

STATEMENT OF ENVIRONMENTAL EFFECTS

Land subdivision: 1 lot into 3

**158 Elanora Road, Elanora
Heights**

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1 Introduction

1.1 Proposal Overview

This report accompanies and supports a Development Application (DA) for Torrens Title land subdivision of 1 lot into 3 lots within existing Lot 148 DP 22670 at 158 Elanora Road, Elanora Heights.

The proposal involves retention of the existing dwelling which is located towards the rear of this large 2,840 m² site and the subdivision of 1 lot into 3 lots. The existing tennis court encroaches on the adjacent southern allotment (Lot 147 in DP 22670). Correction of this is proposed by realignment of this boundary under separate DA2019/0473 (currently being assessed by Council).

The existing large lot is underutilised and offers exceptional residential amenity due to its outlook and setting. Its proposed subdivision represents an appropriate configuration that is responsive to the prevailing planning objectives for the site and the development character of the location.

The proposal has been designed to have minimum impact on the surrounding amenity and involves modest changes to the existing topography.

The proposed subdivision provides for the creation of a compliant, complimentary and compatible subdivision pattern with the proposed allotments having compliant areas, dimensions and building platforms consistent with those established by nearby development and allotments within the Elanora Heights locality generally.

The application demonstrates that the subdivision design is compliant with the relevant planning provisions (for example, car parking, access, tree management, stormwater management, and bushfire control) and that future dwellings are capable of compliance with the key built form controls being building envelope, height, setbacks, car parking and landscaped area,

It is assessed that the property can accommodate the proposed development without any significant adverse impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views. The proposal will be complementary and compatible with the site's local character and context.

1.2 Statement of Environmental Effects

This report is a Statement of Environmental Effects, pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory and the development application may be approved by Council.

1.3 Supporting documentation

The proposal is also accompanied and supported by the following expert inputs:

- Proposed plan of subdivision – Bee & Lethbridge
- Architectural Plans - Peter Zavaglia Design Studio
- Town planning – BBF Town Planners
- Detail land Survey – Bee & Lethbridge Surveying
- Stormwater management - Michael Gergich Consulting Engineer
- Bushfire assessment report – Bushfire Consultancy Australia

2 Site Analysis

2.1 Site Description

The site is located 158 Elanora Road, Elanora Heights. It is legally described as Lot 148 in Deposited Plan 22670. The site has an area of approximately 2,840 m² and is irregular in shape.

The rectangular shaped site dimensions are as follows:

- Eastern, front boundary of 12.3m and 22.7m
- Northern, side boundary of 93.7m
- Southern, side boundary of 88.965m
- Western rear boundary of 25.5m and 10.14m

2.2 Features of the site and its development

The key features of the site and its development include:

- The land is developed with a 1 & 2 storey brick and clad residence with a tiled and metal roof. At the rear of the allotment is an existing concrete swimming pool/ spa, and a full-sized tennis court within a landscaped garden setting.
- The property is irregular in shape. The site rises from Elanora Road approximately RL130m to 139m to the rear boundary, a level difference of approximately 9m.
- The existing brick and clad residence is located on the crest of the site and well setback from the Elanora Road entrance. There is a garage with terrace over on the north east side (front of the dwelling).
- The adjoining property to the north is occupied by 1 and 2 storey dwelling house within a landscape setting. The adjoining land to the south forms the entry to the Elanora Country Club (golf course); an access handle and landscape buffer.
- The property has a landscaped front yard area. Its landscaped elements include, an circular shaped driveway within the front of the property, turfed front and rear gardens, in-ground swimming pool and vegetation. The site does not contain any significant trees (as depicted on the site survey) that will be impacted by the proposal. An area of remnant bushland adjoins the rear of the site and which forms part of the Elanora Country Club and will not be impacted by the proposal.
- The existing tennis court encroaches on the adjacent southern allotment (Lot 147 in DP 22670). Correction of this is proposed by realignment of this boundary under separate DA2019/0473 (currently being assessed by Council).
- The size and dimension of the subject allotment is substantially greater than the majority of the sites located in the vicinity of the subject property with the resulting allotment characteristics clearly differing to that of surrounding properties.
- The subdivision pattern in the location is irregular, comprising hillside, angular boundary alignments.

- Car parking is provided for a single vehicle within the existing garage and within the driveway
- Figures below depict the character of the property and its existing development.

2.3 Zoning and key environmental considerations

The property is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014 (LEP) as is most of the surrounding land.

The site is not affected by key environmental considerations like, heritage, geotechnical risk and flooding. The site is affected by acid sulfate soils, biodiversity and bush fire considerations. These matters are addressed in Section 4 of this report.

There are no zoning or environmental characteristics that present impediments to the improvements proposed to the land.

