

26th March 2025

The CEO
Northern Beaches Council
Po Box 82
Manly, NSW, 1655

Dear Sir,

**Request for review - Development Application DA2024/0303
Addendum Statement of Environmental Effects
Demolition of existing structures, removal of trees and subdivision of one
lot into three lots
337 Lower Plateau Road, Bilgola Plateau**

1.0 Introduction

On 15th August 2024 the subject development application was refused by Council under delegation for a number of reasons as outlined in the notice of determination of the same date.

This application seeks a review of the determination pursuant to section 8.2(1)(a) of the Environmental Planning and Assessment Act, 1979 (the Act). A number of amendments have been made to the proposed development in response to the reasons for refusal as detailed on the accompanying Revision A amended Architectural plans prepared by Gartner Trovato Architects. This submission is also accompanied by the following amended/updated documentation:

- Revision A Architectural plans prepared by Gartner Trovato Architects.
- Aboriginal Archaeological Assessment prepared by AMAC Archaeological.
- Stormwater management response prepared by Barrenjoey Consulting Engineers.
- Traffic and Vehicular Access Assessment Report prepared by Terraffic.

Given the nature of the amendments sought, which go directly to responding to the stated reason for refusal of the application, Council can be satisfied that the request for review is appropriately made pursuant to section 8.2(1)(a) of the Act.

2.0 Claim for review

Having regard to the stated reasons for refusal of the application we respond as follows

1. *Pursuant to Section 4.15(1)(c) of the of the Environmental Planning and Assessment Act 1979, the application has not been accompanied by the required information for a Development Application.*

Particulars:

- i. The application has not been accompanied by Land Owners Consent from No.339 Lower Plateau Road.*
- ii. The development application proposes to use a traffic signal system to address issues with the steep gradient and sight lines on the driveway ramp. The amended proposal increases the length of the passing bay which in turn relocates a traffic light outside the site boundary into No. 339 Lower Plateau Road.*
- iii. As such, the development application does not contain all the information and documents required by Clause 24(1)(b) of the Environmental Planning and Assessment Regulation 2021 and the development application has not been made with the consent of the owners of No.339 Lower Plateau Road, as required by Clause 23(1)(b) Environmental Planning and Assessment Regulation 2021.*

Response: We confirm that the plans have been amended to ensure that all proposed works are located on the subject property and accordingly no owners consent from No. 339 Lower Plateau Road is required.

This reason for refusal has been resolved.

2. *Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the matter for consideration prescribed by subclause 8 of Clause 5.10 of the Pittwater Local Environmental Plan 2014.*

Particulars:

- i. The site to which the application relates is a bushland block with a natural watercourse. Such sites are known to be favorable to Aboriginal occupation and therefore, the likelihood of Aboriginal relics.*
- ii. Subclause 8 of Clause 5.10 of the Pittwater Local Environmental Plan requires the consent authority to consider the effect of the development of a known Aboriginal object or the reasonable likelihood of an object by means of investigation.*
- iii. No Aboriginal due diligence report has been provided to Council. As such there is no information to consider the effect of the development as required by subclause 8 of Clause 5.10 of the Pittwater Local Environmental Plan 2014.*

Response: This submission is accompanied by an Aboriginal Archaeological Assessment prepared by AMAC Archaeological which contains a number of recommendations. No objection is raised to a suitably worded condition of development consent requiring compliance with the recommendations contained within this report. The consent authority can be satisfied that the clause 5.10 PLEP provisions have been addressed and that there is no jurisdictional impediment to the granting of consent.

This reason for refusal has been resolved.

3. *Pursuant to Section 4.15(1)(d)(iv) of the of the Environmental Planning and Assessment Act 1979, the site is considered unsuitable for the proposed development due to insufficient information been submitted to satisfy Council that essential services, including safe access and stormwater and drainage, can be provided and that there will be no impact on Aboriginal heritage. The proposal is therefore inconsistent with the provisions of Clause 4.1 (e) Minimum subdivision lot sizes, Clause 5.10 (8) (a) and (b) Heritage Conservation, Clause 7.2 (f) and (i) Earthworks, Clause 7.7(a) Geotechnical hazards, Clause 7.10 (d) and (e) Essential Services of the Pittwater LEP and the provisions of A4.3 Bilgola Locality, Clause B1.4 Aboriginal Heritage Significance, Clause B2.2 Subdivision - Low Density Residential Areas, Clause 5.15 Stormwater, Clause B6.1 Access driveways and Works on the Public Road Reserve, Clause B6.2 Internal driveways, Clause B6.7 Transport and Traffic Management, Clause C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities, Clause C4.6 Service and delivery vehicle access of the Pittwater 21 Development Control Plan 2014.*

Particulars:

- i. Insufficient information has been submitted to satisfy Council that a safe and adequate vehicular access to and from the site can be provided that will not endanger persons using the driveway and the adjoining roads, including pedestrians and emergency vehicles. Specifically, insufficient information has been submitted to address issues with sightlines at the site boundary and the driveway gradient. In addition, the traffic light signal system cannot be relied upon as a solution to addressing issues with the long, narrow and steep driveway as owners consent has not be provided for the location of the traffic lights at No. 339 Lower Plateau Road.*
- ii. A preliminary investigation ('due diligence' under the National Parks and Wildlife Act 1974) by a qualified Aboriginal heritage professional has not been submitted, as such it has not been possible to consider the effects of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment.*
- iii. Insufficient information has been submitted to satisfy Council that the development will appropriately manage stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land.*

Response: We rely on the accompanying Aboriginal Archaeological Assessment prepared by AMAC Archaeological, stormwater management response prepared by Barrenjoey Consulting Engineers and Traffic and Vehicular Access Assessment Report prepared by Terraffic to demonstrate that the proposal is consistent with the provisions of clause 4.1(e), 5.10(8)(a) and (b), clause 7.2(f) and (i), clause 7.7(a) and clause 7.10(d) and (e) of PLEP and clauses B1.4, B2.2, B5.15, B6.1, B6.2, B6.7, C4.2 and C4.6 of P21DCP in relation to heritage conservation, earthworks, geotechnical hazards, essential services, transport and traffic management, stormwater, access and driveway works on the public reserve and servicing.

This reason for refusal has been resolved.

4. *Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.*

Particulars:

- i. Insufficient information to satisfy Council that safe access and adequate stormwater and drainage can be provided.*
- ii. Insufficient information to satisfy Council that there will be no impacts on Aboriginal heritage.*

Response: For the reasons previously outlined, the concerns raised in relation to safe access, adequate stormwater and drainage and potential aboriginal heritage have been on principally addressed in the accompanying reports such that the consent authority can be satisfied that approval of the application would be in the public interest.

In this regard, we consider that the amended development the subject of this application comprehensively addresses the reason for refusal of the development application and accordingly there is no statutory impediment to the granting of consent.

3.0 Conclusion

This submission demonstrates that the documentation prepared in support of this request comprehensively addresses the reason for refusal of the original application. Having given due consideration to the relevant matters pursuant to section 4.15(1) of the Act it has been demonstrated that the proposed development, as amended, succeeds on merit and is appropriate for the granting of consent.

Please do not hesitate to contact me to discuss any aspect of this submission.

Yours sincerely

Boston Blyth Fleming Pty Limited

A handwritten signature in black ink, appearing to read 'Greg Boston', with a stylized flourish at the end.

Greg Boston

B Urb & Reg Plan (UNE) MPIA

Director