Figure 5. This stepping of the dwelling down the site reduces the visual bulk and scale of the development. Therefore, the proposal does not dominate the streetscape. The different building elements, materials and the articulation of the dwelling facades, help give the development a street presence.

A garage for two car spaces at the front of the dwelling is included and is sensitively incorporated into the design with a covered entry adjacent.

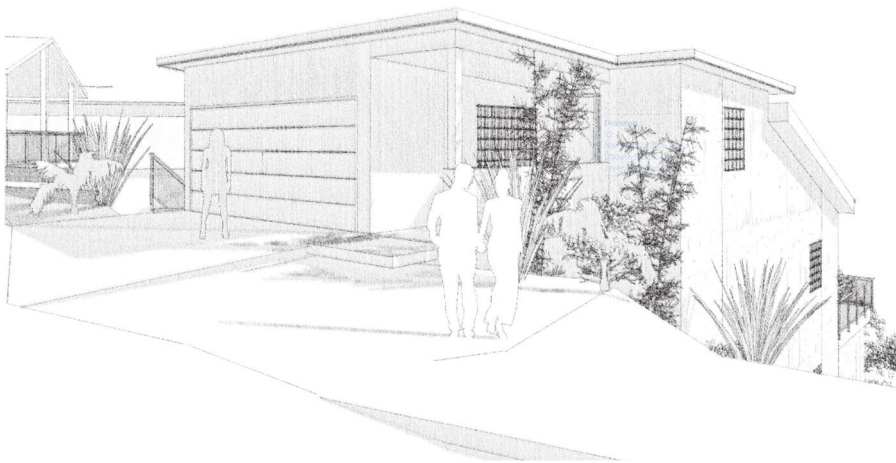


Figure 5 – View of the proposed dwelling from Cul-De-Sac



Figure 6 – View of Neighbour at 102 Hilltop Road to the south of the subject site

5.0 SECTION 79C ASSESSMENT:

5.1 Environmental Planning Instruments

5.1.1 State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)

The object of this Policy is to provide State-wide approach to the remediation of contaminated land for the primary purpose of reducing the risk of harm to human health or any aspect of the environment.

- The land has not had any built works other than the existing retaining walls and therefore there is no history to suggest that any contaminating uses previously occurred on this site.
- The proposed dwelling is designed to step down the site and to reduce the amount of excavation required.
- The eastern corner of Level 1 (lowest level) has a maximum site cut of approximately 2.5m where the lift shaft occurs. Most of the level 1 however is suspended slab construction.
- The main excavation and earthworks are to anchor the dwelling into the sloping terrain, using concrete piers, retaining walls, and suspended floor slabs to suit steep site conditions. There is only minimal excavation proposed outside of the proposed building footprint. Council can therefore be satisfied that the land is not contaminated, and no remediation of the land is required.

5.1.2 State Environmental Planning Policy - Building Sustainability Index: BASIX 2004)

This SEPP was gazetted on 26 June 2004 requires all new residential dwellings and alterations and additions to existing residential dwellings in NSW to meet sustainability targets for a reduction in energy use and water use. This application is accompanied by a Basix Certificate and a NatHERS Certificate.

5.1.3 Pittwater Local Environmental Plan 2014 ('the LEP')

The land is within the zoned C4 Environmental Living of the Pittwater Local Environmental Plan 2014 (the LEP). Dwelling houses and secondary dwellings are permissible with development consent in accordance with the Land Use Table of the LEP.

The objectives of the **Zone C4 – Environmental Living** under the **Pittwater Local Environmental Plan (LEP) 2014**, New South Wales, are intended to protect and manage environmentally sensitive land while allowing low-impact residential development. The key objectives of this zoning include:

1. To provide for low-impact residential development in areas with special ecological, scientific, or aesthetic values.
2. To ensure that residential development does not adversely affect the environmental or scenic qualities of the area.
3. To protect and restore areas of high ecological, scientific, or aesthetic value.
4. To maintain the unique character of Pittwater's natural and built environment.
5. To encourage development that is compatible with the environmental capabilities of the land.

The proposal is for a new dwelling house and will be consistent with the aims and objectives of the LEP and the objectives of the C4 Environmental Living Zone. The design of the house and the proposed landscaping aims to enhance the landscape setting of the site and the streetscape. The Bushfire report recommends that the entire site be managed as an Inner Protection Zone (IPA). The Landscape Plans and Arborist's report address the IPA requirements.

Clause 4.1 (Minimum subdivision lot size) - This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

A minimum lot size of 700m² applies in accordance with the Lot Size Map.

The size of the land is 1004m². Subdivision of the land is not proposed. The proposal is simply for a dwelling house on the site.

Clause 4.3 (Height of building) - A maximum building height of 8.5m applies in accordance with the

Height of Buildings Map. Building height (or height of building). This clause requires that the height and scale of a building are in keeping with the locality, ensuring compatibility with neighbouring development, minimising overshadowing and adverse visual impacts. It mandates that the building height must not exceed the maximum height indicated on the Height of Buildings Map unless specific exceptions apply. Relevant subclauses include: (2), (2A), (2B), (2C), (2D), (2E), (2F), (2FA), (2FB) and (2G).

