

**STATEMENT OF  
ENVIRONMENTAL EFFECTS**

Torrens Title subdivision of an  
approved but unregistered allotment to  
create an additional allotment

**7 TRENTWOOD PARK  
AVALON BEACH**



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# **Statement of Environmental Effects**

**Torrens Title subdivision of an approved but unregistered allotment to create an additional allotment**

Lot 1, DP 202857, No. 7 Trentwood Park, Avalon Beach

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## **1.0 INTRODUCTION**

On 10<sup>th</sup> November 2017 the Land and Environment Court of NSW (the Court) granted consent to Development Application No. N0530/15 proposing the Torrens Title subdivision of 1 Lot into 3 Lots, the demolition of an existing detached garage and the construction of a new access road providing access to each of the new allotments.

This document forms a component of a development application that proposes the Torrens Title Subdivision of an approved but unregistered allotment (approved Lot 2) to create an additional allotment (proposed Lot 4) and the creation of a service handle to the Trentwood Park frontage through approved Lot 1. A concept dwelling house design has been provided to demonstrate that the proposed allotment is capable of accommodating a generally compliant dwelling house the design and location of which will not give rise to unacceptable residential amenity or environmental consequences. The final dwelling house design will be the subject of a future separate development application.

An application made pursuant to section 4.56 of the Act has also been lodged for concurrent assessment proposing the creation of 1 metre wide service/ access handles from proposed Lots 2 and 3 to the Trentwood Park frontage to enable the efficient and separate servicing of each allotment without the need for easements. Separate development applications have also been prepared for dwelling houses on approved Lots 1 and 3.

The proposed subdivision, the subject of this development application, maintains a complimentary and compatible subdivision pattern with the proposed allotment having an area, dimension and indicative building platform consistent with those established by adjoining development and allotments within the Avalon Beach locality generally.

The accompanying documentation confirms that the resultant lot is of adequate size and dimension to accommodate a compliant dwelling house and driveway extension design having acceptable environmental, streetscape, heritage conservation and residential amenity consequences with the final detailing representing a highly considered response to the minutes arising from formal pre-DA discussions with Council (PLM2018/0179). The proposed allotment can be gravity drained to the existing street drainage system and will be appropriately serviced by existing infrastructure. This statement addresses the details of the application having regard to:

- The Environmental Planning and Assessment Act, 1979 as amended (The Act).
- Pittwater Local Environmental Plan 2014 (the LEP).
- Pittwater 21 Development Control Plan (the DCP).
- State Environmental Planning Policy No. 55 – Remediation of Land.

The application is accompanied by a site survey, draft plan of subdivision, supplementary ecological assessment, bushfire protection assessment, stormwater management plan, traffic and parking report, geotechnical report, arboricultural impact assessment and concept dwelling house plans.

This report demonstrates that the proposed subdivision is permissible with consent and consistent with the legislative framework as it relates to the proposed development. The accompanying documentation confirms that the resultant lots are of adequate size and dimension to accommodate a compliant dwelling house and driveway extension design having acceptable environmental, streetscape, heritage and residential amenity consequences.

The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.55(1) of the Act. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

## 2.0 SITE ANALYSIS, DESCRIPTION AND LOCATION

The subject property is legally described as Lot 1, DP 202857, No. 7 Trentwood Park, Avalon Beach. The property is irregular in shape having an arc-shaped street frontage and address of 12.84m to Trentwood Park, a variable width and depth and a total site area of 5418 square metres. The property falls approximately 38.4m across its surface in an easterly direction as depicted on the Survey Plan prepared by Adam Clerke Surveyors Pty Ltd, Reference No. 11713, dated 1 September 2013. The land contains a number of trees and is currently developed with an existing 2 storey weatherboard dwelling with a metal roof and detached single garage access via a driveway from Trentwood Park.



Source: Near Maps

**Figure 1** – Aerial location context photograph

The general vicinity of the site is characterised by detached style housing ranging in height from 1 to 3 storeys within landscaped settings. The surrounding dwellings enjoy district views towards Avalon Beach. The area is undergoing change and renewal, with newer, larger contemporary dwellings and additions being constructed in the immediate vicinity. The form of the dwellings and associated structures is influenced by the sloping terrain and existing tree cover within the vicinity.

