



## **9 TAMINGA STREET BAYVIEW**

### **STATEMENT OF ENVIRONMENTAL EFFECTS FOR A DRIVEWAY AND RETAINING WALLS**



Report prepared for  
**Brett Jeffries**  
April 2025

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## **1. Introduction**

- 1.1** This is a statement of environmental effects for driveway and retaining wall works, associated with a dwelling house at 9 Taminga Street, Bayview.
- 1.2** The report describes how the application addresses and satisfies the objectives and standards of relevant State Environmental Planning Policies, the Pittwater Local Environmental Plan 2014, the Pittwater 21 Development Control Plan 2014 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3** This statement of environmental effects has been prepared with reference to the following:
- Site visit,
  - Site Survey prepared by Waterview,
  - Driveway plans prepared by NB Consulting Engineers,
  - Retaining wall plans prepared by NB Consulting Engineers,
  - Stormwater plans prepared by NB Consulting Engineers,
  - Architectural Plans prepared by Action Plans ,
  - Arborist Report prepared by Hugh the Arborist,
  - Geotechnical Report prepared by Ascent Geotechnical Consulting.
- 1.4** The proposed works are consistent with the objectives of all Council controls, considerate of neighbouring residents and will result in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.
- 1.5** This DA is being lodged concurrently with a modification application for no.10 Taminga Street, Bayview, the neighbour to the east. Both applications will work together to upgrade the shared driveway at the southern end of these properties.

## 2. The site and its locality

- 2.1** The subject site is located on the southern side of Taminga Street, approx. 120 metres west of its intersection with Ilya Avenue. It is legally described as Lot 9 DP 27133.
- 2.2** It is a generally rectangular shaped lot, with boundaries of 18.9 metres (north – Taminga Street frontage), 18.9 metres (south – rear boundary) and side boundaries of 36.54 metres (east and (west)).
- 2.3** The site comprises an area of 689.7m<sup>2</sup> and is occupied by a detached residential dwelling house and a shared driveway across the southern boundary (access provided via Ilya Avenue). It is located on a steeply sloping site, with water views across Pittwater to the north.
- 2.4** The site is surrounded by detached residential dwellings in all directions, with one strata subdivided property located to the north. It is located in close proximity to shops and services in Mona Vale to the south-east.

