

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR THE PROPOSED CONSTRUCTION OF A NEW COMMON ACCESS DRIVEWAY

LOCATED AT

77, 77A & 81 MYOLA ROAD, NEWPORT



**Prepared
February 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Adam Clerke Surveyors Pty Ltd, Project No. 4012F_2, dated 7 August 2020 to detail the proposed construction of a common access driveway to replace the existing driveway access to **No's 77, 77A & 81 Myola Road, Newport.**

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 No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotments are described as No's 77, 77A & 81 Myola Road, Newport being Lot 1 within Deposited Plan 538888 (No. 77), Lot 11 within Deposited Plan 1226203 (No. 77A) and Lot 2 within Deposited Plan 538888 (No. 81) and are zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The sites at 77A and 81 Myola Road do not contain any heritage items, nor are they within a conservation area. However, the site at No. 77 Myola Road contains a heritage-listed dwelling known as "Bungania" (Item No. 2270017). A Statement of Heritage Impact has been prepared to support the development as discussed in further detail within this statement.

The sites are identified within the Class 5 Acid Sulfate Soils Area. This matter will be discussed further within this statement.

The site have been identified on the Geotechnical Hazard Map as 'W Hazard H1', and accordingly a Geotechnical Investigation has been prepared by White Geotechnical Group and accompanies this submission.

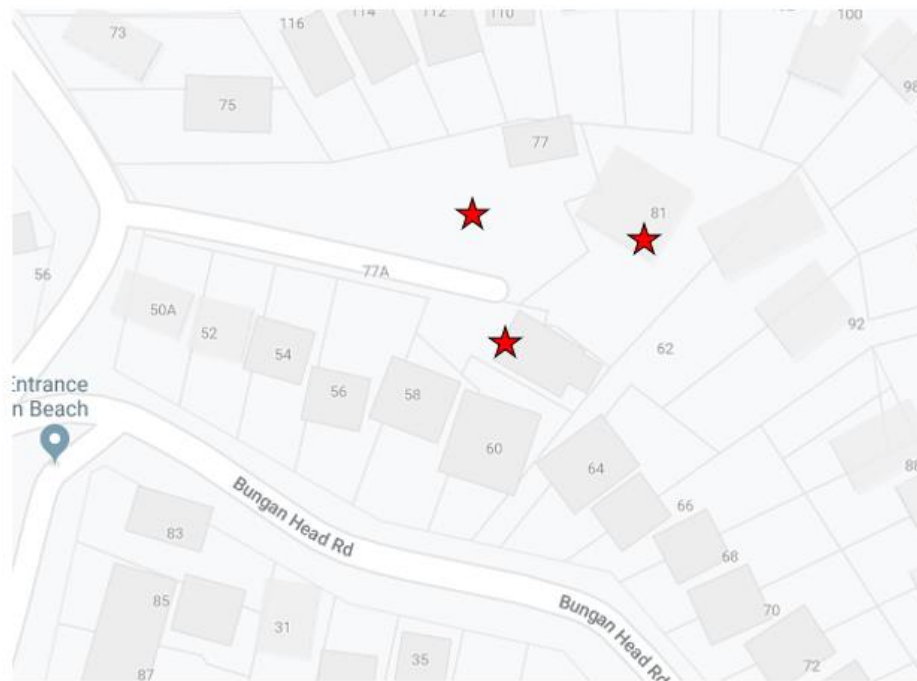
No further hazards have been identified.

3.0 Site Description

The allotments are located on the eastern side of Myola Road and the sites are all developed with single residences and in the case of No 77 Myola Road, the site also contains a detached secondary dwelling which has recently been constructed adjacent to the street boundary.

Currently the sites share a single common access driveway from Myola Road. The proposal will involve the replacement of the existing driveway with a new common access driveway, with appropriate reciprocal rights-of-way to be created to provide legal access for all lots to the street frontage.

The details of the affected portion of the lots is contained within the survey report prepared by Adam Clerke Surveyors, Reference No. 4012F_2, dated 7 August 2020 which accompanies the DA submission.



