

## **STATEMENT OF MODIFICATION**

### **SECTION 4.55 (1A) APPLICATION 8/6/2020 Modification –Minimal Enviromental Impact**

#### **REFERENCE –ORIGINAL DEVELOPMENT CONSENT-**

DA NO NO272/16 FOR DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING AND SWIMMING POOL., AND MOD 2018/0387 RE ORIENTATION OF THE APPROVED SWIMMING POOL

ADDRESS; 967 BARRENJOEY RD PALM BEACH

Prepared for SMJ Investments Pty Ltd  
By Blue Sky Building Designs

#### **BACKGROUND AND REASONS FOR S4.55 VARIATION SOUGHT**

This S4.55 application seeks **variation** to the abovementioned consents **in respect of the off street parking space, driveway , entry, associated retaining and landscaping works.**

It was originally proposed in DA NO272/16 consent referenced above that the off street parking and associated entry adjacent to Barrenjoey Rd would be retained with no construction works and only some landscaping, including canopy tree planting occur only. However the consent was gained for significant downslope excavation and retaining wall construction.

During the construction certificate preparation process, structural engineering and builder advice has been received to the effect that the existing parking area is structurally unsound. Either significant underpinning work is required or demolition, and rebuilding of these elements is needed to safely allow downslope excavation.

It is not economically viable to retain and underpin the existing car parking improvements. The geotechnical engineering advice from Douglas Partners is included in this variation proposal at Appendix A.

**Accordingly this variation represents an amended proposal to reposition and rebuild the car parking, driveway and entry.**

**Minor redesign of the approved retaining wall and landscaping has also been undertaken.**

It is contended that environmental impacts, whilst minor, result in improved compliance with council control objectives vs the approved status quo, including

- improved safety and operational compliance for car parking
- less bulk, better visual interest and landscaping in relation to the major retaining wall than previously approved .
- landscape ratio and canopy tree planting maintained consistent with the original consent.

## **RECOMMENDATION**

The revised scheme recommended within this S4.55 variation has the following key environmental and planning outcomes consistent with the objectives and guidelines contained in Pittwater LEP 2014 and P 21 DCP -

(i) DA NO272/16 approves the construction of a 2 bedroom dwelling. It is now proposed that the existing sloping irregular shaped off street car parking for only 1 vehicle be replaced with new level suspended concrete pad parking for 2 vehicles. The proposed design of the replacement parking pad is consistent with the guidelines set out in P21DCP Part B 6.3 and also D12.1 which limits width to 7.5m.

Note the total surface area of the proposed parking space and the access driveway across the public road reserve and the width of the drive at the boundary and kerb are the materially same as presently exists.

(ii) Mitigation of public pedestrian safety and traffic hazard by re positioning the steeply sloping curved driveway which currently exits in a reverse direction directly into the adjacent existing bus stop pedestrian area.

(iii) Improved visual amenity as viewed from Pittwater.

This is because of reduced bulk, increased visual interest and better opportunity for landscaping in the re engineered retaining structures and parking. The works transition the steep drop from Barrenjoey Rd (RL 21 ) down to the ground floor of the approved house (RL 11.15).

-the approved scheme envisaged a 3m high straight vertical retaining wall cutting across the site. The revised proposal provides 2 planter tiers retaining a height of 3.5m , in a curved concave “amphitheatre “ like sweep across the site . The sweep will be broken in the centre by a tiered and landscaped entry staircase better utilising site natural site contours.

This creates better visual interest, less bulk and better landscaping opportunity. Note Consent DA NO272/16 Condition B21 provides that the retaining wall is to be finished in dark and non reflective tones and that landscaping up to a height of 1.5m is to be provided in front of it.

-the existing carparking sits on a sheer brick retaining wall face up to approx. RL 20, with a brush safety and privacy fence up to approx. RL 22 . It presents significant and severe visual built form bulk as viewed from Pittwater . The proposed repositioned and reorientated parking pad will be cantilevered and suspended on piers affording less visual bulk and substantial undercroft planting and will therefore appear as ‘floating in the landscape “when viewed from Pittwater.

(iv) Minimal impact to overall calculated landscaped area which remains in excess of 70% for the site, well in excess of the 60% requirement for E4 zoning applicable.

(v) Maintenance of deep planting areas to support the planting of two large native canopy trees in the designated area subject to this S.96 variation, consistent with specification in DA N0272/16, Condition B13. Subject to relocation of the 2 approved canopy trees, there is no change to the proposed. Landscaping planting schedule provided and approved under DA N0272/16.

