

**STATEMENT OF  
ENVIRONMENTAL EFFECTS  
FOR  
CONSTRUCTION OF CAR  
PARKING PLATFORM  
AT 141 RIVERVIEW ROAD AVALON  
BEACH**

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## 1.1 INTRODUCTION AND BACKGROUND

This Statement of Environmental Effects has been prepared in support of a Development Application for the provision of a covered two car parking platform at 141 Riverview Road Avalon.

The proposal is submitted to Northern Beaches Council seeking consent for a safe method of providing car parking accommodation as the existing access to the subject site via a Right of Way, is unsatisfactory in terms of safety for users and does not satisfy the requisite provisions of the Australian Standard 2890.1:2004.

This important aspect of the proposal is further described in the accompanying traffic management and parking report prepared by GTK Consulting wherein the proposal has been examined in the context of the existing access, accident history of the locality and satisfaction of the relevant provisions for sight distance and traffic safety and as can be readily gleaned from this report, the proposal will result in a worthwhile road safety measure to this part of Riverview Road.

The selected location for the proposed structure has been carefully chosen to ensure that the proposal, when in use, does not result in unsafe vehicle movements as is the case with the existing access. The location of the subject proposal has been endorsed by the accompanying arborist report by Damian Green and White Geotechnical engineers report to ensure that the stability of the subject site and locality is preserved and that no material impact is imposed upon significant specimens of vegetation on or adjacent to the subject site.

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

- Plans of the proposal prepared by Richard Conway.
- Pittwater Local Environmental Plan 2014;
- Pittwater 21 Development Control Plan.
- Planning Principles of the NSW Land and Environment Court.

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- Arboricultural Impact Assessment Report by Damian Green, Arborist
- Survey Report
- Access Report by GTK Consulting
- Geotechnical Report by White Geotechnical.

During the preparation of this Statement of Environmental Effects, I have attended the subject site and the surrounding locality to gain an understanding of the proposal and its future relationship with the streetscape and the immediate surrounding sites.

I am satisfied that the proposal as submitted will provide a safe means of accommodating residents vehicles in a manner that will not result in any loss of site stability and not adversely impact upon any significant vegetation on or near the subject site.



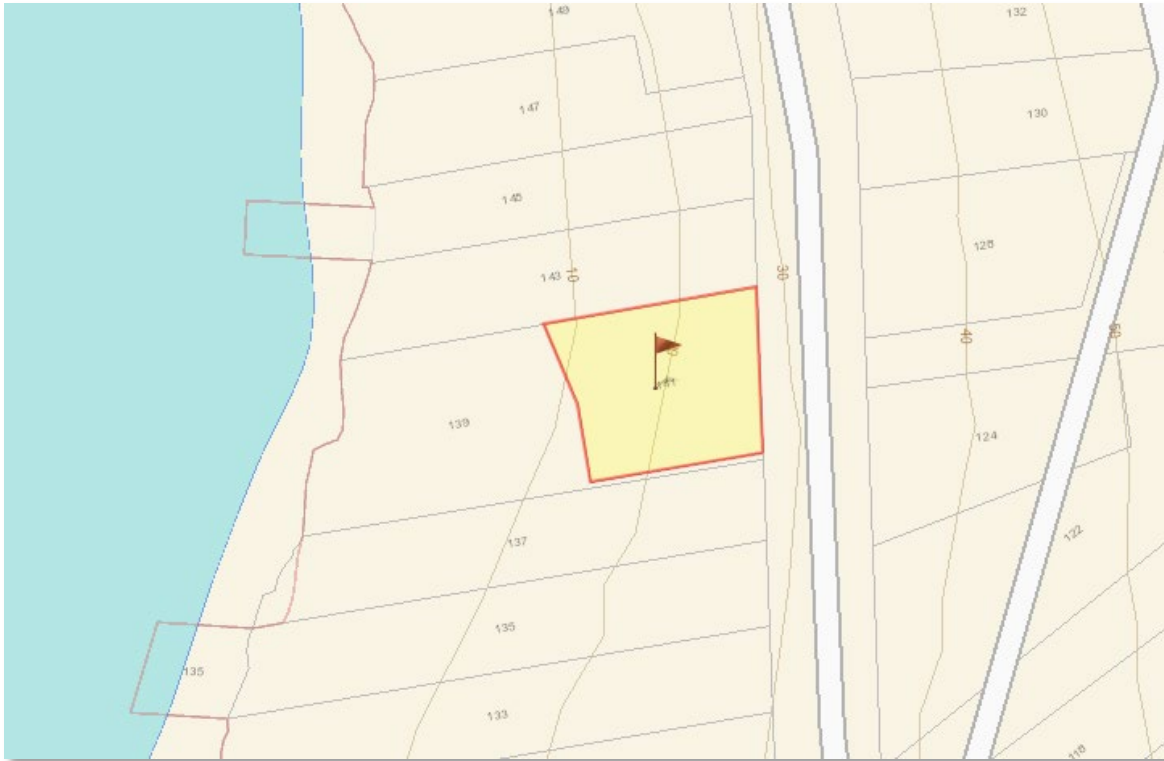
**Existing accessway, noting excessive slope.**





