

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR PROPOSED DEMOLITION OF EXISTING CARPORT AND  
DRIVEWAY AND CONSTRUCTION OF A NEW CARPORT, DRIVEWAY  
AND ASSOCIATED LANDSCAPING**

**LOCATED AT**

**51 PLATEAU ROAD, AVALON BEACH**

**FOR**

**MR A. JOYCE**

**Prepared  
April 2019**

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## 1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Michael Airey on behalf of Mr A. Joyce, Sheet No. 1 – 13, 17, 18, dated March 2019 to detail the proposed demolition of existing carport and driveway and construction of a new carport, driveway and associated landscaping at **51 Plateau Road, Avalon Beach.**

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 2000*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

## 2.0 Property Description

The subject allotment is described as 51 Plateau Road, Avalon Beach, being Lot 171 within Deposited Plan 16902 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is identified within the Class 5 Acid Sulfate Soils area. This will be discussed in further detail within this report.

The site is noted as 'W Hazard H1' on Council's Geotechnical Map, and as such a Geotechnical Report has been prepared by Jack Hodgson Consultants Pty Limited, Reference No. MT 31454, dated 20 April 2018 (revised Reference No. MT 31454A, 10 April 2019). This will be discussed in further detail within this report.

The site is noted as Bushfire Prone Land on Council's Bushfire Prone Land Map. Accordingly, a Bushfire Assessment Report has been prepared by Sydney Bushfire Consultants, dated 30 April 2018 (revised 21 March 2019), and accompanies this submission. This will be discussed in further detail within this report.

The site is identified as within the Biodiversity area. This will be discussed in further detail within this report.

The site is not identified as being of heritage significance, however it is within the vicinity of a number of heritage items. These include a grove of Cabbage Tree Palms to the rear (Item No. 2270031), Walter Burley Griffin Lodge, Stella James House and the reserve on the northern side of Plateau Road (Item No. 2270124), and sandstone kerb and gutter along Palmgrove Road (Item No. 2270460).

There are no other identified hazards affecting the land.

### 3.0 Site Description

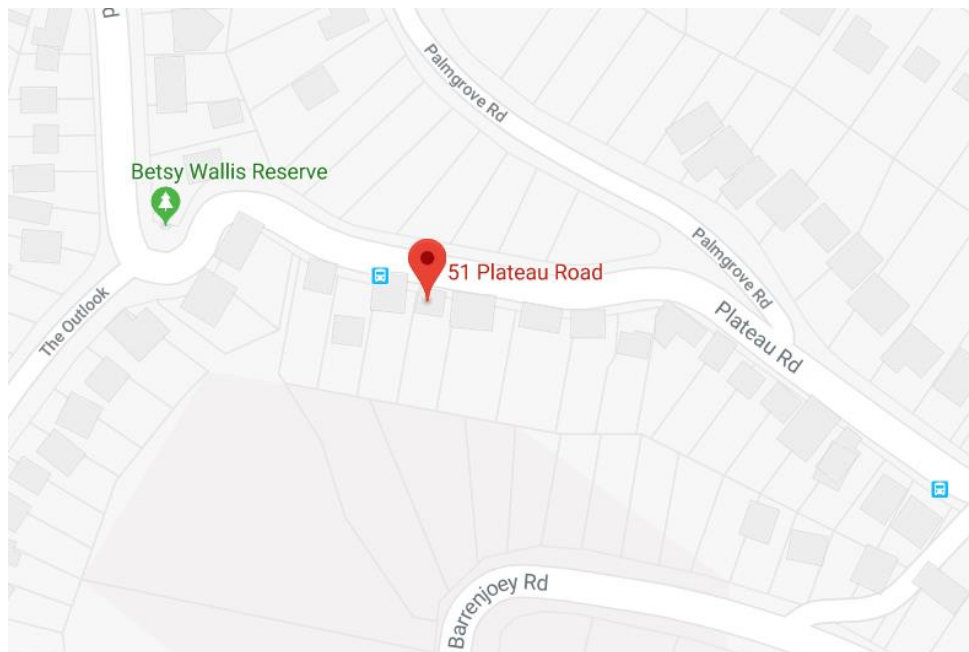
The site is located on the southern side of Plateau Road. The site is currently developed with a two storey rendered brick dwelling with a tile roof.

