

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed New Carport
and Driveway;
Easement Adjustment;
New Inclinator

60-62 Chisholm
Avenue,

Avalon

Suite 1, 9 Narabang Way Belrose NSW 2085

Phone: (02) 9986 2535 | Fax: (02) 9986 3050 |

www.bbfplanners.com.au

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Statement of Environmental Effects

Proposed New Carport and Driveway; Easement Adjustment; New Inclinator

60-62 Chisholm Avenue, Avalon

Prepared under instructions from

Andy Lehman Designs

By **William Fleming**
BS, MPLAN

Boston Blyth Fleming Pty Ltd
(ACN 121 577 768)
Suite 1/9 Narabang Way
Belrose NSW 2085
Tel: (02) 99862535

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1 Introduction

This Statement has been prepared as part of the supporting documentation for a Development Application proposing a new carport and driveway access, inclinator and an adjustment to a right-of-carriageway easement.

A previous development application (DA2021/0508) was withdrawn due to issues that were raised with regard to biodiversity and the driveway access arrangement. This application represents a considered redesign to address the concerns raised with the previous application. The design of the proposed works afford the occupants a car access arrangement that is of high amenity, responds appropriately to the topography and the sensitivities of the site with regard to heritage, biodiversity and bushfire risk.

In addition to the Statement of Environmental Effects, the application is also accompanied by the following:

- Survey Plan
- Architectural plans
- Landscape Plan
- Arborist Report
- Stormwater Management
- Geotechnical Report
- Traffic report
- Bushfire Risk Assessment
- Heritage Impact Assessment

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;
- Pittwater Local Environmental Plan 2014;
- Pittwater Development Control Plan 2014;
- State Environmental Planning Policy (Hazard & Resilience) 2021;

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered

that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed works are compatible with the desired future character of the Avalon locality.
- The proposed development will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

2 Site Analysis

2.1 Site Description and Location

2.1.1 The Site

The application relates to Lot 1 & 2 in DP 1104192, 60-62 Chisholm Avenue, Avalon. A location map is included as **Figure 1**.

