

29 June 2023

Mr Dean Pattalis
Planner
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Dear Mr Pattalis

DA2023/0374 18 & 20 THE SERPENTINE, BILGOLA BEACH – RESPONSE TO REQUEST FOR FURTHER INFORMATION

I refer to your letter of 19 June 2023 regarding Development Application No. DA2023/0374. I specifically refer to the issue raised regarding the proposal's compliance with the provisions of clause D3.6 'Front building line' of Pittwater 21 Development Control Plan (P21 DCP).

This letter responds to the front building line issue raised in your letter and draws attention to the wording and requirements of the control. This letter demonstrates that the development is entirely consistent with the outcomes and control related to the front building line. As such, we respectfully request that Council revisit their assessment of this aspect of the development.

1. Front Building Line Control

As noted in your letter, the provisions of clause D3.6 'Front Building Line' of P21 DCP apply to the development. Your letter, and the pre-lodgement notes, incorrectly state that the proposal is inconsistent with the applicable numeric control.

The front building line setback control at clause D3.6 provides that the minimum front building line shall be in accordance with the following table (emphasis added in bold):

Land	Front Building Line (metres)
Land zoned E4 Environmental Living or SP2 Infrastructure adjoining Barrenjoey Road	10 or established building line, whichever is the greater.
All other land zoned R2 Low Density Residential or E4 Environmental Living	6.5, or established building lines, whichever is the greater.
Land zoned B1 Neighbourhood Centre	3.5
All other land	Merit Assessment

The car parking structure is proposed on land zoned **SP2 Infrastructure**. This is clearly shown on Drawing A.01 prepared by Gartner Trovato Architects (refer to **Figure 1** below). Accordingly, pursuant to clause D3.6 of the PDCP the minimum front building line is to be based on a merit assessment.

Your letter indicates that the proposed parking structure is not entirely consistent with the predominant pattern of development within the immediate catchment of the site, with the majority of parking structures sitting beneath the road level on the eastern side of The Serpentine.

The relevant outcomes of the control do not require development to be 'entirely consistent with the predominant pattern of development within the immediate catchment of the site'. Nor do they require parking structures to sit beneath the road level.

A merit assessment of the front building line should be based on the outcomes of the control specifically identified in clause D3.6. The following section of this letter addresses the proposal's consistency with the stated outcomes of the control to demonstrate that the proposed front building line is entirely reasonable and appropriate.



Figure 1:

Extract from Drawing A.01 prepared by Gartner Trovato Architects showing the car parking structure is located entirely within the SP2 zone.

2. Merit Assessment of Front Building Line

This section of the letter addresses the proposal's compliance or consistency with each outcome of the front building line control.

Outcome 1: Achieve the desired future character of the Locality.

The desired future character of the Bilgola Locality is described in Part A4.3 of the DCP as follows:

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 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 proposed structure is consistent with the desired future character of the locality as described in [art A4.3 of the DCP as follows:

- The development maintains the low-density residential character of the residential area through minimising the visual impact of the structure and minimising its impact on the surrounding environment. The structure has been designed to minimise the visual dominance of the structure from the adjoining public reserve and public domain through providing a generous setback to the north-east boundary, providing a simple structure with a modest pitched roof to reduce the visual impact of the structure and reference the pitched roofs that are feature of residential development in the locality, minimising the impact of the development on significant trees and vegetation and selecting colours and materials with dark and earthy tones so that the structure is recessive to the surrounding vegetation. The simple design of the structure, combined with the dark and earthy tones of the proposed materials, the limited footprint of the driveway and car parking area, will result in far less intrusive visual impact on the streetscape than other garages and structures on the southern side of The Serpentine.
- The structure complies with the two-storey height limit and sits well below the maximum height limit of 8 metres so that the structure sits below the tree canopy level.
- The proposed structure has been located to minimise the impact of the development on the trees on the site and on the adjoining public land. Following the pre-lodgement meeting with Council, the setback of the structure from the northern boundary was increased in order to protect trees on the adjoining public reserve.
- The structure has been designed to minimise the impact of the development on the landform by minimising the length of the driveway and the associated site works required to construct the driveway. The structure also minimises the extent of excavation required. The proposed design has far less of an impact on the residential character of the area and its landscaped setting than other car

parking structures and driveways on the eastern side of the Serpentine where driveways have been provided that occupy extensive areas of the front setback in order to provide access to a garage that is substantially lower than the road level or is setback a greater distance from the front boundary.

Outcome 2: Equitable preservation of views and vistas to and/or from public/private places.

The proposed structure will not result in any adverse impacts on views from the public domain given the dense landscaping on the site and within the public reserve currently screen views to the ocean from the public domain as shown in Photograph 1.

It is noted that Council has indicated that the provision of car parking below the road level is preferable. The examples of this in the immediate vicinity of the site do not result in providing greater views and vistas from public/private places. The nearby structures are enclosed garages and dwellings with reduced front setbacks which completely block views.



