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STATEMENT OF ENVIRONMENTAL EFFECTS

*DEMOLITION OF EXISTING DWELLING AND
CONSTRUCTION OF A DETACHED DUAL OCCUPANCY
AND STRATA TITLE SUBDIVISION*

LOT 11 IN DP 10548

14 GLADSTONE STREET NEWPORT

FOR

P & V FIEDLER

NOVEMBER 2019
[REV 1]

Table of Contents

1.0	INTRODUCTION	3
2.0	PROPERTY DESCRIPTION	3
3.0	SITE DESCRIPTION	4
4.0	THE SURROUNDING ENVIRONMENT	7
5.0	PROPOSED DEVELOPMENT	8
6.0	ZONING AND DEVELOPMENT CONTROLS	8
6.1	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	8
6.2	Pittwater Local Environmental Plan 2014	8
6.3	Pittwater 21 Development Control Plan	11
6.3.1	Section A Introduction	11
6.3.2	Section B General Controls.....	12
6.3.3	Section C Development Type Controls	14
6.3.4	Section D Locality Specific Development Controls	17
7.0	Matters for Consideration – S.4.15 of The Environmental Planning and Assessment Act, 1979	20
7.1	The provisions of any environmental planning instrument	20
7.2	Any proposed instrument that is or has been the subject of public consultation under this Act ...	20
7.3	Any development control plan	20
7.4	Any planning agreement that has been entered into under section 7.4	21
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph) ..	21
7.6	The likely impacts of that development, including environmental impacts	21
7.7	The suitability of the site for the development	21
7.8	Submissions made in accordance with this Act or the regulations	21
7.9	The public interest.....	22
8.0	CONCLUSION	22

1.0 INTRODUCTION

This Statement of Environmental Effects accompanies amended plans prepared by Newport Homes, Drawing No. J1317, Issue A, dated 18 October 2019, to detail the demolition of existing structures on site, the construction of a detached dual occupancy and subsequent Strata title subdivision on land at **14 Gladstone Street, Newport**. The plans respond to concerns raised by Council during the assessment of the application.

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 (Building Sustainability Index: BASIX 2004)*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan*

2.0 PROPERTY DESCRIPTION

The subject allotment is described as **14 Gladstone Street, Newport**, being Lot 11 within Deposited Plan 10548 and is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site is not listed as a heritage item nor is it within a conservation area. The land is not identified being bushfire or flood prone land. The site is not identified as being within the Terrestrial Biodiversity zone. The site is within the Class 5 Acid Sulfate Soils area.

