

S4.55 STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 279 DP 16327
17 Argyle Street
Bilgola Plateau

APPLICANT: FJA Designs

PROPOSAL: Section 4.55 (2) Modification of Development Application No.
DA2019/0781

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INTRODUCTION

Reference is made to Development Application No. 2019/0781 determined by Northern Beaches Council on 11 October 2019 for "Alterations and additions to a dwelling house including a swimming pool" at 17 Argyle Street, Bilgola Plateau.

This Application to Modify Consent made under Section 4.55 (2) of the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)* proposes to modify the existing Development Consent through changes to the internal layout of the dwelling of the approved development and modification to the conditions to reflect the updated design.

The changes are proposed due to costs associated with the previous design that made the development unviable from an economic stand point. The updated design has been modified to reduce construction costs whilst maintaining the essence of the development as a residential dwelling. The proposed changes will not have any detrimental impact on the development or the surrounding area as the new internal layout has given consideration to minimising impact on the adjoining properties in keeping with the original approval.

It is requested that Condition 1 of the consent be modified to read as follows:

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan – FJ088	31 March 2021	FJA Designs
Floor Plans – FJ088	31 March 2021	FJA Designs
Elevations – FJ088	31 March 2021	FJA Designs
Section – FJ088	31 March 2021	FJA Designs

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate, Ref. A411555_02	30 March 2021	FJA Designs

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Concept Plan	25 September 2019	SHIMDESIGN Design and Drafting

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

ENVIRONMENTAL EFFECTS

Assessment – Section 4.55 of the EPA Act 1979

Section 4.55(2) of the EPA Act 1979 states:

'A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.'

The proposed modifications to the internal layout of the proposed alterations and additions are considered to be minimal in the overall context of the development ensuring it will not result in any detrimental environmental impact.

The proposed development will remain substantially the same as the approved development, being for the construction of *'Alterations and additions to a dwelling house including a swimming pool'*. The modification is not considered to significantly alter the proposal and will maintain an appropriate design for the allotment. There will be only a minor modification to the approved design of the development and no increased impact on the amenity of the adjoining properties.

Assessment – Section 4.15 of the EPA Act 1979

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

(a)(i) Relevant environmental planning instruments

Pittwater Local Environmental Plan 2014

The subject site is zoned E4 Environmental Living pursuant to Clause 2.1 of Pittwater Local Environmental Plan 2014.

The proposed development is ancillary development to the existing dwelling house on the allotment. A dwelling house is defined in the Plan as “a building containing only one dwelling”.

The identified zone permits the construction of a ‘dwelling house’ therefore ancillary development is permitted subject to development consent from Council.

Clause 2.3 Zone objectives and land use table

The objectives of the E4 Zone are:

- *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 proposed alterations and additions can satisfy the objectives of the zone as it compliments the existing residential setting. Residential amenity can be maintained by the proposed development as the site is within an existing residential area intended for this form of development.

The proposed development is compatible with the existing and future character of the locality. The development is designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site.

The siting of the dwelling house is in the most appropriate location, which minimises disturbance and follows a similar development density evident throughout the area.

The proposed dwelling is considered to meet the objectives of the E4 Zone.

Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
8.5m	Approx. 7.1m	Yes

Clause 4.4 Floor Space Ratio

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
N/A	N/A	N/A

Clause 4.6 Exceptions to development standards

The proposed development does not contravene the development standards of the LEP.

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or located within proximity of heritage items.

Clause 7.1 Acid sulfate soils

The subject property is identified as being affected by Class 5 Acid Sulfate Soils. The proposal is not considered to lower the water table by 1 meter and requires excavation predominantly within the footprint area only. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils.

Clause 7.2 Earthworks

Due to the topography of the allotment earthworks are required to site the proposed development. Earthworks minimised through the use of retaining walls and appropriate construction methods for the topography of the allotment. No excessive impact anticipated.

Clause 7.3 Flood planning area

The subject site is not known to be located within a flood planning area.

Clause 7.6 Biodiversity

The subject site is identified as being within an area of terrestrial biodiversity. The proposed development does not involve removal of excessive vegetation or land clearing and will maintain landscape character of the area. It is not anticipated that the development will detrimentally impact upon the ecological value and significance of the fauna and flora on the land or the importance of the vegetation to the habitat of native fauna and the habitat elements providing connectivity on the land.

Clause 7.10 Essential Services

All necessary services are available on the site including access to water, sewer, telecommunications and electricity.

* * *

Conclusion with respect to LEP requirements

The proposal satisfies the objectives and requirements of the PLEP 2014.

(a)(ii) Relevant draft environmental planning instruments

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.

