



Pre-lodgement Meeting Notes

- Application No:** PLM2021/0004
- Meeting Date:** 28 January 2021
- Property Address:** 20 Cabarita Road, Avalon Beach
- Proposal:** Alterations and additions to a dwelling house including a swimming pool and site reclamation
(Notes refer to the Revised Plans received 3 February 2021)
- Attendees for Council:**
- Steve Findlay – Manager Development Assessment
 - Tony Collier – Principal Planner
 - Stephanie Gelder – Planner
 - Rafiq Islam - Principal Officer (Coast & Estuary)
- Additional comments provided by:
- Joseph Tramonte - Senior Landscape Architect
 - Uma Shanmugalingam - Development Engineer
 - Alex Graham – Biodiversity Officer
 - Ruby Ardren - Project Leader (Water Management)

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant
<p>Building Height</p> <p>See commentary under <i>Part 4 - Principal Development Standards (Clause 4.3)</i> later in the Notes.</p>
<p>Setbacks</p> <p>Please see comments under Clause D1.8 and D1.9 of the Pittwater 21 Development Control Plan later in these Notes.</p>
<p>Building Footprint</p> <p>Please see comments under Part 4 - Principal Development Standards (Clause 4.3), and Clauses D1.8, D1.9 and Clause D1.11 later in these Notes.</p>
<p>Views</p> <p>It is considered unlikely that the proposal would result in unreasonable view impacts and will satisfy the view sharing requirements given the building height and angled rear setbacks. Notwithstanding, any Development Application is to include a View Impact Analysis which is taken from neighbouring properties to the north and south, as well as an analysis taken from the elevated adjacent properties to the west.</p>
<p>Works within the Building Foreshore</p> <p>See commentary under <i>Part 2 - Zoning and Permissibility</i> and <i>Specialist Advice</i> later in these Notes.</p>

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

PLEP 2014 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0320>

Part 2 - Zoning and Permissibility	
Definition of proposed development: (ref. PLEP 2014 Dictionary)	<ul style="list-style-type: none"> • Dwelling House • Coastal Protection Works (Seawall)
Zone:	E4 – Environmental Living W1 – Natural Waterways
Permitted with Consent or Prohibited:	<ul style="list-style-type: none"> • Dwelling House - Permitted with consent • Coastal Protection Works – Prohibited (see note)

Note: *Coastal Protection Works* are defined under the *Coastal Management Act 2016* as:

- a) beach nourishment activities or works, and



- b) activities or works to reduce the impact of coastal hazards on land adjacent to tidal waters, including (but not limited to) **seawalls**, revetments and groynes.

Coastal Protection Works are made permissible under Clause 27 of the *Coastal Management Act 2016* which states:

- 1) Development consent must not be granted under the *Environmental Planning and Assessment Act 1979* to development for the purpose of coastal protection works, unless the consent authority is satisfied that:
 - a) the works will not, over the life of the works:
 - i. unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or
 - ii. pose or be likely to pose a threat to public safety, and
 - b) satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works:
 - i. the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works,
 - ii. the maintenance of the works.
- 2) The arrangements referred to in sub-section (1)(b) are to secure adequate funding for the carrying out of any such restoration and maintenance, including by either or both of the following:
 - a) by legally binding obligations (including by way of financial assurance or bond) of all or any of the following:
 - i. the owner or owners from time to time of the land protected by the works,
 - ii. if the coastal protection works are constructed by or on behalf of landowners or by landowners jointly with a council or public authority - the council or public authority,

Note

Section 4.17(6) of the *Environmental Planning and Assessment Act 1979* provides that a development consent may be granted subject to a condition, or a consent authority may enter into an agreement with an applicant, that the applicant must provide security for the payment of the cost of making good any damage caused to any property of the consent authority as a consequence of the doing of anything to which the consent relates.

- b) by payment to the relevant council of an annual charge for coastal protection services (within the meaning of the *Local Government Act 1993*).
- 3) The funding obligations referred to in subsection (2) (a) are to include the percentage share of the total funding of each landowner, council or public authority concerned.

