

**STATEMENT OF
ENVIRONMENTAL EFFECTS
FOR
SECONDARY DWELLING
AND
TWO CAR GARAGE
AT
LOT 4, DP 14882,
154 CABARITA ROAD/129 GEORGE
STREET
AVALON BEACH**

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1.0 INTRODUCTION AND BACKGROUND

This Statement of Environmental Effects has been prepared in support of a Development Application for the construction of a secondary dwelling, two car garage and elevated driveway on the subject site along with services, weed removal and landscaping.

The proposal has been submitted following the withdrawal of an earlier Development Application for a similar proposal that was submitted without the requisite Biodiversity Assessment Report being provided.

The submitted proposal has been amended to satisfy relevant development standards and controls and contains the requisite plans and supporting documentation for Councils consideration.

Site constraints have been given due regard during the crafting of the proposal to ensure that the environmental values and physical characteristics of the subject site and locality are given appropriate consideration to endorse the outcomes sought by the provisions of the Environmental Living zone and the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

The proposal, being articulated to minimize impacts upon the site vegetation minimises the removal of native vegetation, as highlighted by the Arborist Report.

The works proposed will require the works to be addressed under the Biodiversity Offsets Scheme, which is now addressed by the BDAR prepared by an Accredited Assessor trained in the *Biodiversity Assessment Method*

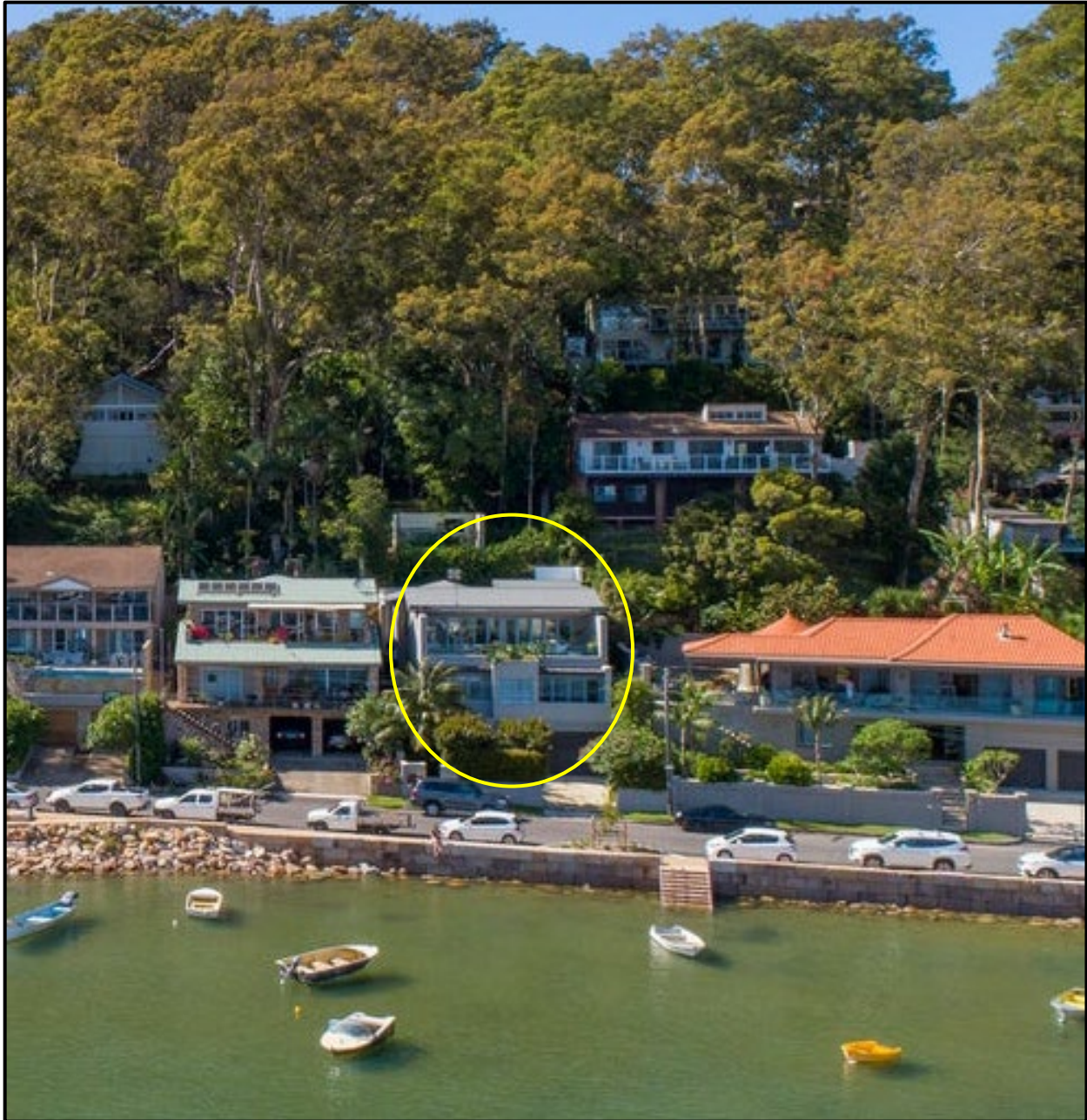
(BAM 2020).

The architectural style of this part of Cabarita Road comprising elevated living areas facing north to exploit solar access and views to Careel Bay is reflected in the proposal along with off street parking for at least two vehicles in a locality with minimal street parking available.

The subject design is consistent with the elevated design of dwellings in the locality.

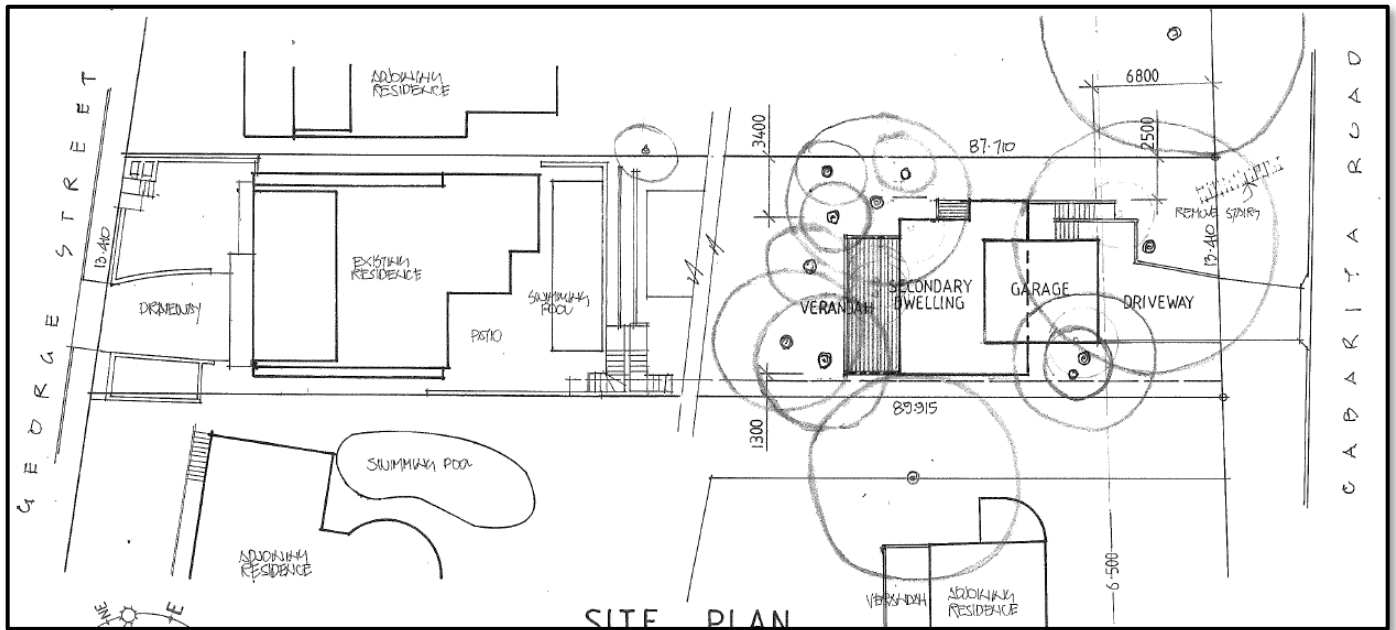


CABARITA ROAD FRONTAGE OF SITE



EXISTING DWELLING ON GEORGE STREET FRONTAGE OF SUBJECT SITE

Proposed works are shown in the following extracts from the architectural plans submitted with this Statement of Environmental Effects.



SITE PLAN EXTRACT FROM ARCHITECTURAL PLANS SHOWING PROPOSED WORKS



NORTH WEST ELEVATION EXTRACT FROM ARCHITECTURAL PLANS SHOWING PROPOSED WORKS

The author of this Statement has attended the subject site and surrounds on three occasions to ensure that the proposal supports the outcomes sought by the relevant planning controls and responds favorably to the surrounding locality.

In the preparation of this Statement of Environmental Effects, consideration has been given to the following -

- *Environmental Planning and Assessment Act (EP&A Act):*
- *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation):*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021:*

- *State Environmental Planning Policy (Resilience and Hazards) 2021:*
- *State Environmental Planning Policy (Sustainable Buildings) 2022:*
- *Pittwater Local Environmental Plan 2014 (PLEP 2014):*
- *Pittwater Development Control Plan (P21 DCP):*
- *Planning Principles of the NSW Land and Environment Court:*
- *Documentation in response to DA2014/0473:*
- *Plans of the proposal prepared by J D Evans and Company Drawings*
Ref: 2141 – 1A to 7A inclusive dated 10.10.2024.:
- *Geotechnical Report by White Geotechnical:*
- *Stormwater Management Plan by Waterdesign:*
- *Biodiversity Assessment Report by ACS Environmental:*
- *Arborist Report by Stuart Sutton, Arborist.*

2.0 SITE AND LOCALITY

The subject site is known as 154 Cabarita Road or 129 George Street Avalon Beach (Lot 4 DP14882) and encompasses an area of 1190 sq metres.