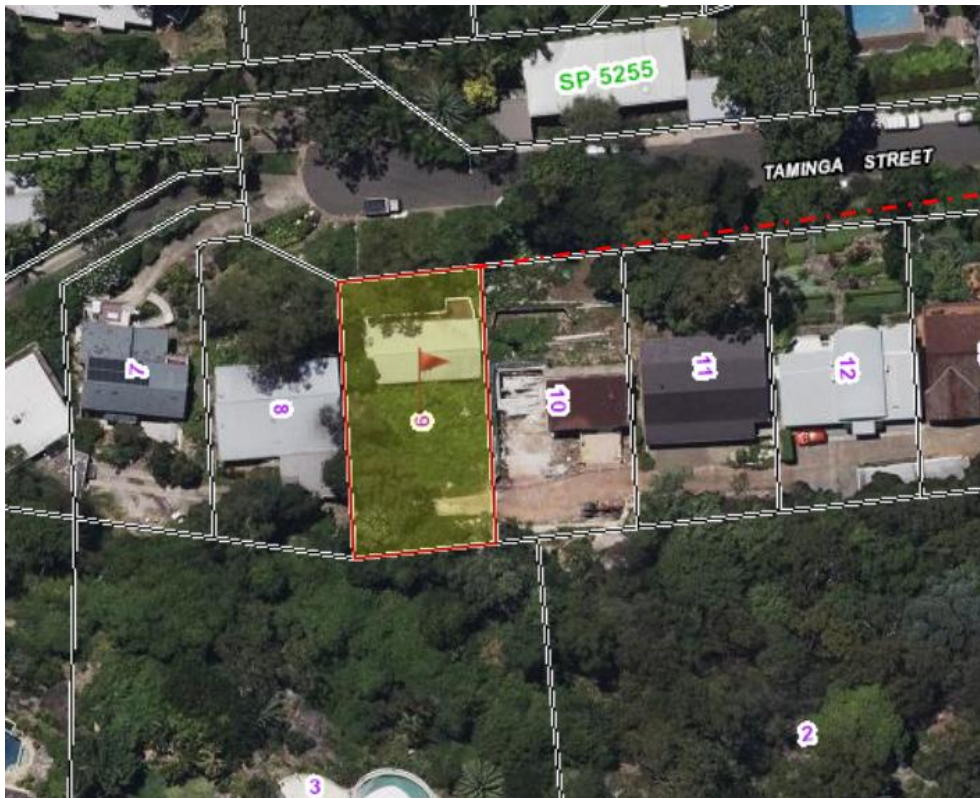


Figure 1. The site and its immediate surrounds



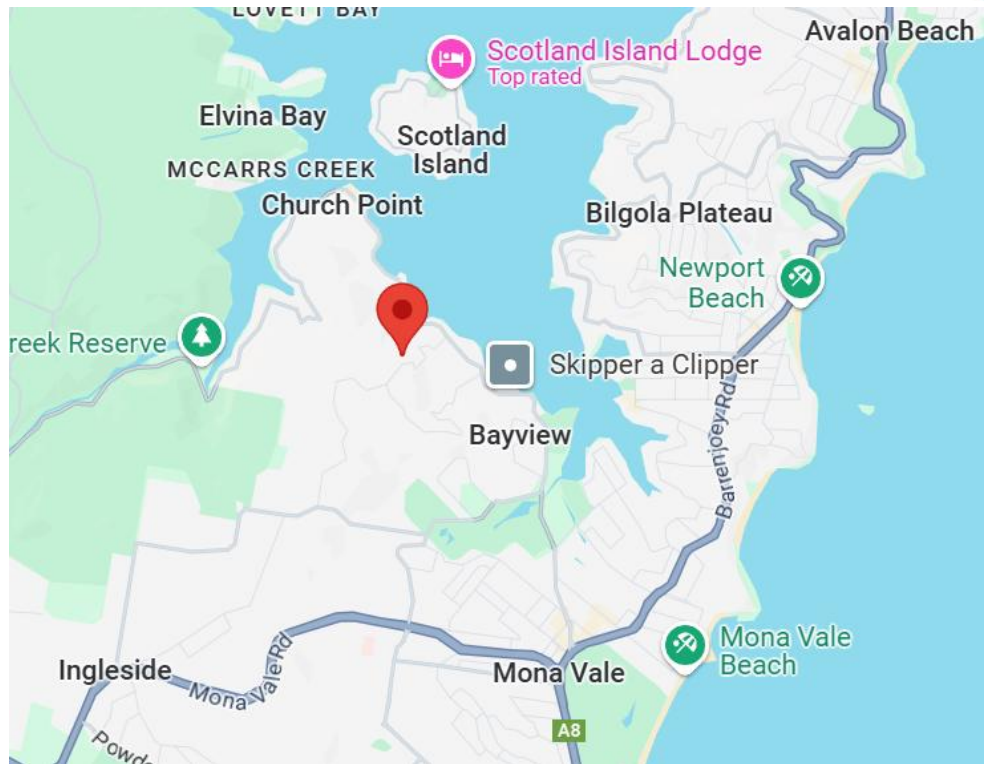


Figure 2. The site within the locality

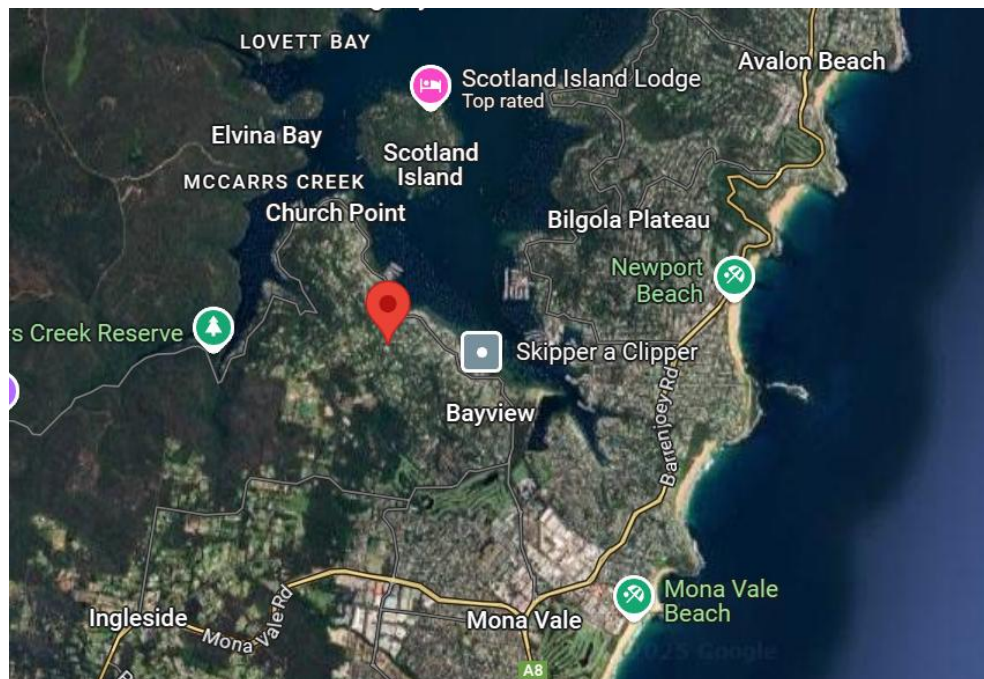


Figure 3. Aerial Image of the site within the locality

### 3. Site Photos



Figure 4. The existing access driveway, looking west.



Figure 5. The existing access driveway, looking east.



## 4. Proposed Development

- 4.1 The proposed development is for driveway and retaining wall works at 9 Taminga Street, Bayview.
- 4.2 The development remains consistent with the streetscape and the locality, consistent with Council controls and ensures that residential amenity is maintained for the subject site and surrounding properties.
- 4.3 The development will be made up as follows:

### Site

- Alterations to the existing driveway and access road to improve access to the site,
- Construct new retaining walls,
- New stormwater drainage infrastructure.