The land slopes to the south-east, with stormwater from the roof areas currently dispersed within the site.

The site is rectangular in shape and has a width of 15.24m, and a depth of 42.67m. The total site area is 650.3m<sup>2</sup>.

Vehicular access to the site is currently provided via an existing concrete driveway from Plateau Road to an existing carport near within the front setback.

The details of the land are contained within the survey report prepared by Detailed Surveys, Job No. 006/18, dated 13 February 2018 which accompanies the DA submission.



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



**Fig 2: View of subject site from Plateau Road, looking south**



**Fig 3: View of existing driveway and carport from Plateau Road, looking south-west**





**Fig 4: View of adjoining dwelling to the east at No 49 Plateau Road, looking south-east**



**Fig 5: View of adjoining dwelling to the west at No 53 Plateau Road, looking south**



**Fig 6: View of similar constructed carport to the east, No 55 Plateau Road**

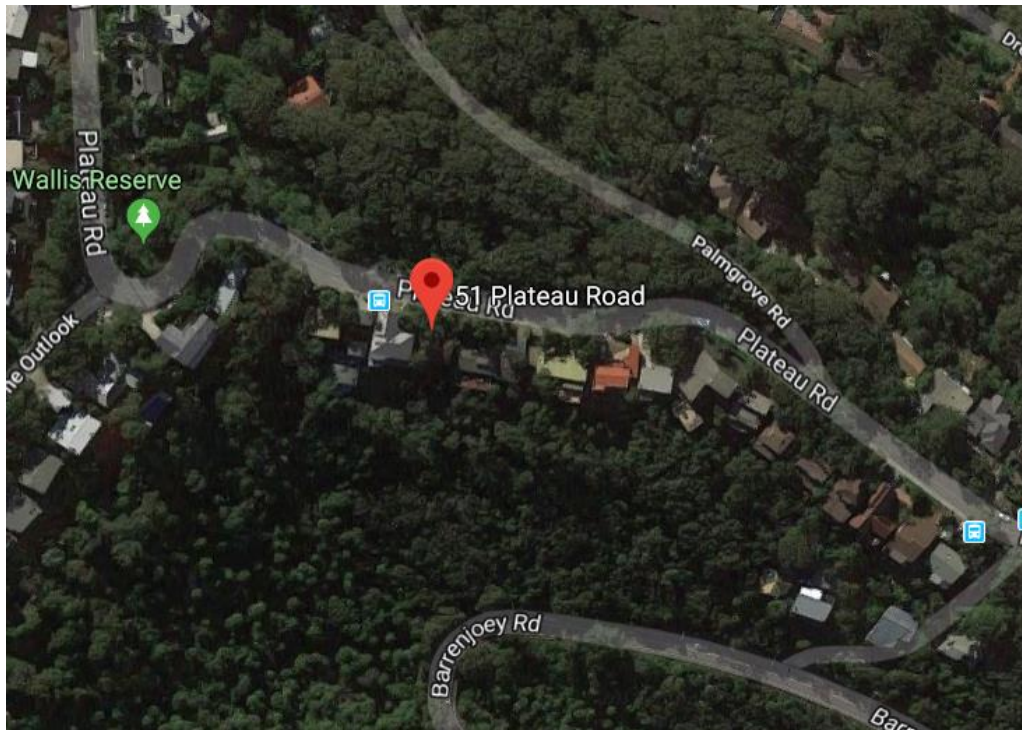


#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by residential dwellings and a range of detached outbuildings, of a variety of architectural styles. The surrounding area is characterised by a natural bushland setting.

The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a consistent setback to the public domain.

The surrounding properties comprise a range of original style dwellings with an emergence of modern dwellings and additions. The surrounding dwellings comprise a mix of single and two storey dwellings.



**Fig 7: Aerial Photograph**  
(Source: Google maps)



## 5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for the construction of a new carport, driveway and associated landscaping.

The proposed new carport will be elevated to be at street level and constructed in the same location as existing carport. The external finishes of the carport will be designed to match the existing dwelling and complement the locality.

The existing driveway and layback will be demolished and a new vehicle crossing and layback is proposed to the north of the new carport. New stairs, decking, lawn and planter boxes are proposed for the location of existing driveway.