The Cabarita Road entry to the subject site sharply slopes from the Cabarita Road kerbline across the road reserve (with a narrow walking path of approx. 1 metre in width) with timber access stairs from the road reserve to the subject site itself.

The George Street frontage of the subject site contains an existing dwelling with parking below. No works are proposed to the existing dwelling.

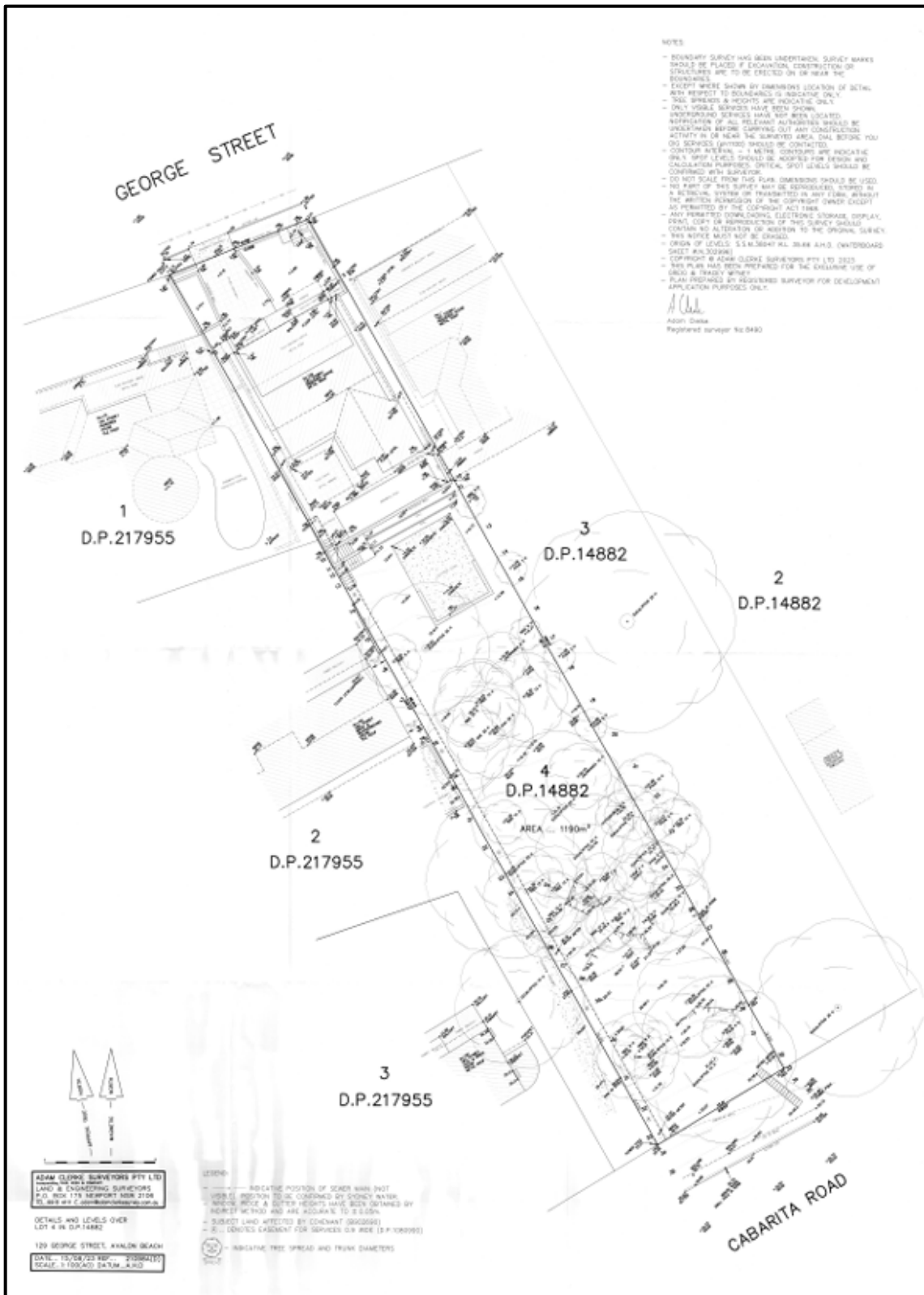
Site vegetation in the form of bamboo species hedging surrounds the periphery of the subject at the Cabarita Road frontage whilst the remainder of the site contains a variety of species, mostly native.

The site has undergone detailed assessment by a qualified arborist and a certified Biodiversity practitioner to ensure that the proposal has been designed to minimise any material impacts upon the site vegetation as a consequence of the proposed works.

The proposal incorporates the removal of six trees and the application is accompanied by a comprehensive Arboriculture assessment of all trees within or near the subject site.



AERIAL VIEW SHOWING SUBJECT SITE OUTLINED





SITE ENTRY TO 150 AND 152 CABARITA ROAD



150 CABARITA ROAD VIEWED FROM SUBJECT SITE



152 CABARITA ROAD VIEWED FROM SUBJECT SITE



SECONDARY DWELLING AT 158 CABARITA ROAD

The locality between Cabarita Road and George Street is typified by similar structures with elevated decked areas of open space on the north side of the dwellings to exploit the solar access and view corridors toward Careel Bay.

3.0 PLANNING ASSESSMENT

3.1 STATE ENVIRONMENTAL PLANNING POLICY

(RESILIENCE AND HAZARDS) 2021

The subject site has been identified as being within the coastal zone and is illustrated within the following extract from *The Central Resource for Sharing and Enabling Environmental Data in NSW* therefore the following provisions of Division 4 of *Chapter 2 Coastal Management* of the above SEPP are applicable to the proposal.

Division 4 Coastal use area

2.11 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—

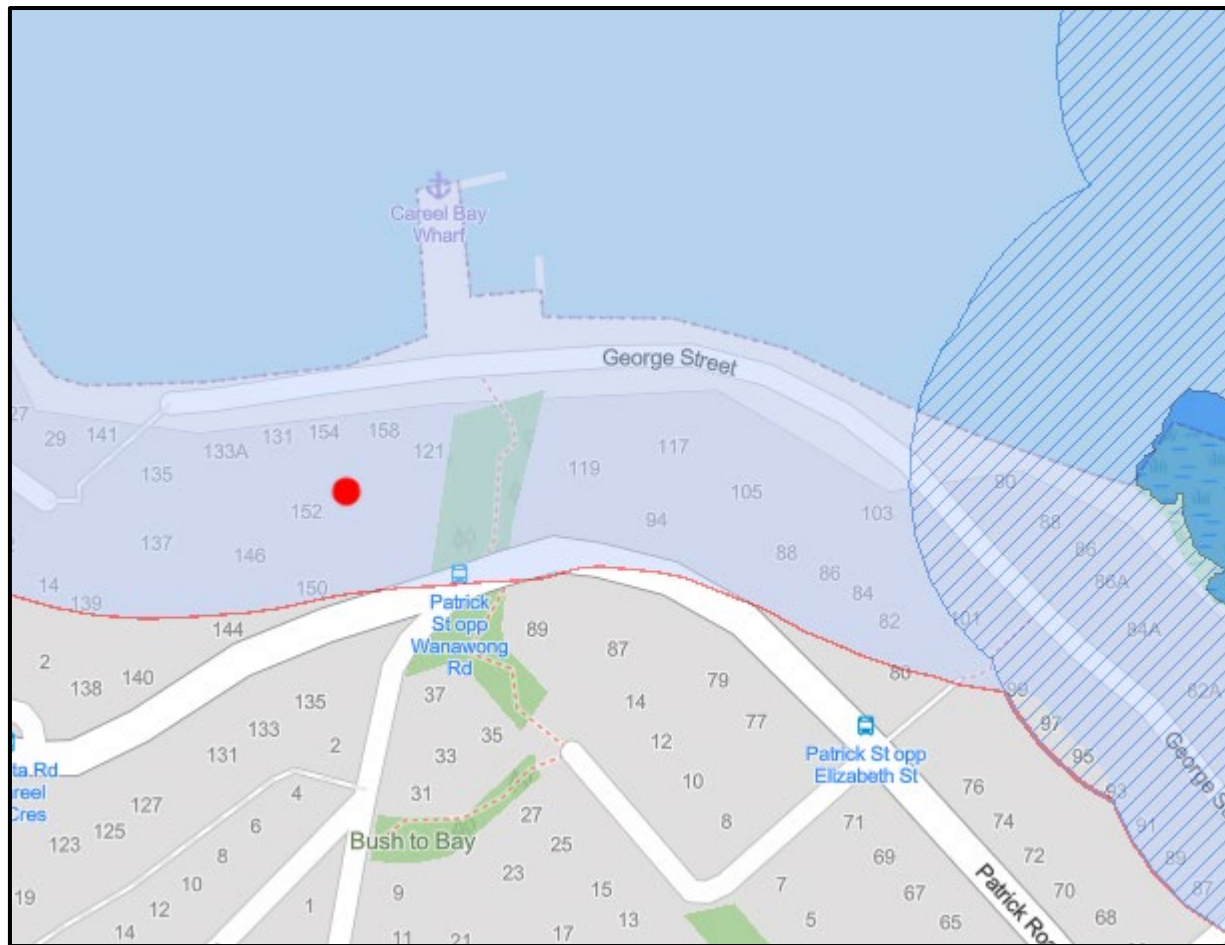
- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal*

headlands,

(iv) *Aboriginal cultural heritage, practices and places,*

(v) *cultural and built environment heritage,*

The subject proposal



EXTRACT FROM SEED MAP SHOWING SUBJECT SITE AND COASTAL USE BOUNDARY

The proposed development satisfies the *Objects of this Act*, as set out under Clause 3 of the *Coastal Management Act 2016*.