The adjoining properties are occupied by 1 and 2 storey dwelling houses in informal landscape settings. The size and dimension of the subject allotment is substantially greater than the majority of the sites located in the vicinity of the subject property with the resulting allotment characteristics clearly differing to that of surrounding properties. An aerial location/ context photograph is at Figure 2 over page.

### 3.0 DEVELOPMENT PROPOSAL

This application proposes the Torrens Title Subdivision of an approved but unregistered allotment (approved Lot 2) to create an additional allotment (proposed Lot 4) and the creation of a service handle to the Trentwood Park frontage through approved Lot 1. The proposed plan of subdivision is depicted on plan S.01 prepared by Gartner Trovato Architects.

The proposed/ amended allotments will have the following characteristics noting that the subject application proposes no changes to approved Lot 3:

<b>PROPOSED LOT 1 DETAILS</b>	
<b>SITE AREA</b>	<b>848M<sup>2</sup></b>
<b>NET SITE AREA</b>	<b>848M<sup>2</sup></b>
<b>LANDSCAPED AREA</b>	<b>546.2M<sup>2</sup> or 64.4%</b>
<b>FLOOR AREA OF HOUSE</b>	<b>275.3M<sup>2</sup></b>
<b>FSR</b>	<b>0.32:1</b>
<b>PROPOSED LOT 2 DETAILS</b>	
<b>SITE AREA:</b>	<b>1,652m<sup>2</sup></b>
<b>NET SITE AREA:</b>	<b>1,228m<sup>2</sup></b>
<b>LANDSCAPED AREA:</b>	<b>756m<sup>2</sup> or 45.7%</b>
<b>PROPOSED LOT 4 DETAILS</b>	
<b>SITE AREA</b>	<b>1,298M<sup>2</sup></b>
<b>NET SITE AREA</b>	<b>1,255M<sup>2</sup></b>
<b>LANDSCAPED AREA</b>	<b>987.3m<sup>2</sup> or 76%</b>
<b>FLOOR AREA OF HOUSE</b>	<b>266.4M<sup>2</sup></b>
<b>FSR</b>	<b>0.20:1</b>

The application is also accompanied by a concept dwelling house design prepared by Gartner Trovato Architects demonstrating that the proposed allotments are capable of accommodating a generally compliant dwelling house the design and location of which will not give rise to unacceptable residential amenity or environmental consequences. The final dwelling house design will be the subject of a future separate development application.

The extension of the previously approved access driveway, including the provision of a passing bay, and the construction of required OSD facilities are detailed on the accompanying architectural plans and the stormwater management plans prepared by Barrenjoey Consulting Engineers. The acceptability of the proposed driveway is detailed in the accompanying traffic and parking assessment report prepared by Traffic Pty Limited.



The application requires the removal of a number of trees to accommodate the future dwelling house with the acceptability of such tree loss addressed in the accompanying arboricultural impact assessment prepared by Urban Forestry Australia and the supplementary ecological assessment prepared by Cumberland Ecology. A landscape preservation zone is proposed along the eastern boundary of proposed Lot 4 with the proposed allotment capable of being made safe from bushfire hazard as detailed in the accompanying bushfire protection assessment prepared by Australian Bushfire Protection Planners Pty Limited.

The accompanying documentation confirms that the resultant lots are of adequate size and dimension to accommodate a compliant dwelling house and driveway extension design having acceptable environmental, streetscape, heritage conservation and residential amenity consequences with the final detailing representing a highly considered response to the minutes arising from formal pre-DA discussions with Council (PLM2018/0179). The proposed allotment can be gravity drained to the existing street drainage system and will be appropriately serviced by existing infrastructure.