The development indices for the site are:

Site Area	650.30m <sup>2</sup>
Required Landscaped Area	60% or 390.18m <sup>2</sup>
Proposed Landscaped Area	74.7% or 485.99m <sup>2</sup>

## **6.0 Zoning and Development Controls**

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

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

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.

### **6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

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 (Coastal Management) 2018**

The subject site is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 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 Coastal Management Act 2016 states within **Clause 3**:

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 assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

The relevant provisions of this clause are addressed as follows:

### ***Division 3 Coastal environment area***

#### ***13 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.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

**Comment:**

The proposal provides for the demolition of the existing carport and driveway and the construction of a new elevated carport and a rumpus room below the elevated carport. The proposed works will be carried out in accordance with the recommendations of the consulting Structural Engineer, which will ensure that appropriate structural integrity for the site will be maintained.

The collected stormwater from the carport roof can be directed to the street gutter. The proposed stormwater management system will be designed to comply with Council's Water Management Policy.

Sediment and erosion control measures will be carried out to minimise the impact of the works on the bushland to the rear of the site.

**Division 4 Coastal use area**

**14 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.*
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*



**Comment**

The proposal will not result in the removal of any existing public access to the bushland reserve at the rear of the site.

The proposed new development is modest in height and scale, and will not result in any loss of views to the foreshore area. By being stepped to follow the sloping topography of the site, the proposal will protect the visual amenity of the locality.

The site does not contain any heritage items, nor is it within a conservation area. The site has been previously cleared, and it is not anticipated that any items of Aboriginal heritage will be encountered.

**Division 5 General**

**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.*

**Comment**

The proposal provides for the construction of alterations and additions to an existing dwelling. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

**16 Development in coastal zone generally—coastal management programs to be considered**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.*

**Comment:** No coastal management programs have been identified.

**17 Other development controls not affected**

*Subject to clause 7, for the avoidance of doubt, nothing in this Part:*

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

**Comment:** Noted

**18 Hierarchy of development controls if overlapping**

*If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are*

*inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:*

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

**Comment**

Noted

**6.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Pittwater Local Environmental Plan 2014.

The aims of the SEPP are detailed in Clause 3 and note:

*The aims of this Policy are:*

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

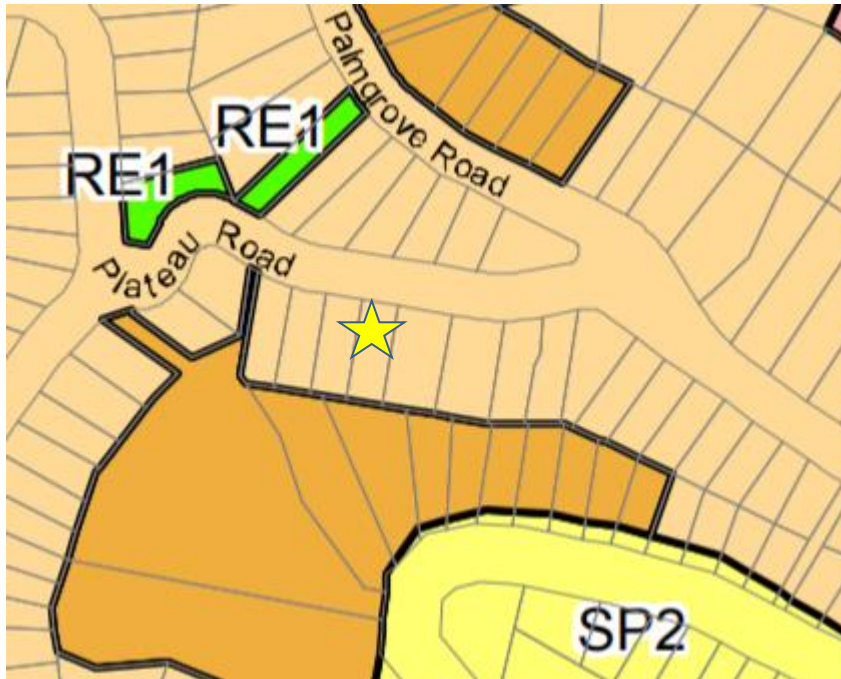
In this instance, the proposal will see the removal of only one trees and discussed in h submitted Arborist Letter for Tree Removal prepared by Coastal Care dated 27 March 2019. The site contains other significant plantings which will not be affected by the new works.