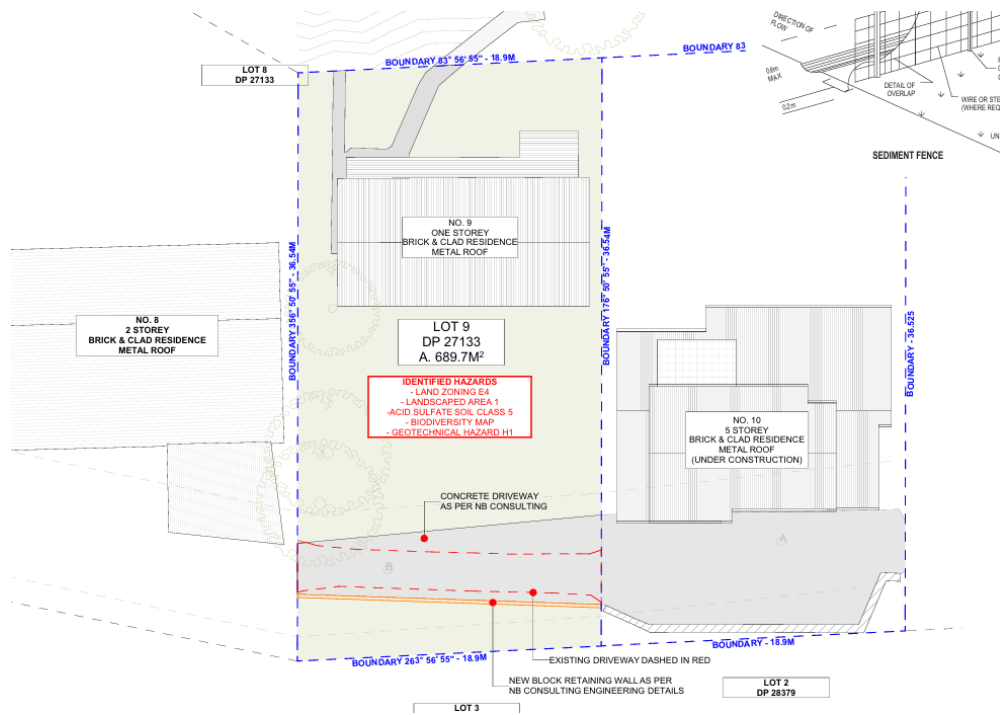


Figure 8: Proposed Driveway Plan

- 4.4 The works are proposed in conjunction with a concurrent application that has been lodged for 10 Taminga Street, Bayview.

## **5. Statutory Framework**

### **5.1 State Environmental Planning Policies**

#### **State Environmental Planning Policy (Sustainable Buildings) 2022**

Schedule 1 of SEPP (Sustainable Buildings) 2022 sets out the standards for thermal performance and energy requirements for *BASIX development* in NSW. As the proposed works are for retaining walls and a driveway, a BASIX certificate is not required.

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

##### Chapter 2 – Vegetation in non-rural areas

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation.

The development remains consistent with the provisions of the SEPP as it does not propose to remove any trees.

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

##### Chapter 4 Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the sites may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.



## 5.2 Pittwater Local Environmental Plan 2014

The relevant clauses of the Pittwater Local Environmental Plan 2014 are addressed below.

### Zoning

The sites are zoned C4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

The proposed development is for a driveway and retaining walls, ancillary to the existing dwelling house and dwelling houses are permitted with consent in the C4 zone.



**Figure 9. Extract from Pittwater LEP 2014 Zoning Map**

### Demolition

Minor demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the construction of the proposed driveway and retaining walls.

### **Minimum Subdivision Lot Size**

The site is mapped with a minimum subdivision lot size of 700m<sup>2</sup>. The subject site is an existing undersized parcel, comprising an area of 689.7m<sup>2</sup> and no subdivision is proposed.

### **Height of Buildings**

The subject site is mapped with a maximum building height of 8.5 metres and the development will not alter the existing approved building height.

### **Floor Space Ratio**

The site is not identified on the floor space ratio map.

### **Heritage Conservation**

The site is not a heritage item, is not located in a heritage conservation area and is not located in proximity to any heritage items.

### **Flood Planning**

The subject site is not identified on the NBC flood hazard map.

### **Acid Sulfate soils**

The sites are mapped with class 5 acid sulfate soils. The proposed works are minor and are not likely to lower the watertable below 1 metre AHD on adjacent class 1,2,3 or 4 land.

### **Earthworks**

Minimal earthworks are proposed to prepare the sites for construction. All works will be undertaken in accordance with engineering specifications, Councils controls and any consent conditions.

### **Biodiversity**

The subject sites are mapped as Terrestrial Biodiversity, as such the consent authority must consider:

*(a) whether the development is likely to have:*

*(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

The proposed development will have a minimal and appropriate impact on the existing environment, as it is generally located within the disturbed portion of the site and no tree removal is proposed.

*(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

There will be no adverse impact on any vegetation on the site.

*(iii) any potential to fragment, disturb or diminish the biodiversity structure, function, and composition of the land, and*

Biodiversity will be unaffected by the proposed development as the works will occur in the areas of the site that are already primarily disturbed.

*(iv) any adverse impact on the habitat elements providing connectivity on the land, and*

No adverse impact on habitat will result from the minor development proposed.

*(b) any appropriate measures proposed to avoid, minimise, or mitigate the impacts of the development.*

The development is appropriate as proposed.

Council must also consider and be satisfied of the following:

*(a) the development is designed, sited, and will be managed to avoid any significant adverse environmental impact, or*

The design of the proposal is appropriate for the already disturbed site. It will not be to the detriment of the environmental qualities of the location.