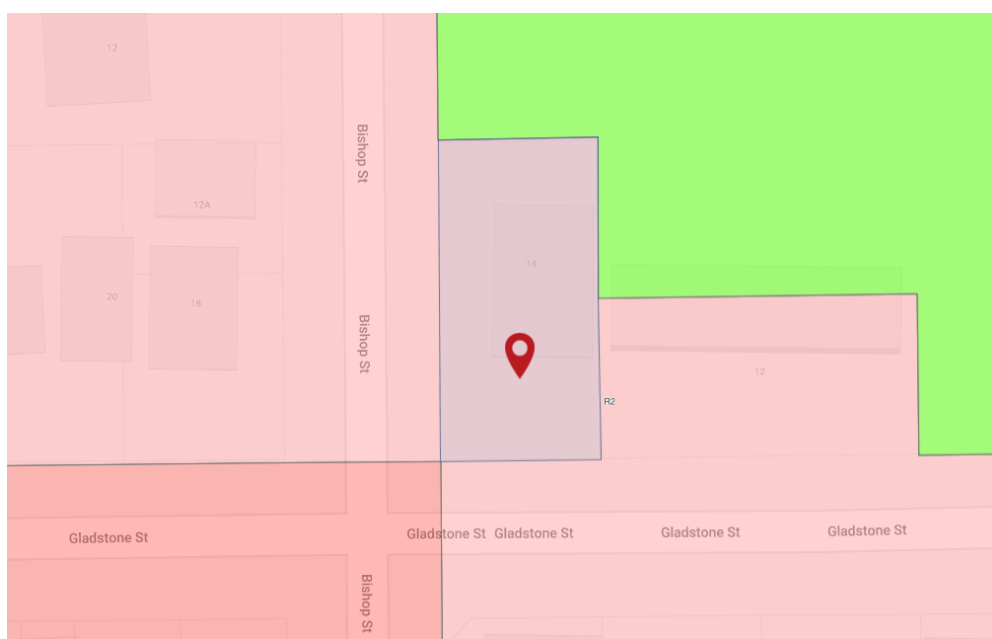


Figure 1: Location and zoning map, identifying the land within the R2 zone

3.0 SITE DESCRIPTION

The property is located on the northern side of Gladstone Street in Newport. The site is a corner block, regular in shape, with a total areas of 797m². The site has a total width of 20.115m for the northern and southern boundaries, and a total length of 39.625m for the eastern and western boundaries.

The site is currently occupied by a single storey weatherboard cottage with a tile and metal roof with a swimming pool in the rear yard. Vehicular and pedestrian access is provided through the driveway and entry gate at the western boundary, adjacent to Bishop Street. There are no significant trees on the site.



Figure 2: Aerial photo of the subject site



Figure 3: Photograph showing the subject site when viewed from Gladstone Street (facing north)



Figure 4: Photograph of the existing dwelling (facing north east)



Figure 5: Photograph of the subject site when viewed from Bishop Street (facing east)



Figure 6: Photograph of the subject site when viewed from Newport Oval (facing south west)

4.0 THE SURROUNDING ENVIRONMENT

Northern Beaches Council is the relevant Local Government, which forms part of the Northern Beaches region. The site is located within the suburb of Newport, which is a suburb approximately 31km north of the Sydney Central Business District.

A large portion of the surrounding development is residential. The site is adjacent to Newport Oval, which is north-east of the subject site. The only neighbouring properties of the subject site is to the east, No. 12 Gladstone Street, and occupied by a residential flat building from the 1960's period.



Figure 7: Aerial photo showing the location of the subject site in relation to surrounding development



Figure 8: Photograph of the residential flat building at 12 Gladstone Street

5.0 PROPOSED DEVELOPMENT

As detailed within the accompanying plans, the proposal seeks approval for the demolition of existing structures on site, construction of a detached dual occupancy and subsequent Strata title subdivision. The details of the proposed works for each dwelling are as follows:-

Ground Floor Entry porch, open plan living/kitchen/dining room, butlers pantry, powder room, laundry and double garage.

First Floor Master bedroom with walk-in-wardrobe and ensuite, three bedrooms, study room, bathroom and linen cupboard.

The development indices for the development are summarised as:-

Site Area:	797m ²
Required landscaped area	50% or 398.5m ² for the total site area
Proposed landscaped area (Lot A)	50.5% or 201.2m ²
Proposed landscaped area (Lot B)	52.1% or 207.7m ²

6.0 ZONING AND DEVELOPMENT CONTROLS

6.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal has been designed to respect the water, thermal and energy standards required by BASIX. A BASIX Certificate has been provided to support the proposed works.

6.2 Pittwater Local Environmental Plan 2014

Clause 2.3 Zone objectives and land Use Table

The site is zoned as R2 Low Density Residential under the provisions of the PLEP 2014, gazetted on 30 May 2014.