(a)(iii) Relevant development control plans

Pittwater Development Control Plan No. 21

DCP is divided into several sections of generic and individual locality based controls. The subject site is located within the Bilgola Locality. Assessment of the subject proposal against DCP No.21 is provided as follows;

SECTION A

A4.3 Locality character statement – Bilgola Locality

Context (extract)

The Locality was occupied by small farming settlements from the early 1800s, and included the grazing of cattle. As the road improved and beach holidays became popular, Bilgola expanded. Until the 1950s, Bilgola remained largely a holiday location with few permanent residents. Residential development and permanent occupation of dwellings increased from the 1950s.

Since this time, the locality has developed into a predominantly low-density residential area, with dwellings built along plateau and slopes. The locality is characterised mainly by one and two-storey dwelling houses on 550-950 square metre allotments (some smaller blocks may exist). The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes.

The Bilgola Locality is characterised by a small steeply rising ridgeline to the north, plateau to the south, and small self-contained valley to the east. Due to the topography, significant views can be obtained through all points of the compass. Conversely, the slopes and ridge tops and headlands of the locality are visually prominent. Due to this visual prominence, the building height along the beach area shall be reduced.

Extensive areas of natural vegetation are dominated by large specimens of the Smooth barked Apple (*Angophora costata*) on the escarpments upper slopes with the Rough Barked apple, Turpentine (*Syncarpia glomulifera*) and Bloodwood (*Eucalyptus gummifera*) present along the lower slopes and Cabbage Tree Palms (*Livistona australis*) in the Bilgola valley.

Much of the indigenous vegetation has been retained, particularly where there are large areas of open space, and there are significant wildlife habitats and corridors within the locality, such as on the original Wentworth Estate in the Pittwater Foreshore Area.

A unique flora and fauna green belt exists in the Bilgola Beach Area by the interconnection of Hewitt Park with Attunga Reserve via the dedicated portion of public land, previously known as Hamilton Estate, at the western end of the Bilgola Valley.

Many of the areas unique features are contained in the Bilgola Beach Area, notably:

- The remnant littoral rainforest, recognised as one of the largest and best urban examples remaining on the New South Wales coast, and characterised by the abundant subtropical vegetation which includes a mixed variety of shrubs, ferns and palms such as the Cabbage Tree Palms (*Livistona australis*) along Bilgola Creek and its drainage lines and in the valley,
- The headlands with the formalised public lookout at Bilgola Head, which provides expansive coastal views,
- The Bilgola Bends section of Barrenjoey Road that traverses the valley escarpment and is bordered by thick indigenous vegetation,
- The Bicentennial Coastal walkway that passes over the southern headland to the valley, along the beach and on to the Bilgola Head lookout.
- Houses, vegetation, stone walls and structures in the vicinity of Bilgola Avenue, The Serpentine and Barrenjoey Road Bilgola Beach are indicative of the early settlement in the Locality, and have been identified as heritage items.

Additionally the Bilgola Beach, headlands and valley escarpment provide unique cultural and social significance. Surveys of beach usage have revealed that crowd attendance was the fifth to sixth largest of the twenty ocean beaches in Warringah and Pittwater. Reasons for this include: uncrowded, quiet, natural environment and absence of commercial facilities. Respondents indicated that preservation of the beach and the surrounding areas unique character is desirable.

All of these unique features are valued by the community and contribute to the essence of the Bilgola Beach Area. These are to be retained and protected

Strong community objection to the widening of Barrenjoey Road and straightening the bends, and the sub-division of the Hamilton Estate, are indicative of the extent of community concern for the need to retain the unique character of the Bilgola Beach amphitheatre and limit further public infrastructure development.

The Plateau Area is serviced by neighbourhood retail centres at Bilambee Avenue and at the intersection of Plateau Road and Grandview Drive. The locality also contains the Bilgola Plateau Primary School, Bilgola Surf Life Saving Club, and recreational facilities including rock baths, Bilgola Beach, and several reserves.

The Localities particular topographic and natural features create a particular fragility in the area, which is characterised by its vulnerability to bushfire, landslip, flood, coastal (bluff) erosion and beach fluctuation, and estuary wave action and tidal inundation. Attempts to stabilise the bluff erosion on the southern headland in the mid 1990s with wire netting, resulted in a disastrous environmental and visual outcome.

The proposed development is to be located on a 490.5m² existing allotment being in keeping with the typical size for the area. No trees are identified for removal and the existing landscaping to the front and rear of the allotment is to be retained to ensure the landscape character of the area is maintained.

The proposed development is considered to be consistent with the intended character of the area and the character of Argyle Street. The design and style chosen is desired by the market today being of a contemporary nature using appropriate building materials which ensures that the built form will not be out of place and will not detract from the amenity of surrounding properties.

