

**STATEMENT OF ENVIRONMENTAL EFFECTS  
FOR  
ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE FOR A CAR PORT  
AT  
4 ELAINE AVENUE, AVALON BEACH**



**Prepared for Mrs Loraine  
Russell  
March 2025**

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# 1. Introduction

## 1.1 Overview

This Statement of Environmental Effects (SEE) is prepared on behalf of Mrs. Loraine Russell (the owner) for alterations and additions to their dwelling house to construct a new driveway and double car port, with associated works at 4 Elaine Avenue, Avalon Beach (site) and accompanies plans prepared by AH Design and supporting documentation as listed at Section 1.3 of this SEE.

This SEE provides details of the subject site, surrounding environment, proposed development and compliance with the relevant Environmental Planning Instruments (EPIs) and planning controls.

The proposed development, by virtue of the sympathetic design that is in keeping with the surrounding area and does not create any harm to neighbouring occupiers or the surrounding environment, is considered acceptable and warrants the support of Council.

## 1.2 Statement of Environmental Effect

This report is a Statement of Environmental Effects, pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979 (EP&A Act). In preparing this document, consideration has been given to the following:

- Environmental Planning & Assessment Act 1979 (the Act) (as amended)
- Environmental Planning & Assessment Regulation 2000
- Relevant Statement Environmental Planning Policies (SEPPs)
- Pittwater Local Environmental Plan, 2014 (LEP)
- Pittwater 21 Development Control Plan, 2014 (DCP)

## 1.3 Supporting information

The subject DA is supported by the following:

- Statement of Environmental Effects prepared by Karen Buckingham of Planning Progress
- Master Set Plans prepared by AH Design dated March 2025 including the following:
  - Notification drawing
  - Site & roof plan, proposed elevations, sections and shadow diagrams
  - Sedimentation drawing

- Waste Management Plan
- Boundary Identification Survey prepared by Adam Clerke dated 13/02/2025 reference number 7411A
- Cost Summary Report
- Owners consent form completed

Please note that a Driveway Application will be submitted to Council's Development Engineers, as per Council's requirements.

## 2. Site Description and analysis

### 2.1 Property and Site Description

The subject site is located at 4 Elaine Avenue, Avalon Beach. The legal description of the site is Lot 37 DP16153.

The existing dwelling house to which this DA relates is a single / two storey, 5-bedroom dwelling house, constructed of weatherboard and a metal roof. The existing dwelling house has the front, primary street frontage to Elaine Avenue at the northeast boundary and side, secondary street frontage to Elaine Avenue at the southeast boundary. The cover photo shows the access path and entry to the dwelling house, as viewed from the northeast.

The existing dwelling house lacks a driveway, garage / car port and storage space. The proposed alterations and additions to the dwelling house seek consent for a new driveway, with double car port to the side (secondary street frontage) of the dwelling house to provide for two off street car parking spaces and storage, in keeping with surrounding developments.

The site is located in an existing, residential environment in Elaine Avenue, Avalon Beach. There is no vehicular access and off-street parking, as existing. A drop kerb is located at the edge of the road reserve off the northeast boundary, which has been in situ since the house was constructed circa 1960's. However, as evident on site and from the plans submitted, the existing drop kerb is adjacent to existing built form and established hard and soft landscaping.

The proposed location of the new driveway, car port, storage area and new timber stairs is located off the secondary street frontage and on unused land within the site, with access across the adjacent road reserve. The proposed location of the driveway is sited further from the access onto the Barrenjoey Road, and adjacent to an existing driveway that serves No. 6 Elaine Avenue.

The site is regular in shape. The total site area is 483.8 sqm. The front, primary street frontage to the northeast boundary measures 36.575 metres; the side, secondary frontage to the southeast

measures 8.535 metres, with an angled side return of 5.17 metres; the side boundary (southwest) abutting No 6 Elaine Avenue measures 40.235 metres; and the rear (northwest) boundary, abutting No 2 Barrenjoey Road, measures 12.19 metres.

**Figure 1: Location of site at 4 Elaine Avenue, Avalon Beach**



**Source:** Northern Beaches Council Planning Maps



Figure 2: Aerial view of subject site



Source: Northern Beaches Council Planning Maps – Aerial view



The site is:

- Zoned R2 – Low Density Residential in the Pittwater Local Environmental Plan, 2014 (LEP).
- 8.5m height limit as per Cl. 4.3 of the LEP - Height of Buildings map
- 700 sqm Minimum Lot Size
- Identified within the Class 5 Pittwater Acid Sulphate Soils area.
- Identified within Area 3 of the Pittwater Landscaped Area Map

The site does not appear to be subject to any other hazards or environmental constraints. The site is just outside of the low-risk flood precinct on the Northern Beaches Council Flood Hazard Map and does not require a flood report (see figure 3).