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Comment
4.3 – Height of Buildings	8.5m	3.2m to 11.2m	See note below

Note: Clause 4.3(2D) permits a development to exceed the 8.5m height to not more than 10.0m but only if:

- a) *the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
- b) *the objectives of this clause are achieved, and*



- c) *the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- d) *the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

The objectives of Clause 4.3 (referred to in Clause 4.3(2D)(b) above) are:

- a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- c) *to minimise any overshadowing of neighbouring properties,*
- d) *to allow for the reasonable sharing of views,*
- e) *to encourage buildings that are designed to respond sensitively to the natural topography,*
- f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

The development includes elements which achieve a building height of 11.2m. These elements are located at the eastern end of the first floor ('Entry Level' on the floor plans) which includes privacy screens.

As noted above, the support of a 10.0m building height is contingent on satisfying the objectives of Clause 4.3 and, as discussed later in these Notes, concern is raised with respect to the monolithic façade which faces the waterway. As discussed at the meeting, the facade in question does not appear to successfully respond to the topography of the site and the introduction of terracing was suggested. The revised design which reduces the architectural frame (as suggested at the meeting) goes some way to visually moderating the scale of the development but it still appears to be monolithic and lacking distinct "stepping" on this sloping site due to the forward projection of the eastern window of Bedroom 1 (above the frame).

In this respect, the development (as currently proposed) cannot be considered to satisfy the objectives of Clause 4.3 (in particular Objectives (e) and (f)) and therefore cannot be considered to qualify for the additional maximum height limit of 10.0m.

Clause 4.6 - Exceptions to Development Standards

Clause 4.6 enables the applicant to request a variation to the applicable Development Standards listed under Part 4 of the LEP pursuant to the objectives of the relevant Standard and zone and in accordance with the principles established by the NSW Land and Environment Court.

A request to vary a Development Standard is not a guarantee that the variation would be supported as this needs to be considered by Council in terms of context, impact and public interest and whether the request demonstrates sufficient environmental planning grounds for the variation.

PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21DCP)

P21DCP can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=PDCP>

The following notes the identified non-compliant areas of the proposal only.



Section D – Locality Specific Development Controls (D1 – Avalon Beach Locality)		
Control	Permitted	Proposed
<p>Clause D1.1 – Character as viewed from a public place</p> <p>The Outcomes of Clause D1.1 are:</p> <ul style="list-style-type: none"> • <i>To achieve the desired future character of the Locality</i> • <i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment.</i> • <i>To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment</i> • <i>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.</i> • <i>High quality buildings designed and built for the natural context and any natural hazards.</i> • <i>Buildings do not dominate the streetscape and are at 'human scale'.</i> • <i>To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.</i> <p>Central to the above outcomes is the requirement that the bulk and scale of buildings must be minimised.</p> <p>As discussed earlier (see commentary under Part 4 - Principal Development Standards), despite the revision to the east facing facade, the appearance of the development when viewed from the waterway will continue to present as a monolithic form which towers above the public place and is at odds with the spatial characteristics of the existing built environment.</p> <p>While it is acknowledged that the revision to the architectural framing goes some way towards establishing a terracing appearance, it is mitigated by the retention of the forward projecting eastern window of Bedroom 1 (above the frame).</p> <p>Recommendation</p> <p>In order to respond to the outcomes and requirements of this clause, it is recommended that the level above the revised frame be setback sufficiently to provide a meaningful “terracing” or “stepping” to the building to better relate to the topography of the site and to the terraced built forms of neighbouring properties.</p>		
<p>Clause D1.4 – Scenic protection – General</p> <p>The Outcomes of Clause 1.4 are:</p> <ul style="list-style-type: none"> • <i>Achieve the desired future character of the Locality.</i> • <i>Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.</i> <p>To achieve this, Clause D1.4 requires that development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</p> <p>As discussed above, the appearance of the development when viewed from the waterway remains visually overbearing and is to be modulated by setting the eastern façade of the level directly above the revised architectural frame.3.0m</p>		
<p>Clause D1.8 - Front Building Line</p>	<p>6.5m or established building line (whichever is greater)</p>	<p>1.4m to 1.8m</p>
<p>Currently the existing carport exhibits a nil to 0.5m front setback. The proposal sets the garage back to between 1.4m and 1.8m which is an improvement and which aligns with other garages in the street (such garages are notably sited such due to the steeply sloping topography where an increased setback to 6.5m is not feasible).</p>		



Section D – Locality Specific Development Controls (D1 – Avalon Beach Locality)

The garage has also been setback 0.9m from the side boundary which provides visual relief to the front yard/driveway of the neighbouring property to the south and to the streetscape generally.