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



Fig 2: View of the existing common access driveway, with separate access to the recently constructed secondary dwelling within the western portion of No 77 Myola Road, looking east



Fig 3: View of the common access driveway, looking east towards No's 77 and 77A Myola 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 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.

The location of the sites on the ridgeline between Newport and Bungan Beach allows for the driveway access to follow the sloping topography and will be largely at existing ground level.



Fig 4: 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 reinforced concrete driveway to replace the existing common access driveway which currently provides for vehicular access from Myola Road.

Access to the property is currently available via a shared driveway which is located largely over No 77 Myola Road, however the new driveway will be centrally located over the existing access handles to No's 77 & 77A Myola Road with reciprocal rights of carriageway to be created to allow all three lots to utilise the driveway access.

The design of the proposed driveway is detailed in the Driveway Plan & Levels Sheet prepared by Adam Clerke Surveyors Pty Ltd, Reference 4012F_2, dated 7 August 2020.

The proposed driveway will be typically 3m in width and comprise reinforced concrete which is largely at or near existing ground level. A passing bay will be provided midway along the length of the driveway to allow for the passing of vehicles in order to manage vehicle movements to and from the street.

The proposed driveway will replace the existing concrete paved surface, with minimal change to the existing site coverage.

The opportunity for landscape into the perimeter of the proposed driveway will be maintained.

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 works provide for a reinforced concrete driveway and therefore SEPP BASIX it is not applicable in this instance.

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 construction of a common access driveway which is largely at or near existing ground level. The construction of the driveway will be carried out in accordance with the recommendations of the Consulting Structural & Geotechnical Engineers, which will ensure that the stability and the structural integrity the sites and the adjoining features will be maintained.

The stormwater runoff from the driveway will be collected and directed to the street. Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

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.

The proposed new driveway is at or near existing ground level and will not result in any loss of views to the headland area. By replacing the existing concrete paved driveway with a similar structure, with additional perimeter landscaping, the proposal will protect the visual amenity of the locality.

No 77 Myola Road contains an existing heritage listed dwelling – “Bungania” and as discussed in the Statement of Heritage Impact, the proposal will not adversely affect the heritage values of the item or its curtilage.

The sites have all 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 a new reinforced concrete driveway to replace the existing common access driveway. 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 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.

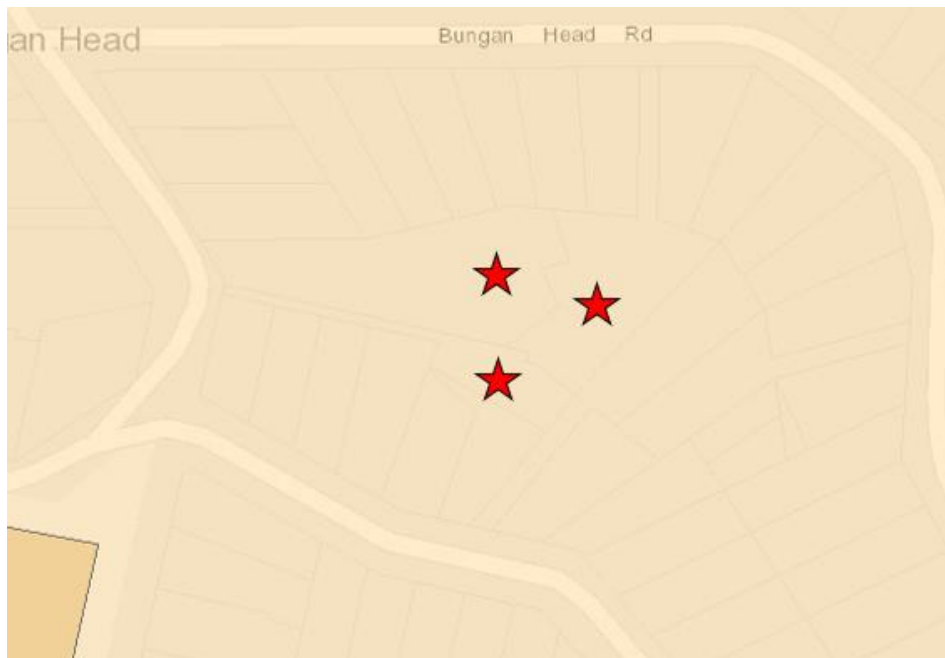


Fig 5: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The proposed minor works include the replacement of the existing paved concrete driveway with a new reinforced concrete driveway providing driveway access to the subject lots. The proposed works are ancillary to the existing residential dwellings and are considered to be permissible with the consent of Council.