**Subject site looking south.**

## 2.0 SITE AND LOCALITY



### **Subject Site highlighted (SIX Maps)**

The subject site is known as No.141 Riverview Road Avalon (Lot 2 DP 833902) and is currently vacant.

The subject site contains an existing Right of Way traversing the site to serve the existing dwelling at 139 Riverview Road whilst this site is also affected by an Easement for Support traversing the Riverview Road frontage of the subject site.

Vegetation on the subject site in the locality of the proposed car parking platform is generally limited to a range of vegetation however there are no significant trees located in proximity to the proposed car parking platform.

Due to the slope of the subject site, the site is identified as being potentially impacted by



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landslip and as is standard practice, the services of a geotechnical engineer have been engaged to ensure that the proposal does not result in any adverse stability impacts. A copy of this report by White Geotechnical forms part of this application.

The locality is typified by a range of parking platforms due to the fact that the significant slope of this part of Riverview Road constrains vehicle access.



**Similar parking platform adjacent to the subject site**



**Existing driveway viewed from Riverview Road**



## 5.0 PLANNING ASSESSMENT

### 5.1 Pittwater Local Environmental Plan 2014

#### Zoning – E4 Environmental Living

##### ***Objectives of zone***

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors*

The subject site is zoned E4 Environmental Living under the PLEP and the proposal will satisfy the E4 Environmental Living zone Objectives as follows-

Limiting the extent of works to the area of the subject site which is devoid of any *special ecological, scientific or aesthetic values*.

Ensuring that the proposal, by virtue of its limited site disturbance will not affect the above stated values.

The subject proposal, being for residential vehicle accommodation limits the footprint to integrate with the landform and minimise disturbance.

The minimal footprint allows for surrounding vegetation to remain to facilitate wildlife corridors.

#### **4.3 Height of buildings**

(1) *The objectives of this clause are as follows:*

(a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

(b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

- (c) to minimise any overshadowing of neighbouring properties,*
- (d) to allow for the reasonable sharing of views,*
- (e) to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
- (2A) Despite subclause (2), development on land:*
  - (a) at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the Coastal Risk Planning Map, and*
  - (b) that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map,*
  - (c) may exceed a height of 8.5 metres, but not be more than 8.0 metres above the flood planning level.*
- (2B) Despite subclause (2), development on land:*
  - (a) at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the Coastal Risk Planning Map, and*
  - (b) that has a maximum building height of 11 metres shown for that land on the Height of Buildings Map, may exceed a height of 11 metres, but not be more than 10.5 metres above the flood planning level.*

## **RESPONSE**

The proposal, with a maximum height of 8.3 m above existing ground level at its highest point satisfies the numerical development standard of 8.5 m above existing ground level and is numerically compliant with this standard.

It should also be noted that the proposed configuration of the roof to the structure and its supports are consistent with the relatively recently approved structure adjacent to the subject site at No.147 Riverview Road.