Give the relocation of the carport will provide for a safer and more functional parking option, the removal of only one tree to facilitate the new development is not considered to be unreasonable in this instance. The retention of the majority of the substantial vegetation is therefore considered to be consistent with the aims of the SEPP.

## 6.5 Pittwater Local Environmental Plan 2014

### Clause 2.2 Zone objectives and Land Use Table

The site is zoned E4 Environmental Living under the provisions of the PLEP 2014.



**Fig 7: Extract of Pittwater Local Environmental Plan 2014**

The proposed construction of a new carport, driveway and associated landscaping is considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the E4 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 carport, driveway and associated landscaping 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 the construction of a new carport, driveway and associated landscaping, which will not have any significant adverse impact on the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any adverse impact on long distance views.

#### **Clause 4.3 – Height of Buildings**

The maximum building height in this portion of Bilgola Plateau is 8m. The proposed new carport will present a maximum height of 5.88m and therefore complies with the councils maximum 8m control.

#### **Clause 5.10 – Heritage Conservation**

The site is not identified as being within a heritage conservation area, nor does it contain any heritage items. However, it is in the vicinity of a number of heritage items including a grove of Cabbage Tree Palms to the rear (Item No. 2270031), Walter Burley Griffin Lodge, Stella James House and the reserve on the northern side of Plateau Road (Item No. 2270124), and sandstone kerb and gutter along Palmgrove Road (Item No. 2270460).

The proposed construction of the carport, driveway and associated landscaping will be modest in scale and will not see any impacts on the significance and preservation of these heritage items.

#### **Clause 7.1 – Acid Sulfate Soils**

The site is identified as being within the Class 5 Acid Sulfate Soils area. The proposed works will not have any substantial effect on the water table and no further investigation is deemed necessary in this instance.

#### **Clause 7.2 – Earthworks**

The proposal will not require any substantial excavation of the site to accommodate the proposed carport or driveway. The works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers, and will therefore satisfy the provisions of this clause.

#### **Clause 7.6 – Biodiversity protection**

The land is noted within Council's Biodiversity mapped area.

- (1) *The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:*
- (a) *protecting native fauna and flora, and*
  - (b) *protecting the ecological processes necessary for their continued existence, and*
  - (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*

The proposed development will see the removal of one tree and some low scale vegetation, with the majority of the significant planting within the site to be retained and unaffected. New lawn and



plantings are proposed to complement the characteristics of the bushland within the locality. Accordingly, the proposal is therefore considered to be consistent with the provisions of this clause.

#### **Clause 7.7 – Geotechnical Hazards**

The site is identified as 'W Hazard H1' on Council's Geotechnical Map. The proposal seeks the construction of a new carport, driveway and associated landscaping.

A Risk Analysis & Management has been prepared by Jack Hodgson Consultants Pty Limited, Reference No. MT 31454, dated 20 April 2018 (revised Reference No. MT 31454A, 10 April 2019). Subject to compliance with the recommendations contained within this report, the proposal will satisfy the provisions of this clause.

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

## **6.6 Pittwater 21 Development Control Plan**

Council's Pittwater 21 DCP 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.

### **6.6.1 Section A - 4.3 Bilgola Locality**

#### *Desired 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.*

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of a new carport, driveway and associated landscaping, which is consistent with the scale and style of development in the vicinity.

The proposal seeks to provide for a new double carport at street level. The modest single storey scale of the carport does not present any major bulk and scale impacts on the Plateau Road streetscape. The siting of parking structures within the front setback is not uncommon along Plateau Road, as a result of the steeply sloping topography away from the street. Similar parking structures are provided in the adjoining properties to the west, at No. 53 and 55 Plateau Road.

The proposal is not considered to result in any unreasonable loss of views for neighbouring properties. Suitable views will be retained from the street through the proposed structure.

The proposal requires the removal of one tree in order to accommodate the new works, however new lawn and plantings are proposed to increase the existing area of soft landscaping on the site. The site will maintain a generous area of soft landscaping.

