

Statement of Environmental Effects

Conversion of an existing garage into a secondary dwelling, erection of a new car port and ancillary works at 31 Raymond Road, Bilgola Plateau NSW 2107



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Table of Contents

1. Introduction	4
2. Site Details	4
2.1. Location	4
2.2. Zoning	8
3. Development Proposal	8
4. Permissibility	9
5. Matters of Consideration	9
5.1. Section 4.15(1)(A)(i) – any environmental planning instruments	9
Pittwater Local Environmental Plan 2014	10
5.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s)	11
5.3. Section 4.15(1)(A)(iii) – any development control plan(s)	11
5.4. Section 4.15(1)(A)(iiia) – any planning agreement or draft planning agreement	14
5.5. Section 4.15(1)(A)(iv) – the regulations	14
5.6. Section 4.15(1)(B) – the likely impacts of the development	14
5.7. Section 4.15(1)(C) – the suitability of the site	14
5.8. Section 4.15(1)(D) – any submission made	15
5.9. Section 4.15(1)(e) – the public interest	15
6. Conclusion and Recommendation	16

1. Introduction

The development proposal entails conversion of an existing double car garage into a secondary dwelling, erection of a new double carport with ancillary works at 31 Raymond Road, Bilgola Plateau NSW 2107.

An earlier development proposal was submitted with Council (reference no. DA2019/0698) which was withdrawn following on from discussions with executive management at Council.

This new development proposal addresses the discussions held with executive management where further design modifications and information has now been obtained by the proponent.

The changes include:

- Erection of a new double car port.
- Access stairs.
- Further information on the easement which burdens the neighbouring property (29 Raymond Road) in favour of the development site (prepared by a registered land surveyor).
- Neighbouring property owners' consent (29 Raymond Road) to vary the easement to support the development proposal.

The development proposal is permissible in the E4 Environmental Living zone under the provisions of Pittwater Local Environmental Plan 2014.

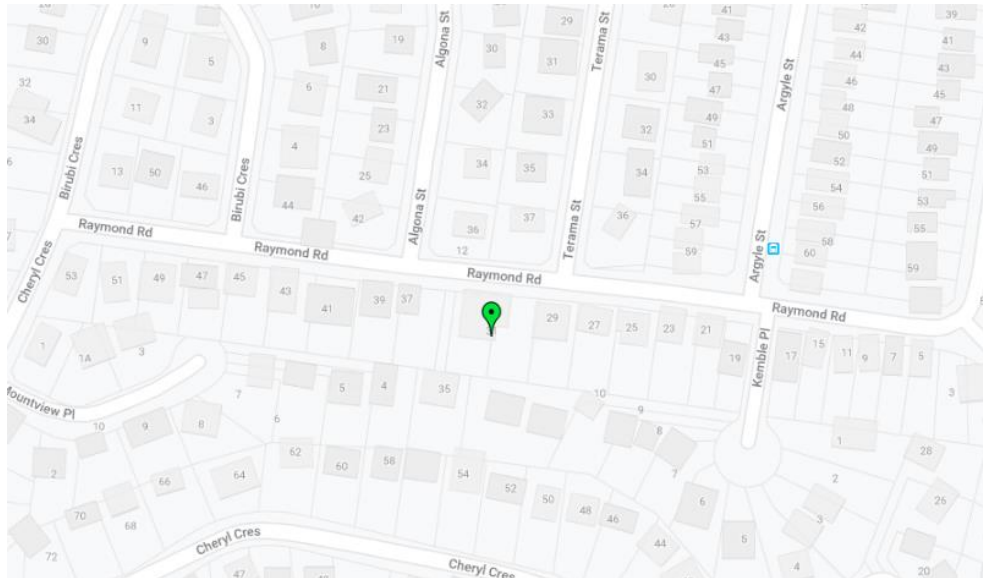
The main body of this report will review the key planning considerations for a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979 and recommends approval.

2. Site Details

2.1. Location

The subject site is a large rectangular land holding consisting of 2 Torrens title lots located on the southern side of Raymond Road and is legally identified as Lots 64 and 65 in DP 225582, known as 31 Raymond Road, Bilgola Plateau.

A location plan of the site is provided below.



The site has a total surface area of 1408.3 sq.m and a road frontage of 37.535 metres.

At the site stands a large brick and tile residence, detached garage, brick fence, landscaping, scattered trees and paved areas.

The existing garage that stands at the property encroaches on the neighbouring property at 29 Raymond Road.

Despite this encroachment, the site benefits from an easement in favour of the development site over the neighbouring property at 29 Raymond Road.

The easement is illustrated below.



Illustration of the encroachment and easement for support.

As part of this revised development proposal, the neighbouring property owners (29 Raymond Road- Family Wise) consent to vary the easement to support the development proposal.

Written clearance from Family Wise is attached with the development application.

Photographs of the existing garage are presented below.



Surrounding development consists of detached residential dwellings of varying age, scale and design within a landscaped setting.

2.2. Zoning

The site is located within the E4 Environmental Living zone pursuant to Pittwater Local Environmental Plan 2014.

