

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
INCLUDING NEW DOUBLE GARAGE AND SWIMMING POOL**

LOCATED AT

48 THE SERPENTINE, BILGOLA BEACH

FOR

BEN & LUCY FEEK



**Prepared
September 025**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared for Ben & Lucy Feek by Nick Bell Architects, Drawings No. DA-100-102, DA-200-202, Issue A, dated 19 August 2025 to detail the construction of alterations and additions to an existing dwelling including new double garage and swimming pool at **48 The Serpentine, Bilgola Beach**.

The site was previously the subject of a Development Application - DA2020/0318, which under Notice of Determination dated 19 August 2020, granted consent for *“Alterations and additions to a dwelling house including swimming pool”*.

The approved works were subsequently modified under Mod2023/0093 which was determined on 25 October 2023.

Which the works which were the subject of the original consent and subsequent modification application did not commence and the consent lapsed on 19 August 2025.

The current proposal seeks consent for alterations and additions to the dwelling including a new swimming pool and fundamentally remains consistent with the approved design as previously assessed by Council.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 48 The Serpentine, Bilgola Beach, being Lot 102 within Deposited Plan 16393. The site is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is identified as being within the Class 5 Acid Sulfate Soils Area. This matter will be discussed further within this statement.

The site is identified as being within the Coastal Environment Area and Coastal Use Area under the provisions of the SEPP (Coastal Management) 2018. This will be discussed further within this submission.

The property is noted as being within the W Hazard H1 area on Council's Geotechnical Hazard Map and Bluff/Cliff Instability on Council's Coastline Hazard Map. A Geotechnical Report has been prepared by Crozier Geotechnical Consultants, Project No. 2019-065, dated September 2025 and accompanies this submission.

There are no other known hazards affecting the land.

3.0 Site Description

The site is located on the southern side of The Serpentine and slopes towards the rear, southern boundary facing the public reserve over Bilgola Beach, with a total fall of approximately 16.5 metres.

The site is regular in shape, with an angled front boundary measuring 14.435m to The Serpentine, and eastern and western side boundaries of 49.815m and 50.11m respectively. The existing site area is approximately 716.5m².

The site is currently developed with a three storey brick and timber residence with a metal roof. Vehicular access is provided from The Serpentine via a concrete driveway.

The site is orientated to the south-east to take advantage of the significant coastal views.

The details of the lots which comprise the parcel are contained within the survey report prepared by TSS Total Surveying Solutions, Drawing Number 250720-1 dated 15 September 2025, which accompanies the DA submission.

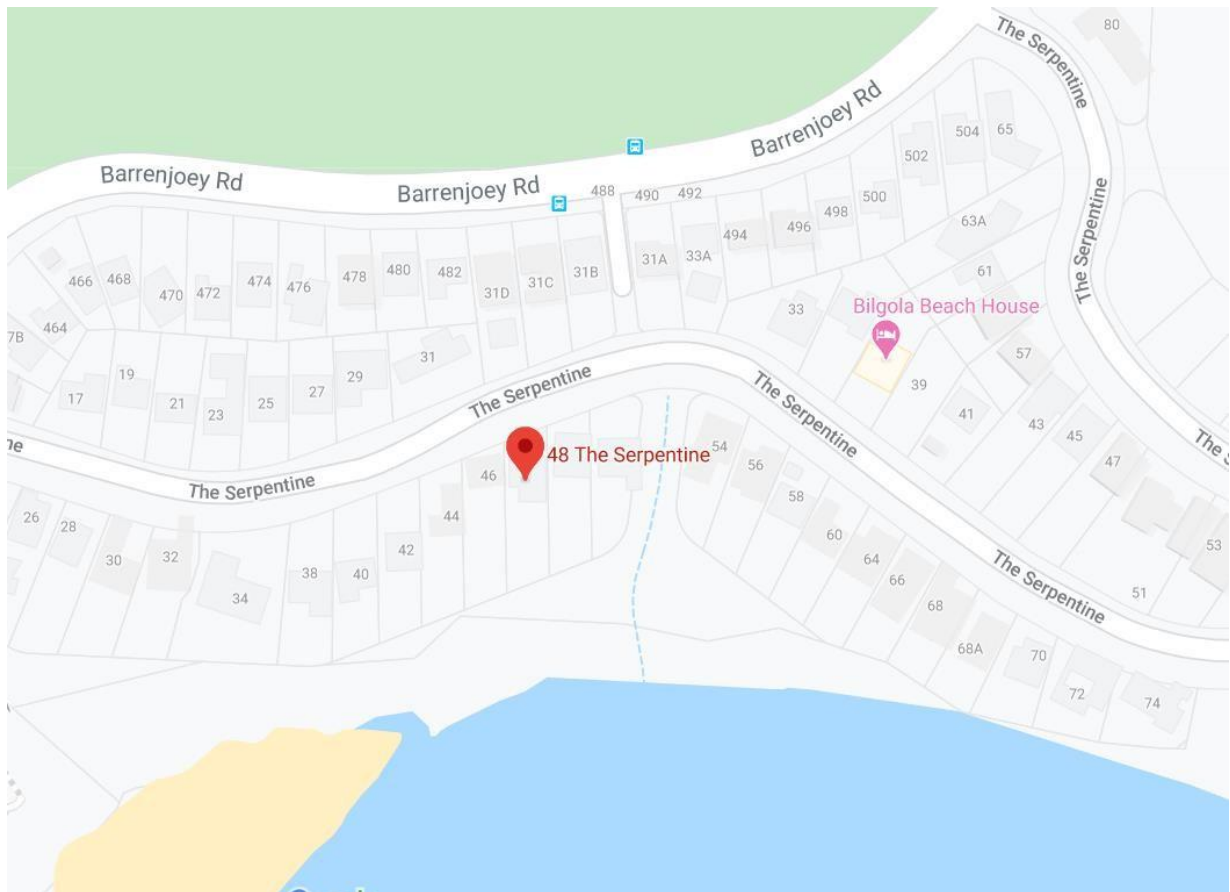


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of the subject site, with the current driveway access and open parking area, looking south-east from The Serpentine



Fig 3: View of subject vacant site and adjoining properties to west, looking south from The Serpentine

4.0 The Surrounding Environment

The subject site at 48 The Serpentine is located within an established low-density residential setting characterised by dwellings of generally two to three storeys.