View sharing is accommodated by ensuring that the subject structure is of an open configuration and this is assisted by the provision of a storage area below the parking platform to accommodate materials that would normally be stored within the periphery of the car parking platform thereby minimising any impacts upon public views. The proposal has been assessed in accordance with the Planning Principle expressed within *Rose Bay Marina v Woollahra Council* to ensure that the proposal, when completed, will not result in any unreasonable impact upon the provision of iconic views from public viewpoints along Riverview Road.

The proposal is an open structure made of light weight materials to ensure that the proposal sits well in the landscape and will not require any significant earthworks to facilitate its construction.

The proposal when completed, will be below the 8.5metre height limit and will be of a single storey configuration when viewed from the public areas along Riverview Road.

### **5.9 Preservation of trees or vegetation**

*(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.*

### **RESPONSE**

Although the site chosen for the subject proposal is not located in an area where any significant vegetation or specimens of any threatened species are likely to be impacted by the proposal, the applicant has nonetheless sought the advice of a qualified arborist who has prepared an arboricultural assessment of the proposal to ensure that any potentially significant vegetation is identified and protected throughout the construction and operation of the subject proposal.

This Statement is accompanied by an Arboricultural Impact Assessment Report prepared by Damian Green, a qualified and experienced arborist.

The report by Mr Green contains a comprehensive assessment of the tree specimens in the vicinity of the proposed works and concludes that the works, as proposed will not result in the loss of any significant trees and will facilitate the retention of tree T3 located adjacent to the proposed elevated vehicle access way and tree T4 located on the adjacent property



to the north. The report advises that construction should be monitored by qualified arborist and upon completion again examined by a qualified arborist to advise of the works that may be required to preserve the identified trees T3 and T4. It is noteworthy however that tree T3 is not considered a significant specimen however the applicant has chosen to preserve tree T4 in the interests of tree retention and enhancement of biodiversity.

### **Earthworks**

*(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*

### **RESPONSE**

The accompanying Geotechnical Report by White Geotechnical confirms that the works proposed will not result in any adverse geotechnical impacts to the subject site and surrounds.

Earthworks are generally limited to the provision of isolated footings for the supporting posts and are very minor levelling of the subject site in one place to accommodate the steps to the storage area. The attached architectural plans by Richard Conway, in particular the South elevation, indicate the minor levelling to accommodate the stairs to facilitate access to the storage area below the main structure.

### **7.6 Biodiversity**

*(1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:*

*(a) protecting native fauna and flora, and protecting the ecological processes necessary for their continued existence, and*

*(b) encouraging the conservation and recovery of native fauna and flora and their habitats.*

*(2) This clause applies to land identified as "Biodiversity" on the Biodiversity Map.*

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

- (a) *whether the development is likely to have:*
  - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
  - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
  - (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
  - (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
  - (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
  - (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

## **RESPONSE**

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

The accompanying report by Damian Green, consulting arborist also provides advice on the means of ensuring minimal impact to tree species in the locality and the recommendation that tree T3 be retained with suitable safeguards being carried out during construction by a consulting arborist.

## 7.7 Geotechnical hazards

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



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

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

## **RESPONSE**

The subject proposal has been examined by White Geotechnical to ensure that the proposal does not result in any adverse impacts upon soil mechanics and the stability of the subject site and surrounding sites including the Riverview Road support is preserved.

This report concludes that (subject to appropriate safeguards) the proposal is able to be completed without any significant risk to the subject or adjacent sites due to landslip or the like.

Conditions of consent are recommended within the attached report by White Geotechnical to be incorporated within the development consent to ensure that the recommended safeguards contained within the report are adopted.

## **5.2 Pittwater 21 Development Control Plan**

### **B3.1 Landslip Hazard Outcomes**

*Protection of people.*

*Protection of the natural environment.*

*Protection of private and public infrastructure and assets.*

## **RESPONSE**

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

### **B3.6 Contaminated Land and Potentially Contaminated Land**

#### **Outcomes**

*Protection of public health.*

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

## **RESPONSE**

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

### **B4.22 Preservation of Trees and Bushland Vegetation**

#### **Outcomes**

- *To protect and enhance the urban forest of the Northern Beaches.*
- *To effectively manage the risks that come with an established urban forest through professional management of trees.*
- *To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.*
- *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.*
- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.*

## **RESPONSE**

Accompanying this development application is a range of documentation which includes a report from Damian Green, a qualified and experienced arborist which confirms that the proposed works will not result in any material impact upon any mature tree species on or in proximity to the subject site subject to the implementation of recommendations contained within the submitted report.