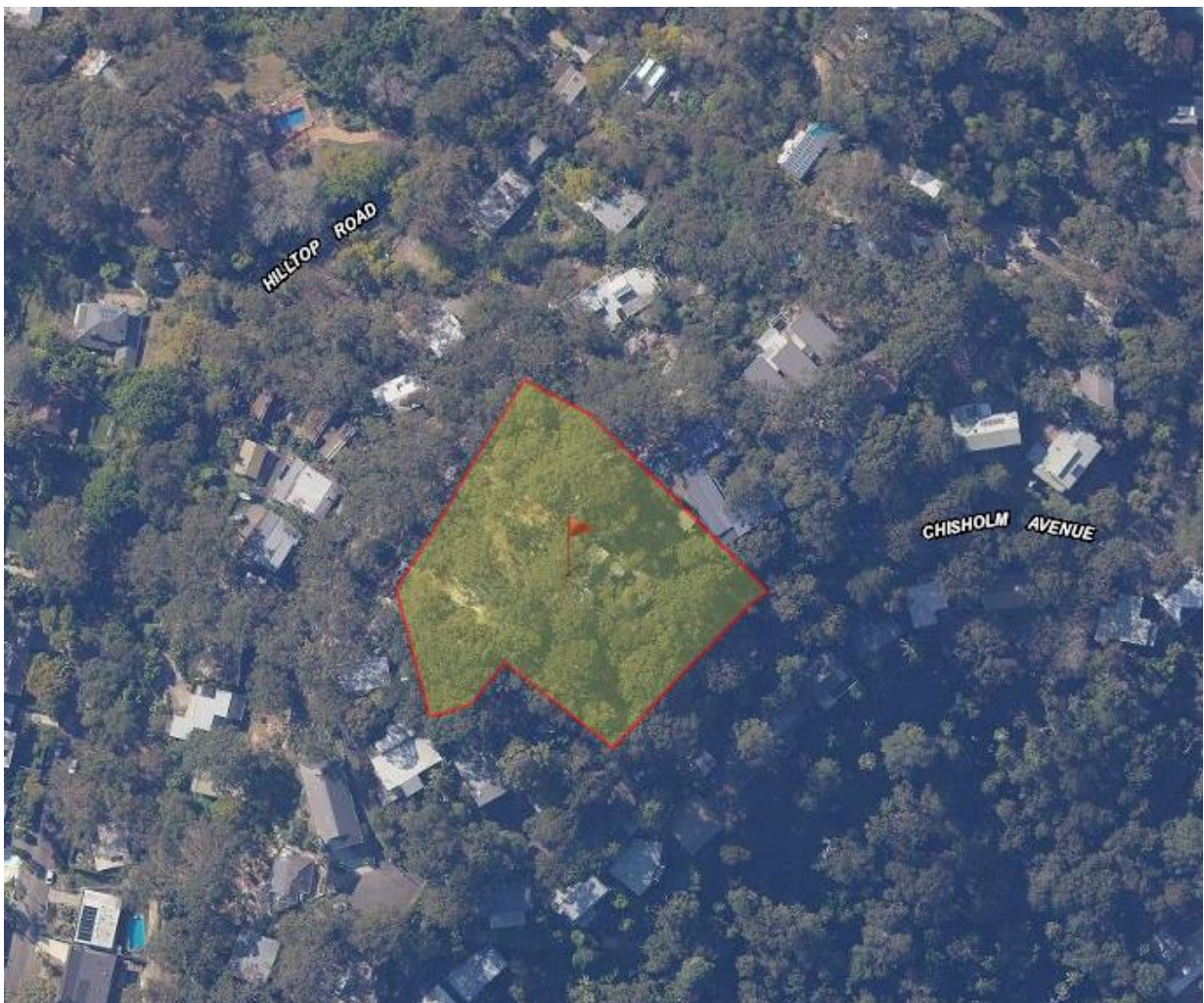


Figure 1: Site Location (Source: Six Maps)

Number 60-62 Chisholm Avenue is an irregular shaped allotment comprising a total site area of 8453sqm. Lot 1 comprises a site area of 2362sqm with a frontage to Chisholm Avenue of 25.015m. Lot 1 is currently occupied by a multi storey clad dwelling with metal roof with a carport. The topography rises steeply from street level and is densely vegetated with trees, plants and shrubs as well as rock outcrops, as shown below.