The locality exhibits a mix of architectural styles and building ages, reflecting the gradual redevelopment of the area over time. While a number of original residences remain, there has been a clear trend towards contemporary alterations and additions and the construction of larger dwellings that take advantage of the elevated topography and coastal views.

Allotment sizes are relatively consistent across the surrounding streetscape, with the majority of lots being comparable in area and configuration to the subject site. This has resulted in a reasonably uniform development pattern, albeit with variation in built form outcomes, landscape treatments, and external finishes.



Fig 4: Aerial Photograph
(Source: NBC Mapping)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for alterations and additions to an existing dwelling including a new garage and swimming pool.

The works will comprise:

Level 4

- Alterations and additions to existing entry level to provide for new double garage over existing parking hardstand

Level 3

- Alterations and additions to provide for entry, open plan living, dining and kitchen, extension of existing terrace, new internal access stairs and WC
- Removal of two trees

Level 2

- Alterations and additions to existing floorplan to provide for three bedrooms with ensuite, bedroom one with a WIR, new study area, laundry and internal stairs.

Level 1

- Alterations and additions to existing floorplan to provide for a rumpus room, bedroom and bathroom, and internal stairs.

Garden Level

- New swimming pool, paved terraces and landscaping

The proposed works represent a high-quality architectural design solution that will provide a significant enhancement to the amenity and usability of the existing dwelling.

The resultant development is highly articulated, with skillful use of materiality to break down the apparent size of the existing dwelling and reduce bulk and scale.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

The internal design and arrangement will afford exceptional amenity to future occupants without unreasonably compromising the amenity of surrounding residential properties or the foreshore scenic attributes of the area.

The inclusion of a new garage, consistent with the existing streetscape character, integrated into the

overall design of the proposal ensures greater usability and safety for the occupants and surrounding roadway users.

The proposed external finishes have been detailed in the submission (See Drawing No SERP-DA-900) and which reflect the existing visual representation of the dwelling and will complement the existing and future character of the surrounding development.

The new swimming pool is located at the lower ground level set to the rear of the dwelling for ease of access from the main dwelling.

The proposed new plantings which have been detailed in the Landscape Plans prepared by Site Design Studios dated 1 August 2023 will further assist in maintaining the privacy and the amenity of both the subject and neighbouring properties and will soften the visual impact of the resultant development.

The existing development indices for the site are outlined over:

Site Area	716.5m ²
Required Building Height	8m
Proposed Building Height	5.99m Garage / 8.51 Dwelling / Swimming Pool 4.535m
Required Landscaped Area	60% or 429.9m ²
Proposed Landscaped Area	382.7m ² or 53.4% (excluding 6% permissible functional open space)

6.0 Zoning and Development Controls

6.1 Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 establishes planning controls for vegetation removal in non-rural areas, with the objective of protecting biodiversity values and preserving amenity through the retention of trees and vegetation.

As no significant or protected trees are proposed to be removed, the development will not result in adverse impacts on the biodiversity values of the site or locality. Accordingly, no further consideration under the Biodiversity and Conservation SEPP is required.

6.2 State Environmental Planning Policy (Sustainable Buildings) 2022

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The proposed development site has been within on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP). Hence, Divisions 3, 4 and 5 of the SEPP apply.

The stated Aim of the Policy under Chapter 2.1 is to:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The objects set out in Clause 3 of the Coastal Management Act 2016 are:

- (a) To protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal*

- economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
 - (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
 - (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
 - (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
 - (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
 - (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
 - (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
 - (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
 - (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the proposal, as considered in this Statement of Environmental Effects, is consistent with the objects of the SEPP (Resilience and Hazards), as set out in Clause 3 of the Coastal Management Act 2016. The relevant provisions of this Chapter are addressed as follows:

2.10 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) 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 an adverse impact referred to in subclause (1), or*
- (b) if that impact cannot be reasonably avoided—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.*

Comment: The alterations and additions will not adversely affect the visual amenity of the locality as they are confined generally to the curtilage of the existing dwelling and will not adversely impact coastal processes, hazards, or public access to the foreshore. The works avoid the removal of significant vegetation, maintain the coastal character and scenic qualities of the area, and will be supported by appropriate stormwater and erosion controls to protect water quality.

Accordingly, the development is unlikely to detract from the scenic quality of the locality, maintaining and improving an appropriate visual relationship with the surrounding built environment.

The matters for consideration under Division 4 of the SEPP are:

2.11 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
 - (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment: The proposed dwelling will not adversely affect the visual amenity of the locality as the works will not restrict or diminish public access to the foreshore, beach, or public reserves, nor will they adversely impact water-dependent uses, coastal-dependent development, or existing public works and infrastructure. The works are contained within the boundaries of the existing

residential allotment, are of a scale and form compatible with the surrounding coastal character, and will not interfere with the amenity, accessibility, or use of the coastal environment by the broader community.