The front setback is therefore supported.

<p>Clause D1.9 – Side and Rear Building Line</p>	<p>Side</p> <ul style="list-style-type: none"> • 2.5 at least to one side • 1.0 for other side <p>Rear</p> <p>Foreshore Building Line: Variable (between 13.8m & 14m)</p>	<p>Side</p> <p><u>North</u></p> <ul style="list-style-type: none"> • Entry Level: 1.5m to 3.0m • Level 1: 2.0m to 3.8m • Level 2: 2.0m to 3.0m • Level 3: 2.3m to 3.0m <p><u>South</u></p> <ul style="list-style-type: none"> • Entry Level: 0.9m • Level 1: Nil to 0.9m • Level 2: 0.9m • Level 3: 0.9m <p>Rear</p> <ul style="list-style-type: none"> • Entry Level: 15.8m to 16.9m • Level 1: 14.9m to 15.8m • Level 2: 14.9m to 15.8m • Level3: 14.9m to 17.4m • Pool: 7.3m to 8.1m
---	---	---

The development generally responds to the side setbacks already established by the existing building. The exceptions being primarily to the northern side where new additional features have been incorporated to increase the internal floor area and useability of the dwelling. Areas which are increased include the pantry (Entry level); Living Room and Bedroom 1 balcony (Level 1); Wine Cellar and Bedroom 3 balcony (Level 2); and a blade wall to the balcony servicing the Sauna (Level 3).

The setbacks to the southern side are minor extensions to the established side walls of the dwelling (including the nil setback of the garage undercroft).

The rear setback is established by the Foreshore Building Line which varies in depth according to the rear boundary alignment. The non-compliance relates to the proposed swimming pool which is to be elevated and encased within a sandstone rock feature wall to respond to the natural context of the site and the foreshore.

In each instance, the non-compliances are considered to be relatively minor in terms of their encroachment and appearance. For example, the main elements of non-compliance to the northern side setback occur as the site narrow and at a higher elevation on the site such that the vertical bulk and scale of side wall is commensurately reduced.

The non-compliance related to the swimming pool is considered to be moderated by its incorporation into the landscape through the construction of the sandstone feature wall which surrounds the pool.

Therefore, the proposed side and rear setbacks may be supported.

<p>Clause D1.11 – Building Envelope</p>	<p>3.5m x 45°</p>	<p><u>North</u></p> <p>Outside envelope</p> <p><u>South</u></p>
--	-------------------	--



Section D – Locality Specific Development Controls (D1 – Avalon Beach Locality)

Outside envelope

The development exhibits non-compliances to the building envelope at both side elevations. It is acknowledged that the majority of the building envelope non-compliance occurs at the existing building alignment however, it is also noted that the new areas proposed to the east of the existing building footprint result in non-compliances.

The identified non-compliances relate to the earlier discussion regarding the east-facing façade (see comments under Part 4 ‘Principal Development Standards’ and Clauses D1.1 ‘Character as viewed from a public place’ and Clause D1.4 ‘Scenic protection – General’).

It is expected that, should the eastern façade be revised to respond to the earlier comments regarding additional terracing/stepping, this would give some relief to the new elements of the proposal in achieving compliance with Clause D1.11.

Therefore, because of the afore-mentioned close relationship, the non-compliances identified under this Clause cannot be supported.

Clause D1.14 – Landscaped Area (Environmentally Sensitive Land)	60% of site area (i.e. 357.8m ²)	<u>Existing</u>
	Up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only.	41.8% (249.5m ²)
		<u>Proposed (less Pool)</u>
		35.8% (213.3m ²)
		<u>Proposed (with Pool)</u>
		41.8% (249.5m ²)

As discussed at the meeting, it was acknowledged that the site could not comply with the required 60% landscaped area based upon alterations and additions to the proposed dwelling. It was recommended that the development retains the level of existing landscaped area rather than reduce it any further.

A comparison of the proposed landscaped areas reveals that this could be achieved if the pool was to be included as landscaped area. It is noted that the pool area (i.e. 36.18m²) equates to 6% of the site area.