3.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) is applicable to all land and establishes a state-wide planning approach to the remediation of contaminated land.

The subject site has a history of residential uses and as such the potential for on site contamination to be present is unlikely.

3.3 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The provisions of Chapter 2 of this Policy (vegetation in non-rural areas) are applicable to the subject proposal to ensure that the works to be carried out will endorse the aims of this Chapter namely -

(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.

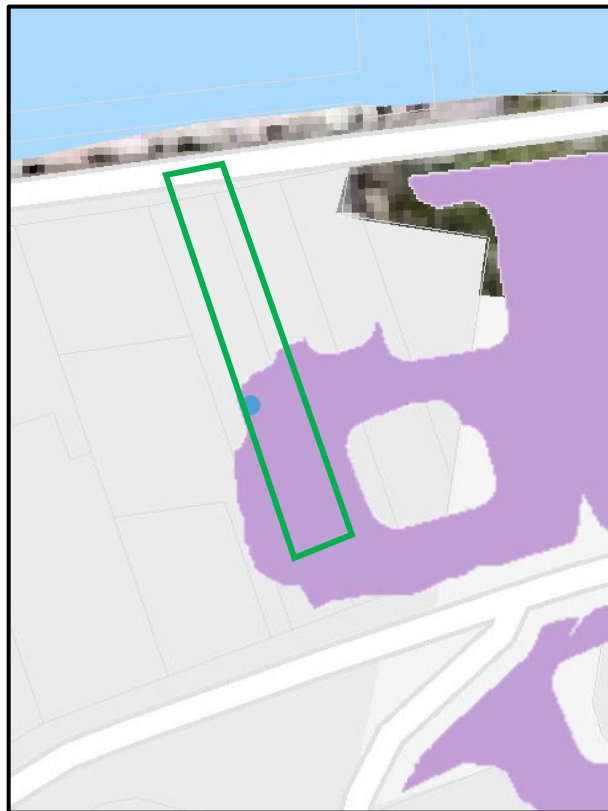
RESPONSE

The following extract from NSW Biodiversity Values Map and Threshold Tool

illustrates the subject site and overlays the areas of Biodiversity value.

The map forms part of the Biodiversity Offsets Scheme threshold, which is one of the factors for determining whether the Biodiversity Offset Scheme (BOS) applies to the proposal.

An earlier Development Application did not include a site assessment however, the current proposal has been examined by an accredited assessor with a Biodiversity Development Assessment Report (BDAR) included as part of the Development Application documentation for Councils assessment.



NSW BIODIVERSITY VALUES MAP EXTRACT WITH SUBJECT SITE OUTLINED

3.4 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

Application documentation includes certification in the form of a BASIX Certificate.

3.5 PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

The subject site is zoned C4, Environmental Living.

Zoning – C4 Environmental Living

Objectives of zone

- *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*

RESPONSE

The subject site is zoned C4 Environmental Living under the PLEP and the proposal will satisfy the C4 Environmental Living zone Objectives as follows-

- Ensuring that the proposal, by virtue of its limited site

disturbance will not affect the above stated values.

- Provide for low-impact residential development to maintain the aesthetic values of the locality and does not materially impact wildlife corridors.



CABARITA ROAD STREETSCAPE LOOKING EAST

4.3 Height of Buildings

(1) The objectives of this clause are as follows—

- (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.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) N/A

(2B) N/A

(2C) N/A

(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres 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.

(2E) N/A

(2F) N/A

(2FA) Despite subclause (2), the maximum height for a secondary dwelling or a rural worker's dwelling in Zone C4 Environmental Living or Zone RU2 Rural Landscape is 5.5 metres if the secondary dwelling or rural worker's dwelling is separate from the principal dwelling.

RESPONSE

The above development standard contains two relevant provisions for the subject proposal namely –

The proposed garage structure is bound by the 8.5 metre maximum height standard under Clause 4.3 2 (D). The proposal is compliant with this standard.

The proposed Secondary dwelling is bound by the provisions of Clause 4.3 (2FA). The proposal is compliant with this standard.

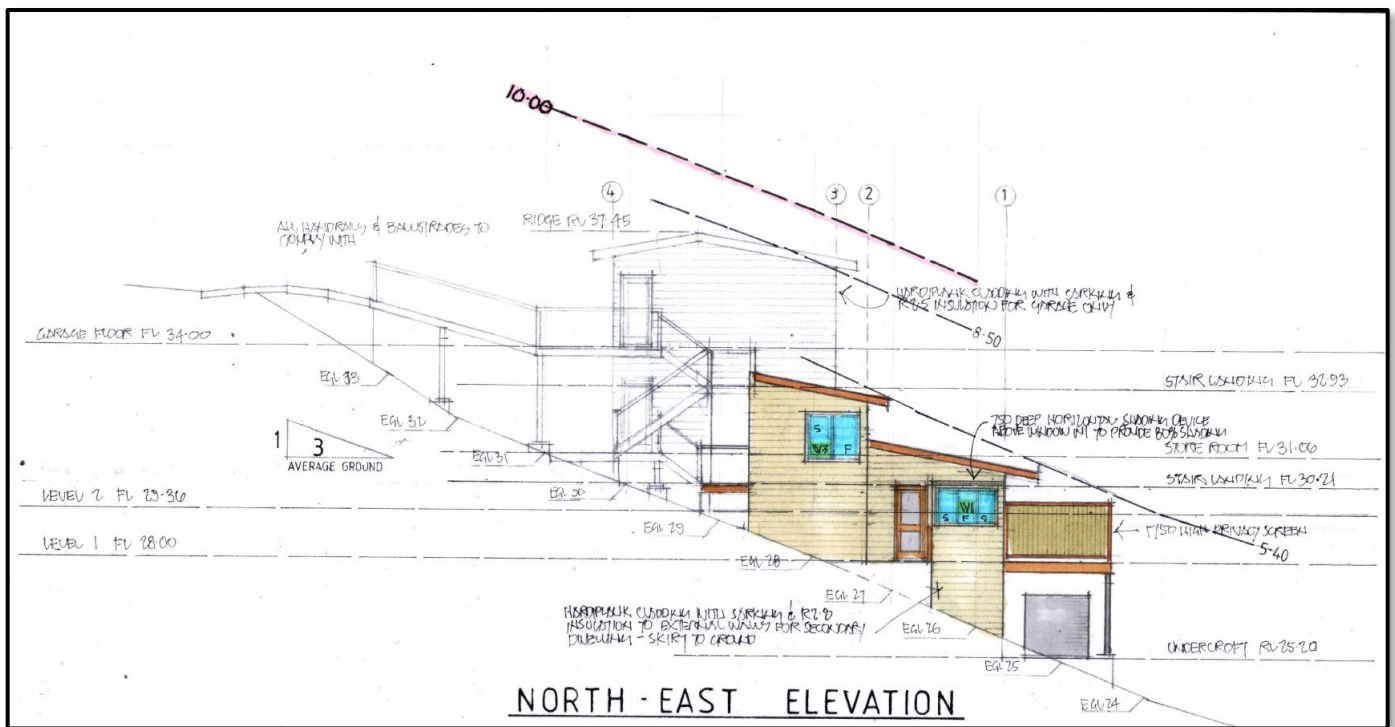
The subject site is bound by the maximum height limit development standard of 8.5 m above existing ground level maximum building height for any buildings, apart from secondary dwellings.

The proposal, in part, will exceed the 8.5 metre maximum building height as shown in the following elevation drawing however, the structure remains compliant with the maximum building height development standard of 10m

above existing ground level as prescribed under Clause 4.3 2(D).

The proposal satisfies the outcomes sought by the development standard by –

Proposing a built form that is consistent with the desired character of the locality, compatible with the height and scale of the nearby developments, minimises overshadowing and allows for reasonable view sharing and minimises excavation.



EXTRACT FROM ARCHITECTURAL PLANS SHOWING MAXIMUM BUILDING HEIGHT LINES

5.4 Controls relating to miscellaneous permissible uses

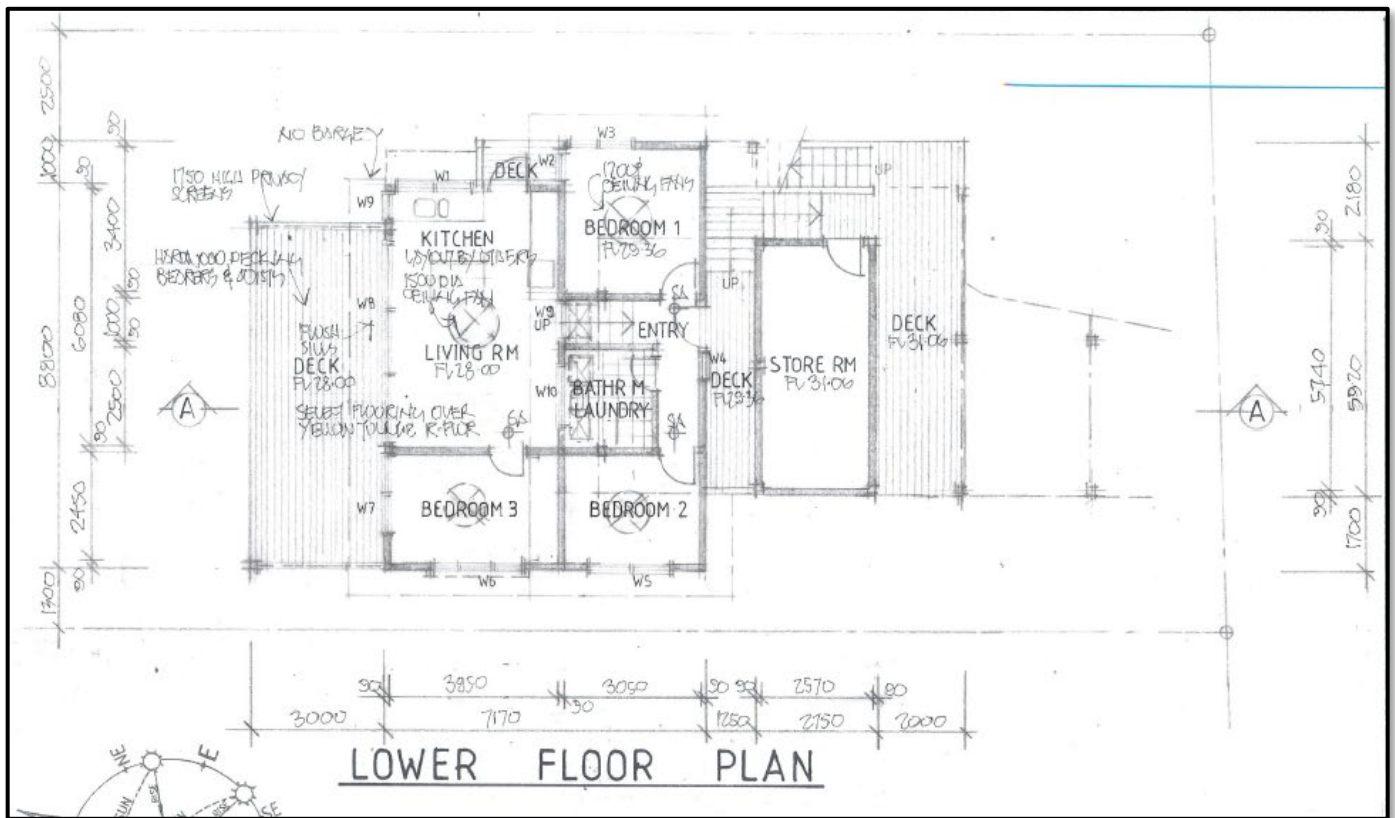
(9) Secondary dwellings on land other than land in a rural zone If