Accordingly, the development is unlikely to detract from the scenic quality of the locality, maintaining an appropriate visual relationship with the surrounding built environment.

The matters for consideration under Division 5 of the SEPP are:

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment: The proposal will not cause an increased risk of coastal hazards on the site or surrounding land.

The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Resilience and Hazards) 2021.

Chapter 4 – Site Contamination

In accordance with Clause 4.6(2) of the State Environmental Planning Policy (Resilience and Hazards) 2021, a consent authority must not grant development consent unless it has considered whether the land is contaminated and whether the land is suitable, or can be made suitable, for the proposed use.

A review of the site's history indicates that the land has been used for residential purposes for an extended period. There is no known record of any potentially contaminating activities having been carried out on the site, such as industrial, agricultural, or commercial uses that may have resulted in contamination.

Given this long-standing residential use, the land is not considered to be contaminated, and there is no evidence to suggest that the site poses a risk to human health or the environment. As such, the site is deemed suitable for continued residential development without the need for further investigation at this stage.

Accordingly, the proposal satisfies the requirements of Clause 4.6(2) and no additional contamination assessment is required.

6.1 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned C4 Environmental Living under the provisions of the PLEP 2014.

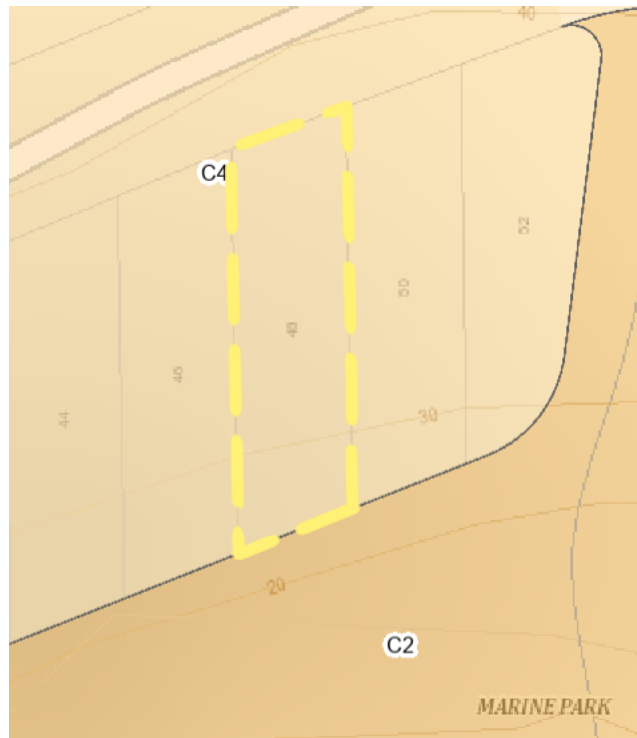


Fig 5: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The proposed construction of alterations and additions to an existing dwelling including new double garage is considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the C4 Environmental Living Zone is consistent with the zone objectives, which are noted as:

- *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.*

It is considered that the proposed new works will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing

within the locality.

- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. The proposal provides for alterations and additions to an existing dwelling, which will not have any significant or adverse impact on the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any unreasonable impact on long distance views.

Clause 4.3 – Height of Buildings

Pittwater LEP 2014 prescribes a maximum building height for the subject site of 8m in this portion of Bilgola Beach. The maximum height of the dwelling will be 8.51m above existing ground level and therefore does not comply with this control.

Accordingly, a submission has been prepared pursuant to Clause 4.6 and accompanies this statement.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by Acid Sulfate Class 5. The proposed alterations and additions are minor in nature and will not involve substantial excavation, deep foundations, or works that would lower the watertable on the site or surrounding land. As such, it is not anticipated that acid sulfate soils will be encountered or disturbed. On this basis, the provisions are satisfied and no further assessment or management measures are expected to be required.

Clause 7.2 – Earthworks

The proposed development involves limited earthworks associated with the alterations and additions to the dwelling and more substantial excavation to accommodate the swimming pool at the rear of the property, which is located on sloping topography.

The extent of earthworks required is considered reasonable and necessary for the intended recreational use and has been designed to minimise disturbance to the natural landform. The works will not result in significant adverse impacts on drainage patterns, soil stability, or the amenity of adjoining properties. Appropriate sediment and erosion control measures will be implemented during construction to protect surrounding land and waterways. The scale and location of the pool have been selected to ensure the finished works integrate with the existing landscape character.

The works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers, and Geotechnical Report, prepared by Crozier Geotechnical Consultants, Project No: 2019-065 dated September 2025 and will therefore satisfy the provisions of this clause.

Clause 7.5 – Coastal Risk Planning

The land is noted on Council's Coastline Hazard Map as being potentially subject to Bluff/Cliff Instability. The proposed alterations and additions, including the swimming pool, are located wholly within the existing residential curtilage and have been designed and sited to avoid any impact on coastal processes or slope stability.

The works will not increase the risk of coastal hazards to the subject property or adjoining land and will not adversely affect public safety, access, or the natural coastal environment.

Engineering and construction methods will ensure the development is stable and appropriate for the site conditions. Accordingly, the proposal does not expose people, property, or the environment to an increased risk of coastal hazards.

Clause 7.7 – Geotechnical Hazard

The land is noted as being affected by Geotechnical Hazard (H1).

(1) The objectives of this clause are to ensure that development on land subject to geotechnical hazards:

- (a) matches the underlying geotechnical conditions of the land, and*
- (b) is restricted on unsuitable land, and*
- (c) does not endanger life or property.*

The land is identified as being affected by a Geotechnical Hazard (H1).