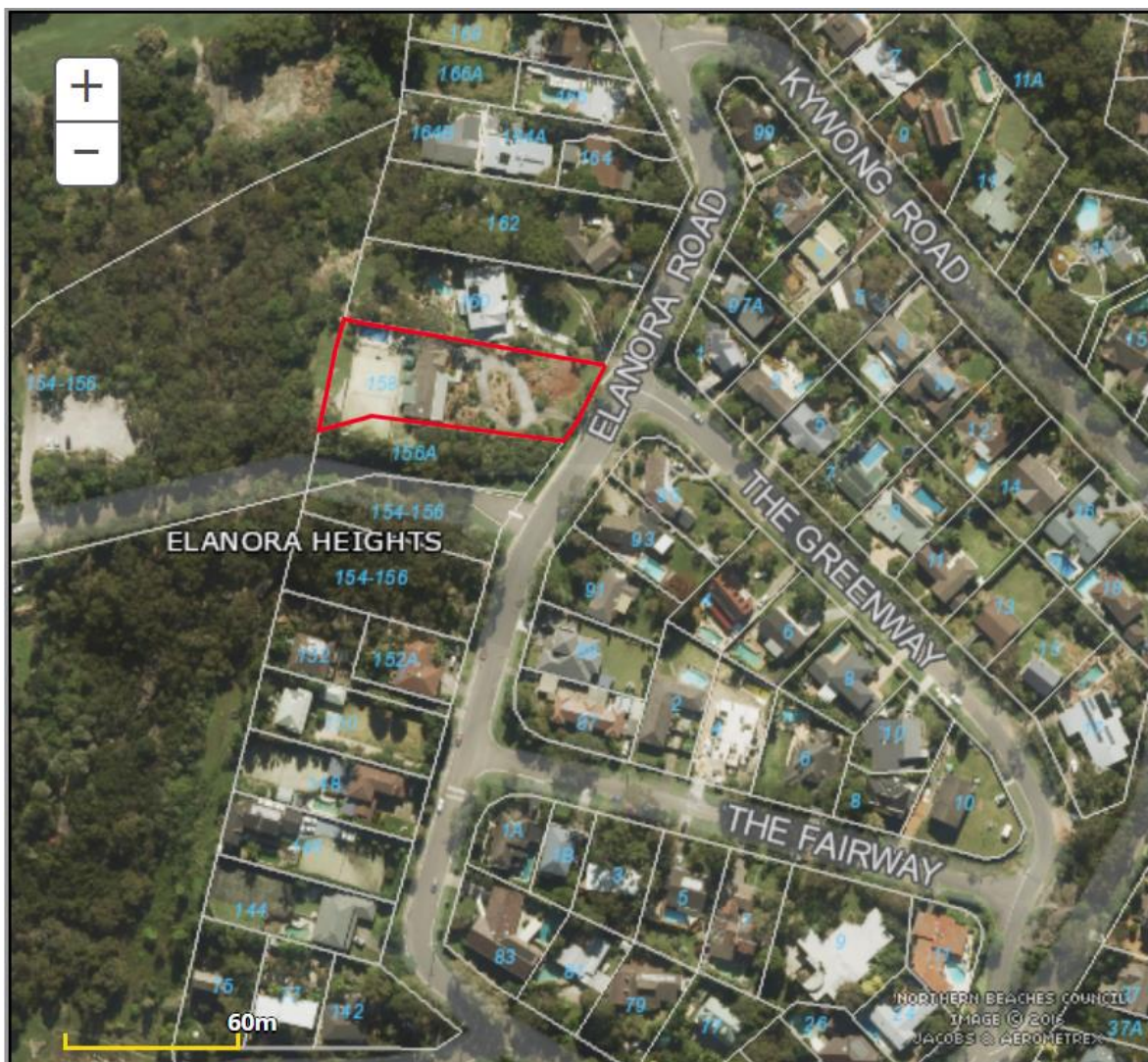


Figure 1 – Location of the site within its wider context (courtesy Google Maps)



Figure 2 – Location of the site and its existing development footprint (courtesy Six Maps)



Figure 3 – Existing dwelling, driveway, and landscaped area on the subject site



Figure 4– Existing dwelling, parking space, driveway, and landscaped area on the subject site



Figure 5 – Existing dwelling, driveway, and garage on the subject site



Figure 6 – Existing driveway, landscaped area, and northern boundary interface



Figure 7 – Interface with neighbouring dwelling at 160 Elanora Road



Figure 8 – Existing landscaped character at the front of the site



Figure 9 – Power lines exist on the opposite, eastern side of Elanora Road



Figure 10 – View to the east from the existing driveway upon the subject site



Figure 11 –Existing driveway at the front of the subject site



Figure 12 - The adjoining land to the south forms the entry to the Elanora Country Club entry, being 3 separate lots addressed as 154, 156, and 156A Elanora Road.



Figure 13 – existing streetscape looking north

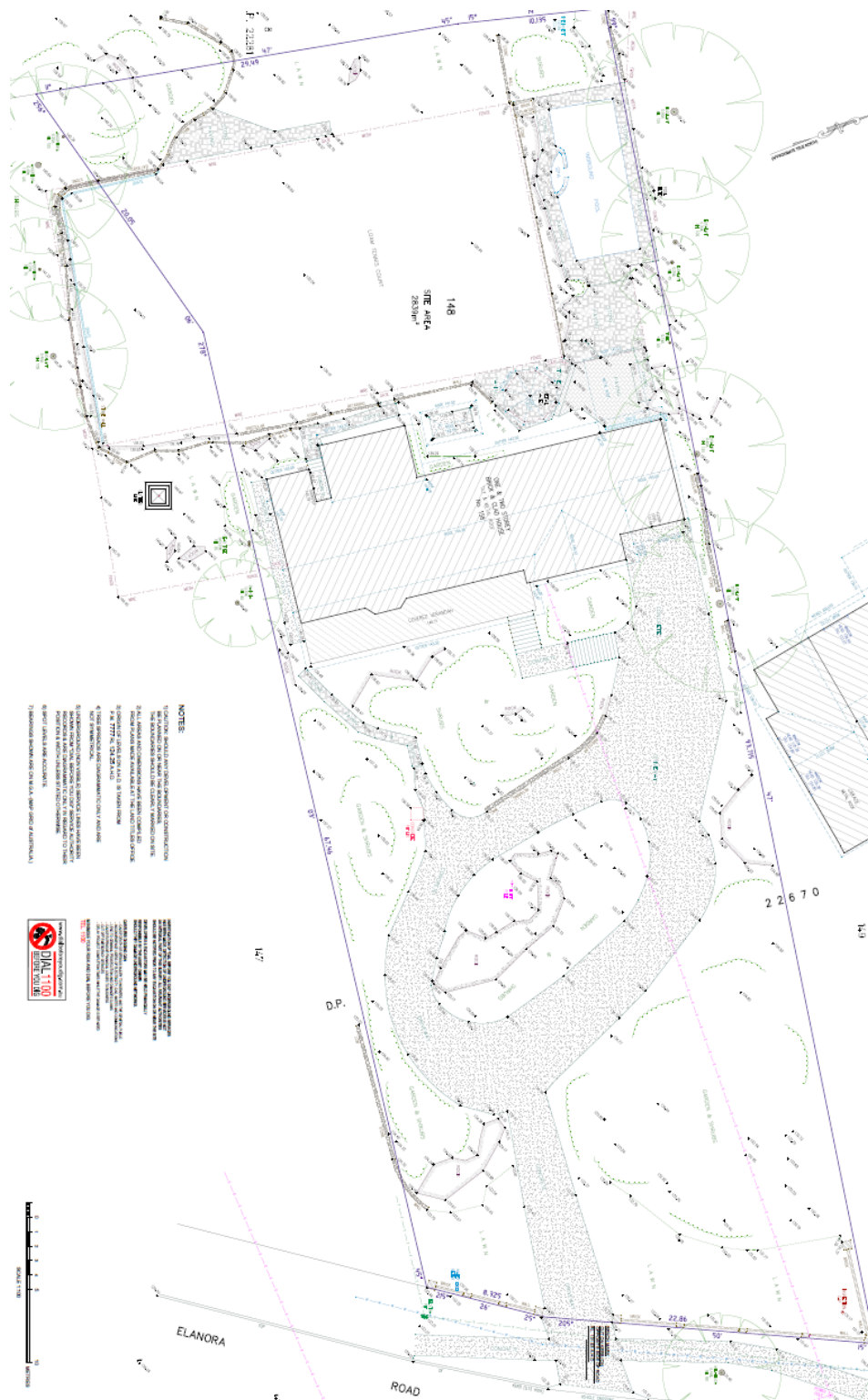


Figure 14 – excerpt of site survey plan. The existing tennis court encroaches on the adjacent southern allotment (Lot 147 in DP 22670).



