

STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of a Two-Storey Dwelling and an inground Swimming Pool

At

**No.31 Lane Cove Road (Lot E DP311874)
Ingleside, NSW 2101.**

March 2022

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1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for the applicant seeking an approval for the Construction of a two-storey dwelling and an inground swimming pool at No. 31 Lane Cove Road, Ingleside NSW 2101. The site is legally described as lot E DP 311874 and has an area of 919.73m².

The proposed dwelling will comprise of an Entry Porch, entrance, study, guest bedroom with ensuite, powder room, media, laundry, stairs, an open type plan containing kitchen with pantry, dining and family area that opens on to Alfresco area & rear yard and pool area at ground level. The first floor has 4 bedrooms, an ensuite with WIR to Master bedroom, an ensuite with WIR to Master bedroom 2, rumpus and bathroom for remaining two bedrooms. Balconies are proposed to Master bedroom towards street frontage and to bedroom 3 and Master bedroom 2 towards rear of the site. A double garage is proposed for parking to the dwelling. Vehicular access is provided from the Land Cove Road.

The site is within zone RU2 – Rural Landscape pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

This Statement accompanies architectural plans prepared by Dream Homes Job No. D88 (15 sheets) Issue A dated 21/3/2022, and supporting documentation as required by Council. This report assesses the proposed development against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and includes mainly the following planning controls:-

- The Environmental Planning and Assessment Act Regulation 2000
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
- Pittwater 21 Development Control Plan 2014 (P21DCP 2014)

This Statement is divided into five sections. The remaining sections include a locality and site analysis, a description of the proposal, an environmental planning assessment and conclusion.

The SEE concludes that the proposed development, being a dwelling house, is a permissible land use pursuant to the Pittwater Local Environmental Plan 2014 and the proposal will have no adverse impacts on the primary character and presentation of the building or its scale, siting, setbacks and amenity of the future adjoining buildings.

As a result of the assessment, it is concluded that the application addresses the controls satisfactorily and that the granting of consent to the application is justified and is worthy of support.

2.0 PROPERTY DESCRIPTION

The subject allotment is known as No. 31 Lane Cove Road, Ingleside and is legally described as lot E DP 311874. The site has an area of 919.73m². The site is zoned RU2 – Rural Landscape under the Pittwater Local Environmental Plan 2014 (PLEP 2014). The property is neither in a heritage conservation area or heritage listed nor is it located within close proximity to any such items.

The locality plan is provided below.