A review of the wording of Clause D1.14 indicates that the pool area may be included as a variation provided that the area is for outdoor recreational purposes only. It is considered that the pool is for outdoor recreational purposes and, given its equating to 6% of the site area, may be utilised in the calculation of landscaped area.

Specialist Advice

Development Engineering

The following pre-lodgement comments are provided for the proposed development. These comments are only preliminary in nature and a detailed assessment can only be provided upon lodgement:

- Stormwater disposal for the proposed development is to be designed in accordance with Northern Beaches Council’s Water Management for Development Policy. The policy is available in Council’s web page: <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-development-policy/water-management-development-policy-aug2020.pdf>
- The driveway crossing is to be in accordance with one of Council’s Vehicular Crossing standard profile available on Council’s web page



Specialist Advice

<https://www.northernbeaches.nsw.gov.au/planning-development/permits-and-certification/driveway-and-vehicle-crossings>

The driveway and parking facility dimensions are to be in accordance with AS2890.1

- The site is located within the H1 hazard area, a geotechnical engineers report and Forms are required to be submitted in accordance with Geotechnical Risk Management Policy for Pittwater – 2009 with the Development Application.

Landscape

The Statement of Environmental Effects (SEE) shall include commentary of relevant landscape clauses of the DCP, and in this instance the following:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D1 Avalon Locality, with reference to relevant controls

A Landscape Plan is required to demonstrate that the proposed development satisfies the DCP clauses, including:

C1.1 Landscaping

- a range of shrubs and canopy trees shall be retained or proposed to soften the built form
- canopy tree planting shall be locally native species
- generally at least 2 canopy trees in the front yard and 1 canopy tree in the rear yard
- development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops
- design consideration should be given in tree planting locations to minimise loss of sunlight, privacy, views, and noise for neighbouring properties

Any on slab planter or roof gardens shall comply with the following soil depth guidelines:

- 300mm for lawn and groundcovers
- 600mm for shrubs and accents
- 1m for small trees

B4.22 Preservation of Trees and Bushland Vegetation

The SEE shall include discussion on the trees and vegetation within the site and within adjoining properties. Should all trees and vegetation be 5 metres or less in height (i.e. Exempt Species), no Arboricultural Impact Assessment is required, and this is to be reported in the SEE.

For prescribed (protected) trees under the DCP (i.e. 5 metres and over, excluding Exempt Species), an Arboricultural Impact Assessment is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed.

The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees within the site, and for any existing tree on adjoining properties located 5 metres from the site (building and associated excavation or fill zones).



Specialist Advice

The report shall be prepared by a qualified Arborist AQF Level 5 and shall cover assessment of excavation and construction impacts upon the SRZ and TPZ, tree protection requirements, and recommendations. Recommendations shall include the setback distance from each tree where no construction impact is to occur to ensure the long term retention of the tree.

Any development impact shall be outside of the structural root zone, and impact to the tree protection zone, for trees retained, shall be limited to satisfy AS4970-2009.

Existing trees and vegetation within adjoining property and within the road verge is not permitted to be impacted upon. Council does not support the removal of street trees unless the street tree is proven to present an arboricultural risk.

No impact to existing trees and vegetation within adjoining properties is acceptable, regardless of species type.

As a general principle, the site planning layout shall be determined following arboricultural investigations and recommendations. Any proposal to remove existing trees of moderate to high retention value will not be supported by Council if an alternative design arrangement is available, as assessed by Council.

Landscape concerns

Capacity of the scheme to be softened by landscaping as viewed from the water, to satisfy D1.1 Character as viewed from a public place. Under D1.1 landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.

Realistically, given the water views to the property and to adjoining properties, canopy tree planting for long term establishment will need to be located appropriately.

Coastal Management

Relationship with other documents

- Pittwater 21 Development Control Plan
- Pittwater Local Environmental Plan 2014
- Coastal Management Act 2016
- State Environmental Planning Policy (Coastal Management) 2018

Pittwater 21 DCP

The proposal of land reclamation and construction of seawall is guided by D15.18 Seawall in Pittwater 21 DCP. According to this section, seawalls shall not be permitted but Council may consider the construction of seawalls where there is potential for erosion from coastal process and protection of property is necessary.