### **B5.4 Stormwater Harvesting**

#### **Outcomes**

*Minimise quantity of stormwater runoff.*

*Minimise surcharge from the existing drainage systems.*

*Reduce water consumption and waste in new development.*

*Implement the principles of Water Sensitive Urban Design*

## **RESPONSE**

The attached architectural plans by Richard Conway (Drawing No.19/15/3) indicate the construction of a stormwater drainage line being connected to the existing easement located on the southern boundary of the subject site.

It is contemplated that any future dwelling on the subject site will be constructed in accordance with the principles of Water Sensitive Urban Design.

### **B6.1 Access Driveways and Works on the Public Road Reserve - Low Density Residential**

#### **Outcomes**

*Safe and convenient access.*

*Adverse visual impact of driveways is reduced. Pedestrian safety.*

*An effective road drainage system.*

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

## **RESPONSE**

The proposal includes the construction of an elevated access way to provide vehicle access to and from the proposed car parking platform.

Plans prepared by Richard Conway include the provision of a long section, elevations and plan views of the proposed elevated access way between the Riverview Road constructed roadway and the proposed carport.

These plans have been examined by GTK Traffic Consultants who advise that the proposal accords with the relevant provisions of Australian standard 2890.1:2004.

In addition, the accompanying arborist report by Green confirms no unreasonable impact



upon species of trees in the locality which will maximise the retention of trees and native vegetation in the road reserve.

The Report by GTK concludes –

*The proposed carport at 141 Riverview Road, Avalon Beach has been assessed to determine compliance with the relevant Australian Standard, access to and from Riverview Road and impact upon on-street car parking.*

*The assessment indicates that:*

- The dimensions of the proposed carport comply with the requirements of car parking space dimensions recommended by AS 2890.1:2004.*
- The proposal will result in a net gain of one (1) parking space.*
- Vehicle access to the carport has been checked using the ground clearance template Figure C1 of AS 2890.1:2004 and reveals that there is sufficient clearance to avoid vehicle scraping.*
- Driver sight distance from the carport to vehicles travelling on Riverview Road exceeds the requirements of AS 2890.1:2004.*
- Sight lines to pedestrians walking along Riverview Road exceed that required by AS 2890.1:2004.*

*The proposed carport at 141 Riverview Road, Avalon Beach is considered to meet the requirements of the relevant standard and accepted traffic engineering practice. In the professional opinion of the author, the proposal is worthy of Council's approval.*

### **B6.3 Off-Street Vehicle Parking Requirements - Low Density Residential**

#### **Outcomes**

*Safe and convenient parking.*

## Controls

### On-Site Car Parking Requirements

*The minimum number of vehicle parking spaces to be provided for off- street parking is as follows:*

<i>Size of Dwelling</i>	<i>Parking Require</i>
<i>Small dwelling (1 bedroom)</i>	<i>1 space</i>
<i>Large dwelling (2 bedrooms or more)</i>	<i>2 spaces</i>

### **RESPONSE**

The subject proposal does not incorporate the construction of any dwelling on the subject site, nor does the subject site contain an existing dwelling however it is contemplated that any future dwelling on the subject site will comprise a minimum of two bedrooms hence the provision of two car parking spaces been provided within the proposed structure.

## **B8.1 Construction and Demolition - Excavation and Landfill**

### **Outcomes**

*Site disturbance is minimised.*

*Excavation, landfill and construction not to have an adverse impact. Excavation and landfill operations not to cause damage on the development or adjoining property.*

### **RESPONSE**

Construction and demolition works on the subject site are limited to the footprint of the proposed platform. Minimal excavation is required for the proposed structure as shown in the South Elevation of the accompanying plans prepared by Richard Conway.