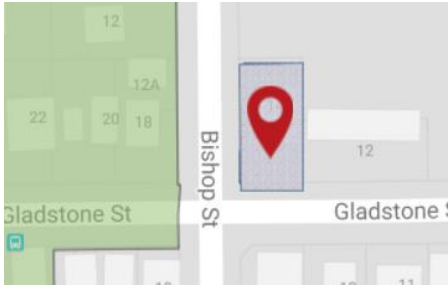
The proposed dwelling is considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the R2 Low Density Residential Zone is consistent with the zone objectives, which are noted as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

STATEMENT OF ENVIRONMENTAL EFFECTS

CONTROL	PROPOSED	COMPLIANCE
<p>Clause 4.1 Minimum subdivision size</p> <p>(4) This clause does not apply in relation to the subdivision of any land: (a) by the registration of a strata plan or strata plan of subdivision under the <i>Strata Schemes Development Act 2015</i>, or (b) by any kind of subdivision under the <i>Community Land Development Act 1989</i>.</p>	<p>The proposed dual occupancy will be subdivided by Strata title and therefore this clause does is applicable.</p>	<p>Complies</p>
<p>Clause 4.1B Minimum lot sizes for dual occupancies</p> <p>(2) Development consent may only be granted to development on a lot for the purpose of a dual occupancy if: (b) the area of the lot is equal to or greater than 800 square metres.</p>	<p>The site has an area of 797m² which is 0.375% short of the standard.</p> <p>A Clause 4.6 variation has been prepared to demonstrate that the proposal is supportable on merit having regard to the corner configuration and adjoining developments (apartment building and park).</p>	<p>No. Supportable on merit.</p> <p>Please refer to the Clause 4.6 variation report accompanying the application.</p>
<p>Clause 4.3 Height of buildings</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Max allowable height = 8.5m</p>	<p>The proposed development has a maximum building height of 8.5m at the worst point.</p>	<p>Complies</p>
<p>Clause 4.4 Floor Space Ratio</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>There is no specified floor space ratio for the subject site.</p>	<p>N/A</p>
<p>Clause 7.6 Biodiversity</p> <p>(2) This clause applies to land identified as “Biodiversity” on the Biodiversity Map. (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider: (a) whether the development is likely to have:</p>	<p>The site is adjacent to a biodiversity area but is not affected. The proposed works will not result in any adverse impacts to the adjacent biodiversity zone.</p>	<p>N/A</p>

CONTROL	PROPOSED	COMPLIANCE
<p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	 <p>Figure 9: Extract from LEP biodiversity map</p>	

