



KEY URBAN PLANNING

DEVELOPMENT APPLICATION

STATEMENT OF ENVIRONMENTAL

Northern Beaches Council

LOT 2 DP 833902 No.141 Riverview Road, AVALON BEACH

Construction of a Dwelling House including tree removal.

22ND MARCH, 2021

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STATEMENT OF ENVIRONMENTAL EFFECTS

ISSUE NO	AMENDMENT	DATE
A	INITIAL DRAFT REPORT	15 MARCH 2021
B	FINAL FOR ISSUE TO CLIENT	22 MARCH 2021

REPORT PREPARED BY:

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BTP (UNSW), CERT T&CP (Ord4), MPIA



DIRECTOR

KEY URBAN PLANNING

Waiver

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INTRODUCTION

1.1 BACKGROUND

Peter Fryar of Key Urban Planning has prepared this Statement of Environmental Effects (the “**SEE**”).

- He is a Town Planner with over 30 years' experience in Local Government and private practice.
- He holds a Degree as a Bachelor of Town Planning (UNSW) and a Certificate as a 'Town and Country Planner' (Ordinance 4) under the Local Government Act, 1919.
- He is a Corporate Member of the Planning Institute of Australia (PIA).

This SEE assesses the impacts of the proposed development under the provisions of the relevant Planning Controls applicable to the subject site. This assessment has been undertaken in accordance with the provisions of Section 4.15 of the Environmental Planning & Assessment Act, 1979 (the “**Act**”).

In the preparation of this SEE we have:

- Undertaken an inspection of the site and surrounding locality;
- Undertaken a review of the Pittwater Local Environmental Plan 2014 (the “**LEP**”);
- Assessed the proposal against the relevant chapters of Pittwater 21 Development Control Plan (the “**DCP**”);
- Consulted with relevant Duty & GIPA Officers of Hornsby Shire Council; and
- Given consideration to the relevant provisions of the Act and Regulations.

This SEE has been prepared in accordance with the provisions of Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation 2000.

The proposal complies with all relevant development standards and is generally consistent with the relevant Planning Controls adopted by Northern Beaches Council. The development application warrants the granting of development consent by Council.

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SITE ANALYSIS

2.1 SITE DESCRIPTION & EXISTING DEVELOPMENT

The proposal involves the construction of a dwelling house and associated tree removal on a separate Torrens Title allotment known as Lot 2 in DP 833902 No. 141 Riverview Road, AVALON BEACH (the “site”).

The site has an area of approximately 740.4 m² and is located on the western side of Riverview Road, Avalon Beach. The site has frontage of 25.35m to Riverview Road. The site is currently vacant. A right of carriageway burdens the western (lower) portion of the site and provides vehicular access to an existing dwelling at 139 Riverview Road. An easement for support extends across the frontage of the site to Riverview Road.

The site contains natural bushland and some exotic tree species. Thirteen (13) trees are proposed to be removed to allow for the construction of the proposed dwelling house. A report prepared by a qualified AQF 5 Arborist has been prepared in support of the required tree removal for construction of the proposed dwelling house. The site slopes steeply from Riverview Road towards the west. A geotechnical assessment has been undertaken as part of the development application. The surrounding development comprises a mix of generally low-density residential development. The streetscape is characterised by various parking platforms due to the steepness of the topography in the locality.

Council on 22nd May 2020 granted development consent (DA2019/1449) for the construction of a covered two car space parking platform at the site frontage to Riverview Road. The car parking platform associated with the proposed dwelling house under the subject proposal relies upon the structure approved under DA2019/1449. That development consent granted approval for removal of two native trees and removal of four exempt species. The two native trees were assessed by council as having a ‘low retention’ value. The exotic tree species are deemed as ‘exempt species’ and could be removed without the need for any formal council approval.

A perusal of the council records relating to the site does not reveal other relevant applications beyond the abovementioned development consent.

The site topography involves a steep embankment on the part of the site fronting Riverview Road and has an even cross fall to the western site boundary. An old concrete pathway extends from east to west across the site.

The following photographs show the site and surrounding locality:

Photograph 1 – Aerial photograph (Courtesy Northern Beaches Council)



Photograph 2 – View from Riverview Road (west)



Photograph 3 – View from R.O.W looking to Riverview Road (east)



Photograph 4 – View from R.O.W looking to Riverview Road (east)



3/

DESCRIPTION OF THE DEVELOPMENT

3.1 THE PROPOSED DEVELOPMENT

The proposed development incorporates:

- The construction of a dwelling house comprising three (3) levels “stepping” down the slope of the site. Car parking relies upon an elevated car deck with access to Riverview Road approved under development consent DA2019/1449. Car parking is provided for two vehicles.
- The upper level (level 3) will have a pathway access from the covered car parking area to a main entry foyer. Level 3 will comprise a master bedroom with ensuite and walk in robe, study second bedroom and open plan with internal stairway and a small balcony extending towards the west. A store-room is located under the carparking area.
- Level 2 comprises the main living area within the proposed dwelling and includes an open plan kitchen/dining/lounge area, laundry, cinema room and third bedroom. A balcony that extends along the western elevation and wraps around to the southern elevation will provide filtered view across to Pittwater.
- Level 1 (lower level) will comprise a guest bedroom with ensuite and outdoor living area.