The proposal does not present any detriment to views or streetscape setting and environmental issues are considered to be satisfactorily addressed.

This development application is supported by all the necessary documentation to address the relevant environmental triggers of this Plan, such as landscaping and stormwater plans.

Desired Character (extract)

The Bilgola 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. Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

The three distinct areas within the Bilgola locality (as identified in Bilgola Locality Map 2) will, by their unique differences, require differing and distinct degrees of control to ensure the individual characteristics and essence of each area are maintained and enhanced:

The Plateau Area:

Will provide for some dual occupancies, on land that does not have tree canopy coverage, species and habitat diversity, or other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

The erection of the proposed development will meet with the objectives of the low-density residential character of the area and is in a similar styling to development already constructed within the locality. The proposed alterations and additions are considered to be in keeping with newer development throughout the surrounding area and remains below the dominant tree canopy height.

No trees are to be removed as part of the proposed development with existing landscaping to be retained to the front and rear of the allotment to ensure the landscape character of the area is maintained.

Consideration has been given to the natural features and character of the surrounding area of the site during the design selection process with alterations and additions to the existing dwelling considered to be the most suitable development for the site.

The overall design of the alterations and additions has given consideration to the site's environmental constraints, the amenity of neighbouring properties, views obtained from the site and the streetscape.

The proposed dwelling is considered to be in keeping with the desired character of the Bilgola Plateau area.

SECTION B

B1 Heritage Controls

The subject property is not identified as an item of heritage significance, within a conservation area or within proximity of a heritage item.

B3 Hazard Controls

The subject property is not identified to be located within a bushfire prone area following reference to Council's Bushfire Prone Land Map.

The subject property is identified as being affected by Class 5 Acid Sulphate Soils. The proposal is not considered to lower the water table, however will require minor excavation. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils. The site is not known to be affected by flood.

B4 Controls Relating to the Natural Environment

The subject site is not identified as being within an area of environmental significance.

B5 Wastewater management

Drainage from the subject site is to be directed to the existing drainage collection system.

B6 Access and Parking

The existing driveway access is considered to be suitable to be retained.

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
Driveway width at boundary to be maximum of 3.0m	Existing driveway unchanged	Yes
Driveway width at kerb to be maximum of 3.5m	Existing driveway unchanged	Yes

Required parking spaces per dwellings 1 bedroom – 1 space 2 bedrooms + - 2 spaces	2 spaces within the existing carport and hardstand driveway area.	Yes
Min. carport dimensions 5.7m x 6.0m	Unchanged by the proposed development.	Yes

B8 Site works management

Cut and fill within the site is noted on the accompanying plans. An erosion and sediment control plan is attached with this application for Council's consideration. All sedimentation control devices will be in place prior to any site works for the construction of the alterations and additions or removal of trees.

SECTION C Development type controls

C1 Design Criteria for Residential Development

<i>Requirements</i>	<i>Provision</i>	<i>Requirement</i>
<u>C1.1 Landscaping</u> 60% of front setback to be landscaped.	>60% landscape area forward of the building line.	Yes
<u>C1.2 Safety & security</u> Be able to view visitor at front door without opening it. Casual surveillance of front yard. Adequate lighting provided to minimise possibility of damage. Lighting to minimise annoyance to neighbours.	The proposed development is not anticipated to result in any loss of safety and security to the dwelling. Sight lines from the dwelling to the street frontage are maintained by the development with adequate lighting provided within the front yard to permit access without annoyance to neighbours.	Yes
<u>C1.3 View sharing</u>	The proposed development is not anticipated to have any unreasonable impact on views of surrounding properties. Any views obtained along the street and through the site can still be obtained due to appropriate setbacks and building heights.	Yes

<p><u>C1.4 Solar access</u> 3hrs to POS of proposed and adjoining 9am-3pm.</p> <p>3hrs to 50% glazing of proposed and adjoining living area windows.</p>	<p>3hrs solar access provided to the existing dwelling and adjoining dwellings due to favourable orientation of lot and appropriate setbacks and height of the proposed development. Shadow cast from the proposed development is to the side boundary and not beyond anticipated levels for an allotment with north to the side boundary of the allotment.</p>	<p>Yes</p> <p>Yes</p>
<p><u>C1.5 Visual privacy</u></p>	<p>No loss of visual privacy anticipated from the proposed development. Living areas are orientated to the rear and provided with suitable side setbacks to minimise any opportunity for overlooking the neighbouring property. Side windows minimised as much as possible without resulting in excessive bulk to the side elevations. Ground floor living areas are appropriately setback and offset from adjoining living and POS areas.</p>	<p>Yes</p>
<p><u>C1.6 Acoustic privacy</u></p>	<p>No significant noise source within direct proximity of the subject site.</p>	<p>Yes</p>
<p><u>C1.7 Private open space</u> 80m² POS Min dimension 3m Max 75% POS in front yard Principal area 4m x 4m Accessed via living area.</p> <p>POS to have good solar orientation</p> <p>POS to include provision of clothes drying facilities</p>	<p>>80m² Min >3.0m POS to the rear yard. Provided in the rear yard POS accessed via stairs from the upper floor and the alfresco at the ground level. Appropriate orientation provided. Solar access available throughout the day due to movement of the sun. Adequate space available with the rear yard.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<u>C1.9 Accessibility</u>	Appropriate access to and from the site is available.	Yes
<u>C1.12 Waste and recycling facilities</u>	Adequate area available for bin storage within the site.	Yes
	Waste Management Plan provided for Council's consideration.	Yes
<u>C1.20 Undergrounding of utility services</u>	Necessary services/utilities can be provided for the proposal.	Yes