A Geotechnical Report has been prepared Project No: 2019-065 dated September 2025 and accompanies this application. The report concludes that the proposed alterations, additions, and swimming pool can be undertaken safely on the site, provided the recommended design and construction measures are implemented. Subject to compliance with the recommendations of the report, the proposal will not adversely affect slope stability, the safety of people or property, or adjoining land.

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

6.2 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section A (Shaping Development in Pittwater), Section B (General Controls), Section C (Development Type Controls) and Section D3 Bilgola Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

6.2.1 Shaping Development in Pittwater - Desired Character

The desired outcomes for the bill goal locality, in which this site falls, are as follows

D4.3 Bilgola Locality

Desired Future Character

The Bilgola 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. Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

The three distinct areas within the Bilgola locality (as identified in Bilgola Locality Map 2) will, by their unique differences, require differing and distinct degrees of control to ensure the individual characteristics and essence of each area are maintained and enhanced:

The Bilgola Beach Area:

Is a visual catchment that is environmentally significant and extremely susceptible to degradation. Its unique local and regional significance requires protection and preservation, and further investigation for listing as an environmental protection and/or conservation area. Strict development controls will apply to this area (including a reduced building height limit to 8m) to ensure that its unique qualities are preserved through development that is sensitive to the area's characteristics. A Visual Protection Area (as identified in Bilgola Locality Map 3) contains particular controls to minimise the impact of development that is visible from public places. The beach, valley and headlands represent a quiet uncrowded environment with no formal commercial activity. Its unique natural, unspoilt, non-commercial character makes it attractive to local residents and visitors alike and reflects the relaxed beach lifestyle. The local topography and natural features, notably the beachfront, headlands and stands of cabbage tree palms in the valley demand different sets of constraints on building design.

The Plateau Area:

Will provide for some dual occupancies, on land that does not have tree canopy coverage, species and habitat diversity, or other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

The Pittwater Foreshore Area:

Contains areas of visual significance when viewed from the public open space of Pittwater. The visual amenity, natural flora and fauna, heritage and social values of the Pittwater Foreshore should be retained and protected.

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 the development. 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 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.

Natural scenic views from the Bicentennial Walkway will be preserved.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

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 proposal is consistent with the desired future character of the Bilgola Beach locality as it provides alterations and additions to an existing dwelling, including a new double garage and swimming pool, in a form that reflects the established scale and style of surrounding residential development.

The design responds sensitively to the sloping topography by presenting as a modest single-storey element to The Serpentine, thereby minimising visual impact when viewed from the street and surrounding properties.

The development does not require the removal of any significant trees and incorporates a minor increase in soft landscaping, which contributes positively to the landscaped setting of the site.

Accordingly, the proposal is compatible with the existing and desired character of the area.

6.2.2 Section B General Controls

The General Controls applicable to the proposed additions to the existing dwelling, garage and swimming pool, are summarised as:

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

A Geotechnical Report has been prepared by Crozier Geotechnical Consultants, Project No: 2019-065 dated September 2025 and accompanies this submission. Subject to compliance with the recommendations of this report, the proposal will satisfy the objectives of the clause.

B3.4 Coastline (Bluff) Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

A Geotechnical Report has been prepared by Crozier Geotechnical Consultants, Project No: 2019-065 dated September 2025 and accompanies this application. The report confirms that the proposed alterations, additions, and swimming pool can be safely constructed on the site, provided the recommended design and construction measures are implemented.

Subject to compliance with these recommendations, the development will not increase the risk of instability, will maintain the safety of people and surrounding property.

B3.6 Contaminated Land and Potentially Contaminated Land

The controls seek to achieve the outcomes:

Protection of public health. (S)

Protection of the natural environment. (En)

Successful remediation of contaminated land. (En, S)

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

B4.1 Flora and Fauna Enhancement Category 1 Land

The controls seek to achieve the outcomes:

Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats. (En)

The controls seek to conserve, enhance, and create habitats for locally native flora and fauna to ensure their long-term viability. The proposed development will not adversely affect locally native flora and fauna, with the existing Norfolk Island pine trees in the road reserve at the front of the site to be retained and protected throughout construction.

No significant vegetation will be removed, and the proposal includes the retention of soft landscaping areas that will continue to support local biodiversity.

B5.15 Stormwater

The controls seek to achieve the outcomes:

*Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;
Minimise the risk to public health and safety;
Reduce the risk to life and property from any flooding and groundwater damage;
Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.
Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle
Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources
Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.*

The subject property is located on a steep slope where stormwater drainage is directed to the rear of the site. The proposed development has been designed to ensure effective and environmentally responsible management of stormwater.

Roof runoff will be directed into the existing stormwater drainage system, which discharges to the rear of the property. The development will not increase stormwater runoff volumes or create adverse impacts on adjoining properties or the surrounding environment. By utilising and integrating with the existing drainage system, the proposal maintains safe and efficient stormwater control without the need for additional on-site detention or major drainage works.

Accordingly, the proposal ensures the protection of neighbouring land and infrastructure.

B6.1 Access Driveways and Works on the Public Road Reserve – Low Density Residential

This control seeks to achieve the outcomes:

- Safe and convenient access. (S)*
- Adverse visual impact of driveways is reduced. (En)*
- Pedestrian safety. (S)*
- An effective road drainage system. (En, S)*
- Maximise the retention of trees and native vegetation in the road reserve. (En, S)*

No works are proposed to the existing access driveway of public reserve.

B6.2 Internal Driveways

The controls seek to achieve the outcomes:

- 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 contaminant run-off from driveways.*

The proposal seeks to retain the existing driveway and crossing, which will continue to provide access to the proposed double garage at street level.