4/

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

4.1 AIMS OF THE PLAN (CLAUSE 1.2)

Pittwater LEP 2014 came into effect on 30 May 2014 and adopts the Standard Environmental Planning Instrument form pursuant to section 3.20 of the Act. The LEP prescribes certain broad aims of the plan which development within Hornsby Shire Council should accord with where applicable. The relevant aims of the plan to the proposed development are as follows:

- “(2) The particular aims of this Plan are as follows—*
- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
 - (a) to promote development in Pittwater that is economically, environmentally and socially sustainable,*
 - (b) to ensure development is consistent with the desired character of Pittwater’s localities,*
 - (c) to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,*
 - (d) to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,*
 - (e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,*
 - (f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,*
 - (g) to protect and enhance Pittwater’s natural environment and recreation areas,*
 - (h) to conserve Pittwater’s European and Aboriginal heritage,*
 - (i) to minimise risks to the community in areas subject to environmental hazards including climate change,*
 - (j) to protect and promote the health and well-being of current and future residents of Pittwater.”*

The proposed development is considered to be consistent with the relevant aims detailed above for the following reasons:

- The proposed development conforms to the clear framework for development in Northern Beaches Council LGA (Pittwater) through the prescribed standards in the LEP and the performance criteria contained within the DCP;
- The proposal provides for orderly and sustainable development;
- The development will not detract from the existing character of the locality (Avalon Beach environmental living area);
- The design of the proposed dwelling house will protect the natural environmental features of the site and the surrounding locality;

- The use of materials in the construction will not detract from the aesthetic qualities of Pittwater;
- The proposal will not detract from the aesthetic, environmental, architectural and natural features of the Northern Beaches (or Avalon Beach in particular); and
- The proposed use will provide a convenient and beneficial facility for the occupants of the dwelling house on the site.

4.2 SUSPENSION OF COVENANTS, AGREEMENTS AND INSTRUMENTS (CLAUSE 1.9A)

Clause 1.9A(1) of the LEP states:

“1.9A (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.”

The proposed development application does not seek to modify the terms of any s 88B restriction applying to the land. The siting of the proposed dwelling will not obstruct or encroach upon the registered right-of-carriageway burdening the site.

The geotechnical assessment undertaken in support of the development application confirms that the easement for support along the sites frontage to Riverview road will not be compromised by the construction. The report recommends matters to be taken into consideration in construction and excavation for the proposed building.

4.3 PERMISSIBILITY OF THE DEVELOPMENT (CLAUSE 2.2)

The site is zoned E4 Environmental Living Zone under the provisions of Pittwater LEP 2014.

The ‘Dictionary’ contains specific definition for a “*dwelling house*” as being:

“dwelling house means a building containing only one dwelling.

Note. Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.”

The definition of “*residential accommodation*” means:

“residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

(a) to (c)

(d) dwelling houses,

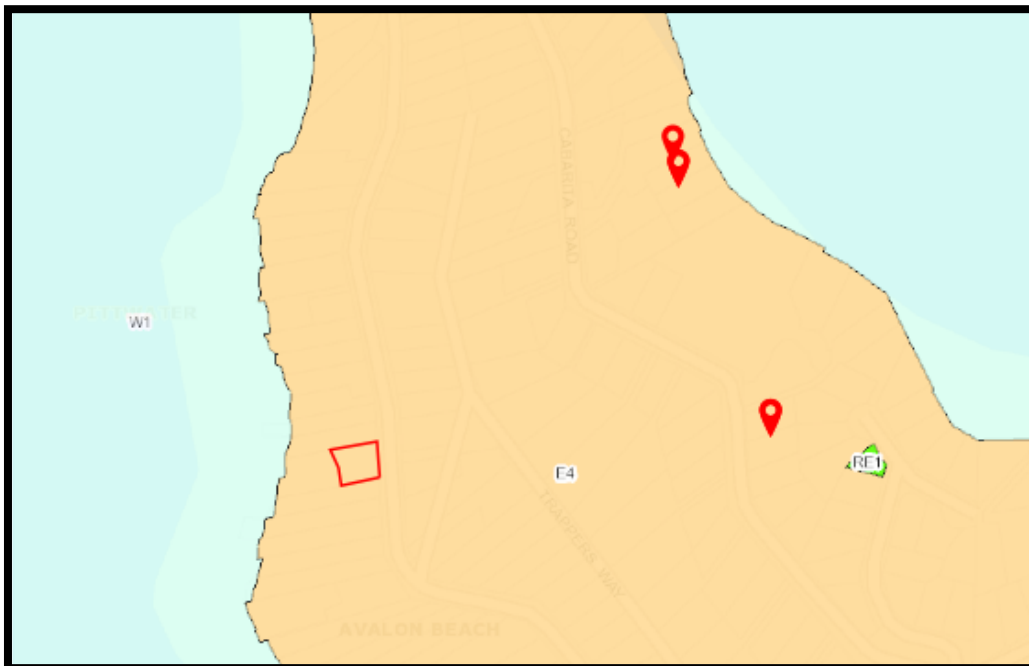
(e) to (m)

but does not include tourist and visitor accommodation or caravan parks.”

Accordingly, the proposed construction of a dwelling house on the site is permissible in the E4

Environmental Living Zone with consent of council.

Figure 1 – Extract from Pittwater LEP zoning map.



4.4 OBJECTIVES OF THE E4 ENVIRONMENTAL LIVING ZONE (CLAUSE 2.3)

Clause 2.3 of LEP 2013 requires the Council in granting consent to development under the plan to “...have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”. The issue of permissibility is discussed previously in this Statement is reliant upon the E4 Land Use table.

The specific objectives of the zone are:

- 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.

Comment: The proposed development is considered to be compatible with the surrounding residential land uses. The density proposed is consistent with the planning controls applying to the site and surrounding locality. The proposed dwelling house will serve the needs of the persons who will live in the proposed dwelling on the site.

The use of colours and materials that are ‘earth toned’ and limitations on reflective materials will respect the aesthetic values of the locality. The design will limit the extent of excavation by ‘stepping’ the building up the slope of the site. The design will respect the natural topography.

- To provide for residential development of a low density and scale integrated with the landform and landscape.

Comment: The bulk and scale of the proposed dwelling house meets the density requirements prescribed under the LEP through development standards relating to 'height' in particular. The scale of the development is in keeping with the character of surrounding development and will satisfy the underlying objectives for residential development prescribed under the adopted planning controls of council.

- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

Comment: The footprint of the proposed building will not impact adversely upon riparian and foreshore vegetation. Established native trees on the site will be maintained where possible with the desire to maintain a continuous tree canopy.

4.5 HEIGHTS OF BUILDINGS (CLAUSE 4.3)

The maximum building height is prescribed under the LEP as 8.5 metres. The height of the development is generally less than the maximum height prescribed for the site under the LEP.

Clause 4.3(2D) of the LEP states:

“(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.”*

A small portion of the proposed building will exceed the 8.5 metres height standard as shown on the diagram at Figure 3 below. The non-compliance with the height standard is considered to be minor and as such, the objectives of the clause are satisfied in that the building is of a height and scale consistent with the surrounding and nearby development, view will not be adversely impacted upon, the building design respects the natural topography of the land and there will not be excessive overshadowing of adjoining properties as demonstrated in the shadow diagrams that accompany the development application.

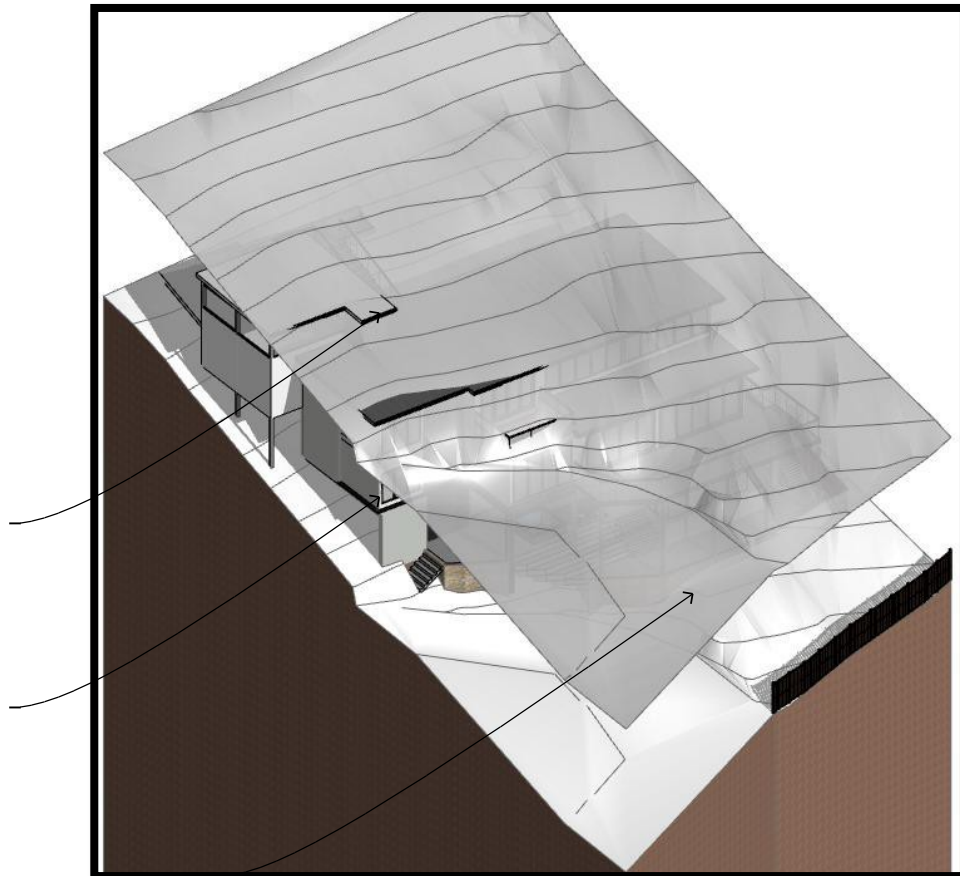
The design of the building will result in a built form that steps down the slope of the site. Clause 4.3(2D) of the LEP provides for minor variations to the maximum height standard in an area, such as this, where the natural topography being steep sloping land makes full compliance difficult in some circumstances.

The variation being sought to the maximum 8.5 metre height standard is permissible under the

provisions of clause 4.3(2D). As such, there is no requirement for the development application to be accompanied by a request for variation to the development standard under clause 4.6 of the LEP.

For reasons stated above, the minor non-compliance with the 8.5 metre height standard is permissible under the relevant provisions of the LEP and therefore is compliant. The height of the building is less than the 10m maximum standard.

Figure 2 – Building height (8.5m)