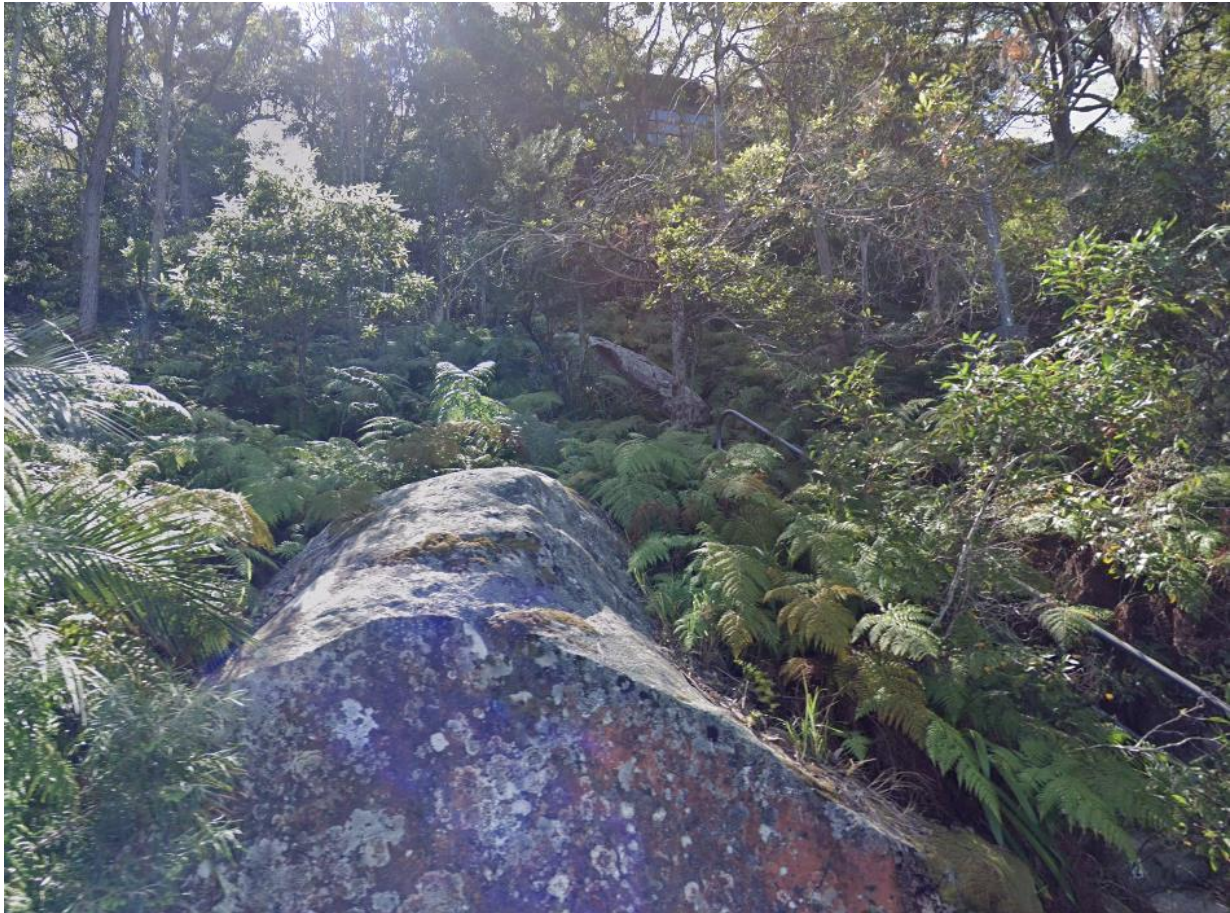


Figure 2: Photograph of the site as viewed from Chisholm Avenue.

The existing dwelling sits in an elevated position above street level and currently accessed via stairs from Chisholm Avenue.

2.1.2 The Locality

The locality has developed into a predominantly low-density residential area, with dwellings built along valley floor, slopes, and ridges. The locality is characterised mainly by one and two-storey dwelling houses on 600-1,000 square metre allotments (some smaller blocks may exist), increasing to 950-1,600 square metres on the plateau and slopes, and up to 8,000 square metres in Ruskin Rowe. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. The dominant feature of the Avalon Beach locality is houses setback from the street with low and no front fencing and vegetation used extensively to delineate boundary lines. Medium-density housing is located around the Avalon Beach Commercial Centre and neighbourhood retail centres.

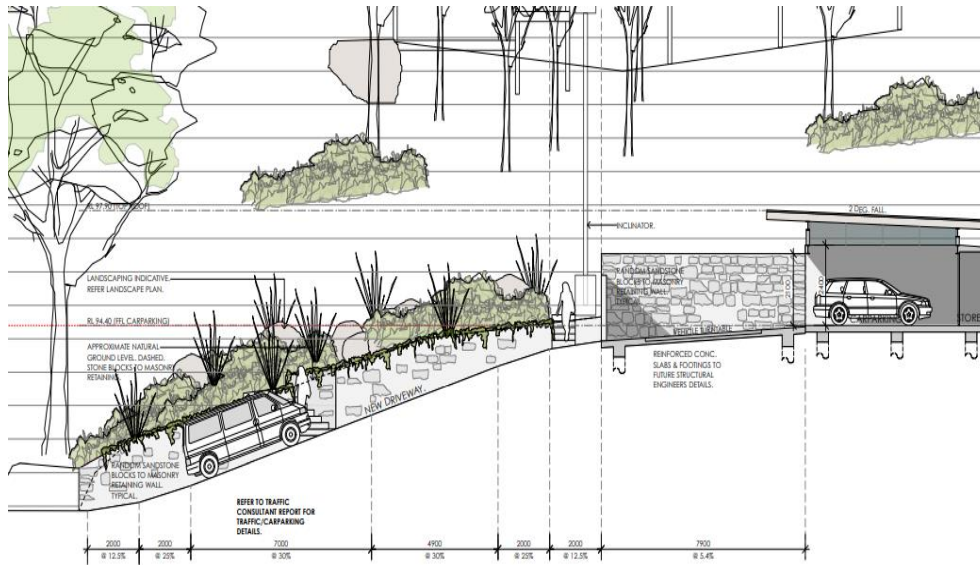
2.1.3 Zoning and Key Environmental Considerations

The site is zoned E4 Environmental Living pursuant to the Pittwater Local Environmental Plan 2014. The key environmental considerations of the site are identified as follows:

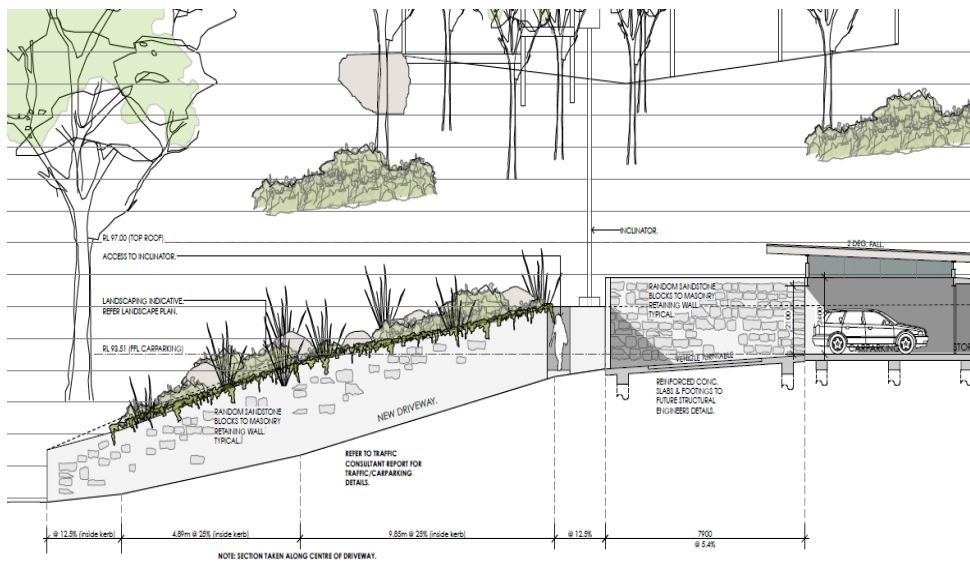
- Acid Sulfate Soils, Class 5;
- Land identified on the Councils Biodiversity Map
- Bushfire Prone Land
- Geotechnical Hazard Area
- Heritage Listed *'Hy Brasil (house)*, item number I546

All the above environmental considerations are discussed in the following sections of this report and addressed in the documentation accompanying this Development Application.

**WITHDRAWN DA DRIVEWAY
LAYOUT**



Withdrawn DA Driveway Profile



Driveway Profile of Proposed

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

4.1.1 Zoning and Permissibility

As previously noted the site is zoned C4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

Dwelling Houses are permissible with consent in the E4 zone and the works relate to a carport for a dwelling. The specific objectives of the zone are identified as follows:

- *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.*

The application relates to the provision of a low-density development consisting of a new carport and driveway access arrangement. We have formed the considered opinion that the development is permissible in the zone and consistent with the zone objectives as outlined above. Accordingly, there is no statutory impediment to the granting of consent.

4.1.2 Minimum Lot Size

Pursuant to clause 4.1 of the LEP the minimum lot size control is 700m². The oversized nature of the 2 allotments ensures that the minor easement adjustment to accommodate the new driveway and will remain well in excess of the 700m² minimum lot size provision for both lots.

4.1.3 Height of Buildings

Pursuant to Clause 4.3 of the PLEP, the site is identified on the height of buildings map as having a maximum permissible height of 8.5 metres. The objectives of the control are identified as follows:

- a) *To ensure that any building, by virtue of its height and scale, is consistent with the character of the locality;*
- b) *To ensure that buildings are compatible with the height and scale of surrounding and nearby development;*
- c) *To minimise any overshadowing of neighbouring properties;*
- d) *To allow for the reasonable sharing of views;*
- e) *To encourage buildings that are designed to respond sensitively to the natural topography;*
- f) *To minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

The proposed carport will sit comfortably below the 8.5m height development standard as depicted on the elevational drawings provided.

4.1.4 Acid Sulfate Soils (Clause 7.1)

Pursuant to Clause 7.1 of the LEP, the site is mapped as being 5 acid sulfate soils. The subject site is located within a geotechnical hazard area and, as such, a geotechnical report has been prepared by White Geotechnical. The works are considered acceptable with regard to risk and that the extent of the excavation required does not raise any significant risk to exposing or draining acid sulfate soils.

4.1.5 Biodiversity Protection (Clause 7.6)

Pursuant to Clause 7.6, the site is identified on the biodiversity map. A biodiversity development assessment report has been provided and includes the following conclusion:

The proposed development will have an approximate impact area of 0.05 ha on Pittwater Spotted Gum Forest (PWSGF) (PCT1214). Approximately 50% of vegetation has been significantly altered and degraded from its natural state and this area is proposed for construction of the driveway and carport footprint. The remaining vegetation onsite has been significantly altered such that the site does not reflect the natural structural attributes of PWSGF. The combination of minimal vegetation removal and landscaping with native ground species will reduce the impact to biodiversity in this area. The grand total cost to offset both ecosystem credits and species credits generated by this development is \$6,513.68.

The report provides recommendations to protect the biodiversity value of the site during construction and ongoing. An enhanced landscaping regime is proposed which will replace, and increase, the number of native species trees and plants on the site. In this regard, the biodiversity value of the site will be enhanced with the proposal.