development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 25% of the total floor area of the principal dwelling.

RESPONSE

The proposal, with a floor area of less than 60 square meters is compliant with this development standard.



**FLOOR PLAN OF PROPOSED SECONDARY DWELLING AND NON HABITABLE
STORE ROOM**

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Pittwater,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

RESPONSE

The subject site is located within the visual catchment of an identified Heritage Item namely Heritage Item 2270359 – Rock Faults at Wanawong Road Intersection.

The proposal will have no material impacts upon this item either physical or visual.

The subject proposal is accompanied by a recent AHIMS assessment which notes that no items of Aboriginal Heritage are likely to be found within the subject site.

Should any items of Aboriginal Heritage be encountered within the site during the proposed works, the relevant authorities will be advised.



**NEARBY HERITAGE ITEM 2270359 –
ROCK FAULTS AT WANAWONG ROAD INTERSECTION**

7.2 Earthworks

(1) 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.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

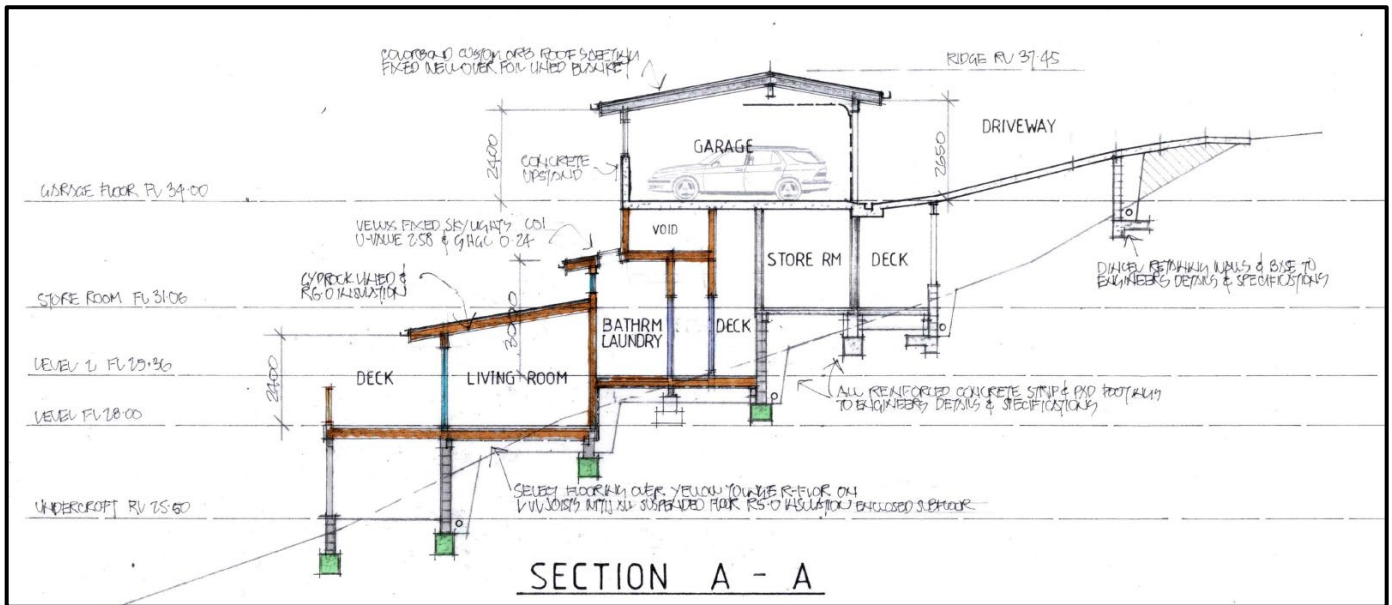
(d) the effect of the development on the existing and likely amenity of adjoining properties,

- (e) the source of any fill material and the destination of any excavated material,*
 - (f) the likelihood of disturbing relics,*
 - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*
 - (i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*
- (4) In this clause—*

environmentally sensitive area has the same meaning as environmentally sensitive area for exempt or complying development in clause 3.3.

RESPONSE

Earthworks are limited to minor amounts of cut to allow level building areas as illustrated in the following Section from the submitted plans.



SECTION THROUGH PROPOSAL SHOWING EXCAVATION

7.6 Biodiversity

(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.

(2) This clause applies to land identified as “Biodiversity” on the Biodiversity Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

- (a) whether the development is likely to have—

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) 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 any significant adverse environmental impact, or*
 - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—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.*

RESPONSE

Following the withdrawal of an earlier development application, the site owner engaged the services of an accredited Biodiversity Assessor, Peter Stricker of ACS Environmental.

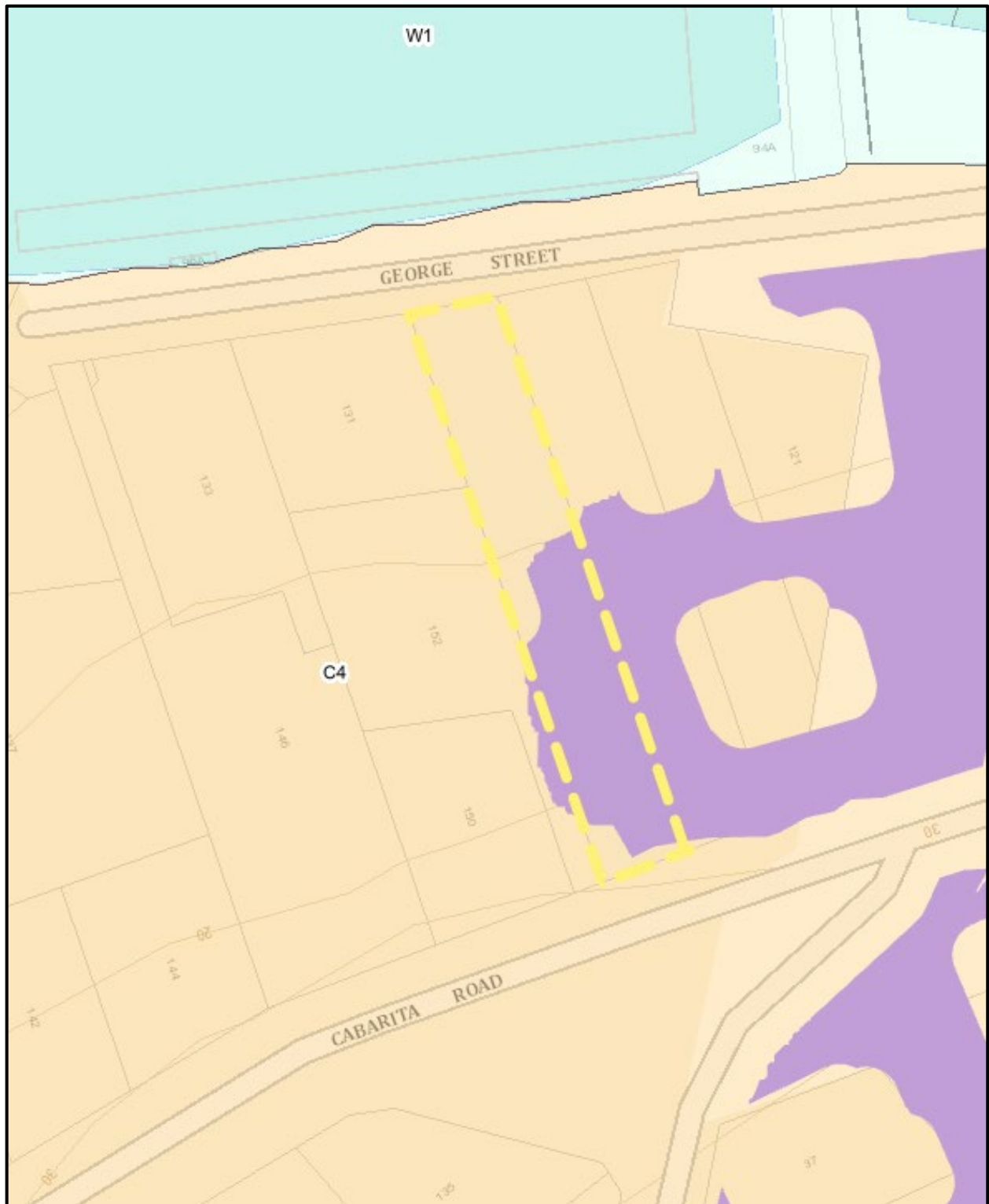
Mr Stricker has carried out an extensive examination of the subject site in terms of biodiversity values and has prepared a biodiversity impact assessment report (BDAR) and concluded that –

The proposed development is sited at the upper slope of the subject land in an area that is highly degraded and dominated by Fishpole Bamboo and building material rubble (Figures 6, 7 & 8).