The previous submission under DA2020/0318 was accompanied by a Traffic and Transport planners Report, prepared by Traffix dated 4 September 2019 which confirm that the existing driveway provided appropriate safe and efficient access.

The accompanying traffic engineering assessment addressed the gradient of the existing driveway and demonstrated that appropriate access to the proposed garage can be achieved. Vertical clearance testing confirms that the existing hardstand floor level is appropriate, and the proposal to enclose this space to form a double garage is supported on transport planning grounds.

Importantly, the retention of the existing driveway crossing ensures that the current stormwater flow regime at the street boundary will not be altered. This avoids the potential for nuisance flooding to adjoining properties, which could otherwise occur if a new crossing was introduced with a modified profile that redirected road runoff. By enclosing the existing hardstand parking area rather than constructing a new crossing, the development maintains safe vehicular access while also ensuring that adjoining properties and Council's stormwater system are not adversely affected. Accordingly, the proposal is considered to comply with the objectives and requirements of Clause 6.62 – Internal Driveways.

The figures below indicate the existing driveway crossing conditions, which with the introduction of a new driveway crossing and an increased height at the road edge which would result from a change to the crossing profile, stormwater flows from the road could be directed into each of the adjoining properties.



Fig's 6, 7 & 8: Views of existing driveway crossing conditions

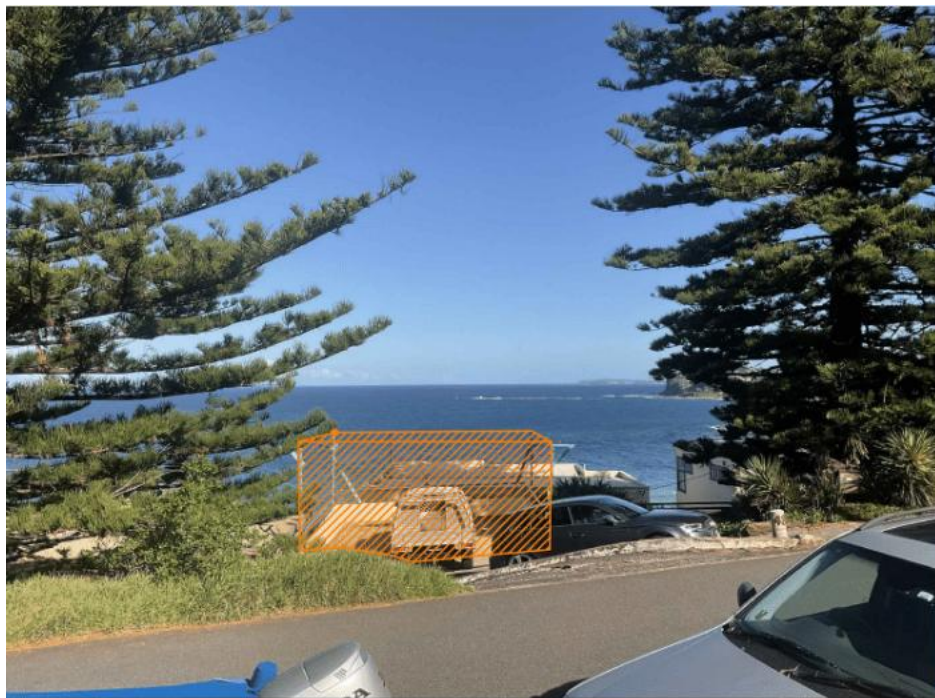
B6.3 Off-street Car Parking Requirements

The controls seek to achieve the outcomes:

Safe and convenient parking (En, S)

Clause B6.3 requires the provision of two off-street parking spaces for dwellings containing two or more bedrooms. The proposal satisfies this requirement through the construction of a double garage to service the dwelling.

The garage has been designed and sited within the existing streetscape in a manner that retains public views to the horizon and the wider beach area over the structure, as well as along the side setback areas.



04 SHADED OUTLINE OF PROPOSED GARAGE FORM

Figure 9 : Views retained from the street

By utilising the existing driveway, the proposal provides safe and convenient access while minimising additional visual or environmental impacts.

Accordingly, the inclusion of the double garage is considered reasonable and delivers safe, functional, and convenient off-street parking for residents.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

Excavation and construction not to have an adverse impact. (En)

Excavation operations not to cause damage on the development or adjoining property. (S)

A Geotechnical Report has been prepared by Crozier Geotechnical Consultants, Project No: 2019-065 dated September 2025 and accompanies this submission. The report provides construction recommendations to manage these risks, including excavation methods, drainage controls, and monitoring. The works will comply fully with these recommendations under the supervision of the Consulting Geotechnical Engineer.

B8.2 Construction and Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

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

Reduction of waste throughout all phases of development. (En)

Public safety is ensured. (S)

Protection of the public domain. (S, En)

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways. Appropriate erosion and sedimentation controls shall be implemented throughout all stages of the construction process.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

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

Any demolition material will be removed and recycled off site where possible or taken to an approved waste disposal facility. A Waste Management Plan accompanies this application.

6.1.1 Section C Development Type Controls

The Development Controls applicable to the proposed development and are summarised over as:

C1.1 Landscaping

The controls seek to achieve the outcome:

- A built form softened and complemented by landscaping. (En)*
- Landscaping reflects the scale and form of development. (En)*
- Retention of canopy trees by encouraging the use of pier and beam footings. (En)*
- Development results in retention of existing native vegetation. (En)*
- Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*
- Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*
- Landscaping enhances habitat and amenity value. (En, S)*
- Landscaping results in reduced risk of landslip. (En, Ec)*
- Landscaping results in low watering requirement. (En)*

The proposed built form will be complemented with the existing landscaping which helps soften the built form. The Norfolk Palms will be retained in the road reserve at the front of the dwelling, with several trees also retained at the rear of the site. The existing landscaping will ensure appropriate amenity is maintained for adjoining properties.