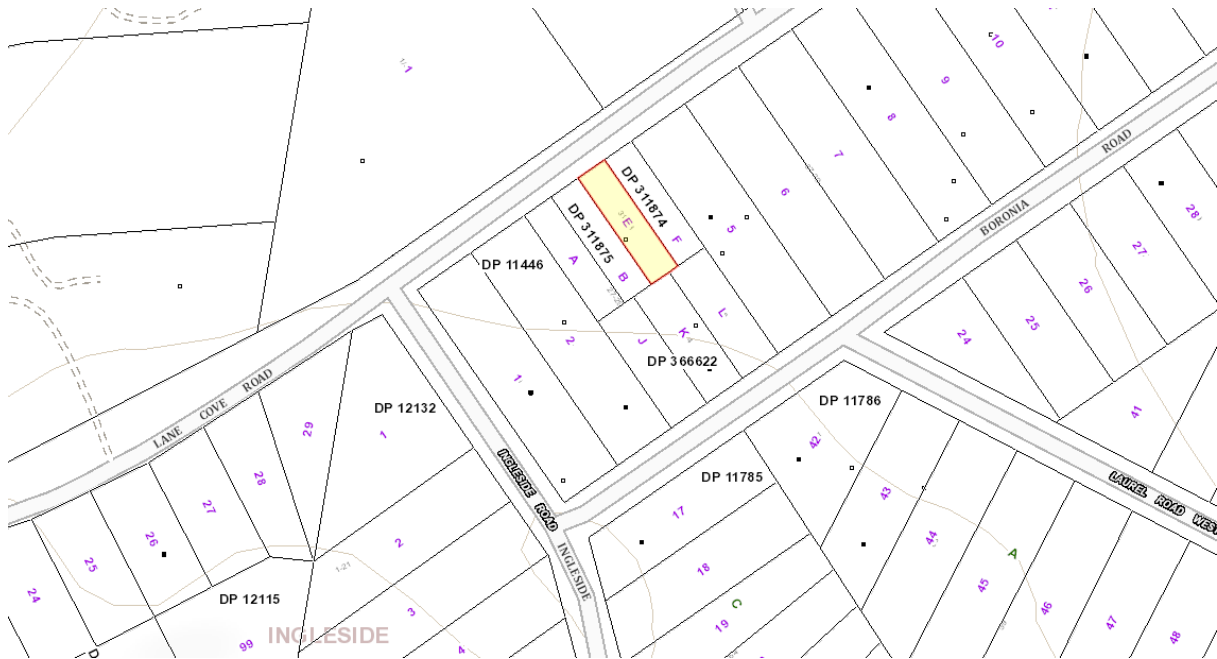


Figure 1 Location Map

3.0 SITE DESCRIPTION

The site is located on the western side of the Lane Cove Road, Ingleside. The site is rectangular in shape and has an east west orientation with east facing frontage to the Lane Cove Road. The site slopes from north east corner to south west corner with a fall of 600mm (approximately). The site has a frontage of 15.24m to Lane Cove Road, a depth of 60.35m with a total area of 919.73m². The site is currently vacant. Vehicular access to the site is achieved from the Lane Cove Road. No significant vegetation or significant site feature exists on site that may inhibit the proposed development. However, the site has vegetation along the Lane Cove Road. The site has been identified on Council's Bushfire Prone Land Map and a Bushfire Risk Assessment has been prepared and submitted with this application to Council.

The site is also identified as being Class 5 Acid Sulphate Soils Area. There are no other identified constraints affecting the land.

The aerial photo is provided below.



Figure 2 Aerial Photograph of the Site & Surrounding

4.0 SURROUNDING ENVIRONMENT

The general vicinity of the site is characterised by low scale, rural/residential developments between one and two storeys in height within landscaped settings. The subject site is a vacant lot and adjoins a two-storey dwelling to its immediate west. Whilst vacant lot adjoins the site to its east and a detached dwelling is existing to the rear and north of the site. As indicated on the aerial photograph, the area is characterised by low scale residential developments

5.0 PROPOSED DEVELOPMENT

As detailed within the accompanying plans, it is proposed to construct a two-storey detached dwelling with an inground swimming pool.

Specifically, the proposal seeks approval for the following works:-

Ground Floor Plan

As detailed in the attached architectural plans the proposed dwelling will comprise of the following at ground level.

Entry Porch, entrance, study, guest bedroom with ensuite, powder room, media, laundry, stairs, an open type plan containing kitchen with pantry, dining and family area that opens on to Alfresco area & rear yard and pool area at ground level. A double garage accessible from Land Cove Road is proposed to provide car parking for the proposed development.

First Floor Plan

The first floor has 4 bedrooms, an ensuite with WIR to Master bedroom, an ensuite with WIR to Master bedroom 2, rumpus and bathroom for remaining two bedrooms. Balconies are proposed to Master bedroom towards street frontage and to bedroom 3 & Master bedroom 2 towards rear of the site.

6.0 RELEVANT STATUTORY & LOCAL PLANNING CONTROLS

In accordance with the Environmental Planning and Assessment Act 1979, the following assessment considers the proposal against the relevant planning instruments.

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

The development is required to demonstrate compliance with the design principles embodied in the Building Sustainability Index (BASIX). All commitments listed on a BASIX certificate are marked on all relevant plans and specifications. An energy assessment and BASIX certificate for each dwelling are provided with the application.