## **6.6.2 Section B General Controls**

The General Controls applicable to the construction of the carport, driveway and associated landscaping are summarised as:

### **B1.2 Heritage Conservation – Development in the vicinity of heritage items, heritage conservation areas, archeological sites or potential archeological sites**

The controls seek to achieve the outcomes:

*Observation of environmental heritage of the Pittwater LGA in accordance with the principles contained in the Burra Charter.*

*Enhancement of the identified heritage values and significant character of the heritage conservation areas.*

*Encourage contemporary design that responds appropriately to the character.*

*Development respectful of environmental heritage, undertaken in a manner that is sympathetic to, and does not detract from, any heritage significance.*

The proposed new carport, driveway and associated landscaping has been designed to complement the character of the existing locality and established development. The modest, single storey form of the new works when viewed from the street will not detract from the significance of the heritage items. The proposal is therefore considered to comply with this provision.

### **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)*

The site is identified as Landslip Prone on Council's Hazard Mapping. The proposal seeks to the construction of a new carport and driveway.

A Risk Analysis & Management has been prepared by Jack Hodgson Consultants Pty Limited, Reference No. MT 31454, dated 20 April 2018 (revised Reference No. MT 31454A, 10 April 2019). Subject to compliance with the recommendations contained within this report, the proposal will satisfy the provisions of this clause.

### **B3.2 Bushfire Hazard**

The control seeks to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

*Protection of private and public infrastructure and assets. (Ec)*



Bushfire Assessment Report has been prepared by Sydney Bushfire Consultants, dated 30 April 2018 (revised 21 March 2019), and accompanies this submission. This proposal will be carried out in accordance with the recommendations of this report, and will therefore satisfy the provisions of this clause.

#### **B4.17 Littoral Rainforest – Endangered Ecological Community**

The controls seek to achieve the outcomes:

*The conservation of littoral rainforest vegetation in Pittwater. (En)*

*The regeneration and /or restoration of littoral rainforest. (En)*

*The preservation of littoral rainforest as habitat for fauna. (En)*

The proposed construction of the carport and driveway will require the removal of one tree. Substantial tree canopy and vegetation shall be retained on the site to provide habitat for fauna. All works will be carried out in the front of the site, seeing existing trees and vegetation in the rear undisturbed.

#### **B5.8 Stormwater Management - Water Quality – Low Density Residential**

The controls seek to achieve the outcomes:

*No increase in pollutants discharged with stormwater into the environment. (En)*

*Development is compatible with Water Sensitive Urban Design principles. (En)*

The construction of the new carport will see a new low-pitched metal roof, stormwater runoff will be in accordance with existing dwelling runoff.

#### **B5.10 Stormwater Discharge into Public Drainage System**

The controls seek to achieve the outcomes:

*All new development is to have no adverse environmental impact at the discharge location. (En, S)*

The stormwater discharge from the new carport roof will be directed to the street gutter.

#### **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)*

The proposal seeks to provide for the construction of a new driveway. The existing steep driveway is proposed to be removed and replaced with a new vehicle crossing and layback at street level to the proposed new carport. The new driveway will see a substantial improvement on the current pedestrian

safety, and will see an increase in the safe and convenient access for the occupants of the subject dwelling.

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

This control seeks to achieve the outcome:

*An adequate number of parking and service spaces that meets the demands generated by the development.*

*Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety. Safe and convenient parking. (S)*

The proposal provides for the construction of a new carport. The proposed double carport will provide for 2 spaces on site.

### **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)*

The proposed works will require minor site disturbance for the construction of the supporting structures for the new concrete carport slab. All works will be carried out under the specifications of a qualified structural engineer.

### **B8.2 Construction & 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)*

The proposed works will see the demolition of an existing carport and driveway. Appropriate measures will be taken to ensure safe and efficient removal of waste will be carried out throughout all phases of development. A sediment and erosion control plan and fence has been proposed to ensure sediment control during the excavation.

### 6.6.3 Section C Development Type Controls

The Design Criteria applicable to the proposed development and are summarised 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 required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing significant trees and to provide for locally occurring species within any proposed replanting of the site.