## **KEY AREAS OF PLEP AND P21 DCP COMPLIANCE ANALYSIS**

### **DCP B6.3 Off Street Vehicle Parking Requirements**

- Dwellings 2 bedrooms or more requires 2 parking spaces.
- Minimum size of double parking space 5.7m(width) \* 6m (length) internal area

### **DCP B6.1 Access driveways and Works on the Public Road Reserve**

- Australian Standard AS/NZS 2890.1-2004: Parking Facilities-Part 1: Off Street Parking.
- The Australian Standard allows a maximum width of driveway and kerb entry is 5.5m for each for double parking for a dwelling. Councils controls sets out guidelines but allows variations based on merit.
- P21DCP -Appendix 10 AND AS/NZS 2890 provides the driveway profiles and other technical specification standards.
- Plans, cross sections and long sections to be provided demonstrating compliance with Council Controls and AS/NZS 2890.

### **DCP B6.5 Access Driveways and Works on Road Reserves on or Adjacent to a Main Road.**

- Applies to land in Barrenjoey Rd

#### **Outcomes**

- Compliance with the Environmental Planning and Assessment Act and the Roads Act 1993 (s138)(S)
- Safety (S)
- Pedestrian access and amenity (En)
- Maximum retention of native vegetation and trees
- Reduce contaminate run off from driveways.

#### **Controls**

- Requirement for approval under S138 of Roads Act for access driveways located on the public road reserve **except** for a dwelling house where there is an existing kerb and gutter **and the proposed driveway is on ground requiring minimal alteration of the existing ground level. However** the Council advisory notes states that **Council may determine that S138 approval may not be required for access for residential dwellings to main roads with low traffic volumes.**

#### **Egress from an Access Driveway**

- Egress should be designed such that vehicles enter and leave in a forward direction.
- **However egress from a driveway in reverse direction on to a main road may be considered where traffic volumes are low and based on merit.**

## **Compliance Analysis- B6.1,B6.3,B6.5 , AS/NZS 2890 and P21 DCP Appendix 10**

Approval of the proposed driveway crossing and double parking pad set out in plan xxx is consistent with councils outcomes.

Implicit in the approval is -

Councils acceptance is based on merit arguments set out below

- (i) S138 approval is not required and
- (ii) That egress in a reverse direction onto Barrenjoey Rd is permitted.

The arguments supporting the merit based approval sought above are as follows-

- (i) Vehicular access to Barrenjoey Rd from the property and associated off street parking already exists. Refer site survey attached at xxx . Hence the proposal represents **a repositioning of existing vehicular access rather than new access.**
- (ii) Egress in a reverse direction presently occurs in respect of this existing access driveway and many other driveways accessing Barrenjoey Rd. Furthermore it is argued that although it is a main road it has lower traffic volumes than many main roads, considering it services a “dead end “ peninsula . Elevated traffic volumes tend to be limited to peak hour and summer weekends.
- (iii) The proposed repositioning of the public reserve access driveway and associated on site parking proposed in the application significantly mitigate traffic and pedestrian safety hazard in relation to the driveway crossing, egress and parking. This is because

-the current drive and parking is on steep grade, and reverse direction egress is at a sharp angle directly into the immediately adjoining bus stop pedestrian area. The new proposal is to reposition the driveway 5 meters further north away from the bus stop, with the proposed drive entry at right angle to the road consistent with recommended technical standards.

-the proposed on site parking , which will be on suspended slab at RL 20.88 will be approximately level compared with the currently sloping and angled parking space surface which drops from RL 20 in a north west direction to RL 18.67. Furthermore the existing drive across the public road reserve slopes considerably from RL 21 down to RL 20 and curves right, whereas the proposed crossover drive will involve minimal slope **on natural ground requiring minimal alteration of the existing ground level.**

- (iv) The provision of double parking for the approved 2 bedroom dwelling and the proposed internal dimensions of 6.5m \*6.0 m are both elements consistent with DCP B6.3 and replace the current non complying configuration.
- (v) The proposed sizing of the reserve crossover drive width is consistent with the relevant Standard AS/NZS 2890 at 5.5m openings for both the width of driveway at the boundary and also the kerb. These dimensions are the same as currently exist. Furthermore, because the site is steeply sloping to the west and north from the proposed entry point it is not physically practical to have more narrow drive widths as are set out in guidelines provided in DCPB6.1 nor egress and ingress in a forward direction and therefore merit based assessment and approval is required as is provided for in the DCP.
- (v) The actual drive crossover technical profiles and compliance with the Standard and Appendix 10 are shown in plan A104

#### **DCP D12.5 Front Building Line (FBL)**

- Min 10 metres or established building line which ever is the greater
- Exceptions driveways, fences and retaining walls
- Exceptions include car parking on steep slopes.

#### **Compliance Analysis-DCP 12.5**

The proposal includes, entry, suspended car parking deck and retaining walls all within the 10 m FBL limit. These exceptions are provided for in the DCP in the case of steeply sloping sites such as the subject site. Furthermore there is a “Defacto Front Building Line “ established by adjoining properties in 969 and 965 Barrenjoey Rd due to similar site constraints where the highlighted elements are also present within the designated FBL serving as precedents.