Figure 15 – The existing tennis court encroaches on the adjacent southern allotment (156A - Lot 147 in DP 22670). Correction of this is proposed, partly by realignment of this boundary as shown in the plan below.

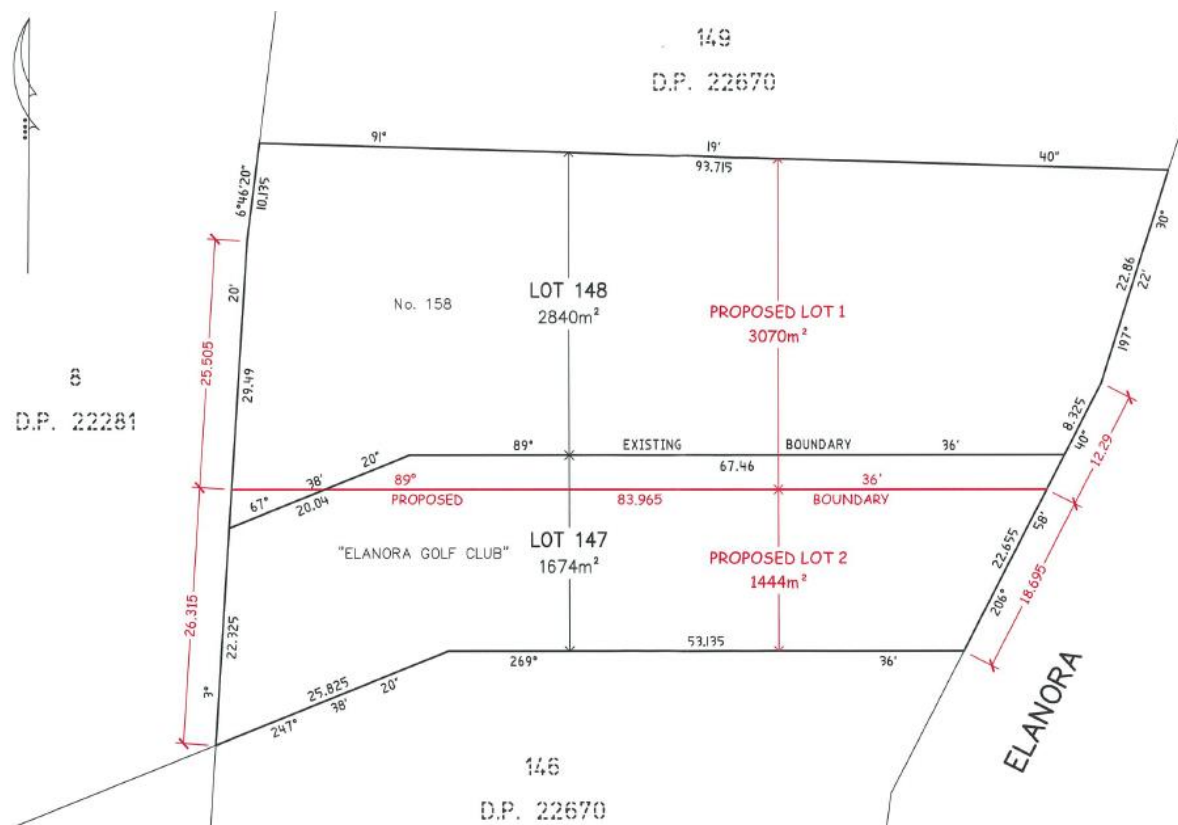


Figure 16 - boundary realignment plan

3 Description of Proposed Development

3.1 Overview

The application seeks development consent for Torrens Title land subdivision of 1 lot into 3 lots within existing Lot 148 DP 22670 at 158 Elanora Road, Elanora Heights.

The proposed changes are depicted in the accompanying plans by:

- Proposed subdivision and indicative building footprint plans by Peter Zavaglia Design Studio
- Stormwater drainage by Michael Gergich Consulting Engineer
- Survey and draft plan of subdivision by Bee & Lethbridge Surveying

3.2 Breakdown

A breakdown of the key aspects of the proposal are noted as follows:

- Alterations and additions to the existing vehicle access and manoeuvring to the existing dwelling prior to issue of a Subdivision Certificate.
- Construction of vehicle access points, driveways, and turning areas.
- OSD drainage and utility servicing to each resulting allotment is proposed as part of the application and as depicted on the drainage prepared by Michael Gergich Consulting Engineer.
- Torrens Title Subdivision to make a boundary adjustment between Lot 148 (the subject site) and 147 (the southern adjacent allotment) in DP 22670. The existing tennis court encroaches on the adjacent southern allotment (156A - Lot 147 in DP 22670). Correction of this is proposed, partly by realignment of this boundary.
- Torrens Title Subdivision of the existing allotment to create 3 allotments of compliant size and dimension.
- The proposed subdivision is depicted on the draft plan of subdivision prepared by Bee & Lethbridge Surveying that accompanies the application.

The proposed allotments will have the following characteristics:

Proposed Lot 1	
Lot area	1,969.9m ² (1,833.4m ² excluding access)
Lot depth	approx. 55 metres
Lot width	approx. 39.6 metres
Indicative Building Envelope	NA – Existing dwelling retained
Proposed Lot 2	
Lot area	550.6m ²
Lot depth	approx. 38.5 metres
Lot width	approx. 15.5 metres
Indicative Building Envelope	175 m ²
Proposed Lot 3	
Lot area	550.6m ²
Lot depth	approx. 34.7 metres
Lot width	approx. 15.0 to 15.6 metres
Indicative Building Envelope	175 m ²

Proposed Boundary Realignment under separate DA2019/0473 – between Lot 148 (the subject site) & Lot 147 147 (the southern adjacent allotment – which is part of the Elanora Country Club)

Lot 147 areas	existing 1,674m ² - proposed 1,444m ²
Lot 148 areas	existing 2,840m ² - proposed 3,070m ²

OSD drainage and utility servicing to the proposed new allotments as part of the application and as depicted on the accompanying plans. Vehicle access manoeuvring and car parking provision as depicted on the accompanying plans.

3.3 Compatible with subdivision pattern and planning controls

The proposed subdivision provides for the creation of a complimentary and compatible subdivision pattern with all proposed allotments having areas, dimensions and building platforms consistent with those established by adjoining development and allotments within the Elanora Heights locality generally.