The proposed works will substantially enhance the site's function and amenity by providing improved recreational space and effectively managing the site's significant slope. These improvements will increase the amenity for the dwelling's occupants and satisfy the objectives of this clause.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (S, Ec)*
- Inform applicants of Council's requirements for crime and safety management for new development. (S)*
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*
- Identify crime and safety priority areas in Pittwater LGA (S, Ec)*
- Improve community safety and reduce the fear of crime in the Pittwater LGA (S)*
- Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)*

The dwelling is located below the street level, however the opportunity to overlook the entry driveway to provide casual surveillance of the street and front yard area from the car parking area and entry is retained. It is considered that the proposal complies with this clause.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views amongst dwellings. (S)

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

Canopy trees take priority over views. (En, S)

The subject and adjoining properties currently enjoy water views to the south towards Bilgola Beach and the ocean in further south towards Newport.. The proposed additions to the dwelling will not result in any unreasonable loss of views from adjoining properties, including uphill properties and the public domain, with views over and past the dwelling to be maintained.

The proposed additions and alterations to the existing dwelling fund mentally adopt the general layout and form of the approved development detailed under DA 2020/0318, with the expected views available for properties on the northern, higher side of the Serpentine and from each of the adjoining properties issue adjacent to the development being generally maintained as previously anticipated in the previous approval.

The nearby uphill properties along The Serpentine are substantially elevated above the maximum ridge height of the new works due to the sloping topography, and are therefore not anticipated to experience any unreasonable view loss. Dwellings on either side of the subject site will maintain water views to the south across each rear boundary, achieving a reasonable sharing of views amongst dwellings, in turn satisfying the outcomes of the control.

As noted previously, views for the public past and over the proposed garage will be retained.

It is considered that views towards Newport Beach to the south are considered an important consideration in the design for the benefit of both the public and the surrounding neighbours. Views to Bungan beach and further along the southern coastline are suitably maintained area from the public area and from the private properties on the high side of The Serpentine.

Garages associated with dwellings or freestanding structures at or near the street level are not uncommon in this portion of The Serpentine and it is considered that the modest form and low roof height of the proposed garage is an appropriate way to provide for parking for the site, in this visually prominent location.

By designing a development which largely complies with Council's built form controls, we have maximised view opportunities for the uphill property over and along the side boundaries of the proposed dwelling.

C1.4 Solar Access

The controls seek to achieve the outcomes:

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

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

Reduce usage and/dependence for artificial lighting. (En)

Clause C1.4 seeks to ensure that dwellings and their private open space areas receive adequate solar access, with a minimum of 3 hours maintained to the private open space of both the subject dwelling and adjoining dwellings during mid-winter.

The proposal has been assessed against this requirement and is accompanied by Shadow Diagrams (Drawing Nos. DA910–DA915), which illustrate the extent of overshadowing throughout the day on 21 June.

These diagrams confirm that the proposed alterations and additions will not result in any unreasonable reduction of solar access to the adjoining property at No. 46 The Serpentine, with its principal areas of private open space continuing to achieve the required minimum 3 hours of sunlight. Solar access to the subject property is also maintained. The proposed development has therefore been designed in a manner that protects residential amenity and complies with the solar access requirements.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

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

A sense of territory and safety is provided for residents. (S)

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The proposed additional window openings to the north-west and south-west elevations have been carefully considered in their placement, setback, and treatment. These windows are provided with generous side setbacks and incorporate mitigation measures such as opaque glazing and privacy screening where appropriate, thereby minimising opportunities for overlooking and limiting impacts on adjoining residences.

The proposed balconies are orientated primarily toward the ocean views, consistent with the established pattern of development along the cliff line, where open balconies are a common feature and a degree of overlooking is characteristic of the locality. To impose additional privacy treatments in this context would unnecessarily compromise both the design intent and existing view corridors enjoyed by neighbouring properties.

Furthermore, the proposed terrace and swimming pool are located as close to ground level as possible, reducing their visual prominence and limiting potential privacy impacts on surrounding dwellings.

Overall, the proposal has been designed to achieve an appropriate balance between maintaining access to coastal views and ensuring the reasonable protection of adjoining residents' privacy.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)

Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or recreation areas (S)

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, there will not be any significant Impact on the surrounding locality in terms of acoustic privacy.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

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

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

Private open space receives sufficient solar access and privacy (En, S).

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation. Due to the topography of the site, balconies have been proposed to provide adequate private open space, which are further supplemented by the proposed pool area terraces which will be screened by the proposed planting regime.

Overall, the proposal provides for sufficient areas of private open space, including terraced areas.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

Waste facilities are accessible and convenient, and integrate with the development. (En)

Waste facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment. (En, S)

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials. There is sufficient area in the area surrounding the garage for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

6.1.2 Part D Design Criteria

The **D3 Bilgola Locality Statement** contains several outcomes for development. The proposal has been assessed about the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains suitable amenity to adjoining properties.
- The development will not place any significant demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D3 Bilgola Locality** is provided below:

D3.1 Character as Viewed from a Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)

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

The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)

High quality buildings designed and built for the natural context and any natural hazards. (En, S)

Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)

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

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.

To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)

The required controls ensure that new development is designed in a manner that maintains compatibility with the established character of the locality, as experienced from the public domain. This is achieved through appropriate consideration of roof forms, materials, textures, window arrangements, modulation of wall and roof planes, spatial separation, and the provision of landscaping.

The proposed development has been designed to sit comfortably within its setting.