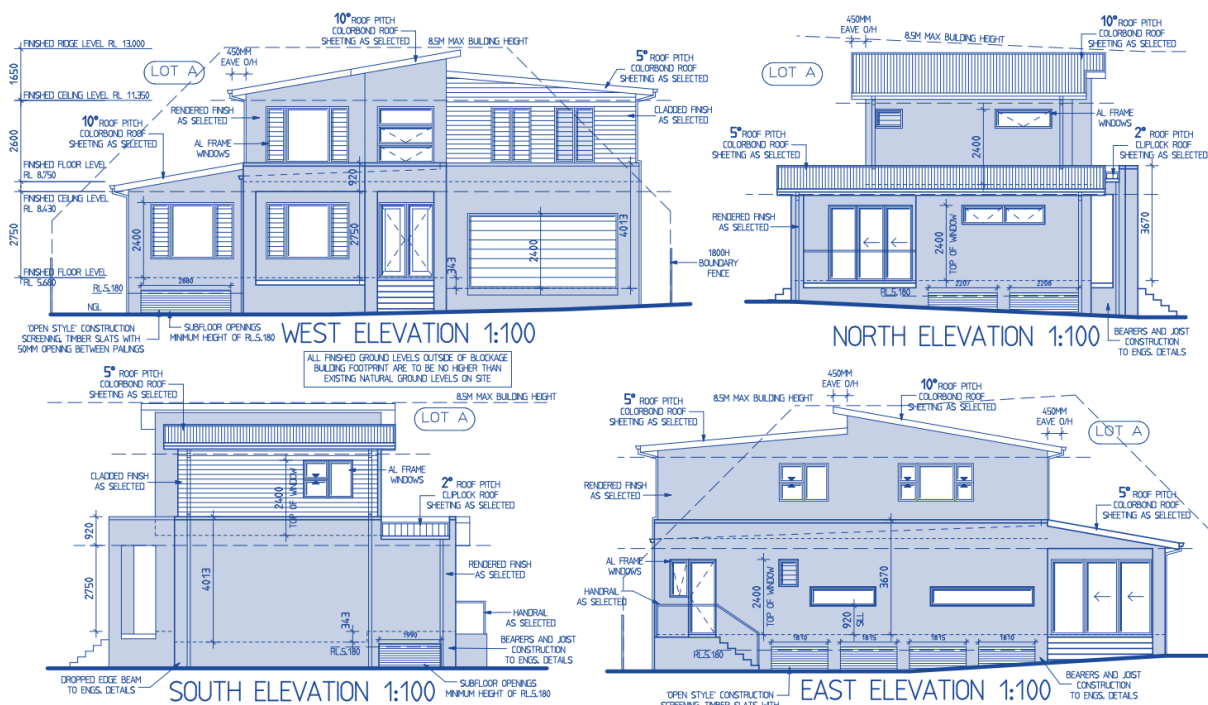


Figure 10: Extract from the architectural plan set showing the proposed elevations for Dwelling A (Bishop Street)

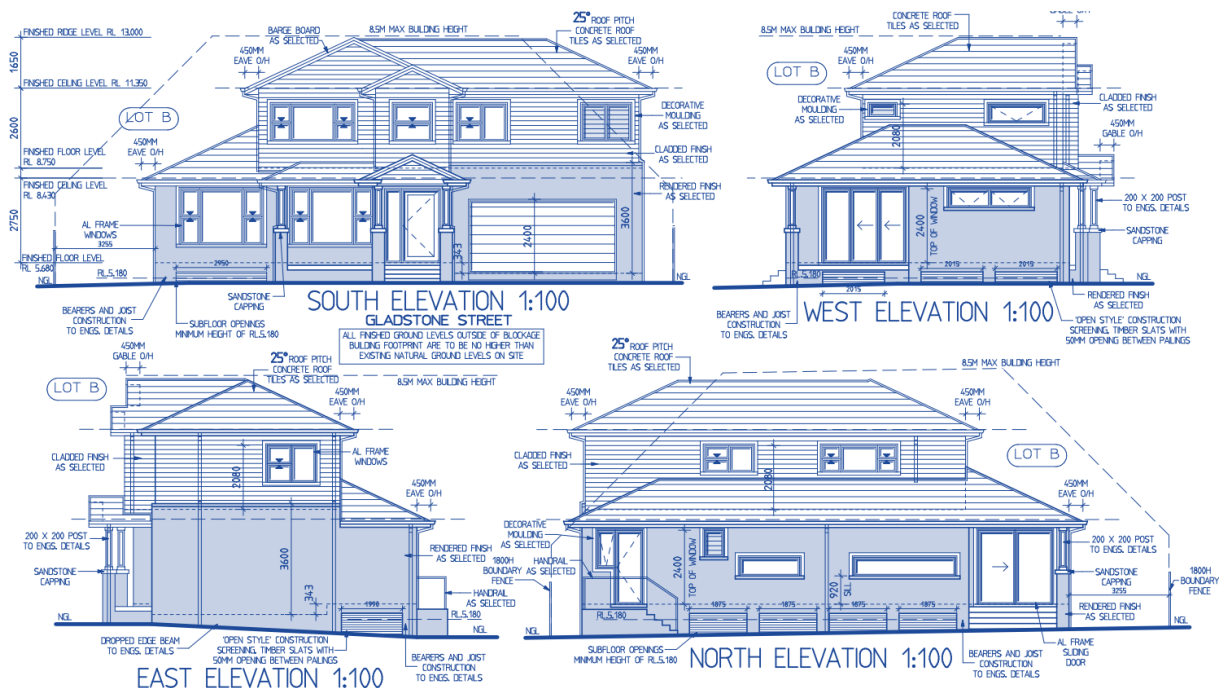


Figure 11: Extract from the architectural plan set showing the proposed elevations for Dwelling B (Gladstone Street)

6.3 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section B (General Controls), Section C (Design Criteria) 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.