This report and accompanying plans demonstrate that future dwelling houses are able to be designed and sited on the proposed allotments in accordance with the applicable built form controls and without any unacceptable or inappropriate streetscape, residential amenity or environmental impacts. The subsequent dwelling house designs will be the subject of separate development applications lodged at a future time.

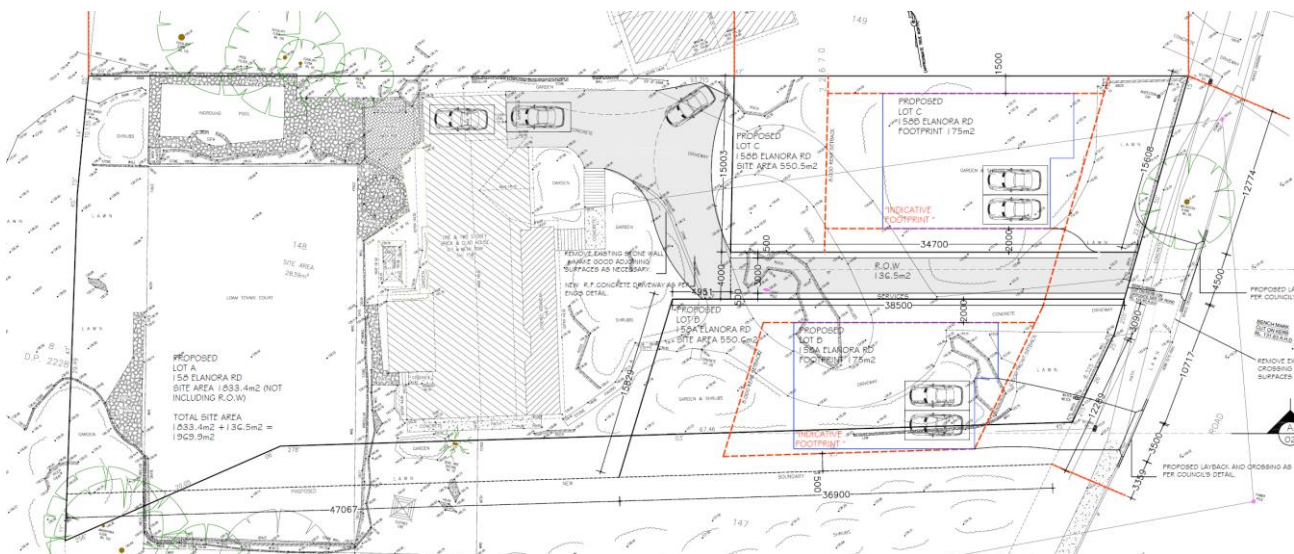


Figure 17 – the configuration of the proposed subdivision of Lot 148 in to 3 lots

The proposed Torrens Title land subdivision 1 lot into 3 lots:

- will provide the existing subdivision and streetscape pattern and will complement its appearance when viewed from the street and public spaces;
- will provide an additional 2 allotments that are compatible with each other
- will provide an additional allotment capable of accommodating a detached dwelling capable of being designed to satisfy the prevailing planning provisions applicable to the site.

- will provide 2 allotments, with development footprints, that will be located within a landscaped setting that are capable of blending with the character of the locality.

3.4 Supporting information

The proposal is also accompanied and supported by the following expert inputs:

- Proposed plan of subdivision – Bee & Lethbridge
- Architectural Plans - Peter Zavaglia Design Studio
- Town planning – BBF Town Planners
- Detail land Survey – Bee & Lethbridge Surveying
- Stormwater management - Michael Gergich Consulting Engineer
- Bushfire assessment report – Bushfire Consultancy Australia

4 Environmental Assessment

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Pittwater Local Environmental Plan 2014
- State Environmental Planning Policies – as relevant
- Pittwater Development Control Plan 21

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters is addressed within Section 5 of this report, and the town planning justifications are discussed below.

4.1 Pittwater Local Environmental Plan 2014

As previously noted, the site is zoned E4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014 (LEP).

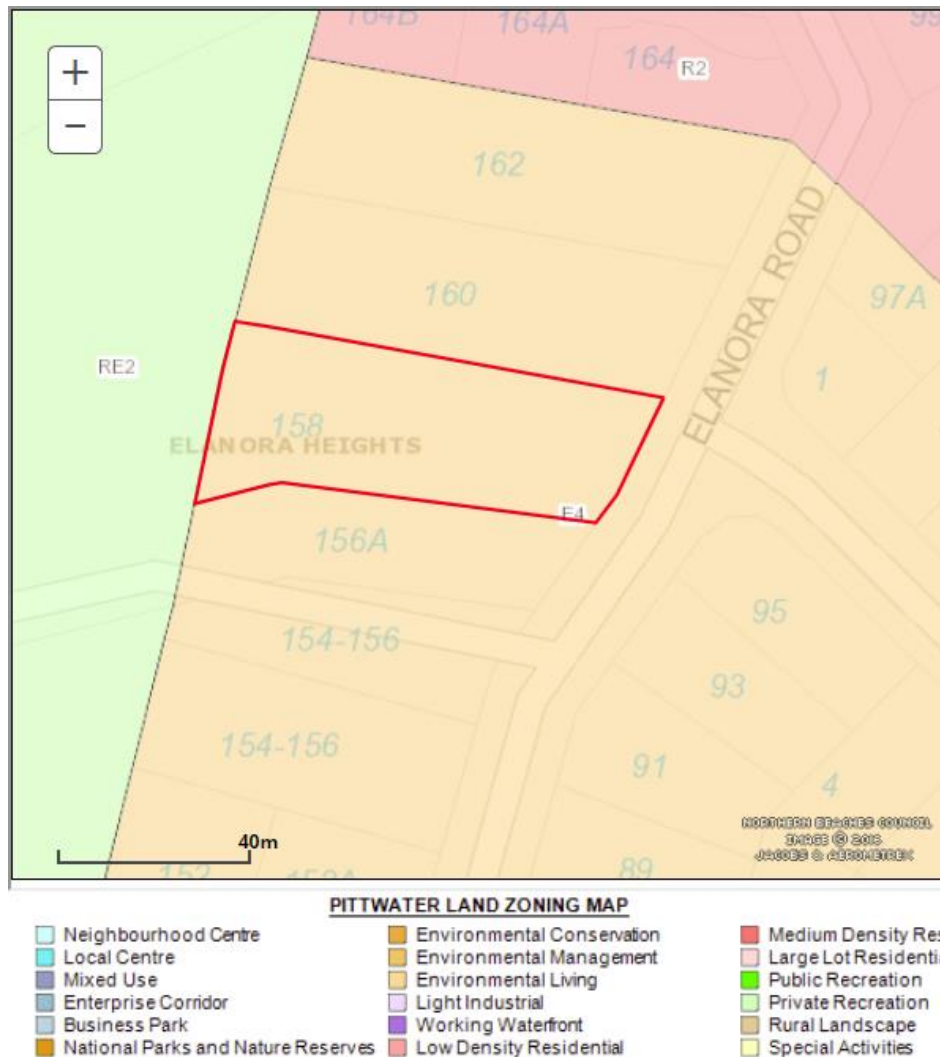


Figure 19 – zone excerpt (State Planning Portal)

The proposal constitutes land subdivision and alterations to the existing property. The proposal is permitted within this zone with Development Consent.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone' in relation to the proposal.