The development of and use of the land for ancillary 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 new driveway to provide access to the subject dwellings 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 construction of a new common access driveway which will not have any significant or 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 Newport is 8.5m. The proposed new works to replace the existing driveway are essentially at or near existing ground level (generally max. 150mm above existing ground level) and will therefore readily comply with Council’s maximum 8.5m control.

Clause 5.10 – Heritage conservation

The sites 77A and 81 Myola Road do not contain any heritage items, nor are they within a conservation area. However, the site No. 77 Myola Road is a heritage-listed dwelling known as “Bungania” (Item No. 2270017).

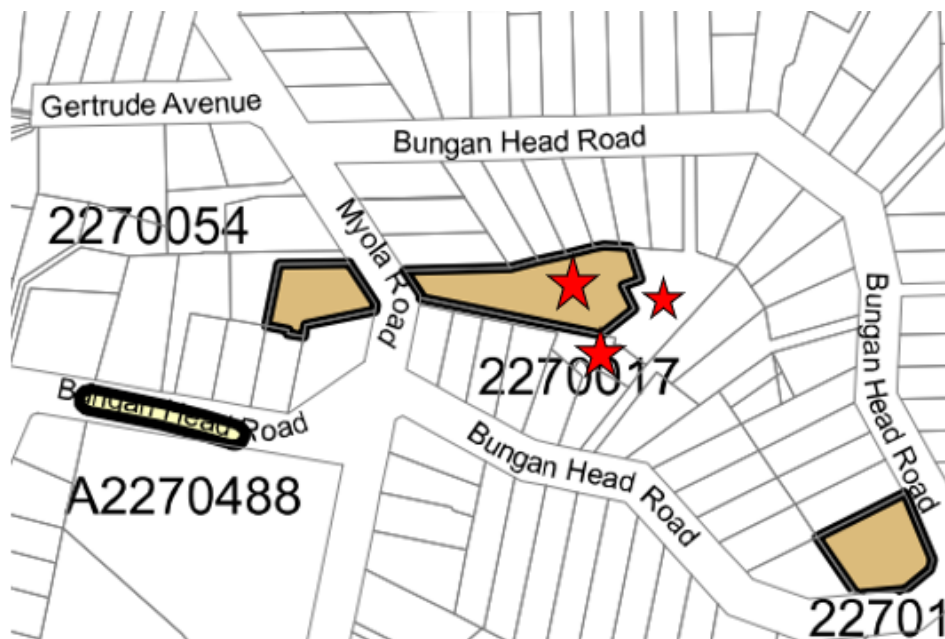


Fig 6: Extract of Pittwater Local Environmental Plan 2014 Heritage Map

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Pittwater,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The proposal is supported by a Statement of Heritage Impact prepared by the owners of No 77 Myola Road. The report discusses the proposed reconstruction and minor relocation of the current common driveway and its repositioning, to allow for a new single common access driveway.

The report concludes that the construction of a driveway with a width of 3m and the opportunity for perimeter planting and landscaping to be provided, will greatly enhance the curtilage to the existing dwelling and allow for its continued conservation.

The modest nature of the works will not detract from the significance of the adjoining heritage items, and therefore maintain consistency with the provisions of this clause.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within the Class 5 Acid Sulfate Soils area. The proposal will not require any significant excavation of the site. As the proposal sees minimal disturbance to the site, it is not anticipated that acid sulfate soils will be encountered.



Fig 7: Extract of Pittwater Local Environmental Plan 2014 Acid Sulfate Soil Map

Clause 7.2 – Earthworks

The proposal will not require any significant excavation of the site. All works will be supervised by a suitably qualified structural engineer, to ensure that the proposal maintains compliance with the provisions of this clause.

Clause 7.7 – Geotechnical hazards

A Geotechnical Investigation has been prepared by White Geotechnical Group, under Report No J2641A dated 5 February 2021 and is provided to address the provisions of this Clause.