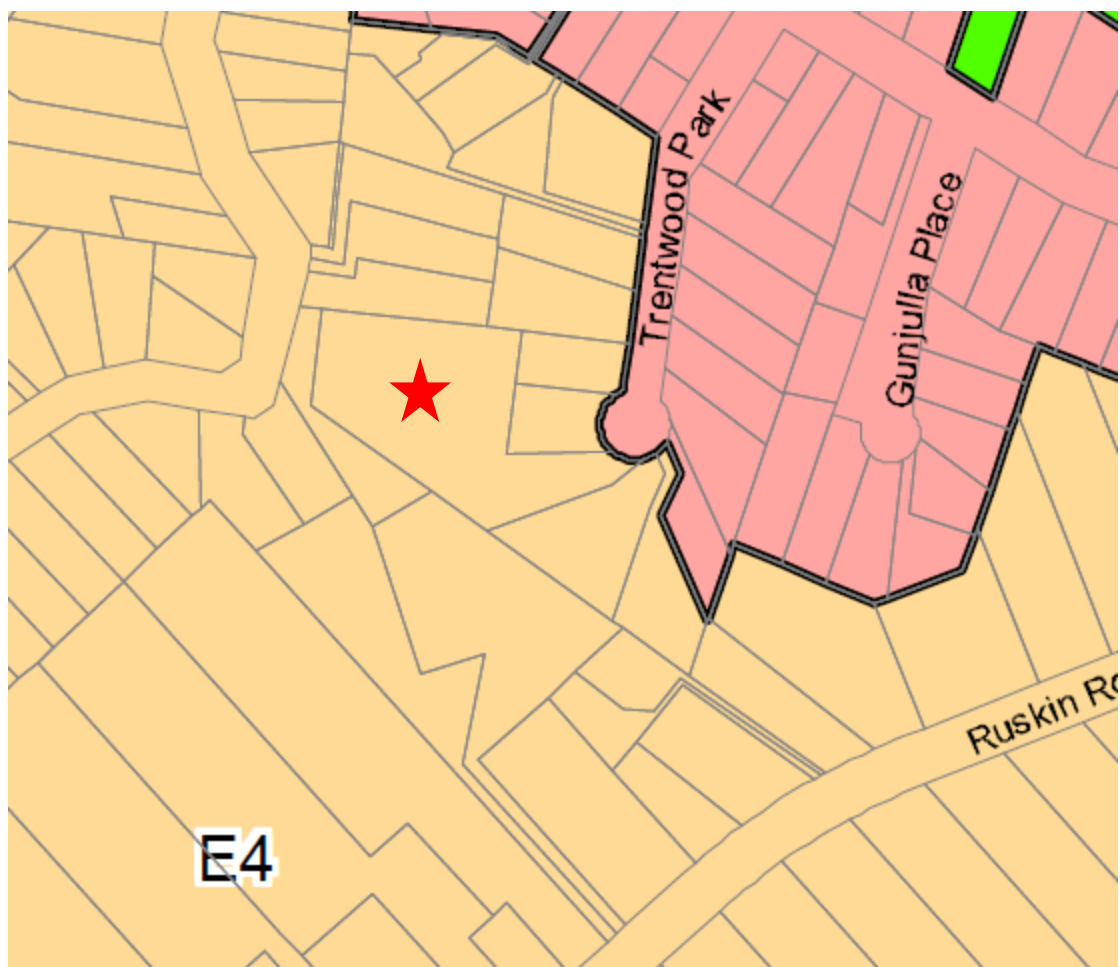
## 4.0 STATUTORY PLANNING FRAMEWORK

### 4.1 General

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.55(1) of the Act. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

### 4.2 Pittwater Local Environmental Plan 2014

#### 4.2.1 Zone and Zone Objectives



**Figure 5** – Zoning map extract PLEP 2014

The subject property is zoned E4 Environmental Living pursuant to the provisions of Pittwater Local Environmental Plan 2014 (PLEP 2014). Dwelling houses and subdivision are permissible with consent. The stated zone objectives are as follows:

- *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.*

We confirm that the proposed lot sizes comply with the minimum subdivision lot size standard and are of a size and dimension able to accommodate future dwelling houses taking into account the environmental constraints and opportunities identified through initial site analysis.

We have formed the opinion that the proposed subdivision does not defeat the zone objectives as outlined through the maintenance of a low-impact and low-density residential environment and which will enable future dwelling houses which will integrate with the landform and provide for an acceptable ecological outcome.

Accordingly, there is no statutory impediment to the granting of consent.

#### **4.2.2 Minimum Subdivision Lot Size**

Pursuant to clause 4.1 of PLEP 2014 the minimum subdivision lot size is 700m<sup>2</sup>. As previously indicated the subdivision creates/ results in 3 allotments having the following site areas (exclusive of the area of the ROW/ access handle):

Proposed Lot Areas exclusive of the area of the ROW/ access handle	
Approved Lot 1	848m <sup>2</sup>
Approved Lot 2	1228m <sup>2</sup>
Proposed Lot 4	1255m <sup>2</sup>

The stated objectives of this standard are as follows:

- (a) *to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,*

Comment: The proposed subdivision lot sizes and pattern are consistent with the desired character of the locality, and compatible with the pattern, size and configuration of existing lots in the locality.