The objectives of the zone are as follows:

- 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.

As previously indicated the proposed lot sizes comply with the minimum subdivision lot size standard and are of a size and dimension able to accommodate future dwelling houses taking into account the environmental constraints and opportunities identified through initial site analysis.

We have formed the opinion that the proposed subdivision does not defeat the zone objectives as outlined through the maintenance of a low impact and low density residential environment and which will enable future dwelling houses which will integrate with the landform. Accordingly, there is no statutory impediment to the granting of consent.

The proposed development is consistent with the zone objectives as it retains a low impact residential use on the site which does not give rise to any unacceptable ecological, scientific or aesthetic impacts.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

4.1.1 Clause 4.1 of the LEP

Pursuant to clause 4.1 of PLEP 2014 the minimum subdivision lot size is 550m². As previously indicated, the subdivision proposes to create 3 allotments having the following site areas (exclusive of the area of the ROW/ access handle):

Proposed Lot Areas exclusive of the area of the ROW/ access handle	
Lot 1	1,833.4m ²
Lot 2	550.6m ²
Lot 3	550.6m ²

The stated objectives of clause 4.1 are as follows:

- (a) *to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,*

Comment: The proposed subdivision lot sizes and pattern are consistent with the desired character of the locality, and compatible with the pattern, size and configuration of existing lots in the locality.

- (b) *to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,*

Comment: The sites are not burdened by any hazards. Future development is capable of being safe from hazards.

- (c) *to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,*

Comment: This objective is able to be satisfied as detailed previously in this report.

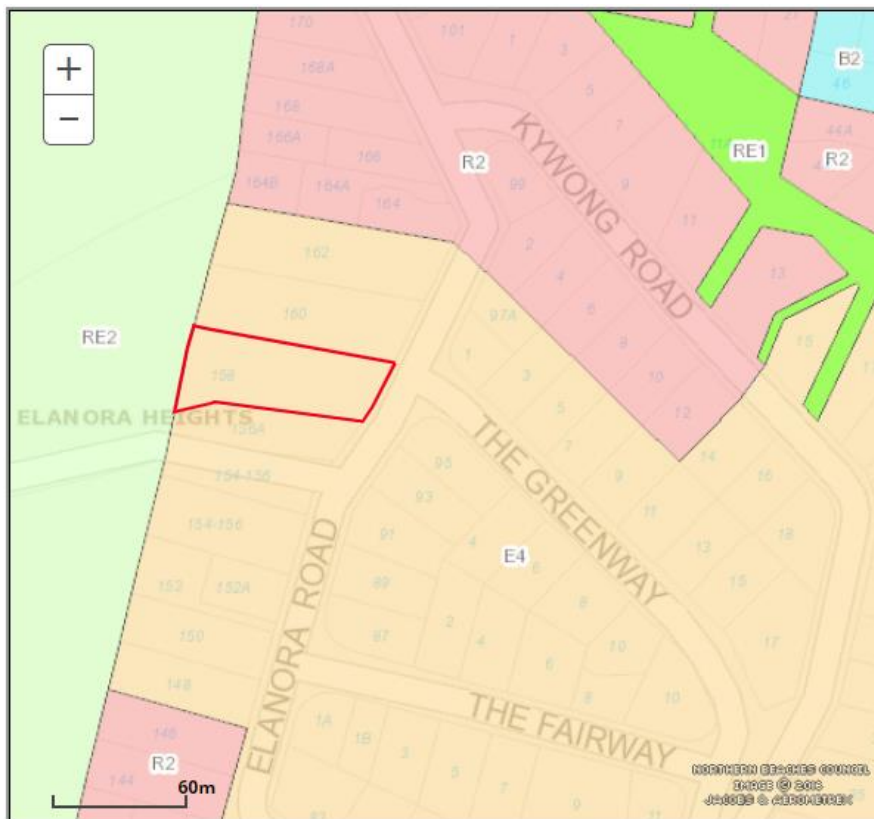


Figure 20 – adjacent and nearby subdivision pattern



Figure 21 – battle-axe shaped allotments to the north and large lots potentially capable of being subdivided

- (d) *to provide for subdivision that does not adversely affect the heritage significance of any heritage item or heritage conservation area,*

Comment: N/A

- (e) *to provide for subdivision where all resulting lots can be provided with adequate and safe access and services,*

Comment: The proposal includes the development of an access driveway which will adequately service the proposed lots.

- (f) *to maintain the existing function and character of rural areas and minimise fragmentation of rural land,*

Comment: N/A

- (g) *to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

Comment: The accompanying documentation confirms that all 3 lots are of adequate size and dimension to accommodate compliant dwelling houses having minimal adverse environmental, streetscape and residential amenity consequences. There is sufficient certainty as to future built form outcomes to enable dwelling house designs to be the subject of future development applications.

Clearly the proposed subdivision satisfies the minimum allotment size standard and the objectives associated with such controls. Accordingly there is no statutory impediment to the granting of consent.