Due to the natural slope of the site, the proposed garage will present to The Serpentine as a modest single-storey form, ensuring it is not visually dominant when viewed from the street. The majority of

the additions are located below street level, which further reduces their visual prominence and ensures that views from the streetscape and surrounding public places are not unnecessarily impeded.

The development provides generous setbacks from boundaries, and the proposed height and scale are consistent with the surrounding residential pattern, thereby respecting the established built form.

The proposed roof design has been carefully considered to reduce bulk and minimise visual impact, while the integration of appropriate materials, colours, and finishes ensures a cohesive appearance with the locality.

In addition, the proposal retains significant vegetation, introduces no adverse visual intrusion, and provides for soft landscaping that will enhance the overall presentation of the site when viewed from the public domain.

Accordingly, the proposal maintains a compatible and sympathetic character as viewed from a public place.

D3.3 Building Colours, Materials and Construction

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape. (S)

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

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

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

It is considered that the development is appropriate as the proposal will provide for finishes and colours which are recessive tones and are compatible with the existing development on site and the surrounding properties.

D3.6 Front Building Line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

The amenity of residential development adjoining a main road is maintained. (S)

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

Vehicle manoeuvring in a forward direction is facilitated. (S)

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

To encourage attractive street frontages and improve pedestrian amenity.

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

The clause requires a minimum front setback of 6.5m, while allowing variations in circumstances where site constraints, such as steep topography, make compliance impractical—particularly in relation to car parking structures. The proposal seeks approval for a new double garage located between nil and 2.79m from the front boundary, which represents a technical non-compliance with the front setback control.

Notwithstanding this variation, the objectives of the control are met. The proposed garage is to be located on the footprint of an existing hardstand parking area, which has long functioned as the logical and practical location for car parking on the site. Given the steeply sloping topography, siting the garage further into the lot would not only be impractical but would also create significant access and engineering challenges. Locating the garage at street level provides safe, convenient access consistent with the intent of the control.

The proposal also minimises visual impact through careful design. The garage has been limited to a modest maximum height of 2.87m at its highest point, ensuring it presents as a low-scale structure to the streetscape. View lines from the public domain are maintained around the garage, enabling outlooks to the horizon and surrounding coastal landscape to continue uninterrupted.

Importantly, the proposal is sympathetic to the streetscape context. The street contains numerous examples of garages and car parking structures located within the front setback on similarly constrained sites, including at No. 30 and No. 32 The Serpentine. In this regard, the siting and scale of the garage is consistent with the established character of the locality and will not appear visually intrusive.

Accordingly, while the proposal seeks a variation to the numerical setback standard, it satisfies the underlying objectives of Clause D3.6 by providing for functional and safe vehicle access on a steep site, while maintaining compatibility with the existing character of the street and preserving public view lines.

It is noted that the dwelling is situated in excess of 6.5m from the front boundary, thus achieving compliance with the setback requirement.

The proposal is considered to achieve the outcomes of this clause and is worthy of support.

D3.7 Side and rear building line

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

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

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)

Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)

Flexibility in the siting of buildings and access. (En, S)

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

To ensure a landscaped buffer between commercial and residential zones is established.

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m for at least one side and a minimum 1.0m setback for the other side. A setback of 6.0m to the rear boundary is also required by this clause.

The proposed garage setbacks have been improved slightly to the north-east, providing a minimum side setback of 1.35m.

At Level 3, the development maintains the existing setback of 1.7m to the north-east, and 1.87m–3.374m to the north-west. At Level 2, the proposal provides a setback of 1.045m to the new study window area, while maintaining the existing north-west setbacks of 1.87m–3.374m.

As a result, the dwelling house complies with the required side setback controls.

At the rear of the site, the proposed terrace area is located 2.09m from the north-east side boundary and 2.16m from the north-west side boundary. Planting along the rear boundary will continue to be maintained at a nil setback, consistent with the existing condition.

The dwelling house works more than comply with the rear setback requirements.

The proposed swimming pool has been designed to comply with and exceed the minimum 1.0m setback requirement. The pool's height above ground level reflects the steeply sloping topography of the site and has been carefully considered to ensure that it does not create any additional amenity impacts for adjoining properties. The siting and design of the pool maintain appropriate separation, and minimise potential visual or potential privacy concerns.

The proposal generally complies with the required side and rear setbacks, with only minor variations occurring at the rear of the site. These variations are a direct response to the steeply sloping topography, which necessitates sensitive design solutions to create functional and usable open space areas for the dwelling.

Despite these minor departures, the proposal maintains adequate separation to boundaries, ensures reasonable levels of amenity for both the subject and adjoining properties, and preserves access to natural light and ventilation. Landscaping is retained and enhanced within setback areas, existing trees are retained at the front and rear of the site supporting the existing landscaping transition between the built form and adjoining land.

Accordingly, the proposal is considered to be consistent with the objectives of Clause D3.7 by providing for an appropriate balance between development form and the environmental and amenity outcomes sought by the control.

D3.9 Building Envelope

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

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

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)

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

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

The objectives of Clause D3.9 seek to ensure that development is contained within an appropriate building envelope that responds sensitively to the site's topography, minimises bulk and scale impacts on adjoining properties, and preserves access to sunlight, views, and privacy.

The subject site is very steeply sloping, which presents challenges for locating additions in a way that achieves both functionality and compliance. The proposed works have been designed to respect the natural topography by stepping the building into the slope, rather than requiring excessive excavation or the creation of visually intrusive built form.