## **B8.2 Construction and Demolition - Erosion and Sediment Management**

### **Outcomes**

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

*Reduction of waste throughout all phases of development. Public safety is ensured.*

*Protection of the public domain.*

## **RESPONSE**

The subject site will be provided with sediment and erosion control devices prior to the commencement of the subject works to prevent the migration of sediment off site.

The accompanying plans prepared by Richard Conway contain a sediment and erosion control plan as shown on the Site, Landscape, Drainage and Sediment Plan.

### **B8.4 Construction and Demolition - Site Fencing and Security**

#### **Outcomes**

*Ensuring public safety.*

*Protection of public domain.*

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

## **RESPONSE**

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

### **B8.6 Construction and Demolition - Traffic Management Plan**

#### **Outcomes**

*Minimal disturbance to the residential community.*

*Protection of Roads.*

## **RESPONSE**

Due to the scale of the proposal, a traffic management plan is not required.

## **C1 Design Criteria for Residential Development**

### **C1.1 Landscaping**



## **Outcomes**

*A built form softened and complemented by landscaping.*

*Landscaping reflects the scale and form of development.*

*Retention of canopy trees by encouraging the use of pier and beam footings.*

*Development results in retention of existing native vegetation.*

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

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

*Landscaping enhances habitat and amenity value.*

*Landscaping results in reduced risk of landslide.*

*Landscaping results in low watering requirement.*

## **RESPONSE**

The proposal will provide for a landscaped area in excess of the 60% of the site area under the landscaping control for the zoning of the subject site being E4 environmental living.

The subject proposal has also been investigated by a qualified and experienced arborist and a copy of this report is attached to provide information to Council noting the overall preservation of any mature tree species on the subject site and in the locality.

### **C1.3 View Sharing**

## **Outcomes**

*A reasonable sharing of views amongst dwellings.*

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

*Canopy trees take priority over views.*

## **RESPONSE**

The criteria for assessing any impact upon views from private spaces is contained within the

planning principle emanating from the decision by the New South Wales Land and Environment Court under *Tenacity v Warringah Council* and it is noteworthy that the subject proposal does not impinge upon views from private spaces across the subject site.

The criteria for assessing any impact upon public views is contained within the decision in *Rose Bay Marina v Woollahra Council* and it is noted that the proposal does not impinge upon public views across the subject site due to its location, height, visual permeability and retention of the majority of the view is available from any public viewing areas along Riverview Road.

The proposal is therefore reasonable with regard to preservation of public and private views.

#### **C1.4 Solar Access**

##### **Outcomes**

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

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

*Reduce usage and/dependence for artificial lighting.*

##### **RESPONSE**

The subject proposal will not reduce solar access to private open space and there will be no overshadowing across any boundaries.

#### **C1.5 Visual Privacy**

##### **Outcomes**

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

*A sense of territory and safety is provided for residents.*

##### **RESPONSE**

Visual privacy will not be impeded by the proposed use of the structure.

#### **C1.6 Acoustic Privacy**

##### **Outcomes**

*Noise is substantially contained within each dwelling and noise from any communal or*

*private open space areas are limited.*

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

## **RESPONSE**

The layout and use of the proposal is such that the use is well removed from any nearby residential acoustic receptors.

### **C1.7 Private Open Space**

#### **Outcomes**

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

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

*Private open space receives sufficient solar access and privacy.*

## **RESPONSE**

The subject site will not reduce the quantum of private open space.

### **D1.1 Character as viewed from a public place**

#### **Outcomes**

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

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

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

*The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation.*

*High quality buildings designed and built for the natural context and any natural hazards.*

*Buildings do not dominate the streetscape and are at 'human scale'.*

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

## **RESPONSE**

The proposal has been crafted to ensure that the scale of the platform is a consistent and subservient element within the Riverview Road locality to minimise any visual impact whilst

at the same time providing a safe traffic and residential integration.

### **D1.5 Building colours and materials**

#### **Outcomes**

*Achieve the desired future character of the Locality.*

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

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

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

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

#### **RESPONSE**

The proposed external finishes are consistent with similar structures and the immediate locality.