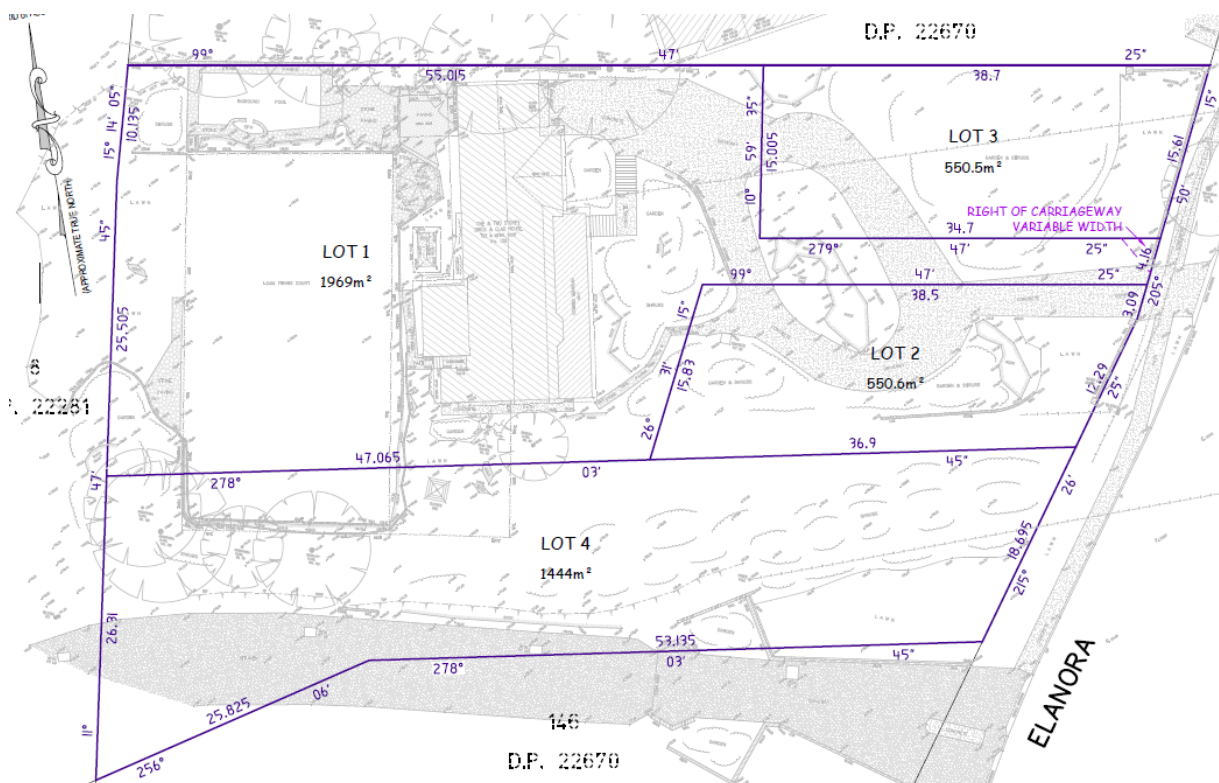


Figure 22 – the overall subdivision outcome proposed (excerpt from draft plan of subdivision)

4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses		NA
LEP Clause 5.10 Heritage Conservation		NA
Part 6 of LEP – Additional Local Provisions		

LEP Provision	Response	Complies
LEP Clause 7.1 Acid sulfate soils	Excavation is proposed above AHD RL 5.00	Yes
LEP Clause 7.2 Earthworks	The proposed is accompanied by a geotechnical assessment	Yes
LEP Clause 7.3 Flood planning	NA	NA
LEP Clause 7.4 development on sloping land	A preliminary geotechnical assessment accompanies and supports the application	Yes
LEP Clause 7.5 Coastal risk planning	NA	NA
LEP Clause 7.6 Biodiversity	<p>Pursuant to Clause 7.6, the site is identified on the biodiversity map.</p> <p>The proposed works are predominantly within the footprint of the existing development that is located upon the property, on the eastern side of the existing dwelling. In our assessment it is unlikely that the proposal would have an adverse impact on any threatened ecological community.</p> <p>No existing significant trees are proposed to be removed as a result of the proposal.</p> <p>The provisions of clause 7.6 are assessed as being satisfied by the proposal.</p>	Yes
LEP Clause 7.10 - Infrastructure	<p>In accordance with clause 7.10 of the LEP, the proposal includes civil design plans, a drainage plan and new driveway that will service the 3 proposed lots. The other services of water, telephony, electricity and sewage will use the established services with appropriate easements for services nominated on the subdivision plan.</p> <p>The plan confirms that the essential services can be located on the property without adversely impacting on the existing trees.</p> <p>It is concluded that these assessment provisions are satisfactorily addressed by the proposal and it is worthy of support in terms of the site's ability to appropriately accommodate essential services.</p>	Yes

4.3 Bushfire prone land

The site is within a bushfire prone area and subject to the provisions of the Rural Fires Act 1997. As a result, the proposal is accompanied and supported by a bushfire protection assessment report by Bushfire Consultancy Australia.

The report concludes, inter-alia, that:

‘This report has considered all of the elements of bushfire attack and provided the proposed development is carried out in accordance with the recommendations of Section 11 of this report, it is my considered opinion that the development satisfies the Objectives and Performance requirements of the Building Code of Australia, Planning for bushfire Protection 2018 and Australian Standard AS3959, 2009’.

Subject to compliance with the report’s recommendations, the proposal satisfies planning for bushfire protection requirements.

4.4 State Environmental Planning Policy – BASIX

The proposed land subdivision is not BASIX affected development as prescribed in the regulations. A BASIX assessment report will accompany future Development Applications for the new dwellings.

4.5 State Environmental Planning Policy No. 55 – Remediation of Land

Council shall not consent to the carrying out of any development on land unless it has considered the provisions of SEPP No. 55 – Remediation of Land (“SEPP 55”). In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

Council’s records indicate that site has only been used for residential uses.

The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.

The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential subdivision. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

5 Development Control Plan

The Pittwater Development Control Plan 21 is applicable to the proposal. Relevant provisions of the Pittwater DCP are addressed below.

5.1 Overview

The proposed Torrens Title land subdivision 1 lot into 2:

- will provide the existing subdivision and streetscape pattern and will complement its appearance when viewed from the street and public spaces;
- will provide an additional 2 allotments that are compatible with each other;
- will provide an additional allotment capable of accommodating a detached dwelling capable of being designed to satisfy the prevailing planning provisions applicable to the site;
- will provide 2 allotments, with development footprints, that will be located within a landscaped setting that are capable of blending with the character of the locality.

5.2 Elanora Heights Locality

The property is within the Elanora Heights Locality. This report demonstrates that the future dwelling houses on the 2 additional lots are able to be designed and sited in accordance with the applicable built form controls and without unacceptable streetscape, residential amenity or tree loss impacts to meet the desired future character of the Elanora Heights locality.

A low-density residential area will be maintained and add to the housing stock availability. The significant trees on the site are to be retained. Overall, the proposed development outcome is assessed as being consistent with the desired future character of the locality.

Key provisions of the DCP are addressed as follows.

5.3 Stormwater drainage (B5.10 of the DCP)

The proposal is accompanying and supported by an engineering assessment and design by Michael Gergich Consulting Engineer that addresses stormwater disposal from the property.