The proposed development presents a maximum height of 11.6 m, which is more than the 8.5 m maximum permitted height shown on the Height of Buildings Map. Due to the site gradient being approximately 30° this allows for an exemption to the height limit of 8.5m. That exception typically limits the overall allowable height to 10.0 m. Consequently, the proposed height exceeds the permitted levels under the clause, and Clause 4.6 Variation is submitted with this application. The height limit non-compliance occurs on the south side of the site and is only applicable to a section of the eaves on the upper level, a section of the patio roof and a section of the balustrading on the second level deck. Refer Figure 4.

Clause 7.1 Acid Sulfate Soils

The site is identified as being in a Class 5 Acid Sulfate zone. Due to the siting of the house being well above the Australian Height Datum it is unlikely that any Acid Sulfate soil will be impacted. The lowest floor level of the project is at a height of RL63,860. To ensure that the disturbance of soils is effectively managed and does not result in environmental damage, Site management plans and Sediment and Erosion Control plans have been included in this application. The main excavation and earthworks are to anchor the dwelling into the sloping terrain, using concrete piers, retaining walls, and suspended floor slabs to suit steep site conditions. There is only minimal excavation proposed outside of the proposed building footprint. Council can therefore be satisfied that the land is not contaminated, and no remediation of the land is required.

Clause 7.2 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

- The proposed dwelling is designed to step down the site and to reduce the amount of excavation required.
- The eastern corner of Level 1 has a maximum site cut of approximately 2.5m where the lift shaft occurs. Most of the level 1 is suspended slab construction.
- The main excavation and earthworks are to anchor the dwelling into the sloping terrain, using concrete piers, retaining walls, and suspended floor slabs to suit steep site conditions. There is only minimal excavation proposed outside of the proposed building footprint. Council can therefore be satisfied that the land is not contaminated, and no remediation of the land is required.
- The Stormwater plans and Landscape plans have been designed to retain environmental features such as rock outcrops where possible.
- As the site is nearby to Pittwater Estuary the development must not significantly impact on the biophysical, hydrological or ecological integrity of Pittwater, or the quantity and quality of surface and ground water flows that it receives.
- Site management plans and Sediment and Erosion Control plans have been included in this application. Sediment and erosion controls must be installed prior to any disturbance of soils on site and maintained until all work is complete and groundcover re-established.
- Ongoing stormwater treatment measures must be maintained, in accordance with manufacturers specifications.

Clause 7.5 Coastal Risk Planning

The site does not occur within the Coastal Risk Planning Map Area

Clause 7.6 Biodiversity

The site occurs within the Biodiversity Mapping area. The proposal requires the clearing of native vegetation identified on the Biodiversity Values (BV) Map, triggering the requirement for an accredited assessor to assess the impacts of the proposal on biodiversity values through the application of the Biodiversity Assessment Method (BAM). A Biodiversity Development Assessment Report by Kingfisher Urban Ecology & Wetlands dated 15/02/2025 is included in this application. Based on this assessment, it is unlikely that the proposed development will have a significant impact on any matters of national environmental significance listed under the EPBC Act.

Clause 7.7 Geotechnical Hazards - The site is in a Geotechnical Hazard Area H1 (W) as shown on the Geotechnical Hazard Map.

The proposed development is located within a designated Geotechnical Hazard H1 area. A comprehensive geotechnical risk management report has been prepared, confirming that the design, including controlled cut and fill, appropriate retaining structures, and effective drainage systems, addresses the inherent geotechnical risks. The development incorporates measures to ensure that wastewater, stormwater and drainage are managed to prevent adverse impacts on water rate, volume and quality. Furthermore, the design and construction methods have been formulated to avoid, minimise, or where necessary mitigate geotechnical risks, in strict accordance with the technical recommendations provided in the risk management report.

Refer: Geotechnical Investigation Report By White Geotechnical Group Dated 30TH July 2024

5.2 Development Control Plans

Pittwater Development Control Plan 21 (the DCP)

The following table provides a summary of the proposal in terms of compliance with the numerical standards of the DCP:

DCP Guideline	Standard	Proposed	Compliance
Site Area 1004m ²			
C1.1 & D1.14 Landscaped area	60% of site	60% of site 365	Yes
C1.7 Private Open Space	80sqm	89sqm	Yes
D1.1 Character as viewed from a Public Place & D1.4 Scenic Protection	Wall length < 8m without articulation Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	<8m See notes below	Yes, articulated facade See notes below
<p>The most prominent public view of the proposed dwelling will be from Hilltop Road Cul-de-sac. The upper floor level (level four) is the only level readily visible from this location with the other three lower levels occurring further down the slope. When viewed from the Cul-de-sac, the development will present as a single level dwelling. This minimises the visual bulk and scale of the development. Therefore, the proposal does not dominate the streetscape. The different building elements, materials and the articulation of the dwelling facades, help give the development a street presence.</p> <p>A garage with two car spaces at the front of the dwelling is included and is sensitively incorporated into the design with a covered entry adjacent.</p>			
D1.8 Front Building Line	6.5, or established building line	6.5m to house 1.52 to garage	No see notes below
<p>Due to the steep nature of the site being around 30 degrees in gradient, a compliant garage setback is not achievable without the dwelling going even further above the height limit and having adverse impact to neighbouring properties. The proposed garage setback of 1.52m reduces the impact to neighbours in terms of overshadowing. The garage structure is positioned at the uppermost level to minimize site disturbance and to reduce overshadowing to the neighbour southward. The building footprint has been kept compact, while stepping vertically down the hill to reduce its visual bulk from the street.</p> <p>Compliance with the front setback controls would result in a suboptimal design outcome, as adhering strictly to these standards would either:</p> <ul style="list-style-type: none"> Require pushing the house further north to achieve front setback compliance, however this results in the dwelling being even further above the 8.5m height restriction. Require extensive excavation and disruption to the natural rock outcrops and vegetation, or Significantly compromise the dwelling's functionality and structural integrity. <p>Due to the complexity of the site an exemption to the front building line requirements is requested.</p>			

D1.11 Building Envelope	4.2m + 45 degrees	Non Compliant	No see below Note variation to this control is considered on a merit basis
<p>Due to the steep nature of the site being around 30 degrees in gradient, a compliant building envelope is not achievable to have a functional dwelling on the site. The extreme slope of the land necessitates stepped massing that extends beyond the conventional envelope.</p> <p>The proposed dwelling has been designed to step down the steep site gradually and to not adversely impact the neighbours in terms of overshadowing, loss of privacy or view loss. Compliance with the building envelope controls would result in a suboptimal design outcome, as adhering strictly to these standards would either:</p> <ul style="list-style-type: none"> • Require extensive excavation and disruption to the natural rock outcrops and vegetation, or • Significantly compromise the dwelling's functionality and structural integrity. <p>Due to the complexity of the site an exemption to the building envelope requirements is requested.</p>			
D1.15 Fences			Not applicable
D1.17 Construction, Retaining walls, Terracing and Undercroft area	Lightweight construction where possible, retaining walls stone where visible, reduce cut and fill	The design aims to reduce cut and fill on site with most of the floor area consisting of a suspended structure. There are no visible retaining walls from the street.	Yes
D1.9 Side setback side 1	1m	1m to garage	Yes
D1.9 Side setback side 2	2.5m	2.5m	Yes
D1.9 Rear setback	6.5m	21.1m	Yes
Parking	2	2	Yes

5.3 The likely impacts of the proposed development on both the natural and built environment, and the social and economic impacts in the locality.

The proposed house will not have any significant impact on the amenity of the adjoining properties, and on both the natural and built environment. There are no social and economic impacts in the locality caused by the development.

5.4 The suitability of the site for the development

The proposal is an appropriate development for the complex site. The reasons for the variations to LEP and DCP requirements have been justified. The proposed works will have no adverse impact on the adjoining neighbouring properties, the streetscape, and the locality. The site is suitable for the proposed development.

5.6 The public interest

It has been demonstrated that the proposal will not result in any unacceptable impacts on the amenity of neighbouring properties the streetscape and the locality. The scale of the proposed development represents an appropriate development for the site and will be compatible with the character of the area and surrounding residential land use.

5.7 State Environmental Planning Policy No.71 – Coastal Protection

As the subject site occurs in a coastal zone, it is subject to SEPP No. 71 – Coastal Protection. The proposed development complies with the objectives of the Policy.

Matters for Consideration:

(d) the suitability of the development given its type, location and design and its relationship with the surrounding area.

The proposed dwelling is in keeping with the objectives of Councils DCP. It complements the desired outcome of the area and does not have any adverse impact on the amenity of the adjoining properties, the environment, or the scenic quality of the area.

(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including significant overshadowing of the foreshore and any significant view loss from a public place to the foreshore.

The subject site is around 300m away from the foreshore. The proposed dwelling steps down the site slope to minimise overshadowing. As the site falls to the north, the dwelling typically only casts shadows back into the hill as displayed on the shadow diagrams. The dwelling is located to the south end of the site and far away from any foreshore area. The proposal will not adversely impact on the amenity of the coastal foreshore, the environment, or the scenic quality of the area.

There is no significant view loss from a public place to the foreshore.

(f) the scenic qualities of the NSW coast, and means to protect and improve these qualities.

The proposed dwelling will complement the existing streetscape, the site and the climate. The proposed development will not impact adversely on the scenic qualities of the NSW coast.

5.8 Conclusion

The proposed dwelling will not have any adverse impacts to any neighbours or heritage items in the vicinity. Based on the above, it is requested that proposed dwelling be considered for approval.

It's submitted that the proposed development will maintain the visual pattern and predominant scale of existing detached style housing in the locality and meet with the intent of the desired future character and LEP.

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