**Figure 3 – NBC Flood Map**



**Source:** Northern Beaches Council Planning Maps

Discussion regarding the above and compliance with the relevant EPIs and planning controls is set out in Sections 5 and 6 of this SEE.



## 2.3 Surrounding Environment

The surrounding environment is predominantly made up of low-density dwellings of one or two storeys. There are lots of examples of car ports further forward of dwelling houses and driveways closer than 6 metres from the tangent point at the kerb, as detailed in Section 6.4 of this SEE which sets out commentary and justification for a merit assessment.

**Figure 4 – Site photos of car ports in front setbacks**

**No. 1 and 5 Elaine Avenue – Car ports have a minimal setback to primary frontage**



**Note – No. 1 Elaine Avenue in the foreground and No.5 in the background**



**No. 7 Elaine Avenue - Car port has minimal setback to primary frontage and the driveway is within the arc of the curve**



**No. 9 Elaine Avenue - Car port has minimal setback to primary frontage and the driveway is within the arc of the curve**





**No.15 Elaine Avenue - Car port has minimal setback to primary frontage**



**No.21 Elaine Avenue - Car port has minimal setback to primary frontage**





**No.29 Elaine Avenue- Car port has minimal setback to primary frontage**



**No.30 Elaine Avenue - Car port has minimal setback to primary frontage and at the corner of Eastbourne Avenue and Elaine Avenue, has a driveway 1.37 metres from the tangent point at the kerb**





**No.32 Elaine Avenue - Car port has minimal setback to primary frontage**



**No.35 Elaine Avenue - Car port has minimal setback to primary frontage**





**No.37 Elaine Avenue - Car port has minimal setback to primary frontage**



**No.47 Elaine Avenue - Car port has minimal setback to primary frontage**



Source: Site photos



### 3. Proposed Development

#### 3.1 Details of Proposal

As shown in the accompanying plans, the proposed development seeks alterations and additions to the existing dwelling house to construct a new driveway and double car port, with storage and associated works, to include the follow:

- Fit new timber stairs to entry
- Construct single storey double car port measuring 46.64 sqm with pitched roof to match existing dwelling house
- Construct low sandstone retaining wall
- Construct timber storage area to rear of car port
- New driveway access of Elaine Avenue at the secondary street frontage.

Master set plans show the proposed elevations and floor plans.

#### 3.2 Rationale for Development Application / Design Rationale

The proposed development seeks Development Application consent for a modest, single storey double car port addition off a new driveway to the existing dwelling house to improve the living environment for the occupiers and provide for off street car parking to meet the provisions of DCP Control B6.3 – Off Street Vehicle Parking Requirements. The surrounding environment, as already outlined in this statement, is made up of single and two storey dwellings with car ports further forward of the dwelling house, within the front setback.

As existing, the occupiers can only park on the street. A recent vandalism of cars parked on the street was reported to police and a police report is available, if requested. No off-street parking is provisioned for on the site. The existing drop kerb was located adjacent to the rear garden area which has existing built form and cannot be used for access to the site. The site of the proposed car port is underutilised land, and would provision for safe and practical off street parking provision off the secondary street frontage.

The proposed development is in keeping with the height, bulk and scale of the surrounding built form, respectful to the natural environment and the amenity of neighbouring occupiers.

The materials and finishes proposed comprise of a colorbond metal pitched roof to match the design of the existing dwelling, over an open, timber car port. The storage area to the rear of the car port is modest and to be constructed of timber, to match the existing dwelling house. The proposed new stairs are similarly proposed to be constructed of timber to match. The materials are in keeping with surrounding development and the existing dwelling house.

The proposed development has a minor variation to the existing landscaping on the site, given that the car port is limited to 46.64 sqm. There is no impact on adjacent trees, or topography. There is minimal impact on the existing site coverage. Given that the proposed works are sited more than 3 -5 metres from canopy trees, an Arborist Report is not required.

**Figure 5 – Location of proposed driveway and car port on underutilised land on the site – adjacent to the driveway serving No. 6 Elaine Avenue**



Source: Site photo

#### 4. Planning History

No relevant planning history for the site.

Planning history for approved car ports within the vicinity of the site are as follows:

- No. 1 Elaine Avenue – Car port approved under DA2018/0845
- No. 15 Elaine Avenue – Car port approved under N0231/11
- No. 21 Elaine Avenue – Car port approved under N0658/10
- No. 37 Elaine Avenue – Car port approved under N0385/14
- No. 47 Elaine Avenue – Car port approved under N0034/17



Remaining car port within the vicinity of the site appear to have been approved under complying development applications for new dwelling houses.