4.1.6 Bushfire Prone Land

The site is identified as being bushfire prone land and a bushfire risk assessment has been undertaken. The recommendations of that report have been incorporated in the design. The report concludes that the works are satisfactory with regard to protection against bushfire.

4.1.7 Geotechnical Hazards

The subject site is identified as being within a geotechnical hazard area. White Geotechnical have undertaken a preliminary geotechnical investigation and have prepared a report which accompanies this application.

4.1.8 Heritage Conservation

The subject site is listed on both the State Heritage Register and listed in schedule 5 of the Pittwater LEP as an item of Environmental Heritage. The item is known as '*Hy Brasil (house)*'. In this regard, a Heritage Impact Statement has been prepared by Kate Mountstephens Architecture + Heritage and concludes that:

It is not considered that the proposal would have any negative impact on the heritage significance of *Hy Brasil* itself.

The carefully considered location and design for the proposed new carport building mean that the level of impact on the heritage significance of the landscape setting would be minimal.

Overall it is considered that the proposal is acceptable in terms of its impact on the heritage significance of *Hy Brasil* and its surrounding site.

4.2 Pittwater Development Control Plan 2014

This policy document came into effect on 1 February 2004. P21 DCP contains development controls for the design and construction of buildings and the development of land in Pittwater. The proposed development has been assessed against the relevant provisions of P21 DCP as outlined in the following sections of this report.

4.2.1 Avalon Locality

The property is located within the Avalon Locality. The desired future character of the Avalon Locality will remain primarily a low-density residential area. The key objectives for the desired future character are identified as follows:

The most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment. The 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. Any dual occupancies will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity, fewer hazards and other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, commercial, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. Vehicular and pedestrian access into and through the locality is good. Pedestrian links, joining the major areas of open space (Angophora Reserve, Stapleton Park and Hitchcock Park) and along the foreshores, should be enhanced and upgraded. Similarly, cycle routes need to be provided through the locality. Carparking should be provided on site and where possible integrally designed into the building.

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 development. The objective is that there will be houses amongst the trees and not trees amongst the houses.

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.

Most houses are set back from the street with low or no fencing and vegetation is used extensively to delineate boundary lines. Special front building line setbacks have been implemented along Avalon Parade to maintain the unique character of this street. This, coupled with the extensive street planting of canopy trees, gives the locality a leafy character that should be maintained and enhanced.

The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect principles of good urban design. External materials and finishes shall be natural with smooth shiny surfaces avoided. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

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. The natural landscape of Careel Bay, including seagrasses and mangroves, will be conserved. Heritage items and conservation areas indicative of early settlement in the locality will be conserved, including the early subdivision pattern of Ruskin Rowe.

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.

The architects have responded to the client brief to provide a carport of design merit which harmonises with the environmental locality and natural features of the site. The design of the driveway limits the impacts to the existing rock outcrops while utilising the existing and proposed landscaping to soften and screen the carport from the street. The design of the work have a compatible with the character and scale of garages/carports within the locality and immediate context.

External materials and finishes will be consistent with the colours and materials of surrounding dwellings. In this regard the development responds positively to the desired future character of the locality and will contribute to the visual amenity of the streetscape.

4.2.2 Pittwater 21 Development Control Plan Compliance Table

A table demonstrating compliance with the relevant numerical provisions of the Pittwater 21 DCP 2014 is detailed as follows:

Control	Requirement	Proposed	Compliance
General Controls			
Development Type Controls			
Heritage Controls B1	Conservation of the environmental heritage of Pittwater in accordance with the principles contained in the Burra Charter.	The dwelling on the site is identified as a heritage item and a heritage impact statement has been prepared in that regard.	Yes