- (b) *to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,*

Comment: The sites are not burdened by any hazards other than bushfire. The proposed allotment capable of being made safe from bushfire hazard as detailed in the accompanying bushfire protection assessment prepared by Australian Bushfire Protection Planners Pty Limited.

- (c) *to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,*

Comment: This objective is able to be satisfied. The accompanying documentation confirms that the resultant lots are of adequate size and dimension to accommodate a compliant dwelling house and driveway extension design having acceptable environmental, streetscape, heritage and residential amenity consequences with the final detailing representing a highly considered response to the minutes arising from formal pre-DA discussions with Council (PLM2018/0179).

- (d) *to provide for subdivision that does not adversely affect the heritage significance of any heritage item or heritage conservation area,*

Comment: The subject property is not heritage listed or located within a heritage conservation area however does immediately adjoin the C5 Ruskin Rowe Heritage Conservation Area. In this regard we rely on the Heritage Impact Statement prepared by John Oultram Heritage and Design, dated April 2016 (the Oultram report), in relation to the approved subdivision, which concluded:

*Overall, we consider that there are no heritage considerations that would preclude the proposal proceeding and that the subdivision does not seek to overdevelop the site. The lots sizes remain generous and in line with the general pattern of the area and previous divisions.*

*The central lot provides a good curtilage to the existing house that will maintain its setting and pay due regard to its orientation, aspect and outdoor areas.*

*The proposal is unlikely to have any impact on the conservation area provided that tree removal is limited and the scale of the house lots is not large. In heritage terms, we would recommend that the proposals be approved.*

The proposed additional allotment does not compromise the conclusions contained within the Oultram report in the assessment of the original scheme and to that extent Council can be satisfied that there is no heritage conservation impediment to the granting of consent. This objective is satisfied.

- (e) *to provide for subdivision where all resulting lots can be provided with adequate and safe access and services,*

Comment: The extension of the previously approved access driveway, including the provision of a passing bay, and the construction of required OSD facilities are detailed on the accompanying architectural plans and the stormwater management plans prepared by Barrenjoey Consulting Engineers. The acceptability of the proposed driveway is detailed in the accompanying traffic and parking assessment report prepared by Traffic Pty Limited. The proposed allotment can be gravity drained to the existing street drainage system and will be appropriately serviced by existing infrastructure. This objective is satisfied.

- (f) *to maintain the existing function and character of rural areas and minimise fragmentation of rural land,*

Comment: N/A

- (g) *to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

Comment: A concept dwelling house design has been provided to demonstrate that the proposed allotment is capable of accommodating a compliant dwelling house the design and location of which will not give rise to unacceptable residential amenity or environmental consequences. The final dwelling house design will be the subject of a future separate development application.

Clearly, the proposed subdivision satisfies the minimum allotment size standard and the objectives associated with such control. Accordingly there is no statutory impediment to the granting of consent.

#### **4.2.3 Height of Buildings**

Pursuant to clause 4.3(2) of PLEP 2014 development on the land shall not exceed a height of 8.5 metres.

The accompanying concept plans prepared by Gartner Trovato Architects provide for future dwelling house displaying a fully compliant building height below the maximum 8.5 metre height of building standard.

#### 4.2.4 Heritage Conservation

Pursuant to clause 5.10 of PLEP we confirm that the subject property is not heritage listed or located within a heritage conservation area however does immediately adjoin the C5 Ruskin Rowe Heritage Conservation Area. In this regard we rely on the Heritage Impact Statement prepared by John Oultram Heritage and Design, dated April 2016 (the Oultram report), in relation to the approved subdivision, which concluded:

*Overall, we consider that there are no heritage considerations that would preclude the proposal proceeding and that the subdivision does not seek to overdevelop the site. The lots sizes remain generous and in line with the general pattern of the area and previous divisions.*

*The central lot provides a good curtilage to the existing house that will maintain its setting and pay due regard to its orientation, aspect and outdoor areas.*

*The proposal is unlikely to have any impact on the conservation area provided that tree removal is limited and the scale of the house lots is not large. In heritage terms, we would recommend that the proposals be approved.*

The minor modification to the approved subdivision plan does not compromise the conclusions contained within the Oultram report in the assessment of the original scheme and to that extent Council can be satisfied that there is no heritage conservation impediment to the granting of consent.