4.6 HERITAGE CONSERVATION (CLAUSE 5.10)

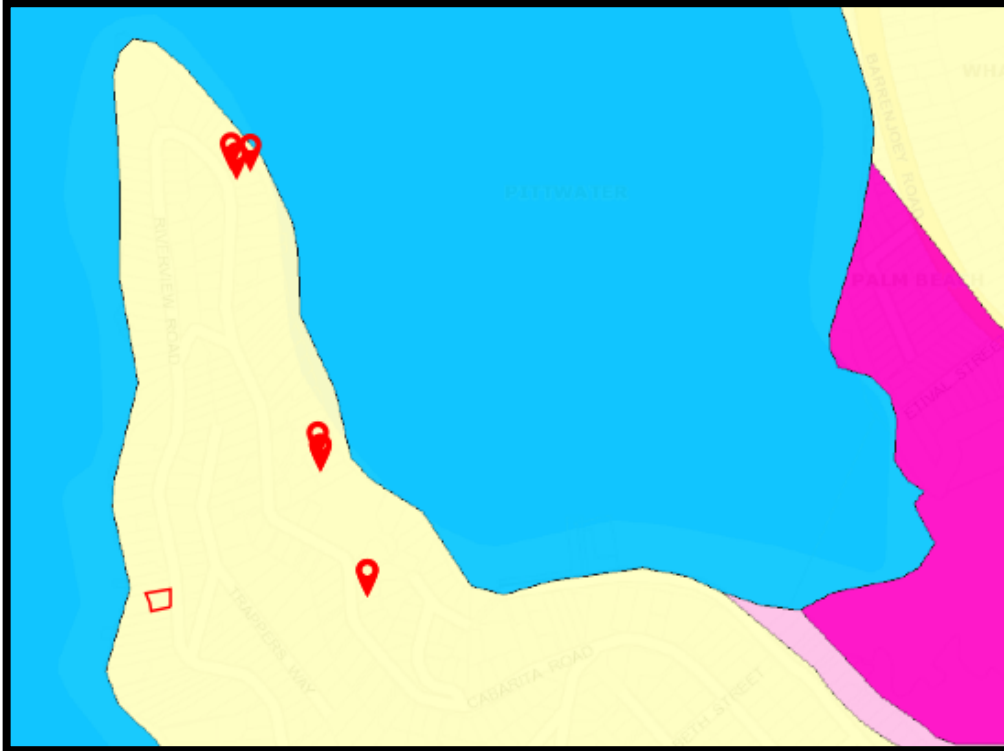
The site does not contain any items of heritage or aboriginal object from information on the council heritage register. The site is not located within a heritage conservation nor is it located within the vicinity of a heritage item of local significance.

4.7 ACID SULPHATE SOILS (ASS) (CLAUSE 7.1)

The site is identified on the Acid Sulphate Soil Map contained in the LEP as being class 5. The proposal will not involve works within 500 metres of adjacent class 1,2,3 or 4 land that is below 5 metres AHD and by which the water table is likely to be lowered below 1 metre AHD on adjacent class 1-4 acid sulphate soils.

According, a preliminary assessment nor is an ASS management plan required for the proposal.

Figure 3 – Extract from Pittwater LEP ASS map



4.8 EARTHWORKS (CLAUSE 7.2)

A geotechnical report that accompanies the development application confirms that the earthworks proposed will not result in any adverse geotechnical impacts on the subject site or adjoining lands and roadway.

The proposed earthworks are considered to be ancillary to the dwelling house and relate mainly to footings for the building with limited excavation and levelling of the site in an attempt to maintain the natural topography of the site.

As previously mentioned, the dwelling design involves stepping the building down the slope of the site.

4.9 BIODIVERSITY PROTECTION (CLAUSE 7.6)

The site and surrounding locality are identified as “Biodiversity” on the biodiversity map contained in the LEP. The objectives of clause 7.6 are:

- “(1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by—*
- (a) protecting native fauna and flora, and*
 - (b) protecting the ecological processes necessary for their continued existence, and*

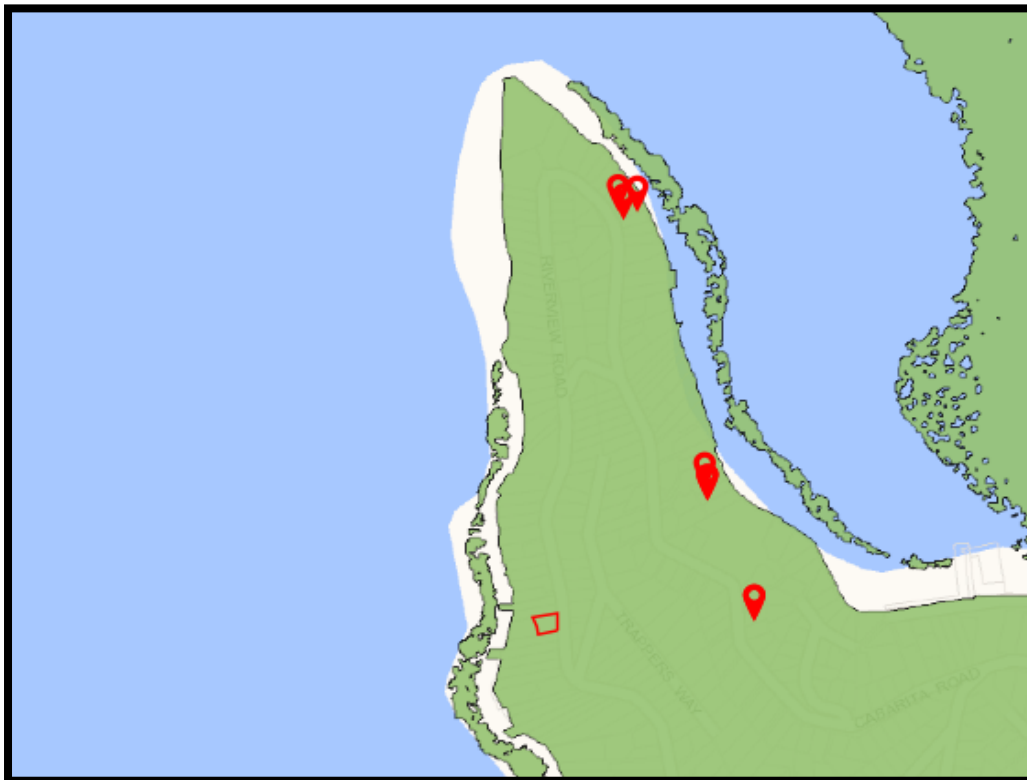
(c) encouraging the conservation and recovery of native fauna and flora and their habitats.”

The proposed works on the subject site will not result in any material loss of biodiversity as the works do not impact upon any significant species of biodiversity value whilst the limited footprint also minimises impacts upon the subject biodiversity values of the locality.

A limited amount of tree removal is required on the site for the proposed building. The arborist report that accompanies the development application, in part, concludes that:

“Retained trees have the potential for future growth and therefore the canopy and root plate have the potential for future growth. All measures have been taken to minimise damage to the proposed buildings and hardstand areas however future growth has the potential to cause damage to the proposed buildings and/or hardstand areas. Further tree removal may be required to comply with the RFS 10:50 Code.”