6.3.1 Section A Introduction

The desired outcomes for the Newport Locality, in which this site falls, are as follows:

A4.10 Newport Locality

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 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.

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 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. 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

STATEMENT OF ENVIRONMENTAL EFFECTS

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 constructing a detached dual occupancy on a site which is currently occupied by a consistent with the low density scale of the area and which will not be visually prominent within the Gladstone Street locality.

6.3.2 Section B General Controls

The General Controls applicable to the proposed construction of a dual occupancy are summarised as:

CONTROL	PROPOSED	COMPLIANCE
Section B General Controls		
B3.11 Flood Prone Land Building components and materials likely to be affected by flood waters should be designed, built and installed so as not to be damaged by those floodwaters. All floor levels within a proposed development shall be set at the required prescriptive level with additional consideration for the following: a. The passage of flood waters; b. The purpose for which that floor area is to be used; c. The relationship with the	Flooding was discussed as an issue at the pre-DA meeting regarding the proposed works. Council made the following comments regarding this control: <i>"The property is identified as being subject to flooding in the 1 in 100 year event and is therefore subject to flood related development controls for the purposes of residential development as detailed in Clause B3.11B3.13.</i> <i>The property is in the High/Medium Risk Flood Planning Precinct and would therefore be required to address the controls under this category.</i>	Addressed in flood management report, Donovan Associates, As amended 5 Nov 2019.

STATEMENT OF ENVIRONMENTAL EFFECTS

<p>surrounding roadways; d. The relationship with the existing building if the proposal is an extension; and e. Surrounding built form and streetscape.</p>	<p><i>Based on this the following comments are provided.</i></p> <ul style="list-style-type: none"> <i>A Flood Management Report is required to be submitted with the application, guidelines to undertake this can be found on Council's webpage.</i> <i>The minimum floor level for the new dwellings must be set at or above the Flood Planning Level of 5.56m AHD.</i> <i>An updated Flood Management Report is required in accordance with Council's guidelines available on our webpage.</i> <i>The area of the subfloor must be at least 50% open to not impede the flow of flood water.</i> <i>The development must produce no net loss of flood storage, calculations to demonstrate this must be included in the Flood Management Report.</i> <i>A suitable shelter in place refuge above the Probable Maximum Flood level must be provided."</i> <p>These comments have been addressed appropriately in the proposed works. The floor level of each dwelling has an RL of 5.68. Refer to the Flood Risk Management Report prepared by Donovan Associates, as amended 5 November 2019 for further details.</p>	
<p>B4.22 Preservation of Trees or Bushland Vegetation Approval is required for tree removal.</p>	<p>The proposed works will require the removal of one street tree to allow vehicular access to the site from Gladstone Street. This is a small tree and is not considered to be significant.</p>	<p>Considered to be reasonable. Replacement planting may be conditioned.</p>
<p>B5.8 Stormwater Management – Water Quality – Low Density Residential. Developments shall incorporate the installation of stormwater quality improvement measures:</p> <ul style="list-style-type: none"> - Pre-screening of organic matter prior to the collection of rainwater in the rainwater tank. - A water quality filtration basket or equivalent primary treatment Stormwater Quality 	<p>Rainwater tanks accepting water will have stainless steel mesh screens installed at the intake point. A Stormwater Management Plan has been prepared by Donovan Associates dated 5 November 2019 and accompanies this application.</p>	<p>Complies</p>