The Stormwater drainage plans that accompany the application confirm that the lots can be gravity drained to the street system. The following overview is provided from their documentation:

I certify that my Stormwater Drawing No 1922-1 & 2 and dated 30.4.19 complies with AS 3500, Local Council DCP Stormwater requirements and Clause 3.36 of the Code SEPP.

I certify that this stormwater design complies Council's On-site Detention Technical Specification.

Based on the above the proposal is assessed as satisfactory in addressing stormwater drainage considerations.

5.4 Car parking and access

The proposal has been assessed in relation to car parking and access considerations and is accompanied by a plans prepared by Peter Zavaglia Design Studio. The proposal appropriately responds to the relevant provisions of C3 of the DCP noting that:

- the low traffic generation will not result in any adverse traffic circumstances
- the proposed parking provision is compliant with the DCP criteria
- the design of vehicle access, parking and circulation will accord with the appropriate standards
- the proposed vehicle access arrangements will be suitable and appropriate
- safe and convenient vehicular access will be constructed to all allotments with waste removal being undertaken by Council from the street frontage.

It is assessed that the car parking provision meets and exceeds the minimum requirements generated by the proposed development. The proposal appropriately satisfies the DCP as it relates to onsite car parking. In conclusion, the proposal complies with the DCP, and provides an adequate number of parking and service spaces that meets the demands generated by the development.

5.5 Trees

The site does not contain any significant trees (as depicted on the site survey) that will be impacted by the proposal.

Furthermore, an area of bushland adjoins the rear of the site and which forms part of the Elanora Country Club and will not be impacted by the proposal.

Pursuant to Clause B4.22 of the DCP 'Preservation of Trees or Bushland Vegetation', the provisions of this clause are assessed as being satisfied by the proposal.

5.6 Waste

Operational waste management has been considered and addressed by the proposal. Space is available for a bin storage area within each lot with sufficient access to the driveways, connecting to the street with waste removal being undertaken by Council from the street frontage. Based on the above the proposal is assessed as satisfactory in addressing waste management considerations.

5.7 Principal development controls for land subdivision

Section B of the DCP contains general development controls. Section B2.2 of the DCP contains provisions relating to Land Subdivision.

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows. Where a numerical non-compliance is identified, this is addressed separately below the table.

Control	Requirement	Response	Complies?
<ul style="list-style-type: none"> Minimum lot width 	<ul style="list-style-type: none"> 15m 	<ul style="list-style-type: none"> Proposed lot 1 – 25m approx. Proposed lot 2 – 15.5m approx. Proposed Lot 3 – 15-15.5m approx. 	<ul style="list-style-type: none"> Yes Yes Yes
<ul style="list-style-type: none"> Minimum lot depth 	<ul style="list-style-type: none"> 27m 	<ul style="list-style-type: none"> Proposed lot 1 – 47-55m approx. Proposed lot 2 – 36.9-36.8m Proposed Lot 3 - 34.7-38.7m 	<ul style="list-style-type: none"> Yes Yes Yes
<ul style="list-style-type: none"> Maximum land slope (measured between the highest and lowest points on the proposed allotment) 	<ul style="list-style-type: none"> 20% 	<ul style="list-style-type: none"> Proposed Lot 1 - existing dwelling retained Proposed Lot 2 – approx. 7.5% Proposed Lot 3 – approx. 7.5% 	<ul style="list-style-type: none"> Yes Yes Yes
<ul style="list-style-type: none"> The minimum area for building shall be: 	<ul style="list-style-type: none"> 175m² 	<ul style="list-style-type: none"> Proposed Lot 1 – existing dwelling retained Proposed Lot 2 – 175 m² Proposed Lot 3 – 175 m² 	<ul style="list-style-type: none"> Yes Yes Yes

5.8 C4 Design Criteria For Land Subdivision

Section C4 of the DCP contains provisions relating to design criteria for Land Subdivision.

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows. Where a numerical non-compliance is identified, this is addressed separately below the table.

Control	Requirement	Response	Complies?
<ul style="list-style-type: none"> C4.1 Protection from hazards 	<ul style="list-style-type: none"> Subdivisions and buildings are to be designed to have low risk from hazards: bushfire flooding landslip coastline creeks. 	<ul style="list-style-type: none"> The proposal appropriately addresses these matters and is accompanied and supported by the relevant reports. 	<ul style="list-style-type: none"> Yes
<ul style="list-style-type: none"> C4.2 Access Driveways and Off-Street Parking Facilities 	<ul style="list-style-type: none"> If access is proposed within a right-of-way it must be constructive as part of the subdivision works Second driveway maybe committed where the site has a 30 meter minimum frontage to a public road 	<ul style="list-style-type: none"> Complies, see civil engineering details The site has a 30 meter frontage to a public road and two driveway crossings are proposed 	<ul style="list-style-type: none"> Yes Yes
<ul style="list-style-type: none"> C4.3 Transport and Traffic Management 	<ul style="list-style-type: none"> Must demonstrate there is capacity within the current transport network including public transport to support the additional demand generated by the proposal 	<ul style="list-style-type: none"> 2 new lots proposed, resulting in only a minor increase in demand for existing provisions. 	<ul style="list-style-type: none"> Yes
<ul style="list-style-type: none"> C4.4 Public Roads, Footpath and Streetscape 	<ul style="list-style-type: none"> Only applicable if public roads are proposed within the subdivision 	<ul style="list-style-type: none"> NA 	<ul style="list-style-type: none"> NA
<ul style="list-style-type: none"> C4.5 Utility Services 	<ul style="list-style-type: none"> All proposed lots must be fully serviced Must be located underground – current services and proposed 	<ul style="list-style-type: none"> The proposal appropriately addresses these matters and is accompanied and supported by the relevant reports. There are no significant elevated services passing the front boundary of the property. Elevated services are located on the eastern side of the roadway and this is not a matter for the proposal's compliance. 	<ul style="list-style-type: none"> Yes NA
<ul style="list-style-type: none"> C4.6 Service and delivery vehicle access in land subdivisions 	<ul style="list-style-type: none"> Roads and accessways within the subdivision are to be designed and constructed to accommodate access for 	<ul style="list-style-type: none"> NA to proposal for additional lot 	<ul style="list-style-type: none"> Yes