No area of significant biodiversity value will be impacted by the proposal. The retention of the mature trees down the slope (Figure 7) avoids impact to significant elements of biodiversity value at the subject site.

The avoidance of impacts to significant elements of biodiversity that occur at the subject site, mature individuals of canopy trees of Spotted Gum and Grey Gum, that are characteristic of Hunter Coast Lowland Spotted Gum Moist Forest, has significantly reduced the environmental impact of the proposed development and contributes to the preservation of Hunter Coast Lowland Spotted Gum Moist Forest in the Sydney Basin Bioregion, consistent with OEH's Saving our Species strategy to preserve endangered ecological communities (OEH, 2023).

The proposed works are assessed within the BDAR as generating the loss of 0.018ha of Hunter Coast Lowland Spotted Gum Forest ecological community in a highly degraded condition, though supporting mature canopy trees in good condition with high amenity which will be retained.



BIODIVERSITY MAP WITH SUBJECT SITE OUTLINED

7.7 Geotechnical hazards

- (1) *The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards—*
- (a) matches the underlying geotechnical conditions of the land, and*
 - (b) is restricted on unsuitable land, and*
 - (c) does not endanger life or property.*
- (2) *This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks—*
- (a) site layout, including access,*
 - (b) the development’s design and construction methods,*
 - (c) the amount of cut and fill that will be required for the development,*
 - (d) waste water management, stormwater and drainage across the land,*
 - (e) the geotechnical constraints of the site,*
 - (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless—*
- (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the*

land, and

(b) the consent authority is satisfied that—

(i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or

(ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or

(iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.

RESPONSE

The subject proposal has been examined by White Geotechnical who have provided recommendations within the accompanying geotechnical report. It is requested that these recommendations be included within any conditions of consent.

5.2 Pittwater 21 Development Control Plan

B1.4 Aboriginal Heritage Significance

Outcomes

Provide protection for Aboriginal place of heritage significance or Aboriginal object.

Potential Aboriginal places of heritage significance and Aboriginal objects are identified and protected.

RESPONSE

The following search result from AHIMS confirms that the subject site together with a 50 m buffer around the side boundaries, has not been identified as exhibiting any likelihood of containing any indigenous materials.



AHIMS Web Services (AWS)
Search Result

Your Ref/PO Number : 154 CABARITA ROAD

Client Service ID : 989781

Lance Doyle

Date: 28 March 2025

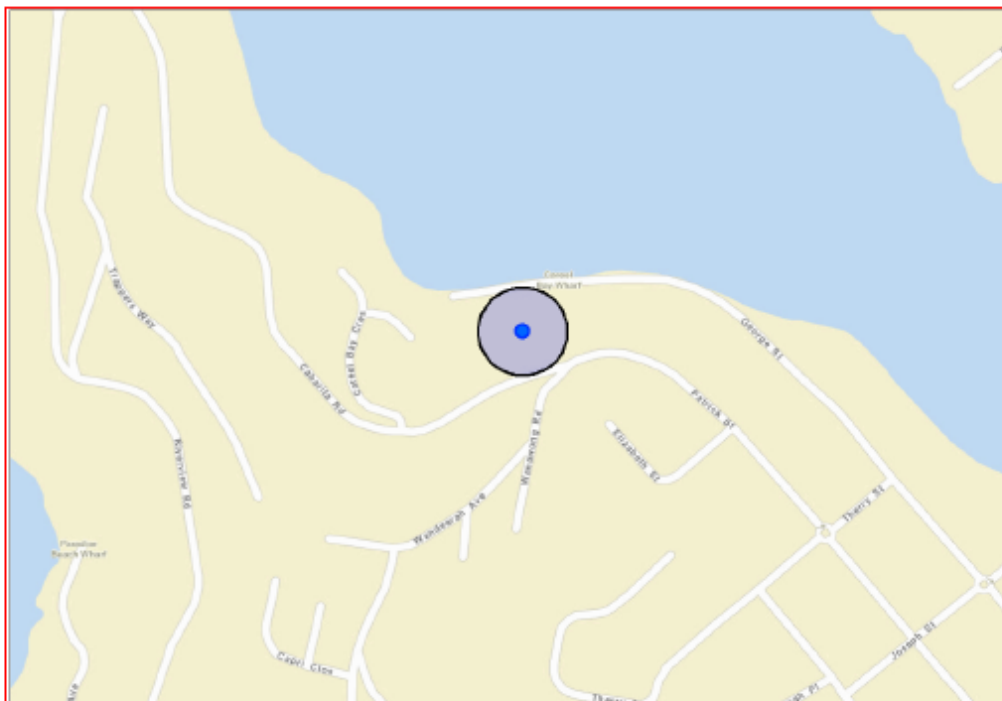
Attention: Lance Doyle

Email: lance@doyleconsulting.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 154 CABARITA ROAD AVALON BEACH 2107 with a Buffer of 50 meters, conducted by Lance Doyle on 28 March 2025.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

AHIMS SEARCH OF SUBJECT SITE AND 50M BUFFER

B3.1 Landslip Hazard

Outcomes

Protection of people.

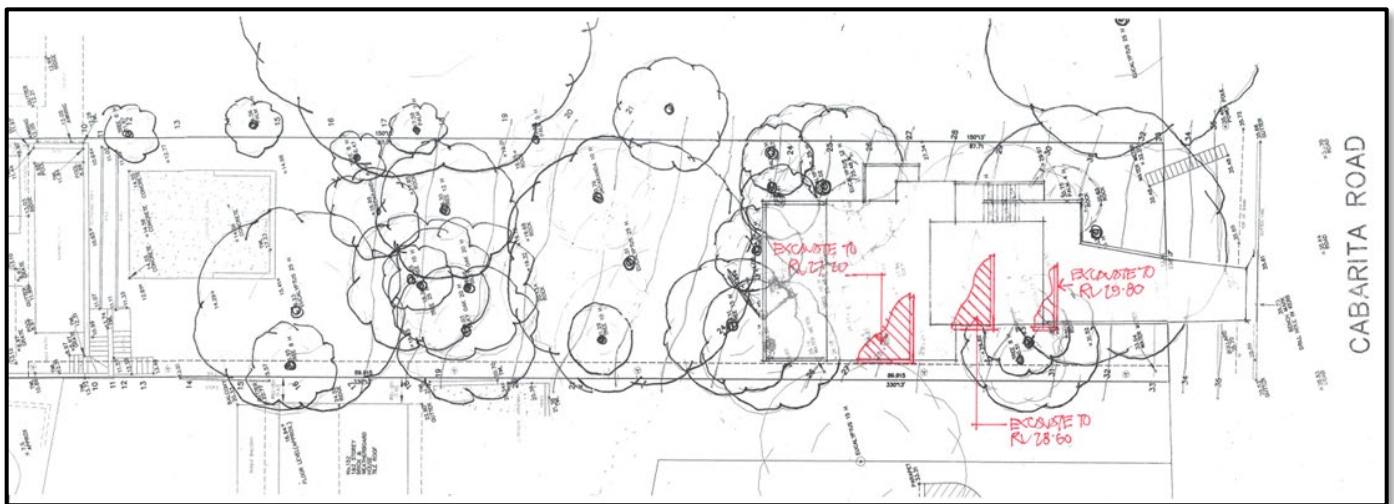
Protection of the natural environment.

Protection of private and public infrastructure and assets.

RESPONSE

The proposal has been examined by the Applicant's geotechnical engineer, White Geotechnical, who has concluded that the proposal will satisfy the above outcomes by providing recommendations to be incorporated within any development consent for the ongoing stability of the site and its surrounds.

The following Excavation Management Plan confirms the minimal excavation proposed in order to address any likely issues of soil mechanics and respect the SRZ and TPZ of trees identified for retention.



EXCAVATION MANAGEMENT PLAN

B3.6 Contaminated Land and Potentially Contaminated Land

Outcomes

Protection of public health.

Protection of the natural environment. Successful remediation of contaminated land.

RESPONSE

The subject site has historically been used for residential purposes and there is no evidence of the importation of any contaminated material.

B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

Outcomes

Conservation of intact Pittwater Spotted Gum Forest EEC.

Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC.

Reinstatement of Pittwater Spotted Gum Forest to link remnants.

Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors.

RESPONSE

The subject site has been comprehensively examined by an accredited Biodiversity Assessor to prepare a biodiversity impact assessment (BDAR) to assess the potential biodiversity values within the site and the potential

impacts of the proposal.

The BDAR is submitted as part of the DA documentation.

B4.22 Preservation of Trees and Bushland Vegetation

Outcomes

To protect and enhance the urban forest of the Northern Beaches.

To effectively manage the risks that come with an established urban forest through professional management of trees.

To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.

To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.

