

24 June 2022



Justin Elazzi
11 Marion Street
BANKSTOWN NSW 2200

Dear Justin,

Development Application No: DA2022/0541 for Construction of a driveway and associated earthworks, including car parking space at 201 McCarrs Creek Road CHURCH POINT.

I refer to your application which is under assessment by Council.

The assessment of your application has revealed a number of issues, which prevents Council from supporting the proposal in its current form.

The following is a list of the issues identified:

Architectural and Landscaping Plans

The architectural plans provided with the application, in particular the west and north elevations, are not sufficient to provide a clear representation of the potential visual impact of the development. These elevations shall be amended to include the following minimum detail:

- All existing and proposed structures on the site, with the existing structures shown either dotted or in a different colour; and
- The location of all relevant boundaries to the proposal.

Specifically, the west elevation must include the existing garage and all other existing structures and include the west boundary frontage with McCarrs Creek Road. Likewise the north elevation should likewise include the existing house, garage and include the west boundary frontage with McCarrs Creek Road.

In regard to the landscape plans, the proposed plantings are unlikely to provide sufficient mature height to mitigate the visual impact of the proposed works.

Visual Impact

Notwithstanding that the plans in the application are considered insufficient, there remains significant concern that the proposed development will have an adverse visual impact on both the adjoining streetscape and when viewed from adjoining properties.

Parts of the retaining wall that will support the driveway will be elevated as much as 2.3m above the existing ground level. The structure will be visually prominent and will not comply with the following development controls of the D2 Bayview Heights Locality of Pittwater21 Development Control Plan, specifically:



- D2.1 Character as viewed from a public place; and
- D2.12 Construction, Retaining walls, terracing and undercroft areas.

These controls seek to keep retaining walls to a minimum and limit the disturbance of natural features on sites, particularly where they front the public domain. The proposed works will be elevated at a significant height and will be in close proximity to both adjoining properties and the public domain.

As such, the proposal will fail the Outcomes of these controls, which are to in general terms, ensure that new development limits its impact on the surrounding natural environment, topography and streetscape.

Further, the proposal is unreasonable in the context that it seeks to access additional parking spaces beyond the minimum provision of Council's controls. Hence, greater attention needs to be given to minimising the visual impact of the proposal if these additional spaces are to be sought. It is not readily clear how this can be achieved with the current driveway design. As such, it is unlikely that the current design / arrangement will be supported, even with amendments.

Driveway Grades

Council's Development Engineer has provided the following comments:

"Applicant seeks approval for an internal driveway to a new garage. The Geotechnical Engineer has certified that an acceptable risk can be achieved. The proposed driveway is steep and changes to the driveway grades may be required and must be certified for compliance by a qualified Civil Engineer."

No Development Engineering objection subject to recommended conditions."

The engineer has recommended a condition to ensure compliance with the relevant driveway standards. Whilst we acknowledge the comments of the Engineer, under the circumstances, concern is raised with any potential condition that may increase the height of the driveway after any consent is issued. This would exacerbate the visual impacts issues already identified. Hence, full compliance with the relevant Australian Standards must be demonstrated so that the full impact of the proposal can be established.

To summarise the assessment, the visual impact of the proposal does not meet the requirements and outcomes of the development controls of Council. Whilst the insufficiencies with the provided information could be addressed through amended detail, this may not be adequate the concerns of Council.

Council is hence providing you with three options to progress the handling of your application:

1. Prepare and submit further supporting information/amendments to the assessing officer directly addressing the issues by 8 July 2022 (14 days). If the amended information is deemed acceptable and satisfactorily addresses all the issues raised, you must then upload all documentation via the NSW planning portal; or



2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or
3. Withdraw the application from Council, which may include the refund of a portion of the application fees. Please note, that should this be your preferred option, Council will require additional information and will request this under separate cover.

Please advise of your selected option by responding to this letter by 8 July 2022 at council@northernbeaches.nsw.gov.au and marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not withdrawing this application and it will be determined in its current form.

Should you wish to discuss any issues raised in this letter, please contact Nic England on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Am'.

Adam Richardson
Manager, Development Assessment