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

SEPP 55 provides controls and guidelines for the remediation of contaminated land. In particular, the policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of environment. The Site is not identified as contaminated land on S10.7 Planning Certificate.

Further investigation and reporting under SEPP 55 is not warranted.

6.3 Pittwater Local Environmental Plan 2014 (PLEP 2014)

Permissibility

The subject site is zoned RU2 – Rural Landscape pursuant to the provisions of the Pittwater Local Environmental Plan 2014. Under the provisions of PLEP 2014 a dwelling is defined as:

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

Note - Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

The proposal comprises one dwelling located on one lot of land. Accordingly, the proposed development of a two-storey dwelling is a permissible land use within RU2 – Rural Landscape zone.

Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

2 Permitted without consent

Extensive agriculture; Home businesses; Home occupations

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Forestry; Function centres; Home-based child care; Home industries; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Respite day care centres; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

The development of and use of land for low scale residential purposes as a dwelling house within RU2 Rural landscape is consistent with the zone objectives in that the proposed development will be consistent with the desired future character of the surrounding residential development within the locality for the following reasons:

- The proposal will be consistent with the intent of the zoning and complement the existing development within the locality,
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality;
- The proposal provides for the construction of a dwelling house which will not have any substantial impact to the neighbouring properties,
- The setbacks are compatible with the existing surrounding development,
- The proposal does not have any unreasonable impact on long distance views and does not unreasonably increase the demand for public services or public facilities, and
- The proposal is not in conflict with land uses within the locality or within adjoining zones.

The following table summarises the relevant controls under the Pittwater Local Environmental Plan 2014 applicable to the subject site.

Clause	Proposal	Compliance
Part 4 Principal Development Standards		
<p>Clause 1.2 – Aims of the Plan are:</p> <p>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</p> <p>(a) to promote development in Pittwater that is economically, environmentally and socially sustainable,</p> <p>(b) to ensure development is consistent with the desired character of Pittwater's localities,</p> <p>(c) to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,</p> <p>(d) to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,</p> <p>(e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,</p> <p>(f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,</p> <p>(g) to protect and enhance Pittwater's natural environment and recreation areas,</p> <p>(h) to conserve Pittwater's European and Aboriginal heritage,</p> <p>(i) to minimise risks to the community in areas subject to environmental hazards including climate change,</p> <p>(j) to protect and promote the health and well-being of current and future residents of Pittwater.</p>	<p>The main aim of this application is to facilitate the balanced growth and to meet the needs of the community while preserving the natural and built environment of the area. The proposal meets these aims by providing a liveable, safe and environmentally sensitive designed dwelling to meet housing availability by constructing a new two-storey dwelling.</p>	Yes
Clause 1.3 – Land to which Precinct Plan applies	The subject site is a land governed by the plan.	Yes
Clause 2.1 – Land Use Table Zone RU2 – Rural Landscape Objectives of the zone; & Permitted with consent.	As discussed above, the proposed development satisfies the zone objectives and is a permissible land use i.e., dwelling houses with the development consent from the Council on the site.	Yes
Clause 4.3 – Height of buildings – 8.5m	7.6m to the highest point on the building(Refer East Elevation)	Yes

4.4 Floor Space Ratio – The subject site is not identified with a maximum FSR	0.40:1 (369.73m ²)	Yes; FSR is not applicable to this site.
Clause 5.10 – Heritage conservation	The subject site is not within heritage conservation or have local/state heritage item that is listed.	N/A
Clause 5.11 – Bushfire Hazard Reduction	The site is identified as Bushfire Prone land. A bushfire assessment report is submitted.	Yes
Clause 7.1 – Acid Sulphate Soils	The site is identified as Class 5 - Acid Sulphate Soils	
Clause 7.2 – Earthworks	The extent of excavation related to pool is not inconsistent with in immediate vicinity and Ingleside in general.	Yes
Clause 7.6 – Biodiversity Protection This clause applies to land identified as “Biodiversity” on the Biodiversity Map.	The subject site is identified on the Biodiversity map. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.	Yes; for Council's consideration
Clause 7.7 – Geotechnical Hazards	The site is not identified as being Geotechnical Hazard H1 or H2 on Council's Geotechnical Hazard Map.	Yes
Clause 7.11 – Essential Services	All essential services required for this development exists on the site and across the road.	Yes

Accordingly, the application is considered consistent with the relevant provisions of Pittwater Local Environmental Plan 2014.