#### 4.2.5 Biodiversity

Pursuant to clause 7.6(2) of PLEP 2014 the land is identified within Council's Biodiversity mapped area. Clause 7.6(3) and (4) prescribe the following:

(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.

The application requires the removal of a number of trees to accommodate the future dwelling house with the acceptability of such tree loss addressed in the accompanying arboricultural impact assessment prepared by Urban Forestry Australia and the supplementary ecological assessment prepared by Cumberland Ecology. This supplementary ecological assessment contains the following conclusions:

*The proposed subdivision of Lot 2 will require a larger development footprint, in order to accommodate an additional dwelling and associated access. This will result in increased impacts to native vegetation when compared to the currently approved plan. The proposed plan will result in direct impacts to an additional ~0.04 ha area of Coastal Enriched Sandstone Moist Forest vegetation with the removal of 5 additional trees. The remaining vegetation within the proposed Lot 4 will be subject to the creation of an APZ, resulting in partial clearance of up to ~0.08 ha of Coastal Enriched Sandstone Moist Forest and up to ~0.02 ha of Urban Native/Exotic Vegetation, consistent with the proposed APZ associated with the approved plan. The area of additional direct impact is located within an area proposed for partial clearance within the APZ of the approved three lot subdivision.*

*An assessment of the BOS entry requirements has been undertaken to determine whether the proposed development will need to be assessed under the BOS. These assessments indicate that the clearing will not occur in a declared area of outstanding biodiversity value (AOBV), nor will it occur on an area mapped within the BVM. As such, entry into the BOS is unlikely to be triggered by these thresholds. The area threshold relevant to the applicable minimum lot size (0.25 ha) has not been exceeded as the proposed additional subdivision will result in impacts to only approximately 0.14 ha of native vegetation. Tests of significance indicate that the proposed additional subdivision and dwelling construction will not result in significant impacts to threatened ecological communities, flora or fauna within the subject site. Subsequently, entry into the BOS is not triggered by this threshold.*

*This assessment indicates that the proposed development will not require assessment under the BOS, and a BDAR is not required as no significant impacts are anticipated to result from the additional subdivision and development. Additionally, the total area of cumulative impacts resulting from the approved three lot subdivision and the proposed additional subdivision will not change. The creation of Lot 4 and the associated dwelling will result in direct impacts to a 0.04 ha area of vegetation already subject to the APZ requirements of the approved plan. Thus, the conclusions of this assessment are considered to align with those of the previous prepared REF (REF: 17043RP1) performed by Cumberland Ecology. Subsequently, the proposed mitigation measures proposed in the previous FFA must apply to the proposed development application.*

Accordingly, subject to appropriate conditions Council can be satisfied that the proposal is acceptable having regard to the clause 7.6(3) and (4) considerations as outlined.

#### **4.2.6 Essential Services**

In accordance with clause 7.10 PLEP 2014 the proposed allotment can be gravity drained to the existing street drainage system and will be appropriately serviced by existing infrastructure.



### 4.3 Pittwater 21 Development Control Plan

This policy document contains development controls for the design and construction of buildings and the development of land to which PLEP 2014 applies. The proposed development has been assessed against the relevant provisions of Pittwater 21 DCP as outlined in the following sections of this report.

#### 4.3.1 Avalon Beach Locality

The property is located within the Mona Vale locality. The desired future character of the locality is identified as being:

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

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

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

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

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

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

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

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

The development maintains a low-density residential environment supported by adequate infrastructure and which will add to the housing stock availability in the area. The future dwelling house will sit down below the canopy level, within a landscaped setting and will not give rise to any unacceptable biodiversity, environmental, heritage conservation or residential amenity consequences. Future development will be safe from bushfire hazard with the proposed development consistent with the desired future character as outlined.

### **4.3.2 General Controls**

#### **Heritage Controls - Aboriginal Heritage Significance**

In accordance with Clause B1.4 we have undertaken a walkover inspection of proposed Lot 4 and determined that there are no exposed rock overhangs, outcrops or signs of aboriginal relics and accordingly have formed the considered opinion that the development will not have any impact on any aboriginal place or object.