The report concludes that *“The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.”*

The Geotechnical Investigation provided recommendations to be observed to ensure the stability of the site is maintained and these recommendations will be adopted.

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

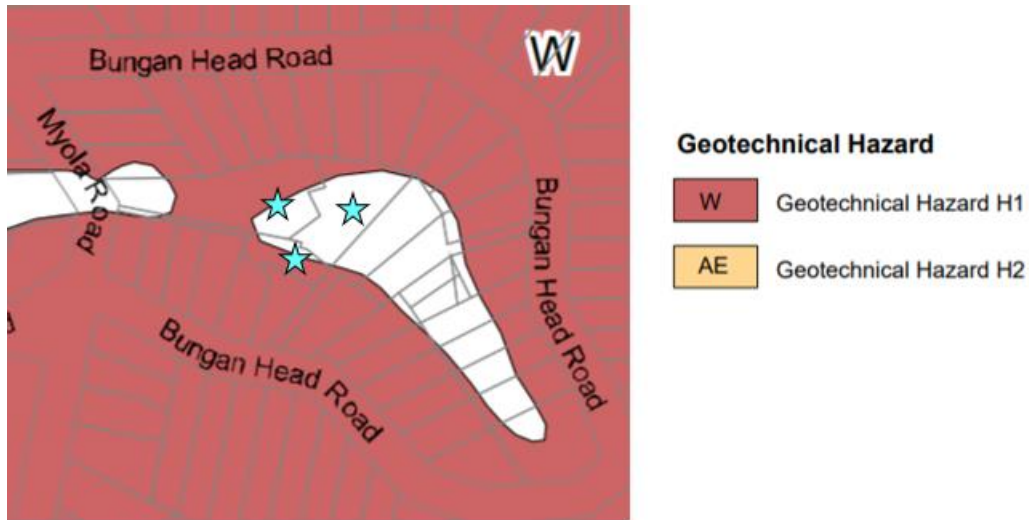


Fig 8: Extract of Pittwater Local Environmental Plan 2014 Acid Sulfate Soil Map

6.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and **Section D10 Newport Locality** Statement provides a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.5.1 Section A Introduction

Desired Character

The desired character of the Newport Locality is summarised as:

"The Newport locality will remain primarily 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 the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any multi-unit housing will be located within and around commercial centres, public transport and community facilities. 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.

Future development will maintain a 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.

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.

Newport's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront

character and its outdoor lifestyle, contributing to a unique sense of place. Contemporary design solutions within the commercial centre will respond to Newport's climate and setting, including providing shade and shelter to streets and entries, generous private outdoor spaces, openings that capture ocean breezes, and shade elements."

It is considered that the proposal is consistent with the desired character of the locality by providing for a new concrete driveway to provide for common driveway access to the street for the subject properties. As the driveway is at or near ground level, the modest nature of the works will maintain consistency with the low density scale of the area.

The proposal has been designed to reflect the predominant setbacks provided to the property boundaries in the immediate area.

The materials and colours of the new works will harmonise with the natural environment and will not detract from the existing locality.

6.4.2 Section B General Controls

The General Controls applicable to the proposed new driveway are summarised as:

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)

A Geotechnical Investigation has been prepared by White Geotechnical Group, under Report No J2641A dated 5 February 2021 and is provided to address the provisions of this Clause.

The report concludes that *"The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice"*.

The Geotechnical Investigation provided recommendations to be observed to ensure the stability of the site is maintained and these recommendations will be adopted.

B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

The controls seek to achieve the outcomes:

The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)

The proposal will not see the loss of any significant vegetation and will retain an appropriate area of soft landscaping they will further contribute to the visual appearance of the works.

The proposal is therefore considered to be in keeping with the provisions of this clause.

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)

This clause is applicable where development results in a new hard surface area of 50m² or greater. The proposal will not introduce new hard site cover in excess of 50m², and stormwater run-off from the new driveway will be collected and dispersed without causing nuisance to adjoining property is, with run-off to be directed to the street.

B6.1 Access driveways and works on the public road reserve – Low Density Residential

The controls seek 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 will see the construction of a new concrete driveway from Myola Road, centrally located within the existing access handles, to provide access to the subject sites.