STATEMENT OF ENVIRONMENTAL EFFECTS

Improvement Device (SQID) to collect leaf litter and coarse sediments is to be installed prior to the discharge of stormwater from the land.		
B6.2 Internal Driveways For Dual Occupancy and Secondary Dwelling development, a separate Access Driveway to each dwelling will be considered on merit, based on Council's consideration of the site constraints.	The works propose the construction of two driveways that will each provide vehicular access to each dwelling's garage. The driveway for Lot A will provide vehicular access from Bishop Street. The driveway to Lot B will be positioned on the eastern side of the Gladstone Street boundary, as per council's comments in the Pre-DA meeting. Comments from council regarding access and parking are as follows: "It is recommended that the driveway crossing for Lot A be located in a similar location to the driveway indicated in the proposal. For Lot B, it is recommended that the design be reconfigured to provide a driveway crossing from the eastern side of the Gladstone frontage adjoining No.12 Gladstone Street."	Complies
B6.3 Parking Two car spaces per dwelling are required. Garages should be setback further than the building line. Not to occupy more than 50% of the lot frontage.	Two car parking spaces per dwelling are provided in the double garages. The garage on Lot A is setback 7.1m and the garage on Lot B is setback 8.101m. The garages will not occupy more than 50% of the lot frontage.	Complies

6.3.3 Section C Development Type Controls

The Development Type Controls applicable to the proposed dual occupancy are summarised as:

Section C Development Type Controls		
C1.1 Landscaping Development must retain a range of low-lying shrubs, medium-high shrubs and canopy trees to soften the built form. 50% of the vegetation shall be local native species.	An amended landscape plan prepared by Fluid Design, Drawing Ref LP1, dated 23 October 2019 accompanies the amended application.	Complies

STATEMENT OF ENVIRONMENTAL EFFECTS

<p>C1.3 View Sharing New developments are to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p> <p>Views are not to be obtained at the expense of native vegetation.</p>	<p>No view loss will occur as a result of this development.</p>	<p>Complies</p>
<p>C1.4 Solar Access The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living area of the proposal, and windows to the principle living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p>	<p>The site is on a favourable north-south axis and shadows will fall largely on the road. The private open space area of each dwelling on site and the neighbouring properties at 12 Gladstone Street will receive compliant solar access during the winter solstice.</p>	<p>Complies</p>
<p>C1.5 Visual Privacy Private open spaces including living rooms of any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation.</p>	<p>Privacy between Lot A and B will be protected through the use of appropriate screen planting to a height of 3m. Refer to the submitted landscape plan by Fluid Design.</p> <p>The residential flat building to the east of the subject site will not be impacted by overlooking due to sufficient separation between the buildings.</p>	<p>Complies</p>
<p>C1.6 Acoustic Privacy Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, living areas and communal private open space areas.</p>	<p>No issues are anticipated in regard to this control.</p>	<p>N/A</p>
<p>C1.7 Private Open Space Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</p> <p>Within the private open space area, a minimum area of 16m² with a minimum</p>	<p>The proposed areas of private open space are: Lot A = 104.6sqm Lot B = 98.8sqm.</p> <p>There is compliant private open space in the rear yard of each dwelling. This is hatched on the site plan.</p>	<p>Complies Complies</p> <p>Complies</p>