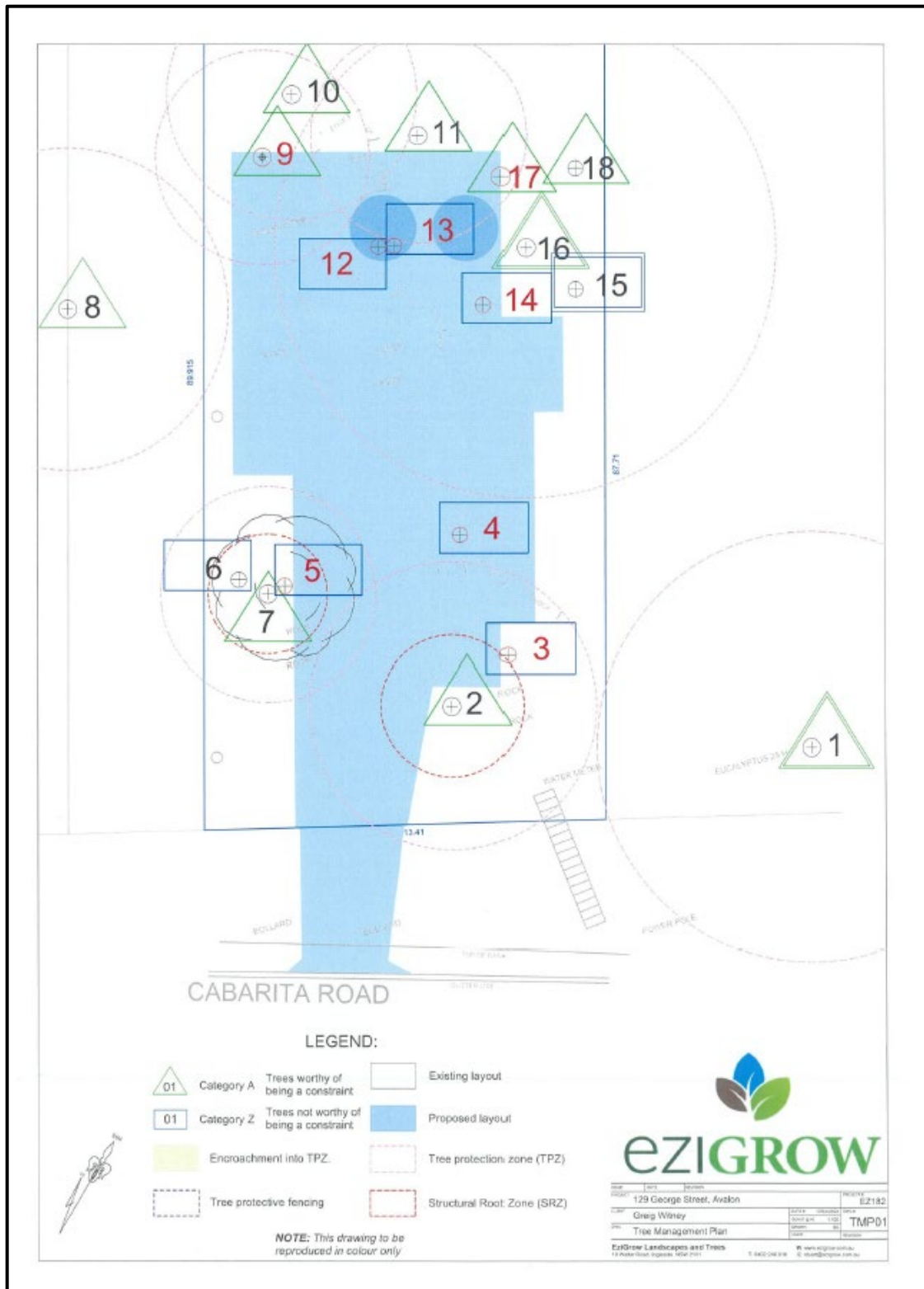
To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.

To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.

RESPONSE

The following extract from the Arboricultural Report prepared by Stuart Sutton, a qualified and experienced Arborist, illustrates the proposal and its proximity to existing trees on site.

Recommendations made within the report are requested to be incorporated within the Development Consent.



SITE PLAN EXTRACT FROM ARBORIST REPORT

B5.15 Stormwater

Requirements

Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.

The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

RESPONSE

In order to ensure that the proposal supports the above requirements, the proposed works have been examined by Waterdesign, consulting Hydraulic Engineers, who have provided a comprehensive Stormwater Management Plan to accompany the proposal for councils consideration.

B6.1 Access driveways and Works on the Public Road Reserve

Outcomes

Safe and convenient access.

Adverse visual impact of driveways is reduced.

Pedestrian safety.

An effective road drainage system.

Maximise the retention of trees and native vegetation in the road reserve.

RESPONSE

The design of the proposed accessway across the Cabarita Road "footway" will be finalised once development consent is granted. This will

precipitate an application to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The above application will include plans to satisfy the provisions of Council's specification for engineering works - AUS-SPEC #1 prepared by a qualified Civil Engineer.

The approved plans will form part of the Construction Certificate documentation.

B6.3 Off-Street Vehicle Parking Requirements

Outcomes

An adequate number of parking and service spaces that meets the demands generated by the development.

Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.

Safe and convenient parking.

Controls

For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling (based on number of bedrooms in principal dwelling).

RESPONSE

The subject proposal includes the provision of two carparking spaces which satisfies the required minimum of 1 space for the secondary dwelling but also recognises the significant lack of on street parking available in this part of Cabarita Road.

Available on street parking nearby is diminished by the proximity to Wanawong Road intersection, double white lines and a bus stop at the site frontage thereby generating a need to ensure that any visitor or delivery vehicles can be accommodated on site.

In order to maximise pedestrian safety, the existing bamboo hedges along the site frontage to Cabarita Road will be removed and any replacement planting to be of species which will not grow into any sightlines for drivers entering or exiting the subject site.



CABARITA ROAD SHOWING BUS STOP AND NO PARKING AREAS

B8.1 Construction and Demolition - Excavation and Landfill

Outcomes

Site disturbance is minimised.

Excavation, landfill and construction not to have an adverse impact.

Excavation and landfill operations not to cause damage on the development or adjoining property.

RESPONSE

Construction and demolition works on the subject site are limited to the demolition of the existing stairway and construction of the proposed works.

B8.2 Construction and Demolition - Erosion and Sediment Management

Outcomes

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites.

Reduction of waste throughout all phases of development.

Public safety is ensured.

Protection of the public domain.

RESPONSE

The subject site will be required to be provided with sediment and erosion control devices to ensure no off site migration of excavated material. The accompanying drawings contain a sedimentation and erosion control plan for Councils consideration.

B8.4 Construction and Demolition - Site Fencing and Security

Outcomes

Ensuring public safety. Protection of public domain.

Prior to the commencement of any site works, the subject site will be fenced with a 1.8 metre fence and sediment and erosion control fencing to prevent unauthorized access and prevent sediment migrating off site.

RESPONSE

The subject site works will be contained within a fenced enclosure for the duration of the works.

B8.6 Construction and Demolition - Traffic Management Plan

Outcomes

Minimal disturbance to the residential community.

Protection of Roads.

RESPONSE

The documentation submitted includes a Construction Management Plan which outlines the arrangements for parking, material delivery and temporary site management prior to the completion of the garage platform.

The above Plan includes locations of parking of tradespersons vehicles and delivery vehicles and location of site storage areas.

C1 Design Criteria for Residential Development

C1.1 Landscaping

Outcomes

A built form softened and complemented by landscaping. Landscaping reflects the scale and form of development.

Retention of canopy trees by encouraging the use of pier and beam footings. Development results in retention of existing native vegetation.

Landscaping results in the long-term retention of Pittwater's locally native tree canopy.

Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species

Landscaping enhances habitat and amenity value. Landscaping results in reduced risk of landslip.

Landscaping results in low watering requirement.

RESPONSE

The subject proposal will result in a material benefit to the locality in terms of landscaping by the removal of the bamboo species from the site and replacement with endemic species in accordance with the recommendations of the biodiversity assessor.

C1.2 Safety and Security

Outcomes

On-going safety and security of the Pittwater community.

Opportunities for vandalism are minimised.

Inform applicant's of Council's requirements for crime and safety management for new development.

Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements

Identify crime and safety priority areas in Pittwater LGA

Improve community safety and reduce the fear of crime in the Pittwater LGA

Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety.

RESPONSE

All CPTED provisions are difficult to achieve on a site such as this due to the steep slope.

The subject dwelling will be provided with CCTV to monitor vehicular and pedestrian entry to the subject site to endorse the outcomes sought by the above controls.

C1.3 View Sharing

Outcomes

A reasonable sharing of views amongst dwellings.

Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.

Canopy trees take priority over views.

RESPONSE

The subject site has no significant views available from public spaces across the site due to the significant site vegetation within the site and along the Cabarita Road frontage. See the photograph below.



SITE FRONTAGE TO CABARITA ROAD

The proposal may provide a marginal improvement to public views with the loss of the bamboo on and off site however the canopy trees within the subject site will allow filtered views only.

C1.4 Solar Access

Outcomes

Residential development is sited and designed to maximise solar access during mid-winter.

A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development.

Reduce usage and/dependence for artificial lighting.

RESPONSE

The subject proposal be provided with generous solar access to the elevated deck area of private open space.

The private open space areas of all existing dwellings on adjacent sites will retain all current degrees of solar access to areas of private open space as any off site shadowing will fall upon a paved driveway area on 150 Cabarita Road.

C1.5 Visual Privacy

Outcomes

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.

A sense of territory and safety is provided for residents.

RESPONSE

Visual privacy to nearby dwellings, primarily 150 and 152 Cabarita Road will satisfy the relevant outcomes of the control as areas of private open space to adjacent dwellings will not be overlooked by the private open space areas of the proposal due to the spatial separation and configuration of adjacent sites.

C1.6 Acoustic Privacy

Outcomes

Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited.

Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas.

RESPONSE

All plant and equipment will be bound by the relevant acoustic controls.

C1.7 Private Open Space

Outcomes

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants.

Private open space is integrated with, and directly accessible from, the living areas of dwellings.

Private open space receives sufficient solar access and privacy.

RESPONSE

Private open space will comprise an elevated deck, facing north, as an extension of the living area of the secondary dwelling.

The adjacent areas of private open space will not be materially impacted due to the spatial separation and levels of adjacent areas of private open space.