### **D1.8 Front building line**

#### **Outcomes**

*Achieve the desired future character of the Locality.*

*Equitable preservation of views and vistas to and/or from public/private places.*

*The amenity of residential development adjoining a main road is maintained.*

*Vegetation is retained and enhanced to visually reduce the built form. Vehicle manoeuvring in a forward direction is facilitated.*

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

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

*To encourage attractive street frontages and improve pedestrian amenity.*

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

#### **RESPONSE**

The proposal incorporates a nil setback to the Riverview Road frontage as this is a

necessary element to ensure that the proposed elevated vehicle driveway is not of an excessive length and also to ensure that the height of the proposal which is to a predominant extent dictated by the levels necessary to ensure that the driveway gradients conform with the relevant Australian standard.

All works, which are minor and are located within Council's Road Reserve will be the subject of a separate Section 138 Approval prior to the issue of a construction certificate.

### **D1.11 Building envelope Outcomes**

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

*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.*

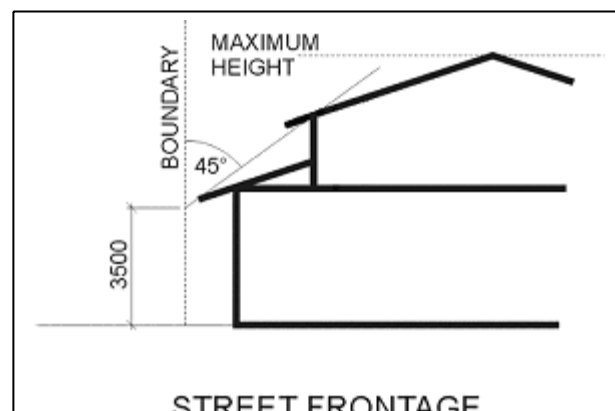
*Equitable preservation of views and vistas to and/or from public/private places.*

*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*

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

### **Controls**

*Buildings are to be sited within the following envelope:*



## **RESPONSE**

The proposal, whilst not fully compliant with the Building Envelope Control is non-compliant by virtue of the fact that the subject site has a significant gradient and the location of the subject structure in close proximity to the northern boundary in order to preserve vegetation has a minor breach of the building envelope control however the proposal satisfies the objectives of this control.

### **D1.14 Landscaped Area – Environmentally Sensitive Land**

*Achieve the desired future character of the Locality.*

*The bulk and scale of the built form is minimised.*

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

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

*Conservation of natural vegetation and biodiversity.*

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

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

*Soft surface is maximised to provide for infiltration of water to the water table, minimise runoff and assist with stormwater management*

## **RESPONSE**

The proposal provides for a landscape area that exceeds the 60% landscaped area required under the above control.

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

#### **Outcomes**

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

*To encourage building design to respond sensitively to natural topography*

## **RESPONSE**

Retaining works are minimised by the design of the structure being of freestanding



vertical polls which require minimal site disturbance however a minor amount of cutting is necessary to accommodate the provision of a stair to the storage area below and this is indicated in the floor plans and elevations accompanying this statement.

Works within the Road Reserve and Easement have been examined by the applicants geotechnical engineer and a copy of the report from White Geotechnical confirms that the method of construction is satisfactory and the site will retain its stability during and following construction of the proposal.

## **D1.20 Scenic Protection Category One Areas**

### **Outcomes**

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

*Achieve the desired future character of the Locality.*

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

*Maintenance and enhancement of the tree canopy.*

*Colours and materials recede into a well vegetated natural environment.*

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

*To preserve and enhance district and local views which reinforce and protect the Pittwater's 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 visual impacts on the natural environment when viewed from any waterway, road or public reserve*

### **RESPONSE**

Views across the subject site will by and large, remain due to the positioning of the subject structure towards the northern end of the subject site which will retain a view

corridor across the subject site whilst also ensuring that a significant area of landscaped area remains and that any significant vegetation on the subject site is retained in accordance with the recommendations of the accompanying arborist report.

Site disturbance is minimised and the visual impact of the proposal is consistent with structures along the entire length of Riverview Road.

## 6.0 SECTION 4.15 Evaluation

### 7.8 Matters for consideration—general

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

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

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

#### **RESPONSE**

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

*(iii) any development control plan,*

#### **RESPONSE**

The relevant provisions of the Pittwater 21 DCP have been addressed in the body of this Statement.