*(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited, and will be managed to minimise that impact, or*

There are no detrimental impacts as a result of the proposed development.

*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

There are no detrimental impacts.

## **Geotechnical Hazard**

The site is located within the geotechnical hazard zone H1 mapped by Council's LEP. Accordingly, clause 7.7 of Council's LEP must be considered regarding the site:

*(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether the development takes into account all geotechnical risks:*

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) wastewater management, stormwater, and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise, or mitigate the impacts of the development.*

*(4) Development consent must not be granted to development on land to which this clause applies unless:*

- (a) the consent authority is satisfied that the development will appropriately manage wastewater, stormwater, and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*
- (b) the consent authority is satisfied that:*
  - (i) the development is designed, sited, and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or*
  - (ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited, and will be managed to minimise that risk or impact, or*
  - (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

A Geotechnical Report provided with this application, demonstrates compliance with this clause.

## **Essential services**

All services are existing on the site.



### 5.3 Pittwater 21 Development Control Plan 2014

The relevant sections of the DCP are addressed below.

#### Section A - Shaping Development in Pittwater

##### Objectives

The proposed modification is entirely consistent with the ecologically sustainable, environmental, social and economic objectives as specified in the DCP. The proposal is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

##### A4 Localities

##### Church Point and Bayview Locality

The site is located within the Church Point and Bayview Locality. The desired character statement for the area is:

*The Church Point and Bayview locality will remain a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural 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 occupancy dwellings will be located on lowlands in the locality on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Retail, 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. The locality is characterised by steeply sloping blocks so the provision of facilities such as inclinators, driveways and carparking need to be sensitively designed. The shared use of vehicular/pedestrian access, and the use of rooftops as parking areas can be solutions that minimise the physical and visual impact on the escarpment or foreshore.*

*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. Views from the buildings shall be maintained below the tree canopy level capturing spectacular views up the Pittwater waterway. 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.*

*The locality is visually prominent particularly from Scotland Island, Bilgola Plateau, and the Pittwater waterway. Therefore, 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, and to enhance wildlife corridors.*

*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.*

*Pedestrian/cycle access around the foreshore and to areas of open space will be upgraded and maintained.*

*Church Point will remain an important link to the offshore communities.*

The proposed development has been designed taking into consideration the desired character of the location. The scale of the proposal is well designed to ensure retention of the character sought by Council providing upgraded vehicular access to the dwelling, whilst being mindful of the natural environment.

## **Section B General Controls**

### **B1 Heritage Controls**

#### **Heritage Conservation**

The site is not a heritage item, is not located within a heritage conservation area and is not located in proximity to any heritage items.

#### **Aboriginal Heritage Significance**

The site is not known or anticipated to be home to any aboriginal relics. Should any objects be discovered during construction, appropriate measures will be taken according to NSW Office of Environment and Heritage.

### **B3 Hazard Controls**

#### **Landslip Hazard**

The site is located within the Geotechnical Hazard H1 zone mapped by Council's LEP. A Geotechnical Report provided with this application, demonstrates compliance with this clause.

#### **Bushfire Hazard**

The site is not mapped as bushfire prone.

#### **Contaminated and potentially contaminated lands**

The site is not known to be contaminated and to our best knowledge has only ever been developed for low density residential uses.

#### **Flood Hazard**

The site is not identified on the NBC flood hazard map.

### **B4 Controls relating to the natural environment**

As described above the subject site is identified on biodiversity maps. The development remains consistent with the DCP, as it does not propose to remove any trees.

### **B5 Water management**

The site is connected to the reticulated sewer system.

Stormwater management is detailed in the stormwater plans provided with this application.

### **B6 Access and parking**

The DCP requires a maximum gradient of 1:5, a min. width of 3 metres and passing bays for driveways longer than 40 metres.