Figure 4 – Biodiversity Map (Pittwater LEP)



4.10 GEOTECHNICAL HAZARDS (CLAUSE 7.7)

The site is identified on the Geotechnical Hazard Map contained in the LEP. A geotechnical report prepared by White Geotechnical Group accompanies the development application.

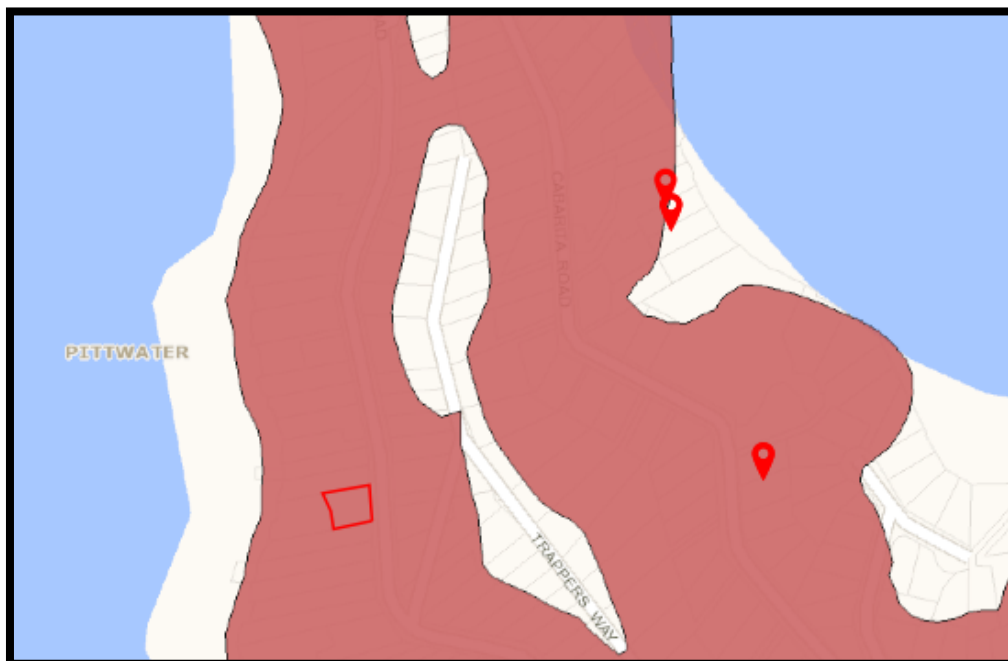
Clause 7.7(3) of the LEP requires as follows:

“(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.”*

The geotechnical report indicates that the site is suitable for the proposed development. Furthermore, that there will be no geotechnical hazards created by the completion of the proposed development provided the works are carried out in accordance with the recommendations of the report. Appropriate conditions should be imposed upon any development consent granted.

Figure 5 – Geotechnical Map (Pittwater LEP)



4.11 ESSENTIAL SERVICES (CLAUSE 7.10)

Clause 7.10 of the LEP requires that:

“Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,*

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- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.”*

The site is serviced by water and sewage services. Stormwater disposal is available via an existing stormwater easement. Suitable vehicle access is provided in accordance with the terms and conditions of DA2019/1449.

5/

PITTWATER 21 DEVELOPMENT CONTROL PLAN

5.1 SECTION A – SHAPING DEVELOPMENT IN PITTWATER

The site is located within the 'Avalon Beach Locality'. The desired character includes attributes that are incorporated into the design of the proposed dwelling house. These attributes include the following of relevance to the subject proposal:

- Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale.
- Existing and new native vegetation, including canopy trees, will be integrated with development.
- The objective is that there will be houses amongst the trees and not trees amongst the houses.
- Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like.
- Building colours and materials will harmonise with the natural environment.
- Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance.

The above design outcomes have been achieved in the development proposal.

5.2 SECTION B – GENERAL CONTROLS

B3.1 Landslip Hazard Outcomes

Protection of people.

Protection of the natural environment.

Protection of private and public infrastructure and assets.

Comment: The geotechnical report indicates that the site is suitable for the proposed development. Furthermore, that there will be no geotechnical hazards created by the completion of the proposed development provided the works are carried out in accordance with the recommendations of the report. Appropriate conditions should be imposed upon any development consent granted.

B3.6 Contaminated Land and Potentially Contaminated Land

Protection of public health.

Protection of the natural environment.

Successful remediation of contaminated land.

Comment: The site has no evidence historically of a past use that may have caused contamination of the land. A geotechnical report has been prepared by 'White geotechnical group' in support of the development application. The report includes a subsurface investigation that indicates as follows:

"Nine Dynamic Cone Penetrometer (DCP) tests were put down to determine the relative density of the overlying soil and the depth to bedrock. One auger hole and five DCP tests from a previous geotechnical report completed in 2019 are shown (AH1 and DCP1 to DCP5). The locations of the tests are shown on the site plan. It should be noted that a level of caution should be applied when interpreting DCP test results. The test will not pass through hard buried objects so in some instances it can be difficult to determine whether refusal has occurred on an obstruction in the profile or on the natural rock surface. This is not expected to be an issue for the testing on this site. But to the possibility that the actual ground conditions vary from our interpretation there should be allowances in the excavation and foundation budget to account for this. We refer to the appended "Important Information about Your Report" to further clarify. The results are as follows:

AUGER HOLE 1 (~RL35.8) – AH1 (photo 5)

Depth (m)	Material Encountered
0.0 to 0.2	SANDY SOIL, brown, fine to medium grained, dry.
0.2 to 0.5	SANDY CLAY, brown, firm, dry.

End of hole @ 0.5m in Sandy Clay. No water table encountered."