6.4 Pittwater 21 Development Control Plan 2014

Pittwater 21 Development Control Plan 2014 (P21DCP 2014) Section C (Development Type Controls) and Section D6 Ingleside Locality statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality applies to the subject site.

The following table summarises the relevant controls under the Pittwater 21 Development Control Plan 2014 applicable to the subject site.

Pittwater 21 DCP 2014 -Compliance Table		
Clause/Requirements	Proposal	Compliance
Section B – General Controls B5 – Water Management <i>B5.5 Rainwater Tanks – Other Development</i> <i>Additional Impervious Area – 320m²</i>		Yes

<p><i>Minimum RW tank storage capacity – 8,000L</i></p> <p>Section C – Development Type Controls C5 – Design Criteria for Other Development <i>Clause C5.1 – Landscaping</i> - A range of low-lying shrubs, medium-high shrubs and canopy trees shall be 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.</p> <p>- In bushfire prone areas, species shall be appropriate to the bushfire hazard.</p> <p><i>Clause C5.2 Safety and Security</i> - 4 CPTED principles that need to be used in the assessment of development applications to minimise the opportunity for crime include: i) Surveillance, ii) Access, iii) Territorial reinforcement, iv) Space management.</p> <p><i>Clause 5.4 – View Sharing</i> All new development is to be designed to achieve a reasonable sharing of views available from the surrounding and nearby properties.</p> <p><i>Clause 5.16 Building Facades</i> Building façade to any public place must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.</p> <p>Section D – Locality Specific Development Controls (Section D6 – Ingleside Locality) <i>Clause D6.1 Character as viewed from a Public Place</i> Walls without articulation shall not have a length greater than 8m to any street frontage.</p>	<p>Proposed underground RWT – 8000L</p> <p>Apart from existing plants on site, additional low-lying shrubs will be planted to partly screen and soften the built form.</p> <p>The subject land is located in area identified as “a bushfire buffer zone’ so the planting is minimized and limited to species appropriate to bushfire hazard.</p> <p>All necessary measures considered in designing the proposed development.</p> <p>The proposed development is not anticipated to have any unreasonable impact on surrounding properties due to complying setback, bulk & scale and topography of the site.</p> <p>Satisfactory complies</p> <p>Compliance is met by: - providing entry porch; - Front façade articulation</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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<p><i>Any building façade to a public place must incorporate at least two of the following design features:</i></p> <ul style="list-style-type: none"> i. entry feature or portico; ii. awnings or other features over windows; iii. verandahs, balconies or window box treatment to any first-floor element; iv. recessing or projecting architectural elements; v. open, deep verandahs; or vi. verandahs, pergolas or similar features above garage doors. <p><i>Clause D 6.3 Building Colours & materials</i></p>	Colour schedule provided	Yes
<p><i>Clause D6.5 Front Building Line – 15m</i></p>	15m	Yes
<p><i>Clause D6.6 Side and rear building line</i> <i>2.5m to at least one side & 1m for other side</i></p>	GF & FF – 2.5m side A & 1m side B (North-western side)	Yes
<p><i>Rear – 6.5m</i></p>	24.25m	Yes
<p><i>Clause D6.7 Building Envelope</i> <i>Planes are to be projected at 45 degrees from a height of 3.5m above ground level (existing) to the side boundaries.</i></p>	Merit assessment	No; a variation is requested below.
<p><i>Clause D6.9 Landscaped area – Blue Hatched area</i> <i>Residential development where site area is less than 2ha (including dwellings, buildings and structures such as garages, home workshops, storage sheds and the like that are ordinarily incidental or subsidiary to a dwelling) – 96% of the total site area minus 300sqm i.e., 583m²</i></p>	583.38m ²	Yes
<p><i>Clause D6.10 Fences</i></p>	The proposal includes the construction of 1.8m metal mesh fence.	Yes