Control	Requirement	Proposed	Compliance
	<p>Enhancement of the identified heritage values and significant character of the heritage conservation areas and encourage design that responds appropriately to their character.</p> <p>Development that is respectful of environmental heritage, undertaken in a manner that is sympathetic to, and does not detract unnecessarily from, any identified heritage significance.</p> <p>Recording of identified cultural heritage throughout the development process.</p>		
<p>Subdivision – Low density Residential</p> <p>B2.2</p>	<p>Achieve the desired future character of the locality.</p> <p>Maintenance of the existing environment.</p> <p>The built form does not dominate the natural setting.</p>	<p>The works involve a minor easement adjustment. Both lots on the site will continue to be consistent with the 700m2 minimum lot size development standard.</p>	<p>Yes</p>
<p>Landslip Hazard</p> <p>B3.1</p>	<p>Protection of people.</p> <p>Protection of the natural environment.</p>	<p>A geotechnical report has been prepared, as mentioned in section 4.1.7 of this report.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	Protection of private and public infrastructure and assets. (S)		
Bushfire Hazard B3.2	Protection of people. Protection of the natural environment. Protection of private and public infrastructure and assets.	This application is accompanied by a Bushfire Risk Assessment	Yes
Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor B4.4	The long-term viability of locally native flora and fauna and their habitats in the Pittwater Local Government Area.	A biodiversity impact report is provided with this application.	Yes
Preservation of Trees and Bushland Vegetation B4.22	To protect and enhance the urban forest of the Northern Beaches. To effectively manage the risks that come with an established urban forest through professional management of trees. To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.	An arborist report has been provided with this application which assessed 27 trees within proximity to the development area. 6 trees are proposed to be removed to accommodate the driveway and carport. The application also includes a landscape plan detailing the enhancement of native trees, shrubs and plants that will be utilised on the site.	Yes

Control	Requirement	Proposed	Compliance
	<p>To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.</p> <p>To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.</p> <p>To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.</p>		
Stormwater B5.15	<p>Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;</p> <p>Minimise the risk to public health and safety;</p> <p>Reduce the risk to life and property from any flooding and groundwater damage;</p> <p>Integrate Water Sensitive Urban Design</p>	<p>The application is accompanied by stormwater management plan detailing the driveway and carport drainage system.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.</p> <p>Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle.</p> <p>Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources</p> <p>Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.</p>		
<p>Access and Parking</p> <p>B6</p>	<p>Safe and convenient access.</p> <p>Adverse visual impact of driveways is reduced.</p> <p>Pedestrian safety.</p>	<p>The access arrangement has been carefully designed with regard to the comments provided by Council with the withdrawn DA.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>An effective road drainage system.</p> <p>Maximise the retention of trees and native vegetation in the road reserve.</p>	<p>The proposed arrangement provides for safe entry and egress from the site. The gradient profile has been further reduced.</p>	
Off-Road Vehicle Parking Requirements B6.3	<p>2 Bedrooms + = 2 spaces</p>	<p>The proposed development provides for a 3 car carport.</p>	Yes
Construction and Demolition - Excavation and Landfill B8.1	<p>Site disturbance is minimised. (En)</p> <p>Excavation, landfill and construction not to have an adverse impact. (En)</p> <p>Excavation and landfill operations not to cause damage on the development or adjoining property. (S)</p>	<p>The extent of the excavation is detailed in the geotechnical report provided.</p>	Yes
Construction and Demolition - Waste Minimisation B8.3	<p>Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)</p>	<p>No demolition is required. Any waste materials generated during the construction will be disposed of appropriately.</p>	Yes
Landscaping C1.1	<p>A built form softened and complemented by landscaping. (En)</p>	<p>The landscape plan prepared provides for an enhancement of site. The plan utilises various native species while also retaining the majority of the existing</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>Landscaping reflects the scale and form of development. (En)</p> <p>Retention of canopy trees by encouraging the use of pier and beam footings. (En)</p> <p>Development results in retention of existing native vegetation. (En)</p> <p>Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)</p> <p>Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)</p> <p>Landscaping enhances habitat and amenity value. (En, S)</p> <p>Landscaping results in reduced risk of landslip. (En, Ec)</p> <p>Landscaping results in low watering requirement. (En)</p>	<p>canopy trees. The various native trees, shrubs and grasses ensure the enhancement of the biodiversity of the local environment and habitats.</p>	
<p>Safety and Security C1.2</p>	<p>On-going safety and security of the Pittwater community. (S)</p> <p>Opportunities for vandalism are minimised. (S, Ec)</p>	<p>The development will provide the occupants with opportunities for casual surveillance of the Road. The new inclinor will provide easier access from the carport to the dwelling.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>Inform applicants of Council's requirements for crime and safety management for new development. (S)</p> <p>Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principal strategies and legislative requirements</p>	<p>The proposal is considered to be consistent with Crime Prevention through Design principals.</p>	
View Sharing C1.3	<p>A reasonable sharing of views amongst dwellings. (S)</p> <p>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)</p> <p>Canopy trees take priority over views. (En, S)</p>	<p>The development raises no concerns regarding potential view loss to neighbouring dwellings.</p>	Yes
Visual Privacy C1.5	<p>Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)</p> <p>A sense of territory and safety is provided for residents. (S)</p>	<p>The proposal relates primarily to a new driveway and carport. This does not raise any adverse amenity impacts with regard to privacy enjoyed by neighbouring properties.</p>	Yes