SECTION D Locality specific development controls

D3 Bilgola Locality

D3.1 Character as viewed from a public place

Site and area analysis has revealed that numerous developments of a similar style and design to the subject proposal have occurred within the area gradually setting a contemporary development theme.

Design of the alterations and additions has entailed a streetscape appearance of a single storey dwelling that has been effectively characterised. Streetscape presence has been further reinforced through articulation of the façade and the porch feature.

Car parking is provided in the existing hardstand parking area which is located to the side of the dwelling in keeping with the existing parking arrangement for the subject site and surrounding area. Existing and proposed planting within the front setback ensures the development is softened and does not dominate the street. The articulation and high quality design of the development will ensure the visual bulk of the dwelling is minimised.

Based upon the design of the dwelling and the nature of the proposal relative to the intended surrounding properties, it is considered that the residence will appropriately blend with the intended future character of Argyle Street.

The proposed dwelling will successfully contribute to the streetscape and landscape character of the locality.

D3.2 Scenic Protection - General

The proposed development is not considered to have any detrimental impact on the scenic character of the area. The rear addition is designed with contemporary design elements to complement the changing character of the area.

D3.6 – 3.15 Bilgola Locality Residential Sectors

This section of the DCP applies to all land within the Bilgola Locality and provides controls for sector planning (subdivision and layout) and built form. An assessment of the proposed development against the built form controls of this section of the DCP is provided in the following compliance table;

<i>Design Guidelines</i>	<i>Proposed</i>	<i>Compliance</i>
<u>D3.3 / Building colours and materials</u> - Dark & Earth tones	Colour schedule to be provided with DA.	For consideration by Council.
<u>D3.6 / Front Building line</u> Land zoned E4 adjoining Barrenjoey Road – 10m or established building line, whichever is greater All other land zoned R2 or E4 – 6.5m or established building line, whichever is greater.	N/A Existing setbacks to the dwelling unchanged by the proposal.	N/A Yes
<u>D3.7 / Side and rear building line</u> Land zoned R2 or E4: 2.5m to one side; 1.0m to other side. 6.5m to rear (except land in foreshore)	Proposed setbacks to maintain the setback of the existing dwelling unchanged. >6.5m.	Yes Yes
<u>D3.9 / Building envelope</u> 3.5m above ngl on side boundaries, inward at 45° to max. height. (eaves permitted outside)	Dwelling entirely within the building envelope.	Yes
<u>D3.10 / Landscaped Area – General</u> Landscape area min = 50%	N/A to E4 zone	N/A
<u>D3.11 / Landscaped Area – Environmentally Sensitive Land</u> Landscape area min. = 60%	>60%	Yes
<u>D3.12 Fences</u>	No front fencing proposed. Internal dividing fences to be retained / replaced as required.	N/A Yes

D3.14 / Retaining Walls Retaining Walls visible from street ideally of sandstone or similar materials.	Retaining walls capable of being suitably constructed where necessary.	Capable of complying.
Undercroft areas limited to 3.5m and provided with landscaping.	No new undercroft areas proposed.	N/A

* * *

Conclusion with respect to DCP requirements

The proposal is considered to generally satisfy the objectives of the relevant development controls relating to dwellings, as contained within DCP No. 21.

CONCLUSION

The proposed modification results in a development that is substantially the same as the original approval, maintaining a functional design in keeping with the objectives of the EPA Act 1979, the E4 Zone and Council's specified design standards for dwellings. The development will not have any unreasonable impact on the surrounding natural and built environment.

As there will be no detrimental impact on the streetscape or surrounding properties as a result of the modified landscape design, the development is considered to remain in the public interest.

Given there will be no additional impact beyond that of the approved development, it is considered reasonable for the application to be supported in this instance.



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