STATEMENT OF ENVIRONMENTAL EFFECTS

<p>dimension of 4m and grade no steeper than 1 in 20 (5%)</p> <p>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</p> <p>Private open space should be located to the rear of the dwelling</p> <p>A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be useable for recreation purposes (min width 2.4m).</p>	<p>The private space is directly accessible from the open plan kitchen/living/dining room through the alfresco.</p> <p>The private open space is located at the rear of the dwellings.</p> <p>Not required or applicable to this proposal as the ground level POS complies.</p>	<p>Complies</p> <p>Complies</p> <p>N/A</p>
<p>C1.8 Dual Occupancy Specific Controls</p> <p>A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.</p> <p>Where dual occupancies (detached) are proposed, the maximum number of storeys of each dwelling shall be:</p> <ul style="list-style-type: none"> • 2 storeys for one dwelling, and • 1 storey for the second dwelling. <p>Second storeys shall cover a maximum 50% of the ground floor area.</p> <p>Dual occupancies shall have a floor space ratio in accordance with the following:</p> <p>Area 3 – 0.4:1</p>	<p>The driveways will not be adjacent to an existing dwelling.</p> <p>Each detached dwelling proposes two storeys. However it is important to note that the LEP allows for the achievement of two storeys and a DCP control may not be more onerous than a development standard in an environmental planning instrument. Each dwelling is appropriately designed and the development is compatible with the existing streetscape. The visual bulk has been reduced as the first floor of each dwelling has been stepped in.</p> <p>The proposed second storey of each dwelling will have a maximum GFA of: Lot 1 – 49.9% Lot 2 – 50%</p> <p>Each lot will have a floor space ratio less than 0.4:1 Lot 1 – 0.394:1 Lot 2 – 0.387:1</p>	<p>N/A</p> <p>Does not comply. Considered acceptable when assessed on merit.</p> <p>Complies</p> <p>Complies</p>
<p>C5.1 Landscaping</p> <p>A range of low-lying shrubs, medium-high shrubs and canopy trees shall be</p>	<p>The amended landscape plan provides for an appropriate variety of trees, shrubs and</p>	<p>Complies</p>

STATEMENT OF ENVIRONMENTAL EFFECTS









provided to soften the built form. Landscaping shall reflect the scale and form of development, and shall be incorporated into the building design through setback and modulation.	ground covers. Refer to the accompanying Landscape Plan by Fluid Design for further details (as amended 23 October 2019).	
C5.2 Safety and Security Building design should allow visitors who approach the front door to be seen without the need to open the door. Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.	The dwellings have been designed to allow surveillance of visitors to the dwelling. The entry porch and door of each dwelling appropriately address the street.	Complies Complies
C5.7 Energy and Water Conservation Buildings shall be designed to be energy and water efficient.	Refer to the BASIX Certificate for further information regarding energy and water conservation for each dwelling.	Complies
C5.8 Waste and Recycling Facilities All waste and recycling materials shall be contained within an approved enclosure and adequate vehicular provision is to be provided to remove waste.	There is adequate space in the side setbacks of each dwelling to locate waste facilities.	Complies
C5.10 Protection of residential amenity The main private open space of each dwelling and the main private open space and living areas of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. Private open space and living rooms of proposed and any existing adjoining dwellings may be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7m above floor level).	The proposed works will allow for compliant solar access to be achieved to both private open space and living areas of each dwelling. Refer to shadow diagrams for further clarification. Privacy of private open space and living rooms will be achieved through appropriate landscape screening. Refer to amended landscape plan prepared by Fluid Design, Drawing Ref LP1, dated 23 October 2019 which accompanies the application.	Complies Complies

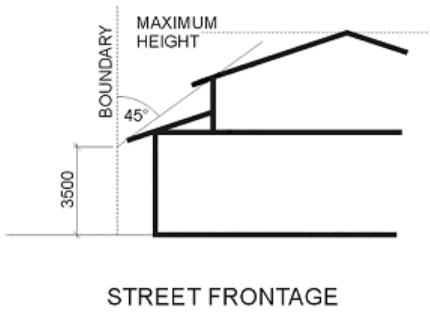
6.3.4 Section D Locality Specific Development Controls

The Development Type Controls applicable to the proposed dual occupancy are summarised as:

Section D Locality Specific Development Controls – Newport Locality		
D10.1 Character as viewed from a public place		