The proposed additions generally maintain the existing side setbacks, ensuring that the development remains consistent with the prevailing pattern of spacing in the locality. This approach minimises the perception of bulk from neighbouring properties and retains view corridors along the side boundaries. The proposal also incorporates sufficient articulation through the extension to the study, the provision of open balcony and terrace areas, and the use of differing materials and finishes.

New external privacy screening has also been introduced, which not only mitigates potential amenity impacts but further breaks down the visual massing of the structure. These design features, combined with the stepped form, help integrate the new works with the existing dwelling and the surrounding built environment.

Accordingly, while the steep slope necessitates a tailored response, the proposal is considered to satisfy the objectives of D3.9 by delivering a built form that is articulated, compatible with the existing character of the area, maintains amenity for adjoining properties, and responds appropriately to the site's physical constraints.

Overall, the proposal achieves the abovementioned outcomes.

D3.11 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)

The bulk and scale of the built form is minimised. (En, S)

A reasonable level of amenity and solar access is provided and maintained. (En, S)

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

Conservation of natural vegetation and biodiversity. (En)

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

To preserve and enhance the rural and bushland character of the area. (En, S)

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

The proposed development provides a total landscaped area of 382.7m², or 53.4% of the site area, which in isolation does not meet the numerical control. However, when applying Council's allowance for functional open space (up to 6%), the proposal achieves a total of 429.9m² or 60%, thereby satisfying the overall intent of the control.

The landscaped area includes both existing and new planting areas, with emphasis on retaining the Norfolk Pines within the road reserve at the front of the site, which are significant to the local streetscape character. The design integrates usable open space with planting opportunities around the dwelling and within setback areas, ensuring a balance between functional outdoor recreation space and green soft landscaping.

Further, the steep topography of the site has been carefully considered in the landscaping design to provide a practical and visually cohesive outcome. The use of terraced levels, planting beds, and the retention of nil-setback vegetation along the rear boundary ensures a strong landscape contribution that complements the built form.

Accordingly, although the raw landscaped area calculation is slightly under the numerical requirement, the proposal achieves compliance through the incorporation of functional open space provisions. The landscaping outcome will maintain the desired landscape character, support environmental functions such as stormwater infiltration, and provide high-quality usable outdoor areas.

The proposed landscaping is satisfactory in achieving the abovementioned outcomes; therefore, the proposal is found to be acceptable on merit.

D3.12 Fences – General

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

To ensure fences compliment and conserve the visual character of the street and neighbourhood

To define the boundaries and edges between public and private land and between areas of different function.

To contribute positively to the public domain.

An open streetscape that allows casual surveillance of the street. (S)

Fences, where provided, are suitably screened from view from a public place. (S)

Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)

To ensure heritage significance is protected and enhanced. (S)

To ensure an open view to and from the waterway is maintained. (S)

To maintain the natural open character of the headland and remnant bushland areas. (En, S)

The proposal will not see any change to the existing boundary fencing.

The proposal includes the replacement of the existing front fence with a new open-style metal slatted fence and the addition of a new pedestrian entry gate. The proposed fencing will maintain visual permeability, consistent with objective of avoiding solid, visually intrusive front boundary treatments. The open slatted design allows for passive surveillance between the dwelling and the street, thereby enhancing safety while preserving the landscaped character of the frontage.

The proposed height and materials are compatible with the surrounding fencing character along The Serpentine and will integrate appropriately with the retained Norfolk Pines and other landscaping elements at the front of the site. The new entry gate is designed to provide a defined and attractive entry point, reinforcing a positive interface between the private and public domain.

Accordingly, the fencing works ensure an appropriate, open, and visually sympathetic design outcome that complements both the dwelling and the wider streetscape character.

D3.14 Construction, retaining walls, terracing and undercroft areas

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To protect and minimise disturbance to natural landforms.*
- To encourage building design to respond sensitively to natural topography.*

Due to the topography of the land, new retaining walls are proposed. Notwithstanding, the retaining walls are not considered detrimental to the character of the locality, with retaining walls commonplace due to the topography of the land. The retaining walls will achieve the outcomes of the clause.

D3.15 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- Achieve the desired future character of the Locality. (En, S)*
- To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En, S).*
- Maintenance and enhancement of the tree canopy. (En, S)*
- Colours and materials recede into a well vegetated natural environment. (En, S)*
- To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component. (En, S)*
- To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.*
- To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.*
- Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.*

The site will maintain adequate landscaping to maintain and enhance the natural environment of the

area, while preserving existing views for adjoining properties.

In light of the site constraints, the proposal is considered to provide a high-quality outcome for the Bilgola Locality. Furthermore, the proposal will not see the removal of any significant vegetation.

Accordingly, the proposal is considered to be in keeping with the provisions of this clause.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on: -

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the setbacks and landscaped area controls is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the front setback and landscaped area criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No matters of relevance are raised in regard to the proposed development.

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

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for proposed construction of alterations and additions to an existing dwelling including new double garage, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP 2014 and the Bilgola Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 Submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to provide for alterations and additions to the existing dwelling, including the construction of a new double garage and swimming pool, in a manner that both respects and complements the unique qualities of the site and its setting.

The proposed works have been carefully designed to satisfy the stated objectives of Council's Development Controls. The development maintains the amenity of neighbouring properties through appropriate setbacks, solar access protection, and privacy measures, while also ensuring that the visual character of the dwelling is consistent with the surrounding locality.

In addition, the proposal provides a high-quality built form that responds appropriately to the site's steep topography, incorporates sufficient articulation and landscaping, and preserves public views and the scenic quality of the area. The works will not result in any significant environmental impacts or adverse effects on adjoining properties.

On this basis, it is respectfully submitted that the proposal achieves the desired planning outcomes and warrants the issue of Development Consent under Council's delegated authority..

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