#### **Density Controls - Land Subdivision – Low Density Residential Areas**

Pursuant to Part B2.2 of the Council P21 DCP as the land is identified as Area 1 on the Landscaped Area and the DCP controls are as follows:

- *Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot depth of 27 metres.*
- *Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 1 on the Landscaped Area Map shall have a minimum lot width at the building line of 16 metres.*
- *Any lot (or lots) are to be capable of providing for the construction of a building which is safe from hazards, does not unreasonably impact on the natural environment, does not adversely affect heritage, and can be provided with adequate and safe access and services.*
- *A person shall not subdivide land if the allotment(s) intended to be created have a slope in excess of 16.7 degrees (30%), measured between the highest and lowest points on any such allotment(s).*
- *The minimum area for building shall be 175m<sup>2</sup>.*

The proposed subdivision satisfies these controls with the exception of the slope however the accompanying concept plans clearly demonstrate that a dwelling of compliant height and constructed with minimal excavation can be accommodated on the proposed allotment. The property is capable of being safe from bushfire hazard and will not give rise to any unacceptable biodiversity or environmental heritage consequence. The proposed subdivision is provided with adequate and safe access and is fully serviced as previously identified.

#### **Contaminated Land and Potentially Contaminated Land**

There site has only ever been used for residential purposes. As such it can be reasonably assumed that the site is not contaminated. Please refer to Section 4.4 of this statement.

### **Stormwater**

Drainage plans prepared by Barrenjoey Consulting Engineers accompany this application. The lots can be gravity drained to Trentwood Park.

### **Internal Driveways/Car Parking**

The proposal involves the extension of the previously approved access driveway including the provision of a passing bay. The acceptability of the proposed driveway is detailed in the accompanying traffic and parking assessment report prepared by Traffic Pty Limited.

Driveway plans and sections prepared by Taylor Consulting accompanies this application and demonstrates compliance with the applicable controls and Australian Standards.

### **Site Works Management**

In accordance with Part B8 appropriate measures are to be undertaken to address the issues of construction and demolition impacts, erosion and sedimentation management, waste minimisation, site fencing and security, works in the public domain and traffic management where required.

Modest physical works are required to implement the proposed subdivision involving the creation of access and utility services to the proposed Lot 4.

### **4.3.3 Development Type Controls**

#### **Design Criteria for Land Subdivision**

Section C4 of Pittwater 21 DCP contains provisions applicable to land subdivision and in this regard having regard to the provisions at C4.1 to C4.8 we advise as follows:

- The additional residential allotment will not create any significant traffic generation with the minor increase in vehicle trips appropriately accommodated within the established road network.
- The future dwelling house on proposed Lot 4 will not impact on existing public places, footpaths or streetscapes and will benefit from previously approved/ extended access arrangements.
- Adequate utility services are available to service the proposed allotments.
- Safe and convenient vehicular access will be constructed with waste removal being undertaken by Council from the associated street frontage.
- The additional allotment is of a size and dimension able to accommodate a generally compliant dwelling house designed and sighted to maintain compliant solar access and appropriate residential amenity to the adjoining residential properties. These matters will be fully considered and addressed in the preparation of the subsequent dwelling house development application.
- The proposed allotments will be suitably landscaped in accordance with Council's requirements with such landscape regime detailed in any subsequent development application.

### **4.3.4 Locality Specific Development Controls**

#### **Character as Viewed from Public Place**

The proposed residential allotment and future dwelling house will not be discernible as viewed from the street or any public place.

#### 4.3.5 Compliance Table – Proposed Lot 4

Site Area 1298m <sup>2</sup>	Control	Proposed	Compliance
<b>AVALON BEACH LOCALITY - BUILT FORM CONTROLS</b>			
<b>Height</b>	8.5 metres	8.5 metres	YES
<b>Front Building Line</b>	6.5 metres	N/A as battle-axe allotment	N/A
<b>Side Building Line</b>	Min 2.5m one side and 1.0m other side	Variable compliant setbacks as detailed	YES
<b>Rear Setback</b>	Min 6 metres	12 – 13 metres	YES
<b>Building Envelope</b>	3.5m at boundary in 45 degrees	Non-compliance to northern edge	NO Contextually appropriate and satisfied outcomes of control
<b>Landscaped Area</b>	60%	76%	YES
<b>RESIDENTIAL DEVELOPMENT CONTROLS</b>			
<b>Private Open Space</b>	Min 80sqm	> 80sqm	YES
<b>Car parking</b>	Min 2 spaces	2 spaces	YES