*and*

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,*

#### **RESPONSE**

No planning agreements apply to the proposal

*and*

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

#### **RESPONSE**

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

*and*

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

### **RESPONSE**

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

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

### **RESPONSE**

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

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

### **RESPONSE**

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

*(e) the public interest.*

### **RESPONSE**

The proposal endorses the public interest by developing a part of the subject site which has been identified as being clear of any significant threat vegetation and the use of the proposal will enable vehicles to enter and exit the site in a safe manner which is not the current case with the existing accessway.

### ***(2) Compliance with non-discretionary development standards—development other than complying development***

*If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:*

*(a) is not entitled to take those standards into further consideration in determining the development application, and*

*(b) must not refuse the application on the ground that the development does not comply with those standards, and*

*© must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.*

*(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:*

*(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and*

*(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard. Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).*

***(3A) Development control plans***

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

*(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*

*(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

*© may consider those provisions only in connection with the assessment of that development application. In this subsection, standards include performance criteria.*

**(4) Consent where an accreditation is in force**

***A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.***

*(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).*

**(6) Definitions**

*In this section: (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and (b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.*

**Environmental Planning Instruments**

The proposal is a permissible use in the E4 Environmental Living zone.

**Development Control Plans**

This is addressed in the body of this SEE.

**Impact on the Natural Environment.**

The proposal is unlikely to unreasonably impact upon flora and fauna, soil or water quality, air quality or the conservation of natural resources due to the sensitive location of the works which will ensure the retention of the remnant bushland on the subject site.

**Impact on the Built Environment.**

**Scenic qualities** – the proposal is consistent with the current and future character of the locality as expressed within the provisions of the Pittwater Local Environmental Plan 2014 and the Avalon Beach Locality Desired Future Character as expressed within Pittwater 21 Development Control Plan.



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

*Impact on the Social and Economic Environment.*

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

*Suitability of the Site.*

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

## **6.0 CONCLUSION**

The subject proposal has been sensitively crafted by Richard Conway to ensure that the proposal is located and constructed in a manner that does not dominate the streetscape nor result in a loss of site stability or an unreasonable impact upon vegetation on and around the subject site.

It should be noted that the proposed elevator accessway will extend across the Easement for Support which is vested in Council as the road authority and an order to ensure that the integrity of the purpose of the easement is maintained, the subject proposal has been examined by White Geotechnical who advise that the proposal, if carried out in accordance with its recommendation will retain the structural integrity of the site. The use of the area across the easement is the current subject of discussions with Council's property management team and the relevant consideration will be given to the terms of bridging this easement within any imposed conditions of consent.

I am of the view that the proposal is reasonable and will result in a safer environment for road users, both vehicular and pedestrian and will be in the public interest and it is my view that the proposal is worthy of conditional consent.

**LANCE DOYLE**

**M.Plan (UTS), B.App Sc. (UWS) MPIA**

## 8.0 COMPLIANCE TABLE

CONTROL	STANDARD	PROPOSAL	COMPLIANCE
<b>PITTWATER LOCAL ENVIRONMENTAL PLAN 2014</b>			
Zoning	E4 Environmental Living	Permissible	Yes
4.3 Height of Buildings	8.5m	Below 8.5m.	Yes
7.1 Acid Sulfate Soils	Class 5	Minimal disturbance	Yes
7.2 Earthworks	Ensure that earthworks do not have an adverse impact upon environmental processes and neighbouring uses	Earthworks limited to seven pier holes and minor levelling, endorsed by White Geotechnical Report	Yes
7.6 Biodiversity Protection	Protect native flora and fauna	Landscaping retained, arborist report provided	Yes
7.7 Geotechnical Hazards	Geotechnical Report required	See report attached	Yes