The proposal will see the removal of one tree. An arborist report has been prepared by Coastal Care Horticultural Services, Ref No. 270319, dated 27 March 2019, and accompanies this submission.

The proposal will see the provision of a new lawn and plantings to facilitate for soft landscaping within the front yard.

#### 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 proposed works will not impact on the existing safety or security of the site. Casual surveillance of the street area will continue to be available from the dwelling entry.

### **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 views to the east and south towards the ocean. The proposal will not see any impacts to the views of neighbouring properties. Whilst some minimal view loss through the carport may occur, the overall height and roof form is characteristic of existing carport structures in the neighbourhood.

The modest single storey form of the proposal is therefore not considered to result in any unreasonable view loss for neighbouring properties.

### **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)*

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

The proposal is accompanied by shadow diagrams which demonstrate that the subject and adjoining properties will maintain suitable solar access throughout the day.

### **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 proposal seeks the construction of a new carport, driveway and associated landscaping, and will therefore not have any implications for the privacy enjoyed by neighbouring properties.

## **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.

The existing private open space areas will remain unchanged.

## **C1.9 Adaptable Housing and Accessibility**

The controls seek to achieve the outcomes:

*The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)*

*All members of the community enjoy equitable access to buildings to which the general public have access. (S)*

*Housing for older people and people with a disability are accessible, adaptable and safe. (S)*

*Equitable access in the public domain. (S)*

The required controls to achieve the outcomes are to ensure that reasonable and convenient access is maintained to the site and the development for the occupants and visitors.

The works will provide appropriate vehicular and pedestrian access to the site and will provide for convenient access to the dwelling.

## **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.

The curtilage to the dwelling and garage will have adequate area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

### **6.6.4 Section D Design Criteria**

The **D3 Bilgola Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to 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 existing views and 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 to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows, modulation of wall and roof planes, spatial separation, landscaping etc.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of a new carport, which is consistent with the scale and style of development in the vicinity.

The proposed carport, together with the new landscaping within the front setback, will enhance the streetscape view of the site. The proposed carport form and location within the front setback is not uncommon within the locality.

The proposal will maintain majority of existing trees and vegetation that complement the existing character of the Bilgola Locality. The site will maintain a generous area of soft landscaping.

### **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 it is intended to utilise recessive tones and finishes to match the existing surroundings as per Council's DCP control.

### **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 and 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 control to achieve this outcome is to provide a setback of 6.5m, or the established building line to the street frontage.

The proposal will present a nil setback to the front boundary. The siting of parking structures within the front setback is not uncommon along Plateau Road, as a result of the steeply sloping topography away from the street. Similar parking structures are provided in the adjoining properties to the west, at No. 53 and 55 Plateau Road.

Given the steep slope of the site away from the street, the location of the carport is considered appropriate.

The proposed carport maintains a modest single storey scale to Plateau Road, which is in keeping with the bulk and scale of surrounding development.

As the carport follows established building lines and the proposal is in keeping with the desired outcomes of this clause, the variation to the front setback control is considered acceptable on merit.

### **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 proposal will stand a minimum of 2.64m from the eastern side boundary and 5.96m from the western side boundary and therefore complies with this provision. The proposed new works are located within the front setback and are therefore not subject to the rear setback 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 new works will comply with these controls. In this instance, the proposed massing of the building is considered to be appropriate and will not unreasonably impact upon views for any surrounding properties or result in excessive overshadowing.

### **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 required controls require a minimum landscaped area of 60%. The proposal will provide a soft landscaped area of 74.4% which comfortably complies with Council's control.

### **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 proposal will not see the removal of any significant vegetation, and maintains the existing landscaped area. In addition, the proposal will maintain a modest bulk and scale. 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 Planning 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.

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 front setback is a reasonable alternative solution to compliance given the proposal seeks for the construction of a carport and driveway that will provide for an additional parking space and increase pedestrian and vehicular safety.

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.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing 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 the construction of a new carport, driveway and associated landscaping, which 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 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 and the Bilgola Locality Statement.

**7.7 The suitability of the site for the development**

The subject land is currently zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development and is permissible under the provisions of the LEP.

**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 the construction of a carport, driveway and associated landscaping to enhance the parking facilities, safety and enjoyment of the property without unreasonably impacting on the adjoining properties.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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