The design of the proposed driveway is detailed in the Driveway Plans & Levels Sheet prepared by Adam Clerke Surveyors Pty Ltd, Project No. 4012F_2, dated 7 August 2020.

The proposed driveway will maximise safety for pedestrians, whilst providing safe vehicular access to the site.

B6.2 Internal Driveways

The controls seek to achieve the outcomes:

Safe and convenient access.
Reduce visual impact of driveways.
Pedestrian safety.
An effective road drainage system.
Maximise the retention of trees and native vegetation.
Reduce contaminate run-off from driveways.

The proposal will provide a new driveway and turning area, which is contained within the site's boundaries and has been designed to meet Council's requirements and the relevant Australian Standards.

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.

This clause stipulates that 2 car spaces are to be provided for the dwellings. The proposal provides driveway access to each site, with vehicle parking area available within each individual site.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

Excavation, landfill and construction not to have an adverse impact. (En)

Excavation and landfill operations not to cause damage on the development or adjoining property. (S)

The proposal involves the demolition and removal of the existing driveway and its replacement with a new reinforced concrete driveway at or near ground level. Works will be carried out in accordance with the directions of the Consulting Geotechnical and Structural Engineers.

B8.2 Construction and 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)

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways. Erosion and sediment control measures will be carried out to minimise the impacts of construction on surrounding properties.

6.4.3 Section C Development Type Controls

The Development Controls applicable to the proposed new driveway are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcomes:

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 works will not see the removal of any protected trees. Suitable area it is retained to the perimeter of the driveway for further landscaping which will enhance the visual amenity of the immediate area.

6.5.4 Section D Locality Specific Development Controls

The **D10 Newport 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 residential 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 proposal will not result in additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D10 Newport Locality** is provided below:

D10.1 Character As Viewed From A Public Place

The control seeks to achieve the outcomes:

Achieve the desired future character of the Locality.

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)

Parking structures are minimised and secondary to the built form, landscaping and vegetation. (S)

Access to public places and spaces is clear and defined. (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, spatial separation, landscaping etc.

The proposed driveway is at or near existing ground level and will not present a visually dominant feature in the immediate area. When combined with the proposed perimeter landscape in, the proposed driveway access will be secondary to the surrounding built form.

D10.4 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 the visual character of 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 use of materials with low embodied energy is encouraged. (En)

New buildings are robust and durable with low maintenance requirements. (S)

In the Newport Commercial Centre, roofs of lighter colours are permitted to improve the thermal performance of the roof system. (En, Ec, S)

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.

The natural finish concrete driveway will be compatible with other similar driver treatments in the immediate area.

D10.7 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 a 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 proposed common access driveway replaces the existing feature in the site and with the further supplementary landscaping to the perimeter driveway, will be compatible with the street setback character.

D10.8 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. (En, S)*

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m for at least one side and min 1.0m setback for the other side, and min 6.5m from the rear boundary.

The proposed driveway will be centrally located within the access handles to No's 77 & 77A Myola Road and will not be visually prominent through the inclusion of the additional landscaping.

The driveway structure is not technically subject to Council setback controls and the positioning the driveway is considered to be acceptable in this instance.

D10.13 Landscaped Area – General

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 to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 60% of the site area.

The proposal will replace an existing driveway feature and the current landscaped percentage for the affected portion of each lot will be largely unchanged.

D10.16 Construction, Retaining walls, terracing and undercroft areas

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To protect and minimise disturbance to natural landforms.

To encourage building design to respond sensitively to natural topography.

The proposal satisfactorily responds to the topography of the site. The works incorporate the replacement of the existing driveway with a new driveway which is largely at the existing grade. 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.

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 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

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.

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

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 replacement of the existing driveway with a common access driveway providing vehicle access from Myola Road to the subject properties, 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 Newport 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 Any 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 replacement of the existing concrete driveway with a new reinforced concrete driveway, providing common access to No's 77, 77A & 81 Myola Road, with reciprocal rights of carriageway to be created to allow all users to access their sites.

The proposed driveway will be at or near the existing ground levels and provide functional and safe access to each site, without 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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