Photograph 1:

The site of the existing dwelling and the adjoining public reserve as viewed from The Serpentine

Outcome 3: The amenity of residential development adjoining a main road is maintained.

The proposed location of the car parking structure will not reduce the amenity of any residential properties. The proposed structure is located in the northern corner of the allotment, away from the dwellings on the adjoining residential lots. As such, the proposed structure will not result in any adverse visual or acoustic privacy impacts on the surrounding residential properties.

The building design provides adequate internal amenity for occupants noting that adequate ventilation and access to daylight is provided to the office/studio space. The structure will not result in any adverse impacts on the amenity of the existing dwelling on the site.

Outcome 4: Vegetation is retained and enhanced to visually reduce the built form.

The proposed structure has been located to minimise the impact of the development on the trees on the site and on the adjoining public land. Following the pre-lodgement meeting with Council, the setback of the structure from the northern boundary was increased to protect trees on the adjoining public reserve.

Outcome 5: Vehicle manoeuvring in a forward direction is facilitated.

The car platform will provide sufficient space to provide parking for two vehicles, parallel to the front boundary. The platform also provides sufficient manoeuvring space and a mechanical vehicle turntable to enable vehicles to enter and leave the site in a forward direction.

It is noted that most access and car parking arrangements on nearby sites do not allow for vehicles to enter and leave the site in a forward direction and as such, the majority of developments in the immediate vicinity of the site are not consistent with this outcome.

Outcome 6: To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

An analysis of the existing streetscape, including a review of the access provided to each site and the placement of structures on the eastern and southern side of The Serpentine, reveals that there is little consistency in the design of access arrangements (in terms of the placement and length of driveways) and considerable variation in the setback and form of structures. This is evident from an aerial view of the site and surrounds (refer to **Figure 2**) and is shown in the following photographs of development on the southern and eastern sides of the Serpentine, close to the site. The lack of consistency arises due to the varied topography of land and the differing approaches taken to providing access and car parking on sites with varying widths, depths and gradients.

Whilst there is limited consistency in the placement and design of access and setbacks, a key feature of development on the low side of The Serpentine, is the visibility of structures (dwellings and garages) close to the front boundary. These structures impact on views available from the public domain.



Figure 2:

Aerial view of the development in the vicinity of the site showing the variation in the front building line and driveway arrangements.

The site characteristics of the proposed development are similar to that of 30 and 32 The Serpentine (see photographs 2 and 3 below) where the land falls steeply away from the road and it is not possible to provide a driveway across the frontage of the site (as is provided for sites to the south-west). The garages at 30 and 32 The Serpentine are enclosed garages which obstruct views from the public domain. It should be noted that there are currently no views available to the east or the coast from the public domain at the location of the proposed structure due to the dense landscaping across the frontage of the site. Any structure in the front setback will therefore not reduce views to the extent that has been permitted at 30 and 32 The Serpentine.

Development to the south-west of the site (on the eastern side of The Serpentine) is specifically referred to in Council's letter. The front building line is varied to the south-west however a common element is the provision of an extensive driveway area within the front setback and/or within the road reserve, that generally relies on the use of extensive retaining walls or elevated structures. These arrangements generally do not allow for vehicles to enter and leave the site in forward direction. These arrangements do not result in an improved streetscape outcome due to the extensive paving provided in the front setback and road reserve (and the inability to provide landscaping). They also result in a greater impact on the landform. For these reasons it is not possible or desirable to replicate this pattern of development for the proposed car parking structure.

The following additional observations are made in relation to the development to the south-west:

- The gradient varies considerably between No. 8 The Serpentine and 20 The Serpentine with a traditional style driveway and dwelling able to be provided at 8 The Serpentine due to the more gradual gradient of the front setback. The varied topography requires site-specific design responses.
- No. 12 The Serpentine provides an elevated driveway which does not integrate with the landform and results in a considerable visual impact.
- It is not possible to provide a driveway that accesses a garage at a lower level (as per the existing driveway at 18 The Serpentine and the driveways at 14 and 16 The Serpentine) due to the steeper gradient of the site where the garage is proposed. Whilst 14 and 16 The Serpentine have driveways and garages below street level, these structures and the adjoining dwellings (which sit within 6.5 metres of the front boundary) are solid and enclosed and completely block views.

The driveway arrangements and building line of development to the south-west result in considerable hard surface area in the front setback, extensive filling and retaining walls or elevated driveways and they do not allow for vehicles to enter and leave the site in a forward direction. The building line provided for these developments does not reduce the visual impact of development with driveways being the dominant feature of development and the reduced setbacks of the dwelling/garage completely obstructing views to the east.