STATEMENT OF ENVIRONMENTAL EFFECTS

Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	The proposed dwelling on Lot A will address Bishop Street and also Newport Oval to the north. The proposed dwelling on Lot B will address Gladstone Street. Each dwelling incorporates design elements and articulation in the façade to enhance the streetscape. The northern elevation facing Newport Oval is well articulated with a recessed first floor and windows.	Complies
D10.4 Building colours and materials External colours and materials shall be dark and earthy tones as shown below: <div> <div> Black ✓</div> <div> Dark grey ✓</div> <div> Dark green ✓</div> <div> Dark brown ✓</div> <div> Mid grey ✓</div> <div> Green ✓</div> <div> Brown ✓</div> <div> Dark blue ✓</div> </div>	The proposed works will use earthy tones in the external finishes. Refer to the Schedule of external colours and materials for further detail.	Complies
D10.7 Front Building Setback The minimum front setback for R2 Low Density Residential is 6.5 metres, or established building line, whichever is greater.	The proposed dwellings maintain a front setback of at least 6.5m for each dwelling. The entry porch for Lot A is setback 5m from the front boundary and 6.5m for Lot B. The development proposes an articulation zone of 1.5m which will allow for the design to have a prominent entry point in the façade.	Considered supportable
D10.8 Side and Rear Building line The rear setback is to have a minimum of 6.5 metres.	The proposed dwelling on Lot A has a rear setback to the ground floor of 4m and the proposed dwelling on Lot B has a rear setback to the ground floor of 3.01m. A compliant setback of 6.5m is not achievable on the site for either dwelling. The objectives of this control are still achieved, despite a reduced setback. A reduced setback is considered acceptable for Lot B as the depth of the site after subdivision will be less than 20m, making a 6.5m rear setback unreasonable.	Does not comply, considered acceptable based on merit.
The side setbacks are to be 2.5m on at least one side, and 1.0m for the other side.	Lot A: 1m southern side setback and 2.5m northern side setback. Lot B: 1m eastern side setback and 3.255m western side setback.	Complies Complies

<p>D10.11 Building envelope Buildings are to be sited within the following envelope:</p>  <p>The diagram illustrates a building envelope. A vertical dashed line is labeled 'BOUNDARY'. A horizontal dashed line is labeled 'MAXIMUM HEIGHT'. A solid line represents the 'STREET FRONTAGE'. A 45-degree angle is indicated between the boundary line and the maximum height line. A dimension of 3500 is shown for the height from the street frontage to the boundary line.</p>	<p>The height plane envelopes are generally compliant when viewed from the street.</p> <p>The intent of the control is to provide guidance on the desired general built form of new dwellings. Only options of the first floor of each dwelling are outside the envelope, however the encroachment is of no material consequence to the streetscape or neighbouring amenity and may be supported.</p>	<p>Considered to comply with the intent of the control.</p>
<p>D10.13 Landscaped Area The total landscaped area on land zoned R2 Low Density Residential or R3 Medium Density Residential shall be 50% of the site area.</p>	<p>The proposed landscaped areas are as follows: Lot A = 201.2m² (50.5%) Lot B = 207.7m² (52.1%)</p>	<p>Complies</p>

7.0 MATTERS FOR CONSIDERATION - 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, SEPP BASIX and the relevant supporting Council policies. It is considered that the provisions of these environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with their 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

Northern Beaches Council has prepared Planning Proposal PP_2018_NBEAC_003_00 which seeks to prohibit dual occupancies in the R2 zone under Pittwater LEP 2014. The proposal is currently at Pre-Exhibition stage.

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 Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on: -

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,

- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

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.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

It is considered that the proposed detached dual occupancy development respects the desired character objectives of the DCP in that they reinforce the existing residential character of the area and are 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 construction of a detached dual occupancy, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 & the Pittwater 21 DCP and the Newport Locality.

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

The subject site does not exhibit any significant constraint to the construction of the proposed development.

7.8 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.

The proposed residential use of the land also sees the economic and orderly use of the land to provide for additional housing within the area, which will be designed and constructed in an environmentally friendly and sustainable manner, to the benefit of the wider community.

8.0 CONCLUSION

The principal objective of this development is to provide for demolition of the existing structures on site, construction of detached dual occupancy with subsequent Strata title subdivision at **14 Gladstone Street Newport**.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area.

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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Reviewed by:-



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