Consideration is dependent on several criteria. One of them:

(Seawall) be designed so that the existing footprint is maintained (i.e. does not encroach any further into the intertidal zone) and the seawall is sloped back towards the property. There must



Specialist Advice

be no additional reclamation of water land (requires a permit from the Department of Primary Industries) or replacement of the existing wall with a vertical seawall;

The applicant will therefore need to demonstrate to Council's satisfaction that there is the potential for erosion from coastal processes at the subject site and that protection of property is necessary. This may be problematic given that there is an existing seawall already protecting the property. A Coastal Engineering and Risk Management Report may be necessary in this regard.

If the seawall was considered by Council, the concurrence and approval of state agencies for the construction of the seawall and reclamation would be required and a Marine Ecological Assessment would need to be undertaken and submitted in support of the application. Assessment and approval may be required by DPI Fisheries, Roads and Maritime Services and Crown Lands. Landowners consent to lodge the development application as well as any licences that may be required would also need to be gained from Crown Lands.

Coastal Management Act 2016 and State Environmental Planning Policy (Coastal Management) 2018

The proposed development is located within the coastal zone of NSW and is subject to the provisions of the *Coastal Management Act 2016* (CM Act) and State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP).

As the proposal is reclamation of land wall through construction of a seawall, the Section 27: granting of development consent relating to coastal protection works of the *Coastal Management Act 2016* will apply for assessment of the DA. As required, the impact & risk associated with the construction of the seawall has to be assessed in a Coastal Engineering & Risk Management Report.

The Report must address that (a) the works will not, over the life of the works:

- unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or
- pose or be likely to pose a threat to public safety

The risk management report must be prepared by a specialist coastal engineer who is a registered professional engineer with chartered professional status (CP Eng) and with coastal engineering as a core competency and has an appropriate level of professional indemnity insurance. The report should accompany a signed Form 1 provided in the Appendix 7 - Estuarine Risk Management Policy for Development in Pittwater.

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=PD CP&hid=12825>

Based on the impact and risk identified, maintenance condition will be applied as per Section 27(b)(ii) in granting development consent.

Under the CM SEPP the subject site has been included on the Coastal Environment Area Map as well as the Coastal Use Area Maps. The objectives and requirements of both the CM Act and the



Specialist Advice

CM SEPP must be addressed within the Statement of Environmental Effects (SEE) Report as they relate to development within these coastal management areas.

Reports Required:

- Statement of Environmental Effects (SEE) Report
- Coastal Engineering & Risk Management Report
- Marine Ecological Assessment Report

The DA should accompany letters of approval/support from

- Consent to lodge DA from the Department of Crown Lands under the NSW Planning, Industries & Environment
- Consent from the Transport for NSW - Maritime Division dated enclosing dated and signed maps
- Consent from the DPI-Fisheries under the Department of Primary Industries

Plus permit and/or licenses

- Part 7 Fisheries Management Act permit for activities involving dredging and reclamation work

Any development application under Part 4 of the EP&A Act requiring the above approval becomes integrated development. The Council will forward a copy of the development application to NSW DPI for appraisal.

Water Management

Due to the proposed increase in impervious area, the applicant must include a sediment filter pit on the stormwater line prior to discharge of stormwater from the land.

A Sediment and Erosion Control Plan must be provided that includes the management of aquatic sediment if any works are planned for below the high water mark of Pittwater, including piers, jetty, excavation.

The applicant must provide an Aquatic Ecology Report if any work is planned over or in the water of Pittwater, with particular focus on any impacts to seagrass or aquatic fauna

Biodiversity

The following biodiversity-related provisions apply to the site:

- Biodiversity Conservation Act 2016
- Fisheries Management Act 1994
- State Environmental Planning Policy (Coastal Management)
- Pittwater LEP Clause 7.6 (Biodiversity Protection)
- Pittwater DCP Clause B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community



Specialist Advice

Compliance with each of these provisions will need to be demonstrated within the submitted Statement of Environmental Effects (SEE) or supporting documentation.