The proposed building has been designed to minimise the visual dominance of the structure from the adjoining public reserve and public domain by:

- providing a generous setback to the north-east boundary,
- providing a simple structure with a modest pitched roof to reference the pitched roofs which are a common feature of development in the locality,
- minimising the impact of the development on significant trees and vegetation;
- selecting colours and materials with dark and earthy tones so that the structure is recessive to the surrounding vegetation.
- Minimising the height of the structure. The structure sits well below the maximum height limit of 8 metres so that the structure sits well below the tree canopy level.

For these reasons the proposed structure is consistent with outcome 6 as it enhances the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.



Photograph 2:

Garage structure at 30 The Serpentine.



Photograph 3:

Garage at 32 The Serpentine.



Photograph 4:

Access to the garage in the front setback of 16 The Serpentine showing the driveway extending across the front setback and the dwelling setback 5-6 metres from the boundary



Photograph 5:

Access to the garage in the front setback of 14 The Serpentine showing the driveway extending across the front setback and the dwelling setback 5 metres from the boundary



Photograph 6:

Elevated and visually dominant driveway to 12 The Serpentine



Photograph 7:

Extensive driveway to 10 The Serpentine, which is only achievable due to the reduced gradient of the site

Outcome 7: To encourage attractive street frontages and improve pedestrian amenity.

The proposed development has been designed to minimise the impact of the development on the street frontage of the site. Pedestrian amenity will be improved as the provision of additional on-street parking will allow residents and visitors to park on the site, rather than attempting to park within the road reserve.

Other developments to the south-west rely on extensive driveway works within the road reserve that prevent pedestrians from walking within the road reserve (see Photograph 7 above).

Outcome 8: To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

The development sensitively responds to the specific attributes of the site by minimising the impact on the landform, minimising the impact of the development on trees and vegetation within the public domain and providing a structure that is entirely consistent with the character of the area. Specifically.

- The existing landscaping prevents views to the east. As such, the proposed structure has no impact on views from the public domain.
- The high-quality design of the structure, including the simple design of the structure and the use of dark and earthy colours and materials ensures that the structure will provide a positive contribution to the streetscape.
- The structure complies with the height limit and will sit below the canopy height so that the landscaped character of the locality is maintained.

3. Conclusion

In accordance with D3.6 of P21 DCP, a merit assessment of the front building line is required. A 6.5 metre front building setback does not apply. The assessment of the proposed front building line should be guided by the outcomes for the control.

An analysis of the existing streetscape, including a review of the access provided to each site and the placement of structures on the eastern and southern side of The Serpentine, reveals that there is little consistency in the design of access arrangements (in terms of the placement and length of driveways) and considerable variation in the setback and form of structures. The variation in design arises due to the varied topography of land and the varied approaches taken to providing access and car parking on sites with varying widths, depths and gradients. Whilst there is limited consistency in the placement and design of access and setbacks, a key feature of development on the low side of The Serpentine, is the visibility of structures (dwellings and garages) close to the front boundary. These structures impact on views available from the public domain.

The driveway arrangements to the south-west result in considerable hard surface area in the front setback area and road reserve, extensive filling and retaining walls (or elevated driveways) and they do not allow for vehicles to enter and leave the site in a forward direction. These arrangements do not result in an improved streetscape outcome due to the extensive paving provided in the front setback (and the inability to provide landscaping). The placement of garages and structures on these properties has not resulted in a reduced impact on views to the east. For these reasons it is not possible or desirable to replicate this pattern of development for the proposed car parking structure.

It is not possible to provide a driveway that accesses a garage at a lower level (as per the existing driveway at 18 The Serpentine and the driveways at 14 and 16 The Serpentine) due to the steeper gradient of the site where the garage is proposed.

The location of the proposed structure is most similar to development at 30 and 32 The Serpentine where the land falls steeply away from the road and it is not possible to provide a driveway across the frontage of the site (as is provided for sites to the south-west). The garages at 30 and 32 The Serpentine are enclosed garages which obstruct views from the public domain. As there are currently no views available to the east or the coast from the public domain at the location of the proposed structure due to the dense landscaping across the frontage of the site. Any structure in the front setback will therefore not reduce views to the extent that has been permitted at 30 and 32 The Serpentine.

Council has consistently permitted enclosed structures on the southern and eastern side of the Serpentine, close to the front boundary. These structures are visible from the public domain and impact on views to the coastline. The carparking structure has been designed to be recessive to the surrounding landscape and the simple design of the

structure has no impact on any views currently available from the site. Further, there is no control which prevents enclosed structures being provided in the front building line area. For these reasons it would be unreasonable for Council to not support the car parking structure as proposed.

This letter demonstrates that the development is entirely consistent with the provisions of the front building line control. The letter also details why it is not possible or desirable to attempt to replicate the driveway arrangements to the south-west and highlights how the visual impact of the structure has been minimised. As such, we respectfully request that Council revisit their assessment of this aspect of the development.

Should you require any further detail, or clarification of the above, please do not hesitate to contact me on 0402 852 034.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Amy Sutherland', followed by a period.

Amy Sutherland

Sutherland & Associates Planning Pty Ltd