Control	Requirement	Proposed	Compliance
Acoustic Privacy C1.6	<p>Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S)</p> <p>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 private open space areas (S)</p>	<p>The development does not raise any significant concerns regarding the acoustic privacy to adjoining dwellings. The inclinator has been located towards the centre of the site to limit any acoustic privacy concerns to 52 Chisholm Avenue.</p>	Yes
Incline Passenger Lifts and Stairways C1.19	<p>Incline passenger lifts and stairways that cause minimal visual and acoustic disturbance to the environment and neighbours.</p>	<p>The proposed inclinator has been located towards the centre of the site, in excess of 2m from either side boundary, and will not result in any adverse acoustic amenity impacts.</p> <p>The inclinator will not be readily discernible from neighbouring properties due to the significant spatial separation and dense vegetation of the local area. There would be no direct view lines towards habitable spaces of adjoining properties.</p>	Yes
Avalon Locality Specific Development Controls			

Control	Requirement	Proposed	Compliance
Character as viewed from a public place D1.1	<p>To achieve the desired future character of the Locality.</p> <p>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)</p> <p>To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.</p> <p>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)</p> <p>High quality buildings designed and built for the natural context and any natural hazards. (En, S)</p> <p>Buildings do not dominate the streetscape and are at 'human scale'. To preserve and enhance district and</p>	<p>The design of the carport has been considered to remain subservient to the natural environment and maintain much of the natural features of the site. The design of the driveway has taken into account the rock outcrops to limit the impacts of the driveway and carport will have on these features.</p> <p>The visual impact of the carport on the streetscape will be minimal considering the steep topography and that it will sit 5m above street level. The existing and proposed landscaping will ensure the carport is softened and screened from the street.</p> <p>The proposal is consistent with the desired future character of the Avalon locality.</p>	Yes

Control	Requirement	Proposed	Compliance
	local views which reinforce and protect the Pittwater's natural context.		
Building colours and materials D1.3	<p>The development enhances the visual quality and identity of the streetscape. (S)</p> <p>To provide attractive building facades which establish identity and contribute to the streetscape.</p> <p>To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.</p> <p>The colours and materials of the development harmonise with the natural environment. (En, S)</p> <p>The visual prominence of the development is minimised. (S)</p> <p>Damage to existing native vegetation and habitat is minimised. (En)</p>	A schedule of materials and finishes are detailed within the architectural plans provided. They utilise a range of materials and earthy tones.	Yes

Control	Requirement	Proposed	Compliance
	An informal beachside appearance of the Avalon Village. (S, Ec)		
Front Building Line D1.5	Development is to maintain a front building line of 6.5 metres or the established building line, whichever is greater.	<p>The proposal has a 3.2m front setback which is non-compliant with the 6.5m control.</p> <p>Despite the non-compliance, the elevated position of the carport does not create an unreasonable impact on the streetscape. The dense vegetation and the setting of the carport into the slope of the land will also screen the carport from the street. A flat roof design has been incorporated to limit its visual impact.</p> <p>The topography constraints significantly limit the ability for strict compliance with the front setback being achieved in this instance however, it is considered the proposal still meets the objectives of the control.</p>	Yes
Side and Rear Building Line D1.5	Development is to maintain a minimum side building line of 2.5 metres to one side and 1 metre to the other side.	The carport will have a varying side setback to the eastern boundary with it being 3.3m at its closest point.	Yes

Control	Requirement	Proposed	Compliance
Building Envelope D1.8	Projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.	The carport complies with the building envelope provision.	Yes
Landscaped Area – Environmentally Sensitive Land D1.10	Total Landscaped Area is 60% of the total site area.	The large allotment size and the relatively small development footprint proposed ensures that compliance with the 60% landscape area is achieved.	Yes

4.3 State Environmental Planning Policy (Hazard & Resilience) 2021

The subject site is identified as being a Littoral Rainforest Proximity Area under the SEPP (Coastal Management) 2018, as shown on the map below.