C1.11 Secondary Dwellings and Rural Worker's Dwellings

Land to which this control applies

Land zoned RU2 Rural Landscape, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential or E4 Environmental Living not including the Warriewood Valley Locality.

Outcomes

Limitation of the visual bulk and scale of development.

Provision of design flexibility for second storey development.

Restriction of the footprint of development site.

Retention of natural vegetation and facilitation planting of additional landscaping.

Provision of rental accommodation.

Controls

The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.

RESPONSE

The proposal is compliant with this control.

A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.

RESPONSE

The proposal is compliant with this control.

A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.

RESPONSE

The proposal is compliant with this control.

Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.

RESPONSE

The proposal is compliant with this control.

Where the secondary dwelling or rural worker's dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum building height is to be in accordance with the height controls contained within Pittwater Local Environmental Plan 2014.

RESPONSE

Not applicable to the proposal.

A secondary dwelling above a detached garage is not supported.

RESPONSE

The proposal is compliant with this control.

C1.12 Waste and Recycling Facilities

Outcomes

To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development.

RESPONSE

Residential waste will be stored within a new bin storage area and collected as existing whilst demolition and construction waste will be handled and disposed of/recycled in accordance with the submitted Waste Management Plan.

C1.13 Pollution Control

Outcomes

Development that does not adversely impact on public health, the environment or other lands.

RESPONSE

No works of an industrial or commercial nature are proposed and all demolition and construction works will be carried out in accordance with the requisite environmental controls.

C1.17 Swimming Pool Safety

Outcomes

The promotion of personal safety.

Compliance with Swimming Pools Act 1992 and Regulations

RESPONSE

Not applicable.

C1.23 Eaves

Outcomes

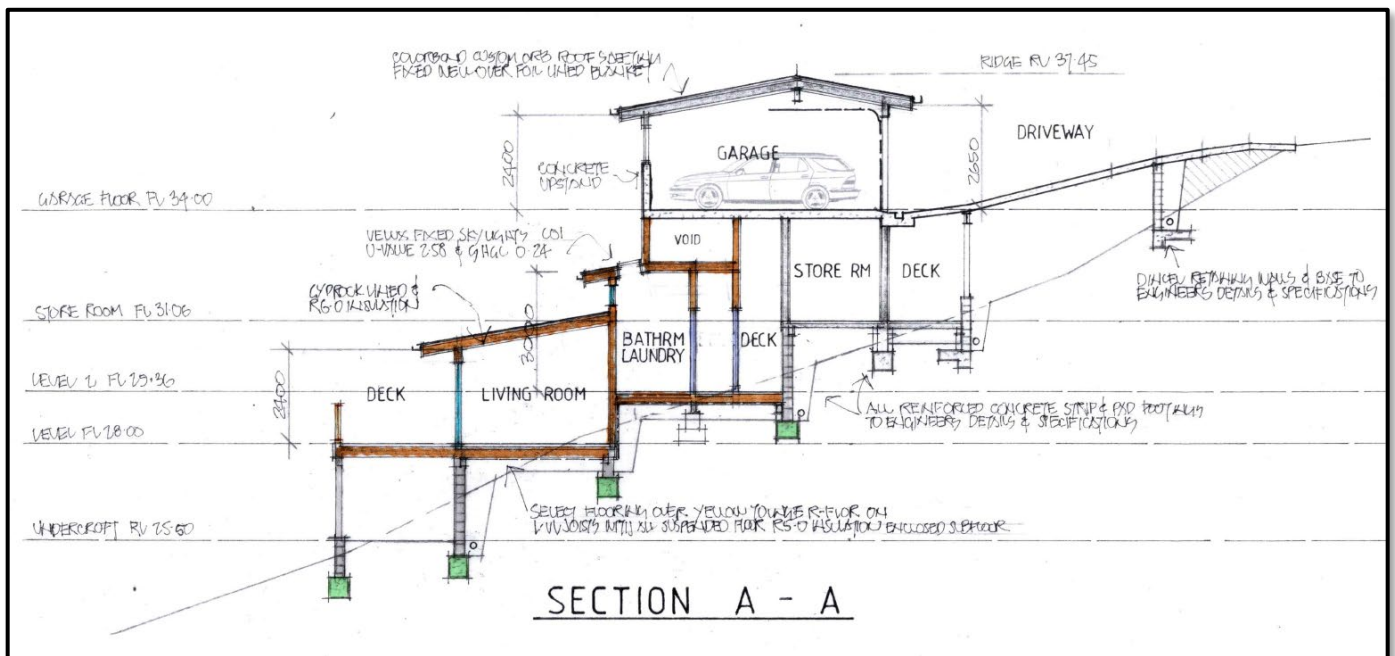
Housing that reflects the coastal heritage and character of Pittwater.

Optimise roof forms.

Appropriate solar access and shading is achieved

RESPONSE

The proposal incorporates eaves to satisfy the above controls and the submitted BASIX Certificate.



SECTION THROUGH PROPOSAL SHOWING EAVES

D1.1 Character as viewed from a public place

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.

To enhance the existing streetscapes and promote a scale and density that is in keeping 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.

High quality buildings designed and built for the natural context and any natural hazards. Buildings do not dominate the streetscape and are at 'human scale'.

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

RESPONSE

The proposal has been crafted to endorse the above outcomes by a built form that will exhibit consistency with the dwellings within the nearby locality and maintaining a built form that will be secondary to landscaping and vegetation.

D1.5 Building colours and materials

Outcomes

Achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape.

To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater. The colours and materials of the development harmonise with the natural environment.

The visual prominence of the development is minimised. Damage to existing native vegetation and habitat is minimised.

RESPONSE

Colours and finishes are indicated on the submitted drawings.

D1.8 Front building line

Outcomes

Achieve the desired future character of the Locality.

Equitable preservation of views and vistas to and/or from public/private places. The amenity of residential development adjoining a main road is maintained.

Vegetation is retained and enhanced to visually reduce the built form.

Vehicle manoeuvring in a forward direction is facilitated.

To preserve and enhance the rural and bushland character of the locality.

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

To encourage attractive street frontages and improve pedestrian amenity.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

RESPONSE

The proposal, with a setback of 6.8 metres to the Cabarita Road front boundary accords with the control and endorses the Outcomes sought by the above.

D1.9 Side and rear building line

Secondary Dwelling

2.5 to at least one side; 1.0 for other side

6.5 rear (other than where the foreshore building line applies)

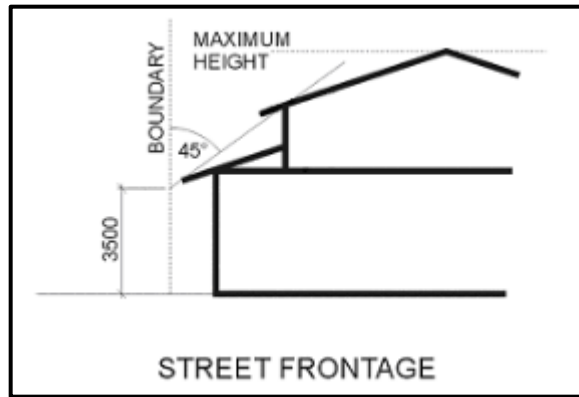
RESPONSE

The proposal satisfies the above control.

D1.11 Building envelope

Controls

Buildings are to be sited within the following envelope:

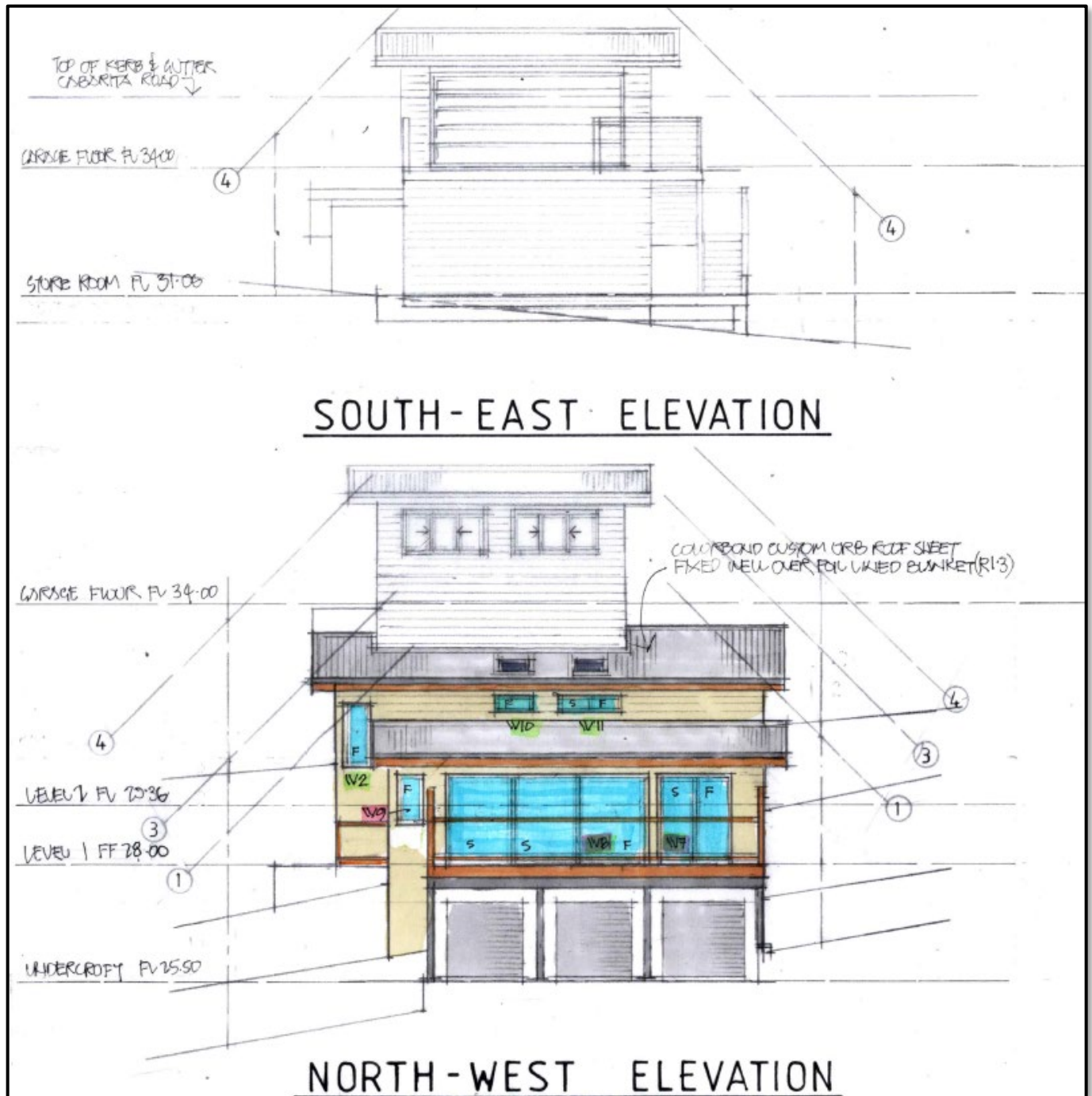


RESPONSE

The proposal exhibits minor incursions by eaves outside the building envelope control. This is primarily due to the site slope and narrowness of the subject site and the overarching desire to minimize excavation.