6.5 Request for variation to Building Envelope

Control D6.7 of Section D of Locality Specific Development Controls for Ingleside locality requires planes to be projected at 45 degrees from a height of 3.5m above ground level (existing) to the side boundaries to the maximum building height. This control requires the buildings to be sited within the building envelope determined by the planes projected at 45 degrees. The building plane has been drawn and shown on the South elevation (refer elevations drawing page No 6 issue A dated 7/3/2022) in accordance with figure shown as Street Frontage under control D6.7 as below:



Accordingly, the Building envelope is non-compliant with the DCP Control. The development proposes a small variation and is limited to a small portion of the parapet wall towards the side setback and is due to the roof design which is proposed as flat roof and therefore a variation is requested to be considered on merits. Clause D6.7 refers to the relevant outcomes and controls of this clause.

The stated outcome of the control are as follows:

- *To achieve the desired future character of the Locality.*
- *To enhance the existing streetscapes and promote and building scale and density that is below the height of the trees of the natural environment.*
- *To ensure new development responds to, reinforces and sensitively relates so spatial characteristics of the existing natural environment.*
- *The bulk and scale of the built form is minimised.*
- *Equitable preservation of views and vistas to and/or from public/private places.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*
- *Vegetation is retained and enhanced to visually reduce the built form.*

It is noted that the roof eaves, gutter and parapet are permissible encroachment element having regard to these provision in particular to the building height and building scale that complies with the maximum permissible building height under the Pittwater LEP 2014.

Having regard to the performance of the proposal when assessed against the objectives of the control, it is considered that a strict compliance with the development control is unreasonable and unnecessary as follows:

- The breaching element is confined to a small areas of parapet element of the building façade with the breach reflected in the south elevation facing street frontage contained above the roof/ceiling of the upper level.

- The breaching element is due to the roof design that does not prevent the development from achieving the desired future character of the Ingleside locality which encourages two-storey detached dwellings complying with the maximum permissible building height under the Pittwater LEP 2014.
- Notwithstanding the breaching element, the proposal responds to, reinforces and sensitively relates to the spatial characteristics of the existing natural environment.
- The proposed development does not dominate the streetscape and is of 'human scale'. Within rural residential areas, buildings give the appearance of being two-storey maximum.
- The subject site has a gentle fall across the street frontage and the development is highly responsive to the topography of the site and presents with an appropriate, 2-storey scale to the street.
- The proposal has been highly articulated and modulated building façade to minimise the bulk and scale of the development.
- The non-compliance/breaching element of the development does not affect any public or private views.
- The proposal does not result in any adverse privacy, amenity or unacceptable solar access to adjoining and adjacent properties.
- The non-compliance with building envelope control will not result in any compromise with the landscape quality as well as compliance with the landscape area requirement of the development.

Given the development's ability to satisfy the objectives of the building envelope control, notwithstanding the minor building envelope encroachment, strict compliance is considered both unreasonable and unnecessary in this case.

Further, such variation succeeds pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of the controls/standards for dealing with that aspect of the development. Accordingly, a variation to the building envelope control is requested to be considered on merits in this case.

6.6 Swimming Pool Compliance

In regards to Pittwater 21 DCP Section C1.17 Swimming Pool Safety, the controls stipulate *“Swimming pool fencing and warning notices shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices be permanent structures”*.