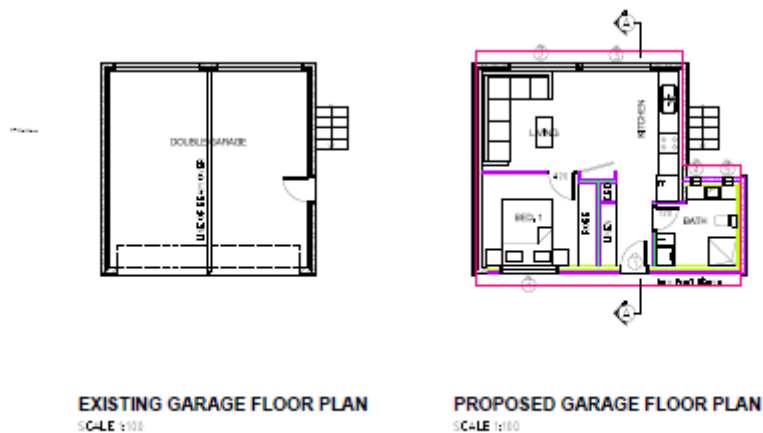
A zoning map is provided below.



3. Development Proposal

The Development Application proposes the following works:

- Conversion of an existing garage into a secondary dwelling
- Erection of a new double car port.
- New access stairs.
- Ancillary works.



Proposed changes from a garage floor plate to a secondary dwelling.

The relevant architectural plans, survey plan and other supporting documents accompany the Development Application.

4. Permissibility

The proposed development is permissible in the E4 Environmental Living zone under the provisions of Pittwater Local Environmental Plan 2014.

The development is classified as Local Development.

5. Matters of Consideration

5.1. Section 4.15(1)(A)(I) – any environmental planning instruments

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires a Consent Authority to consider whether land is contaminated.

The subject site has been used continually for residential purposes with no prior other land uses.

In this regard, it is considered that the site poses no risk of contamination and therefore, no further consideration is needed under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

10 Development on certain land within coastal wetlands and littoral rainforests area

(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:

- (a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
- (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
- (c) the carrying out of any of the following:*
 - (i) earthworks (including the depositing of material on land),*
 - (ii) constructing a levee,*
 - (iii) draining the land,*

- (iv) *environmental protection works,*
(d) *any other development.*

Opinion:

The proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the locality given the works are considered minor and low scale in nature.

In this regard, adequate stormwater and sediment control plans are to be put in place during construction works as prescribed conditions of development consent.

15 *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.

Opinion:

The development is not considered likely to cause increased risk of coastal hazards on the land or other land given the nature of the works.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
The aims of the LEP?	Yes
The zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	Secondary dwellings - 5.5m	4.35m	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes

4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

5.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s)

There are no known draft environmental planning instruments which affect the development proposal.

5.3. Section 4.15(1)(A)(iii) – any development control plan(s)

The proposed changes do not compromise the core objectives of Pittwater Development Control Plan 2014.

Given the location of the new works are predominantly located within the existing footprint of a garage towards the eastern side boundary line, there are no privacy, solar access constraints and amenity.

These works do not impact on planning considerations such as; stormwater drainage, car parking, private open space, landscaping area, solar access, and building height.

Compliance Analysis

Built Form Control	Requirement	Proposed	Complies
Front building line	6.5m	Existing 12.88m New car port 500mm from front boundary. Car port within the front setback permitted as advised by Council.	Yes
Rear building line	6.5m	Existing 18.655m	Yes

Side building line	1 m	Existing zero lot wall built within 1 metre of the side boundary. No change. 900mm setback to open car port permitted under the national construction code.	N/A
Building envelope	3.5m	Existing 5.5m	Yes
Landscaped area	60%	No change.	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.2 Bushfire Hazard	N/A	N/A
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes

B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Yes	Yes
C1.23 Eaves	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	Yes	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	Yes	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	No	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

5.4. Section 4.15(1)(A)(iiia) – any planning agreement or draft planning agreement

There are no related matters for consideration in terms of a planning agreement or draft planning agreement which affects the proposal.

5.5. Section 4.15(1)(A(iv) – the regulations

The proposal is viewed sufficient to enable a proper evaluation to be carried out by Council under the planning regulations and under Section 4.55 of the EP & A Act 1979.

5.6. Section 4.15(1)(B) – the likely impacts of the development

The proposed development will not have a detrimental economic impact on the locality considering the nature of the works.

There would be no undue impact upon the natural and built environment within the vicinity of the subject site as a result of the proposed works.

The proposed development will not have a detrimental social impact in the locality considering the character of the proposal which is of a minor nature.

As part of this revised development proposal, the neighbouring property owners (29 Raymond Road- Family Wise) consent to vary the easement to support the development proposal.

Written clearance from Family Wise is attached with the development application.

5.7. Section 4.15(1)(C) – the suitability of the site

There are no significant or iconic views affected by the development proposal and it is anticipated Council will impose relevant prescribed conditions of consent to control the development.

The new car port is below the sightline of the windowsills of the property located directly opposite and as such no loss of views is to occur.

The site is considered suitable for the proposed development.

5.8. Section 4.15(1)(D) – any submission made

Council will review any submissions made during the exhibition process and we welcome the opportunity to comment on any such submissions.

5.9. Section 4.15(1)(e) – the public interest

The proposal is not contrary to the public interest and there are no matters to warrant refusal of development consent.

6. Conclusion and Recommendation

The main body of this report reviewed key planning considerations for a consent authority under the matters of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979.

In accordance with the Pittwater Local Environmental Plan 2014, secondary dwellings are permitted with consent in the E4 zone.

The assessment of this application has found the proposal to be consistent with the zone objectives, including providing residential development of a low density and scale integrated with the landform and landscape.

On balance, it is considered that the development and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties.

Owners consent from the proprietors of 29 Raymond Road accompanies the development application which permits an existing easement to be varied to support the development proposal.

On this basis, it is recommended that the development proposal be approved subject to conditions.

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