The development proposes a new concrete driveway and retaining walls to provide improved access to the site. The design proposes a compliant gradient and retains a compliant width of 3 metres. In addition, a passing bay will added.

The DCP requires 2 carparking spaces per dwelling (2 or more bedrooms) and no change is proposed to the existing approved carparking.

## **B8 Site works and management**

All site works will be undertaken as required by Council controls and compliant with any relevant conditions of consent. Appropriate devices will be used during the construction process to ensure no issues arise in regard to erosion and sedimentation.

## **Section C – Development Type Controls**

### **C1 Design Criteria or Residential Development**

#### **Landscaping**

The DCP requires 60% landscaping on the site which is equivalent to 413.82m<sup>2</sup> for the site area of 689.7m<sup>2</sup> (of which 6% can be impervious area).

A total landscaped area of 66.17% for the subject site is provided. Once 6% additional area for existing paths on site is included, the site would comply with 73.04%, substantially greater than the 60% required landscaped area.

#### **Safety and Security**

The proposed driveway and retaining walls will not alter the existing, adequate safety and security of the site.

#### **View Sharing**

The subject site and surrounding properties enjoy broad water views across Pittwater to the north and east. The proposed driveway and retaining wall works will have no impact on views.

#### **Solar Access**

The DCP requires 3 hours of solar access is maintained for the windows to principal living areas, solar collectors and private open space of the site and adjoining properties, between 9am and 3pm on 21 June.

The proposed driveway and retaining wall works will have no impact on solar access.



### **Visual Privacy**

The proposed driveway and retaining wall works will have no impact on privacy, as works are located within the vicinity of the existing driveway.

### **Acoustic Privacy**

The development will not result in noise levels inappropriate to a residential area and the site is not located in close proximity to a noise generating activity.

### **Private Open Space**

The DCP requires a minimum private open space requirement of 80m<sup>2</sup>. The development will not alter the existing compliant private open space area in the rear yard of the subject site.

### **Waste and Recycling Facilities**

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

The dwelling retains a bin storage area, with waste to be collected by Councils regular service.

## **Section D – Locality Specific Development Controls**

### **D4 – Church Point and Bayview Locality**

The site is located in the Church Point and Bayview Locality and the minor works proposed are consistent with the desired character, built form and natural environment criteria as specified in the DCP. The proposed development is considered appropriate within residential and natural setting.

### **Character**

The proposed driveway and retaining walls are an appropriate design for the locality. Materials and colours complement the area and are consistent with the site, while sitting comfortably in the locality.

### **Scenic Protection**

The proposed development is consistent with this clause, in that there will be no negative visual impacts from a waterway, road or public reserve, as a result of the minor works.

### **Building colours, materials and construction**

The proposed materials include retaining the sandstone retaining wall, new block retaining walls and a concrete finish to the driveway, consistent with the residential setting.

### **Front Building Line**

The DCP requires a front building setback of 6.5 metres and no changes are proposed to the existing front building line.

### **Side and rear building line**

The DCP requires side setbacks of 2.5 metres one side and 1 metre the other side and a rear setback of 6.5 metres. No changes are proposed to the existing side or rear setbacks.

### **Building envelope**

A building envelope of 45° measured at a height of 3.5 metres applies to the site and no changes are proposed to the existing building envelopes.

### **Landscaped Area – Environmentally Sensitive Land**

The DCP requires 60% landscaping on the site which is equivalent to 413.82m<sup>2</sup> for the site area of 689.7m<sup>2</sup> (of which 6% can be impervious area).

A total landscaped area of 66.17% for the subject site. Once 6% additional area for existing paths on site is included, the site would comply with the 60% required landscaped area having a total of 73.04%.

### **Fences**

No new fencing is proposed.