Control	Requirement	Response	Complies?
	waste, recycling, service, emergency and delivery vehicles.		
<ul style="list-style-type: none"> C4.7 Land Subdivision - Amenity and Design 	<ul style="list-style-type: none"> Building envelopes for each new dwelling need to be shown as part of the subdivision application. The onus is on the proponent to demonstrate that the subdivision's resulting lots and houses can be built and satisfy all of councils planning requirements, for example in relation to: <ul style="list-style-type: none"> access retention of trees Safety from hazards The amenity (sunlight, privacy, views, visual impact) of neighbours 	<ul style="list-style-type: none"> Yes The proposal provides well considered building envelopes. The proposal appropriately addresses these matters and is accompanied and supported by the relevant reports. Noting the, topography and location of the indicative building footprints – no significant or unreasonable impact will result on the existing amenity. 	<ul style="list-style-type: none"> Yes
<ul style="list-style-type: none"> C4.8 Land Subdivision - Landscaping on the existing and proposed public road reserve frontage to subdivision lots 	<ul style="list-style-type: none"> Landscaping in the public road reserve is to include street trees planted to the road reserve frontage of the development placed at 6m centres. Street trees are to be planted to encourage the free passage of pedestrians along the road verge and not interfere with existing power lines. 	<ul style="list-style-type: none"> The proposal appropriately addresses these matters and is accompanied and supported by the relevant reports. 	<ul style="list-style-type: none"> Yes

5.9 Pittwater DCP principal built form controls for the indicative dwelling footprints

The following tables contain a profile of Pittwater's principal planning controls affecting the design of any future dwelling resulting from the proposed subdivision development. Whilst future dwelling houses on the 2 new allotments will be the subject of separate development application(s) lodged at a future time, the following table profiles the indicative dwelling footprints against the key built form controls.

The additional allotments are of a size and dimension that are able to accommodate fully compliant dwelling houses, designed and sighted to maintain established view lines, compliant solar access and appropriate residential amenity to the adjoining residential land. These matters will be fully considered and addressed in the preparation of subsequent dwelling house development applications. Further, the proposed allotments will be suitably landscaped in accordance with Council's requirements with such landscape regime detailed in any subsequent development application.

DCP principal built form controls the indicative dwelling footprints			
Control	Requirement	Proposed	Complies
Part D: Locality Specific Development Controls for the Elanora Heights Locality			
▪ Front building line	▪ 6.5m or average of adjoining	▪ Proposed lots B & C – meet or exceed the minimum 6.5m	▪ Yes
▪ Side and rear building line	Side: ▪ 1.0m one side ▪ 2.5m to other side Rear: 6.5 m	Proposed Lot 1 – Existing dwelling retained NA Proposed Lot 2 – complies Proposed Lot 3 – complies The indicative dwelling footprints are compliant with this control	▪ Yes ▪ Yes ▪ Yes
▪ Building Envelope	▪ 3.5m at 45 degrees measured at the side boundary	▪ Future dwelling designs are capable of compliance. ▪ This is a matter to be assessed in future applications.	▪ Yes
▪ Landscaped Area - General	▪ 60% minimum	The indicative dwelling footprints are compliant with this control and demonstrate the following: Proposed Lot 2 – 60% Proposed Lot 3 – 60%	▪ Yes
Part C: Development Type Controls			
▪ Private Open Space (PoS) (C1.7 DCP)	▪ 80 m ² at ground floor ▪ 16 m ² (out of the 80m ²) must be provided off a principal living area of the dwelling. 4m x 4m min	▪ Future dwelling designs are capable of compliance	▪ Yes

	dimension and grade no steeper than 1 in 20 (5%)		
<ul style="list-style-type: none"> Solar Access (C1.4 DCP) 	<ul style="list-style-type: none"> Min 3 hours to each proposed dwelling within the site. Min 3 hours to neighbouring dwellings PoS areas. 	<ul style="list-style-type: none"> Future dwelling designs are capable of compliance. This is a matter to be assessed in future applications. 	<ul style="list-style-type: none"> Yes
<ul style="list-style-type: none"> Views 	<ul style="list-style-type: none"> New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. 	<ul style="list-style-type: none"> Future dwelling designs are capable of compliance This is a matter to be assessed in future applications. 	<ul style="list-style-type: none"> Yes
<ul style="list-style-type: none"> Privacy 	<ul style="list-style-type: none"> Privacy DCP's objectives. 	<ul style="list-style-type: none"> Future dwelling designs are capable of compliance This is a matter to be assessed in future applications. 	<ul style="list-style-type: none"> Yes
Part B: General Controls			
<ul style="list-style-type: none"> B5.10 Stormwater Discharge into Public Drainage System. 	<ul style="list-style-type: none"> Connected by gravity means to street or established piped system. 	<ul style="list-style-type: none"> Connected by gravity means to via proposed piped system, OSD, and easement for services on the property to the street system. 	<ul style="list-style-type: none"> Yes
<ul style="list-style-type: none"> Car Parking (B6.5 DCP) 	<ul style="list-style-type: none"> 2 spaces per 2 or more bedroom dwellings Minimum dimensions – see excerpt table below 	<ul style="list-style-type: none"> Existing 2 garage car parking space will be maintained. 	<ul style="list-style-type: none"> Yes
RESIDENTIAL DEVELOPMENT CONTROLS			
Character as viewed from a public place	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	Future dwelling designs are capable of compliance	Yes

	compatible with any design themes for the locality.		
Scenic Protection – General	<p>Achieve the desired future character of the Locality.</p> <p>Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.</p>	Future dwelling designs are capable of compliance	Yes

6 Section 4.15 the Environmental Planning and Assessment Act 1979

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental Impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction phase of the works;
 - Economic benefits, arising from the investment in improvements to the land;
 - Social (and environmental) benefits arising from the increased utilisation of existing, zoned, urban land for residential use and additional housing provision.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP and the relevant provisions of the Council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

7 Conclusion

The application seeks development consent for Torrens Title land subdivision of 1 lot into 3 lots within existing Lot 148 DP 22670 at 158 Elanora Road, Elanora Heights.

The proposed subdivision provides for the creation of a compliant, complimentary and compatible subdivision pattern with the proposed allotments having compliant areas, dimensions and building platforms consistent with those established by adjoining development and allotments within the Elanora Heights locality generally.

The accompanying documentation confirms that the lots are of adequate size and dimension to accommodate compliant dwelling houses having acceptable environmental, streetscape and residential amenity consequences. Each allotment can be gravity drained to the existing street drainage system and appropriately serviced by existing infrastructure.

The proposal presents an opportunity to provide additional housing in an established residential locality with high amenity for future occupants. The property is capable of accommodating the proposal within the established environmental constraints of the land without any significant changes or impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views.

This report demonstrates that the proposal is appropriately located and configured to complement the property's established neighbourhood character. The proposal succeeds when assessed against the Heads of Consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 and should be granted development consent.

BBF Town Planners



Michael Haynes
Director

Appendix 1 DA Appendices – under separate cover