## 5. Environmental Planning Instruments (EPIs)

### 5.1 State Environmental Planning Policies

#### 5.1.2 State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 sets out that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

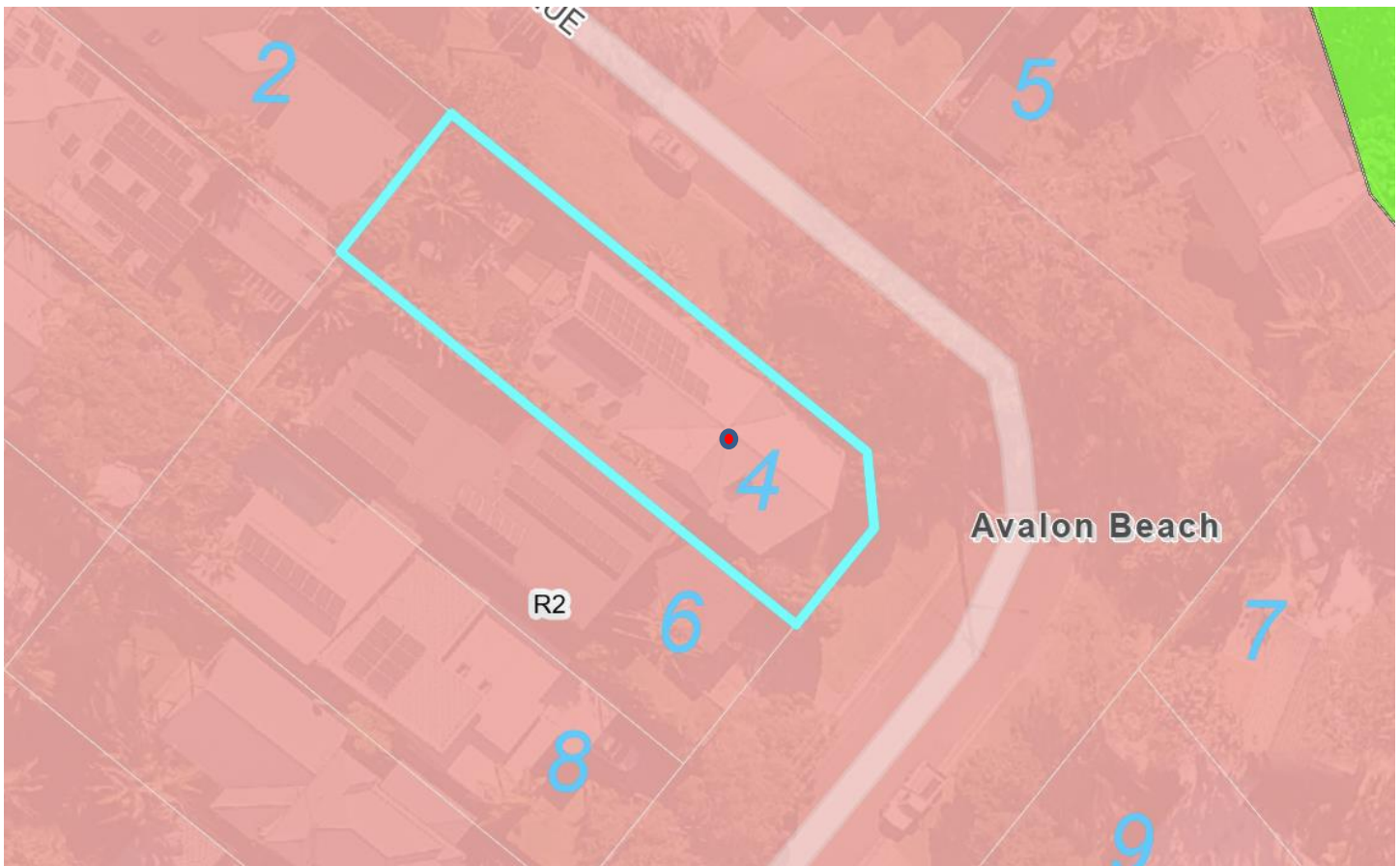
**Comment:** Given the historical and ongoing residential use of the site and surrounding location, the site is not considered to be subject to contamination. No further studies are required.

### 5.2 Pittwater Local Environmental Plan 2014 (LEP)

#### *1 Objectives of zone*

- *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.*

**Figure 6: Extract from Pittwater LEP 2014 – Zone R2 – Low Density Residential**



**Source:** Pittwater LEP 2014 Land Zoning Map

**Comment:** The subject site is located within the R2 Zone – Low Density Residential. Dwelling Houses are permitted with consent in the zone. The proposed development is for alterations and additions to a dwelling house to construct a new driveway and car port, with associated works and therefore is permitted with consent in the zone. The proposed development meets all the objectives of the zone.

#### **Clause 4.3 Height of buildings**

The height of a building at the subject site is not to exceed 8.5 metres.