The following South East and North East Elevations from the submitted plans illustrate the subject proposal and the associated building envelope controls.

It is noteworthy that the garage structure and the secondary dwelling are compliant with this control.



FRONT AND REAR ELEVATIONS OF PROPOSAL

D1.14 Landscaped Area – Environmentally Sensitive Land

Achieve the desired future character of the Locality. The bulk and scale of the built form is minimised.

A reasonable level of amenity and solar access is provided and maintained.

Vegetation is retained and enhanced to visually reduce the built form.

Conservation of natural vegetation and biodiversity.

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

To preserve and enhance the rural and bushland character of the area.

Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management

RESPONSE

The proposal provides in excess of the 60% landscaped area control and will enhance the environmental values of the site by the removal of the non native bamboo stands and the retention and improvement of the native species within the subject site.

Further clarification is provided within the BDAR submitted.

D1.17 Construction, Retaining walls, terracing and undercroft areas

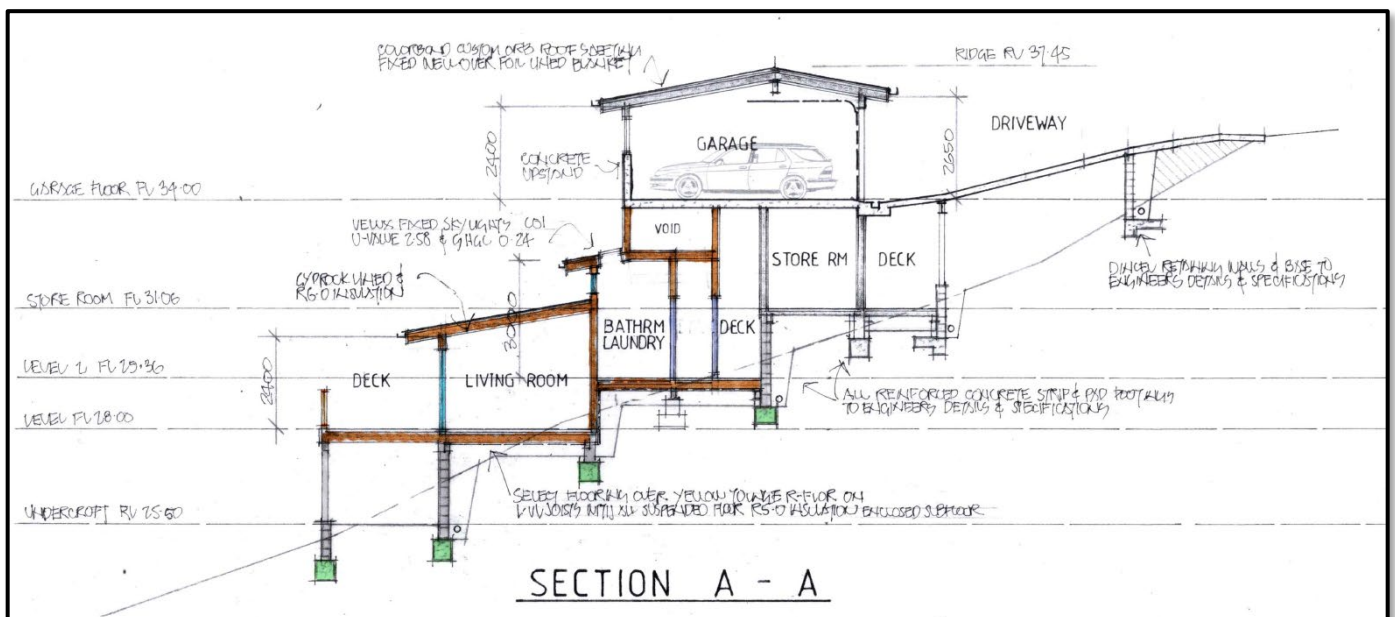
Outcomes

To achieve the desired future character of the Locality. To protect and minimize disturbance to natural landforms.

To encourage building design to respond sensitively to natural topography

RESPONSE

Retaining walls are proposed as shown in the following extract from the submitted plans.



D1.20 Scenic Protection Category One Areas

Outcomes

To achieve the desired future character of the Locality. Achieve the desired future character of the Locality.

To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront.

Maintenance and enhancement of the tree canopy.

Colours and materials recede into a well vegetated natural environment. land landscape and urban form to enhance legibility.

To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component

To preserve and enhance district and local views which reinforce and protect the Pittwater's bush

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.

Development shall minimise visual impacts on the natural environment when viewed from any waterway, road or public reserve.

RESPONSE

The proposal will be consistent with the Careel Bay visual catchment which is typified by a variety of elevated detached structures throughout this part of the Careel Bay visual catchment.

5.0 SECTION 4.15 Evaluation

Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

RESPONSE

The relevant provisions of the PLEP and applicable SEPPs have been addressed in the body of this Statement.

- (i) any development control plan,*

RESPONSE

The relevant provisions of the Pittwater DCP and associated policy documents have been addressed in the body of this Statement.

and

(iiia) 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,

RESPONSE

No planning agreements apply to the proposal.

and

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

RESPONSE

The relevant regulations have been given due regard in the construction of this Statement.

and

(a) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

RESPONSE

The body of this Statement describes the potential impacts upon the natural and built environments and the mechanisms to be incorporated to reduce or prevent these impacts

(b) *the suitability of the site for the development,*

RESPONSE

The subject site, by virtue of its existing layout, topography and locality is suitable for the proposal.

(a) *any submissions made in accordance with this Act or the regulations,*

RESPONSE

Any submissions received in response to Councils notification of the proposal will be considered as part of Councils assessment of the proposal.

(c) *the public interest.*

RESPONSE

The proposal endorses the public interest by developing a part of the subject site which already contains built form, thereby minimizing any material impacts.

Environmental Planning Instruments

The proposal is a permissible use in the C4 Environmental Living zone.

Development Control Plans

This is addressed in the body of this SEE.

Impact on the Natural Environment.

The proposal is unlikely to unreasonably impact upon flora and fauna, soil or water quality, air quality or the conservation of natural resources due to the location of the works which will ensure the ongoing retention of the significant tree species on site

The accompanying BDAR and Arborist Reports confirm the ongoing retention of significant tree species and removal of non native invasive species within the site.

Impact on the Built Environment.

Scenic qualities – the proposal is consistent with the current and future character of the locality as expressed within the provisions of the *Pittwater Local Environmental Plan 2014* and the Avalon Beach Locality Desired Future Character as expressed within *Pittwater Development Control Plan*.

Compatibility with adjacent land uses – The proposal is for a residential use, compatible with surrounding residential uses.

Impact on the Social and Economic Environment.

The proposal is unlikely to result in any negative social or economic impacts.

Suitability of the Site.

The subject site, by virtue of its topography and locality is suitable for the proposal.

6.0 CONCLUSION

The subject proposal, namely the construction of a secondary dwelling and two car garage on an underutilised part of a well serviced site is, by any measure, orderly and economic development.

The design and location have been configured to minimise any material impacts in terms of biodiversity as the subject site contains stands of significant tree species however the proposal does not materially impact upon the biodiversity values of the subject site or the locality.

In terms of amenity, the proposal will not overlook any areas of private open space nor result in any material impacts in terms of overshadowing or view sharing.

The proposal has been well crafted and respectful of the subject site and locality and as such is worthy of consent.

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MAY 2025

COMPLIANCE TABLE

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014			
Development Standard	Control	Proposed	Compliance
C4 – Environmental Living	Secondary dwelling	Secondary dwelling	Yes
Maximum Building Height	8.5 m, 10m with variation for site slope. 5.4 metre for secondary dwelling	<10m <5.4m	Yes
Acid Sulfate Soils	Class 5	Noted	Geotechnical Report provided
PITTWATER DEVELOPMENT CONTROL PLAN			
Building Front Setback	6.5m or prevailing setback	6.8m	Yes
Building Side Setback	Minimum 2.5 m one side Minimum 1 m other boundary	>1m and > 2.5m	Yes
Landscaped Area	60%	<60%	Yes
Building envelope	45° above 3.5 m	< 45° above 3.5 m	No, minor
Front Fence Height	1 m high	N/A	N/A

Side and Rear Fence Height	1.8 m high behind front setback	1.8 high behind front setback	As existing
Solar Access	Private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	Solar access to private open space of the subject and adjacent site in excess of 3 hours	Yes
Private Open Space	One area of 85 m ² at the ground level with direct access to internal living areas	Private open spaces in excess of control provided	Yes
Number of Parking Spaces	Minimum of 1 car parking space per dwelling house	2 parking spaces provided	Yes