STATEMENT OF ENVIRONMENTAL EFFECTS FOR CARPARKING PLATFORM  
141 RIVERVIEW ROAD AVALON BEACH

CONTROL	STANDARD	PROPOSAL	COMPLIANCE
<b>PITTWATER 21 DEVELOPMENT CONTROL PLAN</b>			
<b>Section B General Controls</b>			
B1.3 Heritage Conservation – General	N/A		N/A
B1.4 Aboriginal Heritage Significance			N/A
B3.1 Landslip Hazard	Geotech Report required	See attached report by White Geotechnical	Yes
B3.6 Contaminated Land & Potentially Contaminated Land	SEPP 55	Unlikely due to the historical residential uses of the site	Yes
4.22 Preservation of Trees and Bushland	To protect and enhance the urban forest of the Northern Beaches	See Arborist Report	Yes
B 5.1 Water Management Plan	Effective management of all water and wastewater	Stormwater connected to existing easement	Yes
B5.3 Greywater Reuse			N/A
B5.4 Stormwater Harvesting	Minimise quantity of stormwater runoff	Stormwater connected to existing easement	Yes
B6.1 Access Driveways and Works on the Public Road Reserve	Safe and convenient access.	See GTK Access Report	Yes

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR CARPARKING PLATFORM  
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B6.2 Internal Driveways	Safe and convenient access	Access Report provided	Yes
B6.3 Off-Street Vehicle Parking Requirements	Two required	Two provided	Yes
B8.1 Construction and Demolition- Excavation and Landfill	Site disturbance is minimised.	Excavation generally limited to pierholes and minor works for stair.	Yes
B8.2 Construction and Demolition- Erosion and Sediment Management	Sediment and erosion control devices/fencing to be provided	Minimal excavation however sediment control devices will be in place during all works. See plan by Conway.	Yes
B8.3 Construction and Demolition- Waste Minimisation		Waste Management Plan, recycling where possible	Yes
B8.4 Construction and Demolition- Site Fencing and Security		Site to be fenced prior to any works commencing	Yes
B8.5 Construction and Demolition- Works in the Public Domain			Driveway crossing only
B8.6 Construction and Demolition- Traffic Management Plan	N/A		Not required

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR CARPARKING PLATFORM  
141 RIVERVIEW ROAD AVALON BEACH**

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<b>Section C Development Type Controls</b>			
C1.1 Landscaping	60%	60%	Yes
C1.2 Safety and Security	On-going safety and security of the Pittwater community	Safety incorporated into design	Yes
C1.3 View Sharing	A reasonable sharing of views amongst dwellings. Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. Canopy trees take priority over views	Public and private views protected by the proposal being visually permeable. Views from opposite side of road unaffected.	Yes
C1.4 Solar Access	Residential development is sited and designed to maximise solar access during mid-winter.	N/A	Yes
C1.5 Visual Privacy	Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design	N/A	Yes



**STATEMENT OF ENVIRONMENTAL EFFECTS FOR CARPARKING PLATFORM  
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C1.6 Acoustic Privacy	Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited	N/A	Yes
C1.7 Private Open Space	Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants	N/A	Yes
C1.12 Waste and Recycling Facilities	Waste and recycling facilities are accessible and convenient, and integrate with the development	Domestic scale only	Yes
C1.13 Pollution Control	Development that does not adversely impact on public health, the environment or other lands		Yes
C1.14 Separately Accessible Structures	N/A		
C1.24 Public Road Reserve – Landscaping and Infrastructure	Vehicular accessway		Yes

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR CARPARKING PLATFORM  
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C1.25 Plant, Equipment Boxes and Lift Over-Run	To achieve the desired future character of the Locality	Storage area below floor slab	N/A
<b>Section D Locality Specific Development Controls</b>			
D 5.1 Character as viewed from a public place	To achieve the desired future character of the Locality	Low key and sensitive to the outcomes of the desired future character	Yes
D 5.2 Scenic Protection -	To achieve the desired future character of the Locality	Low key and sensitive to the outcomes of the desired future character and preserving bushland	Yes
D 5.5 Front building line	Nil for parking structures	Nil	Yes
D 5.6 Side and rear building line		900mm to northern boundary	Yes
D 5.7 Building Envelope	45degree angle at boundary	Minor incursion due to slope	No
D 5.10 Landscaped area	60% landscaped area	Exceeds 60%	Yes
D.12 Fences- General		N/A	Yes