B4.22 Preservation of Trees and Bushland Vegetation

- *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.*

Comment: The development application is supported by a report prepared by Abacus Tree Services that concludes (in part) as follows:

“Retained trees have the potential for future growth and therefore the canopy and root plate have the potential for future growth. All measures have been taken to minimise damage to the proposed buildings and hardstand areas however future growth has the potential to cause damage to the proposed buildings and/or hardstand areas. Further tree removal may be required to comply with the RFS 10:50 Code.”

B4.5 Water Management

Water conservation and reduction in mains water demand.

Development is compatible with Water Sensitive Urban Design principles.

Protection of waterways and improved [riparian](#) health

Stormwater and [creek](#) flows are safely managed.

Appropriate setback between waterways and development

Comment: The development will accommodate a rainwater tank with a storage of a capacity as required by the DCP for non-potable use to external taps for external watering, car washing and toilet flushing and any other purpose permitted under the current Code of Practice for Plumbing and Drainage. Specific details will be provided at Construction Certificate stage.

The design of the proposed dwelling house aims to minimise site disturbance and to maintain natural features on the site where possible. Post construction it is proposed to embellish the areas around the curtilage of the proposed dwelling house with plantings of native vegetation.

B6 Access and Parking

Safe and convenient access.

Reduce visual impact of driveways.

Pedestrian safety.

An effective [road drainage](#) system.

Maximise the retention of trees and [native vegetation](#).

Reduce contaminate run-off from driveways.

Comment: Car parking relies upon an elevated car deck with access to Riverview Road approved under development consent DA2019/1449. Car parking is provided for two vehicles in accordance with the requirements of part B6.3 (large dwelling 2 bedrooms or more – 2 spaces). The proponents will satisfy the conditions imposed by council under DA2019/1449 particularly in regard to access provisions under the Roads Act 1993. A pedestrian pathway is proposed under the development and a separate approval will be sought for construction of the pathway within the road reserve.

B8.1 Construction and Demolition - Excavation and Landfill

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.

Comment: The extent of excavation for the proposed dwelling house will be minimised due to the

design of the proposed dwelling house 'stepping up' the natural topography of the site. Consequently, the extent of 'cut and fill' will be minimised to a maximum of one metre. A geotechnical assessment has been prepared to accompany the DA. The geotechnical report states in relation to excavations:

"Three excavations are required to construct the proposed new house with terrace below. The excavations for the second floor reaches a maximum depth of ~1.5m. The first floor and terrace level require a stepped excavation. The upper and lower steps reach maximum depths of ~2.4m and ~1.3m respectively. The S portion of the excavation for the terrace is not part of the stepped excavation and reaches a maximum depth of ~2.3m. The excavations are interpreted to be through topsoil and sandy clay with Extremely Low to Medium Strength Rock expected from the surface to a depth of ~0.7m below. It is envisaged that excavations through soil, clay and rock up to Low Strength can be carried out with a machine and bucket and excavations through Medium Strength Rock or better will require grinding or rock sawing."

B8.3 Construction and Demolition – Waste Minimisation

Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.

Comment: A waste management plan has been prepared in support of the development application.

B8.6 Construction and Demolition – Traffic Management

*Minimal disturbance to the residential community.
Protection of Roads.*

Comment: Access during construction is envisaged to occur predominantly via the internal ROW. Any works that require use of Riverview Avenue can be regulated by a permit system controlled by Council as the Roads Authority.

5.3 SECTION C1 – DEVELOPMENT TYPE CONTROLS

COMPLIANCE TABLE: SECTION C1 – RESIDENTIAL DEVELOPMENT		
DESIGN CRITERIA FOR RESIDENTIAL DEVELOPMENT	COMMENT	COMPLIANCE
<p>C1 Landscaping:</p> <p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community</p> <p>Landscaping shall not unreasonably obstruct driver and pedestrian visibility.</p> <p>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.</p> <p>Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.</p>	<p>The proposed works on the subject site will not result in any material loss of biodiversity as the works proposed do not impact upon any significant species of biodiversity value whilst the limited footprint also minimises impacts upon the subject biodiversity values of the locality.</p> <p>A limited amount of tree removal is required on the site for the proposed building. The arborist report that accompanies the development application. The report, in part, concludes that:</p> <p><i>“Retained trees have the potential for future growth and therefore the canopy and root plate have the potential for future growth. All measures have been taken to minimise damage to the proposed buildings and hardstand areas however future growth has the potential to cause damage to the proposed buildings and/or hardstand areas. Further tree removal may be required to comply with the RFS 10:50 Code.”</i></p>	Yes
<p>Safety and Security:</p> <p>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.</p> <p>Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements</p> <p>Identify crime and safety priority areas in Pittwater LGA</p> <p>Improve community safety and reduce the fear of crime in the Pittwater LGA</p> <p>Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety.</p>	<p>CPTED employs four key strategies. These are territorial re-enforcement, surveillance, access control and space/activity management. All CPTED strategies aim to create the perception or reality of capable guardianship.</p> <p>Territorial Re-enforcement – Although the design of the proposal makes provision for landscaping around the perimeter of the building, fencing is proposed to re-enforce the boundaries of the site and individual private open space.</p> <p>Surveillance – People generally feel safe when they can connect, see and interact with others. The NSW Police Service in the CPTED design principles advise that criminals are often deterred from committing crime in places that are well supervised. The principles of natural surveillance, technical/mechanical surveillance and organised surveillance will all be achieved in the design adopted in the proposal.</p> <p>Access Control – Natural access control will be achieved by the use of landscaping, building design and configuration, fencing and gardens.</p>	Yes