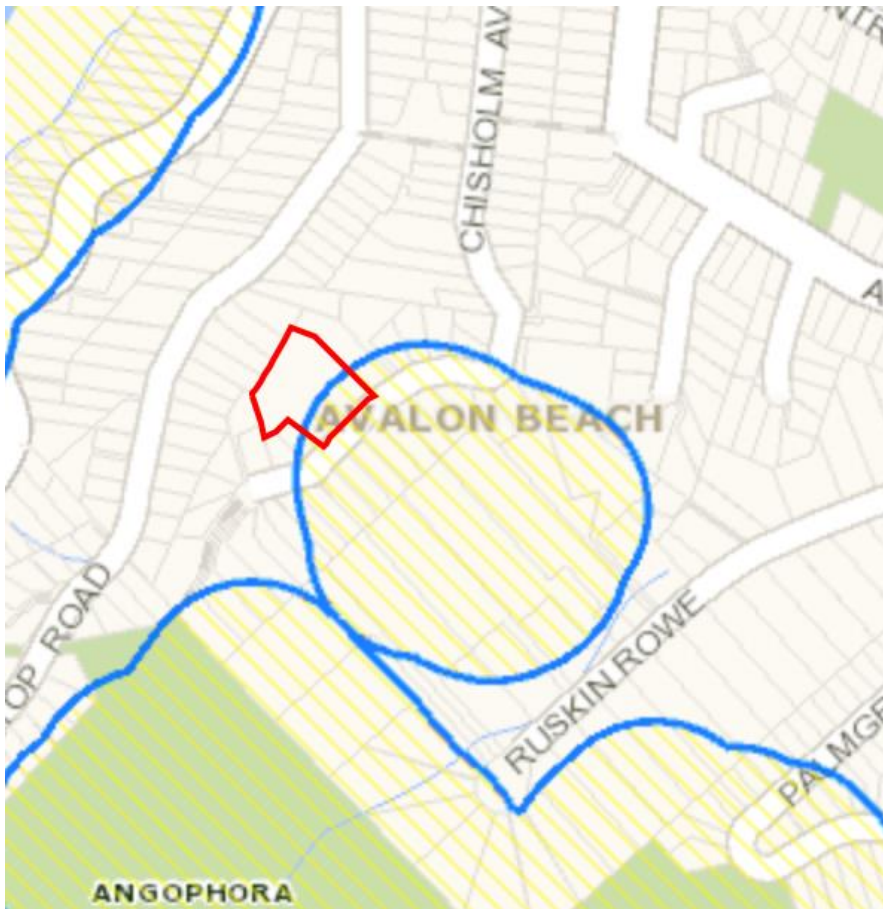


Figure 3: SEPP (Coastal Management) 2018 mapping

Division 1 of the SEPP relates to development on land in proximity to coastal wetland or littoral rainforest. Clause 2.7(1), development on certain land within coastal wetlands and littoral rainforests, states that:

(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.*

The works relate to a new driveway and carport arrangement. This will require earthworks and drainage works. The works are permissible with consent.

Clause 2.8, development on land in proximity to coastal wetlands or littoral rainforest, states that:

(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—

(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or

(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

The subject site is partially mapped as being littoral rainforest with the majority not identified as being littoral rainforest. The supporting documents provided demonstrate that the works will not significantly impact on the integrity of the rainforest, or the biodiversity value in general, provided the recommendations of the arborist and biodiversity reports are followed.

4.4 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(ii) 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

Pittwater DCP applies

(iiia) 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

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

N/A

Context and Setting

i. What is the relationship to the region and local context in terms of:

- The scenic qualities and features of the landscape
- The character and amenity of the locality and streetscape
- The scale, bulk, height, mass, form, character, density and design of development in the locality
- The previous and existing land uses and activities in the locality

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. What are the potential impacts on adjacent properties in terms of:

- Relationship and compatibility of adjacent land uses?
- sunlight access (overshadowing)
- visual and acoustic privacy
- views and vistas
- edge conditions such as boundary treatments and fencing

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form control

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*
-

The proposal will result in a new driveway and a new carport. A traffic report has been provided with this application.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will continue to service the dwelling house.

Flora and Fauna

Biodiversity, landscape and arborists reports are provided.

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

The site is located within a geotechnical hazard area, bushfire prone land and terrestrial biodiversity area.

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

- i) *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The architect has responded to the client brief to provide for a driveway and carport of high design merit that provides a high level of amenity for the occupants whilst appropriately addressing the sites setting and maintaining the amenity of the nearby residential properties.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

The proposed carport, driveway, inclinator and minor easement adjustment are permissible with consent and consistent with the intent of the built form controls as they are reasonably applied to the proposal and the constraints of the site. Particular attention has been given to limiting the impact to the natural landscaping features and screening the carport from the public domain.

It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed works are compatible with the desired future character of the locality.
- The proposed works will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of exceptional design merit, that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.