Required Supporting Documentation

On review of the site and submitted pre-lodgement plans the following documentation is required to accompany the Development Application (DA):

- Arboricultural Impact Assessment (As stated within the Landscape Referral Team's comments).
- Landscape Plan
- Marine Ecology Impact Assessment

General Biodiversity Comments

In order to achieve consistency with the controls, the proposal must be designed and sited to avoid environmental impacts to the maximum possible extent. Removal of significant trees and important biodiversity values such as seagrass may not be supported if an alternative design solution is available.

Landscape Plan Requirements

To ensure consistency with Clause B4.7 of the Pittwater DCP, any Landscape Plan submitted must demonstrate that at least 80% of any new plantings incorporates native vegetation (as per species found on the site or listed in the Pittwater Spotted Gum Endangered Ecological Community). Found here <https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing#:~:text=The%20Scientific%20Committee%2C%20established%20by,Schedule%201%20of%20the%20Act.>

The Landscape Plan would also need to demonstrate no significant onsite loss of canopy cover or a net loss of canopy trees in accordance with Clause B4.7 of the DCP.

Marine Ecology Impact Assessment Requirements

A Marine Ecology Impact Assessment addressing potential impacts to mapped Seagrass, and the endangered seagrass population *Posidonia australis*, should accompany the DA and should be prepared by a suitably qualified and experienced marine ecologist if the development overlaps with mapped seagrass.

Division 12, Part 7A of the FM Act sets out the factors which must be considered in making this assessment, known as the 'Assessment of Significance' or '7-Part test'. The Department of Primary Industries has developed a guide to assist in undertaking the assessment <https://www.dpi.nsw.gov.au/fishing/species-protection/legislation-and-approvals/impact-assessment/info-sheet>

Relevant Council Policies



You are advised of the following (but not limited to all) Council's policies available at [Council's website](#):

- [Stormwater drainage for low level properties PDS-POL 135](#)
- [Vehicle access to all roadside development: LAP-PL 315](#)
- [Community Participation Plan](#)

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned plans:
 - Site Plan
 - Floor Plans
 - Elevations
 - Sections
 - Schedule of Colours and Materials (in colour).
 - All plans to shown outline of existing dwelling and relationship to adjoining dwellings (building outline and survey levels)
 - Side boundary envelope, building height plane and setback lines to be shown on all sections and elevations
- Landscape Plan (including a schedule of species to be planted)
- Photo montage (from street and waterway)
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate/ Quote
- Survey Plan (including Boundary Identification)
- Site Analysis Plan
- Demolition Plan
- Excavation and Fill Plan
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan (if any change is proposed to the driveway)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Arboricultural Impact Assessment
- Marine/Aquatic Ecology Impact Assessment
- Coastal Engineering & Risk Management Report
- View Impact/View Sharing Analysis
- Geotechnical Report

Please refer to Development Application Lodgement Requirements for further detail.

Note: The DA should accompany letters of approval/support from:

- Consent to lodge DA from the Department of Crown Lands under the NSW Planning, Industries & Environment
- Consent from the Transport for NSW - Maritime Division dated enclosing dated and signed maps
- Consent from the DPI-Fisheries under the Department of Primary Industries

Plus permit and/or licenses

- Part 7 Fisheries Management Act permit for activities involving dredging and reclamation work



Documentation to accompany the Development Application

Any development application under Part 4 of the EP&A Act requiring the above approval becomes integrated development.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 28 January 2021 to discuss Alterations and additions to a dwelling house including a swimming pool and site reclamation at 20 Cabarita Road, Avalon Beach.

The notes reference the revised plans prepared by Archisoul Architects dated received via email on 3 February 2021.

The proposal is generally supportable with the exception to the terracing/stepping of the eastern elevation. This is discussed at length under *Part 4 - Principal Development Standards (Clause 4.3)*, and Clauses D1.8, D1.9 and Clause D1.11 in these Notes.

However, in summary it is strongly recommended that the eastern facade include a greater emphasis on terracing/stepping at the level above the revised architectural frame. In this respect, the level in question is to be setback sufficiently to provide a meaningful terracing/stepping to the building to better relate to the topography of the site and to the terraced built forms of neighbouring properties.

Matters related to the proposed reclamation are to be addressed in accordance with the comments provided by Council's Principal Officer (Coast & Estuary) which are found under 'Specialist Advice' in these Notes.

Please ensure that the matters raised in these Notes are satisfactorily addressed prior to lodging a Development Application.

Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.