STATEMENT OF ENVIRONMENTAL EFFECTS

	<p>Space/Activity Management – This principle is an important way to develop and maintain natural community control of an area. These principles will be satisfied in the design.</p> <p>The site has been identified as being suitable for the development for reasons stated previously in the SEE.</p>	
<p>View Sharing:</p> <p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p> <p>The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court’s planning principles for view sharing.</p> <p>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</p> <p>Views are not to be obtained at the expense of native vegetation.</p>	<p>Complies.</p> <p>The design of the dwelling is situated below the level of Riverview Avenue. Views from adjoining properties will not be adversely impacted by the design of the proposed dwelling.</p> <p>The principles outlined in the decision of the Land and Environment Court of NSW in Tenacity Consulting v Warringah Council [2004] NSWLEC 140 at 25-29 have been applied in the design and are satisfied.</p>	Yes
<p>Solar Access:</p> <p>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</p> <p>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.</p> <p>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</p> <p>The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</p>	<p>Detailed shadow diagrams have been prepared as part of the documentation forming the development application. The proposal complies fully with the requirements of the DCP in regard to overshadowing on adjoining properties and solar access to the proposed dwelling house.</p> <p>Interestingly, there is somewhat of a contradiction in the DCP controls as a desire to retain vegetation on the site will (to an extent) compromise solar access.</p> <p>However, the planning principles in The Benevolent Society v Waverley Council [2010] NSWLEC 1082 at 133-144 have been satisfied in the proposed development.</p>	Yes
<p>Visual Privacy:</p> <p>Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</p> <p>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</p> <p>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</p>	<p>A number of elevated decks form part of the dwelling design. Due to the topography of the site, the orientation of the site and the relationship of the proposed dwelling house to adjoining properties, a requirement to provide privacy screens is not considered necessary in the circumstances.</p> <p>There will be no unreasonable overlooking of neighbouring properties private open space.</p>	Yes
<p>Acoustic Privacy:</p> <p>Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited.</p>	<p>Complies.</p> <p>Issues relating to noise impacts externally and internally are satisfied in the design.</p>	Yes

STATEMENT OF ENVIRONMENTAL EFFECTS

Noise is not to be offensive as defined by the <i>Protection of the Environment Operations Act 1997</i> , including noise from plant, equipment and communal or private open space areas		
<p>Private Open space:</p> <p>Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</p> <p>Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</p> <p>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas. A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.</p>	<p>The total landscaped area proposed will include the retention of natural landscape around the curtilage of the proposed dwelling house.</p> <p>Balconies are proposed at levels 2 and 3 having areas of 165.49m² and 9.7m² respectively.</p> <p>A terrace/deck is proposed at level 1 having an area of 92.54m².</p> <p>The design provides for good internal and external connectivity between balconies and internal living areas.</p>	Yes
<p>Waste and Recycling Facilities:</p> <p>All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan</p>	A Waste Minimisation and Management Plan has been prepared and accompanies the DA documentation.	Yes
<p>Pollution Control:</p> <p>Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.</p>	Complies	Yes
<p>Public Road Reserve:</p> <p>The location of new landscaping (street trees) is not to hinder the future construction of a 1.5m wide footpath in location to be nominated by Council and is subject to a Section 139 approval from Council.</p>	Complies.	Yes

5.4 SECTION D – LOCALITY SPECIFIC DEVELOPMENT CONTROLS

D1.1- CHARACTER AS VIEWED FROM A PUBLIC PLACE

The design of the building provides an entry that will present to the roadway. The dominant feature to the streetscape will be the covered elevated car parking area that was approved under a separate development consent.

The proposed dwelling house will have limited visibility from Riverview Road due to the site topography. The design of the dwelling house is consistent with the local character. The proposed building will not dominate the streetscape. Issues relating to the carparking facility have been considered and approved by council under a separate development consent.

D1.2- CHARACTER – AVALON BEACH

Part A4.1 of the DCP provides a character statement for the Avalon Beach Locality. In particular,

the DCP specifies a 'Desired Character' for the locality. The proposed dwelling house has been designed to achieve the desired character. The building height will be predominantly below the tree canopy. The built form will not result in a building that dominates the natural landscape on the site and/or surrounding locality.

In regard to building design, the DCP states:

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

A schedule of colours and finishes is provided in the DA documentation that demonstrates that consideration has been given to ensuring that the building will harmonise with the natural environment.

D1.4- SCENIC PROTECTION - GENERAL

The proposed colours and material for construction, retention of vegetation, minimisation of reflective glazing and 'stepped' design of the proposed dwelling house will ensure that the visual impact of the building as viewed from the waterway is minimised.

D1.5- BUILDING COLOURS AND MATERIALS

A schedule of colours and materials is provided in the set of drawings prepared as part of the development application (refer Dwg DA17 issue 07 prepared by Fyffe Design dated 22/03/2021). The proposed colours and materials are consistent with the requirements of the DCP.

D1.8- FRONT BUILDING LINE

The DCP requires a front building line of 6.5m or the established building line, whichever is greater. The council has approved a garage that will form part of the proposed building under a separate development consent. The proposed dwelling house will have limited visibility from Riverview Avenue. The minimum setback of the dwelling to the front boundary line will be 5.190m. This is considered to be consistent with the predominant building line of established dwellings on the western (lower side) of Riverview Road.

The proposal includes a stairway and ramp extending onto the adjoining road reserve to provide pedestrian access to the entry of the dwelling house to the approved access driveway. An approval under the roads act will be required for the proposed works within the road reserve.