#### **4.4 State Environmental Planning Policy No. 55 – Remediation of Land**

Pursuant to clause B3.6 Council shall not consent to the carrying out of any development on land unless it has considered the provisions of SEPP No. 55 – Remediation of Land (“SEPP 55”). In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council’s records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential subdivision. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

#### **4.5 Matters for Consideration Pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979 as amended**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Act. Guidelines (*in italic*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

##### **4.5.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.**

The proposed land subdivision is permissible and generally compliant with the applicable standards and associated objectives including the 700m<sup>2</sup> minimum allotment size standard. The resultant allotment sizes and dimensions are consistent with the established pattern, area and configuration of surrounding allotments.

Further, the proposed development will maintain the existing character of detached style housing within landscaped settings with the allotment sizes and dimensions enabling the design and construction of a generally compliant dwelling houses on proposed Lot 4 subject to separate development consent.

##### **4.5.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality.**

###### *Context and Setting*

- i) *What is the relationship to the region and local context on terms of:*
- *the scenic qualities and features of the landscape?*
  - *the character and amenity of the locality and streetscape?*
  - *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
  - *the previous and existing land uses and activities in the locality?*

The development maintains a low-density residential environment supported by adequate infrastructure and which will add to the housing stock availability in the area.



The future dwelling house will sit down below the canopy level, within a landscaped setting and will not give rise to any unacceptable biodiversity, environmental, heritage conservation or residential amenity consequences. Future development will be safe from bushfire hazard with the proposed development consistent with the desired future character as outlined.

The design of the future dwelling will be the subject of separate development application.

ii) *What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The future dwelling house on proposed Lot 4 is able to be designed and sited in accordance with the applicable built form controls and without unacceptable streetscape, environmental heritage, residential amenity or biodiversity impacts. In this regard, the subsequent dwelling house design will be the subject of separate development application lodged at a future time.

*Access, transport and traffic*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial Place network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

These issues have been addressed in the body of the report. Proposed Lot 4 provides appropriately for access and off-street parking.

*Public domain*

The proposed development will have no adverse impact on the public domain.

*Utilities*

Existing utility services will adequately service the development.

*Flora and fauna*

These issues have been addressed in detail in section 4.2.5 of this report. The development will not give rise to unacceptable impacts in this regard.

*Waste collection*

Normal domestic waste collection will apply.

*Natural hazards*

The development site is capable of being made safe from bushfire hazard as detailed previously in this report.

*Economic impact in the locality*

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction of the subsequent dwelling house.

*Site design and internal design*

i) *Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

These matters have been discussed in detail earlier in this report.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development can comply with the provisions of the Building Code of Australia.

#### *Construction*

i) *What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise should any physical works be undertaken on site.

#### **4.5.3 The suitability of the site for the development.**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

*Are the site attributes conducive to development?*

There are no identified site constraints which would individually or collectively prevent the subdivision of the land.

**4.5.4 Any submissions received in accordance with this Act or the regulations.**

It is envisaged that Council will appropriately consider any submissions received.

**4.5.5 The public interest.**

The proposed works are permissible and consistent with the applicable controls and objectives as they are reasonably applied to the proposed subdivision.

The proposal presents an opportunity to provide additional housing in an established residential locality with high amenity for future occupants, as promoted by the zone objectives.

The development is in the public interest.

## **5.0 CONCLUSION**

This report demonstrates that the proposed subdivision is permissible with consent and consistent with the legislative framework as it relates to the proposed development. The proposal presents an opportunity to provide additional housing in an established residential locality with high amenity for future occupants.

The proposed subdivision, the subject of this development application, maintains a complimentary and compatible subdivision pattern with the proposed allotment having an area, dimension and indicative building platform consistent with those established by adjoining development and allotments within the Avalon Beach locality generally.

The accompanying documentation confirms that the resultant lot is of adequate size and dimension to accommodate a generally compliant dwelling house and driveway extension design having acceptable environmental, streetscape, heritage conservation and residential amenity consequences with the final detailing representing a highly considered response to the minutes arising from formal pre-DA discussions with Council (PLM2018/0179). The proposed allotment can be gravity drained to the existing street drainage system and will be appropriately serviced by existing infrastructure.

The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.55(1) of the Act. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.



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**Director**