## 6. Numerical Control Table

	Standard	Proposed	Compliance
<b>Pittwater LEP 2014</b>			
Zone	C4 Environmental Living	Driveway and retaining walls	Yes. Works are ancillary to a dwelling house and dwelling houses are permitted with consent in the C4 Zone.
Lot Size	700m <sup>2</sup>	689.7m <sup>2</sup>	Yes - no change to existing
Building Height	8.5 metres	No change	Yes - no change to existing
Heritage Conservation	Not a heritage item, not located in a heritage conservation area and not located in close proximity to any heritage items.		Yes
Flood Planning	Not identified on the NBC flood hazard map		Yes
Acid Sulfate Soils	Mapped as Class 5		Yes
Biodiversity	The site is mapped as biodiversity.	No tree removal	Yes
Geotechnical Hazards	Mapped as geotechnical hazard – H1		Geotechnical report provided.
<b>Pittwater DCP 2014</b>			
Localities	Church Point and Bayview Locality		Yes
Water Management	All development creating an additional impervious surface area >50sqm must provide a rainwater tank.		Yes - stormwater plans provided.
Access and Parking	Max. driveway gradient 1:5 (1:4 permitted for max. length of 20m)	Compliant gradient	Yes
	Min. driveway width 3 metres (combined driveway for more than 2 dwellings and passing bay required for	3m	Yes
		Existing passing bay retained	Yes

	Standard	Proposed	Compliance
	driveways longer than 40m).  Stormwater drainage required  Materials to be stable / all weather construction  2 spaces per dwelling	Stormwater plans provided  Concrete finish  No change	Yes  Yes  Yes
Landscaped Area	2 canopy trees in front yard, 1 in rear yard.  60% of area between front boundary and built structures.	Retain existing	Yes
Views	Minimise view loss impacts	No impact	Yes
Solar Access	3 hours sunlight to 50% of POS of both subject site and adjoining properties between 9am and 3pm on June 21.	No impact	Yes
Privacy	Visual and acoustic	Driveway is retained in the same location	Yes
Private Open Space	80m <sup>2</sup>	No change	Yes
Front Setback	6.5m or established building line	No change	Yes
Side Setbacks	2.5m on one side and 1m on the other side	No change	Yes
Rear Setback	6.5m	No change	Yes
Side Boundary Envelope	3.5 metres / 45 degrees	No change	Yes
Landscape Area – environmentally sensitive land	60%	73.04%	Yes



## 7. Section 4.15 Considerations

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 to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

### 7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Pittwater LEP and DCP.

The development is permissible in the zone.

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

#### **Context and Setting**

*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?*

These matters have been discussed in detail in the body of the statement and attached specialist reports.

*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?*

The proposed development has been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

### **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?*

No conflict or issues will arise as a result of the proposed development. The revised driveway will improve vehicular access to the site.

### **Public domain**

There will be no impact.

### **Utilities**

There will be no impact on the site, which is already serviced.

### **Flora and fauna**

There will be no impact.

### **Waste**

There will be no impact.

### **Natural hazards**

The natural hazard of acid sulfate soils can be effectively managed to permit the development to proceed in its current form.

### ***Economic impact in the locality***

There will be no impact, other than the possibility of a small amount of employment during construction.

### ***Site design and internal design***

*Is the development design sensitive to environmental conditions 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?*

The proposed development is appropriate to the site with regards to all of the above factors. The development fits well within the context of the surrounds and the development is well suited to the residential surrounds.

*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 and all relevant Council controls.

### ***Construction***

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

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

### **7.3 The suitability of the site for the development**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments 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?*

The adjacent development does not impose any unusual development constraints.

*Are the site attributes conducive to development?*

The site is appropriate for the proposed development.

### **7.4 Any submissions received in accordance with this Act or the regulations**

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

### **7.5 The public interest**

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.



## **8. Conclusions**

- 8.1** The proposed development for driveway and retaining wall works at 9 Taminga Street, Bayview, is appropriate considering all State and Council controls.
- 8.2** When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 8.3** Considering all the issues, the development is considered worthy of Council's consent.

## Planner Declaration

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### Document Control Table

Document Purpose:	Statement of Environmental Effects	
Date	Prepared by	Approved by
14 April 2025	Naomi Lyons Senior Planner	Sarah McNeilly Director

### Disclaimer

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