D1.9- SIDE AND REAR BUILDING LINE

Required

- 2.5 at least to one side; 1.0 for other side
- 6.5 rear (other than where the foreshore building line applies)

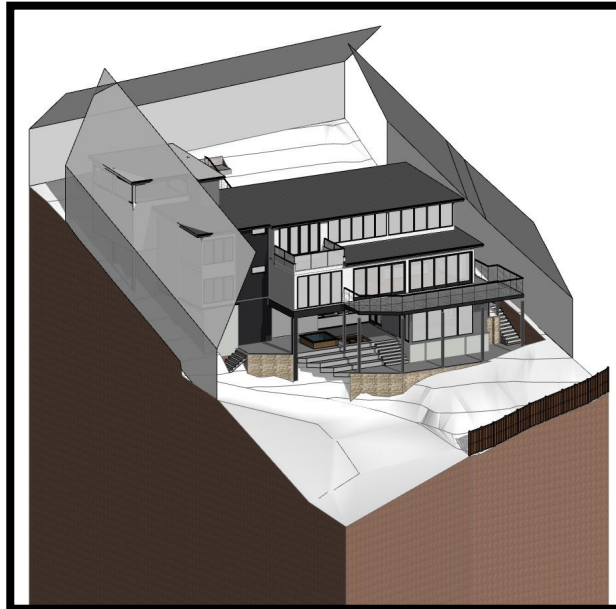
Proposed

- 2.137m (south) & 2.107m (north)
- Not affected by Foreshore Building Line. Rear 9.829m

D1.11- BUILDING ENVELOPE

“Planes are to be projected at 45 degrees from a height of 4.2 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).”

Figure 6 – Building Envelope



The diagram at figure 7 identifies a minor non-compliance with the building envelope at the northern (side) boundary line. Part of the encroachment is the covered carparking space approved by council under development consent (DA2019/1449). The minor non-compliance to a small portion of the upper storey roof is permitted as a variation under the DCP as the site has a slope of over 30%.

D1.14- LANDSCAPED AREA – ENVIRONMENTALLY SENSITIVE LAND

“The total landscaped area on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living shall be 60% of the site area.

The use of porous materials and finishes is encouraged where appropriate.

Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area.”

Total Build area

Carport = 37.01m²

Suspended Driveway = 28.53m²

Level 3 Floor= 177.50m²

Level 3 Balcony = 9.70m².

Level 3 Front Path = 35.68m²

Level 2 Floor = 182.88m²

Level 2 Balcony = 165.49m²

Level 1 Floor = 52.21m²

STATEMENT OF ENVIRONMENTAL EFFECTS

Level 1 Alfresco/Deck = 95.25m²

Level 1 Landscape Stairs = 10.89m²

Grand Total = 795.14m²

Landscape Calculations

Site Area = 557.20m²

Total Site Area (calculated) = 740.66m²

Carriageway = 133.55m²

Allowable FSR - N/A

Deep soil area = 321.22m²

Total Area of deep soil under built structure = 82.53m²

Total Building Footprint = 255.46m²

D1.17- CONSTRUCTION, RETAINING WALLS, TERRACING AND UNDERCROFT AREAS

"Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.

Retaining walls and terracing shall be kept to a minimum. Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.

In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.

Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas."

Complies.

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SECTION 4.15 OF THE EP & A ACT, 1979

7.1 ENVIRONMENTAL PLANNING INSTRUMENTS AND CONTROLS

These matters have been addressed above.

7.2 THE LIKELY IMPACTS OF THE DEVELOPMENT

These matters have been addressed above.

7.3 THE SUITABILITY OF THE SITE

The site is located within an area zoned for residential use activities. The proposed use is consistent with the relevant objectives of the zone. This is discussed in detail under section 4.3 of the SEE. The proposed development is permissible with the consent of Council.

The site has been identified as being suitable for the development for reasons stated previously in the SEE.

7.4 SUBMISSIONS

This is a matter for Council's consideration under Council's notification requirements.

7.5 THE PUBLIC INTEREST

The public interest is served by developing the land in an efficient and economic way that enhances the character of the area and amenity of the neighbourhood.

The proposal meets the aims of the Pittwater LEP 2014.

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CONCLUSION

The merits of the application have been considered in this assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan. More specifically, the proposal fully meets the standards of the LEP and, the general requirements of the relevant parts of the DCP.

The proposal satisfies the intent of the relevant planning controls for the locality.

The proposal achieves the objectives of Council's planning controls and is considered to be suitable for approval.

Peter Fryar

BTP(UNSW), CERT T&CP(Ord4), MPIA

Director,

KEY URBAN PLANNING

DOCUMENTS:

- Arborist Report – Abacus Tree Services
- BASIX Certificate – No. 1184535S
- SET of DRAWINGS prepared by Fyffe Design.
 - DA01- COVER PAGE & BASIX/NATHERS
 - DA02 - PROPOSED SITE PLAN
 - DA03 - SITE ANALYSIS PLAN
 - DA04 - LOWER GROUND FLOOR PLAN
 - DA05 - GROUND FLOOR PLAN
 - DA06 - UPPER GROUND FLOOR PLAN
 - DA07 - ROOF PLAN
 - DA08 - EAST & WEST PLAN
 - DA09 - NORTH & SOUTH ELEVATION PLAN
 - DA10 - A SECTION PLAN
 - DA11 - LANDSCAPE PLAN
 - DA12 – SHADOW DIAGRAM 9AM
 - DA13 - SHADOW DIAGRAM 12PM & 3PM
 - DA14 - DRIVEWAY SECTION AND WINDOW/ DOOR SCHEDULE
 - DA15 - MAX BUILDING ENVELOP DIAGRAM
 - DA16 - MAX HEIGHT THRESHOLD DIAGRAM
 - DA17 – INDICATIVE MATERIAL SCHEDULE
 - 3D ARTIST IMPRESSIONS
- Geotechnical Report – Whyte Geotechnical Group (23 February 2021)
- NatHERS Certificate No. 0005762463-02
- Stormwater Plans Dwg Nos. C1, C2 & C3 dated 13/3/21 prepared by Nastasi & Associates
- Site Survey prepared by DP Surveying
- Waste Management Report prepared by Fyffe Design
- Cost Estimate schedule prepared by Vasiv Build Pty Ltd.

STATEMENT OF ENVIRONMENTAL EFFECTS