Swimming Pool Act 1992 No.49 -

7 General requirements for outdoor swimming pools

- (1) The owner of the premises on which a swimming pool is situated must ensure that the swimming pool is at all times surrounded by a child-resistant barrier—
 - (a) that separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises, and
 - (b) that is designed, constructed, installed and maintained in accordance with the standards prescribed by the regulations.

From the controls demonstrated by the Pittwater DCP and the Swimming Pool Act 1992, it is safe to say that the swimming pool proposal at hand complies with the controls set out from the above information. Through the fences nominated to be located around the pool as permanent structures to ensure the safety of all pedestrians that walk past the swimming pool

7.0 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

7.1 The provisions of any environmental planning instrument – S41.5(1)(a)(i)

The proposal is subject to the provisions of SEPP BASIX, The Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of these environmental planning instruments have been satisfactorily addressed within this report and that the proposal achieves compliance with provisions under these instruments. The subject property is zoned RU2 – Rural Landscape under the provisions of the Pittwater Local Environmental Plan 2014 and the proposed development is a permissible land use within this zone. There are no other Environmental Planning Instruments applying to the site.

7.2 Any draft environmental planning instrument - S4.15(1)(a)(ii)

There are no draft Environmental Planning Instruments applying to the subject land.

7.3 Any development control plan - S4.15(1)(a)(iii)

The development has been designed to comply with the requirements of the Pittwater 21 Development Control Plan 2014.

The proposal has been assessed against the key controls of P21DCP 2014 as discussed above, the proposal is considered satisfactory against these controls. The non-compliance with the building envelope is discussed in this report and a variation is requested to be considered on merits.

7.4 Any planning agreement under Section 7.4 - S4.15(1)(a)(iiia)

No matters of relevance are raised regarding the proposed development.

7.5 Any matter prescribed by the regulations - S4.15(1)(a)(iv)

No matters of relevance are raised regarding the proposed development.

7.6 Any coastal zone management plan (Coastal Protection Act 1979) - S4.15(1)(a)(iv)

No matters of relevance are raised regarding the proposed development.

7.7 The likely impacts of that development - Section 4.15(1)(b)

It is considered that the proposed development, as described previously, is reasonable and achieves the objectives of the relevant planning controls. It is considered that the resultant development is compatible with and will complement the future character of the area. The development will be consistent with the objectives of the RU2 – Rural Landscape under the Pittwater Local Environmental Plan 2014. The proposal will have an acceptable impact on the environment and the amenity of the nearby future residential development. It is considered that the resultant development is compatible with and will complement the low scale, rural/residential character of the area.

7.8 Suitability of the Site – Section 4.15(1)(c)

It is considered that the subject site is suitable as it is zoned appropriately, and of a suitable size and shape to accommodate the proposed development. The design responds to the allotment configuration and topography to produce an appropriate and acceptable planning outcome for the site.

7.9 Submissions made in accordance with this Act - Section 4.15(1)(d)

This is a matter for Council in the consideration of this proposal.

7.10 The Public Interest - Section 4.15(1)(e)

The proposal will not adversely impact upon the environment, the character of the locality or upon the amenity of future adjoining properties and is therefore considered not to be contrary to the public interest.

8.0 CONCLUSION

The proposed development, which seeks an approval for the construction of a new two-storey dwelling and an inground swimming pool at No. 31 Lane Cove Road, Ingleside NSW 2101, has been assessed against the requirements of Section 4.15 of the Act, Pittwater Local Environmental Plan 2014, Pittwater 21 Development Control Plan 2014 (as applicable to the site). The proposal seeks a variation to the building envelope development control of the Pittwater DCP 2014 and the variation has been discussed in this report. This Statement of Environmental Effects has demonstrated that the proposal will not unreasonably impact upon the natural or built environment or the amenity of surrounding future properties and is generally compliant with the Pittwater LEP 2014 and the P21DCP 2014 except a variation to building envelope. It is our opinion that this application, as described within this Statement, is reasonable and supportable and should be approved by Council under delegated authority.