**Comment:** The maximum height of the proposed development does not exceed 8.5 metres or the height of the existing dwelling house and complies with Clause 4.3 of the LEP.

#### **Clause 7.1– Acid sulfate soils**

The subject site is shown as Class 5 Pittwater Acid Sulfate Soils Map.



**Comment:** The proposed development does not require significant levels of excavation. The subject site would not be disturbed or expose acid sulfate soils. The proposed development complies with Cl. 7.1 of the LEP.

## **Clause 7.2 – Earthwork**

The proposed development does not require significant levels of excavation. The proposed development complies with Cl.7.2 of the LEP.

## **Clause 7.10 – Essential services**

No amendments or additional load is required on existing essential services at the site by virtue of the proposed development.

In the preparation of this SEE, no other clauses of the Pittwater LEP 2014 were considered applicable to the proposed development on the site.

## **6. Development Control Plan (DCP)**

6.1 6.1 Pittwater 21 Development Control Plan (DCP) sets out a range of outcomes and controls which provide best practice standards for development in the Pittwater area. The subject site is located within the Avalon Beach Locality as identified on the Avalon Locality Map.

6.2 DCP Control A4.1 Avalon Beach Locality sets out the context and desired future character of the area. Best practice requires any future development to be in accordance with the desired character of the area.

### *Desired Character*

*The most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment. The locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity, fewer hazards and other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, commercial, 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. Vehicular and pedestrian access into and through the locality is good. Pedestrian links, joining the major areas of open space (Angophora Reserve, Stapleton Park and Hitchcock Park) and along the foreshores, should be enhanced and upgraded. Similarly, cycle routes need to be provided through the locality. Carparking should be provided on site and where possible integrally designed into the building.*

*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 development. The objective is that there will be houses amongst the trees and not trees amongst the houses.*

*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 the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.*

*Most houses are set back from the street with low or no fencing and vegetation is used extensively to delineate boundary lines. Special front building line setbacks have been implemented along Avalon Parade to maintain the unique character of this street. This, coupled with the extensive street planting of canopy trees, gives the locality a leafy character that should be maintained and enhanced.*

*The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect principles of good urban design. External materials and finishes shall be natural with smooth shiny surfaces avoided. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.*

*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. The natural landscape of Careel Bay, including seagrasses and mangroves, will be conserved. Heritage items and conservation areas indicative of early settlement in the locality will be conserved, including the early subdivision pattern of Ruskin Rowe.*

*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.*



**Comment:** The proposed development is for modest alterations and additions to the existing dwelling house. The design is sympathetic to the character of the area and enhances the appearance of the existing dwelling. The design of the proposed single storey, open car port would have a positive impact in its setting, given that the pitch of the proposed car port roof has been designed to match the dwelling house and open car ports further forward than the dwelling house is a common feature in the surrounding environment (see site photos at figure 4).

Existing landscaping and the modest scale and appropriate design of the open car port ensures that the proposed development accords with the desired character of the area.

The materials proposed are in keeping with existing and surrounding development and add to improve the quality of built form on the subject site. The development is considered compliant with the outcomes of the Pittwater DCP, including the range of locality specific development controls specific to Avalon Beach and will enable off street parking provision, as shown in Figure 7 below.

The DCP compliance table at Figure 6 addresses the relevant DCP controls applicable to the site and the development proposed.

### 6.3 Pittwater 21 Development Control Plan

**Figure 7: Pittwater 21 DCP compliance table against relevant DCP for proposed development on site**

DCP CONTROL	COMPLIANCE WITH OBJECTIVE	COMPLIANCE WITH REQUIREMENTS	COMMENTS
A4.1 Avalon Beach Locality	YES	YES	See Section 6.2
B3.11 Flood Prone Land	YES	YES	The site outside of land identified on the NBC Flood Hazard Map. A low flood risk area is limited to area outside of the site. A flood risk report is not required.
B4 Controls relating to the Natural Environment	YES	YES	The site is identified as being outside of the Pittwater Biodiversity map. No trees are to be impacted by the proposed development. An ecology report or arborist report is not required.
B5.15 Stormwater	YES	YES	As per existing stormwater drainage for the dwelling house and as shown on the master set plans prepared by

			AH Design compliant with DCP Control B5.15.
B6.1 Access driveways and Works on the Public Road Reserve	YES	NO - Acceptable on merit	Only one access driveway is proposed on the allotment in accordance with the control. The Access Driveway Location meets the outcomes of the control despite non-compliance with the numerical requirements but is in keeping driveway access locations within the vicinity of the site. Acceptable on merit. See Section 6.4 for commentary and justification
B6.3 Off-Street Vehicle Parking Requirements	YES	YES	No car off street parking provision, as existing. Two car parking spaces are proposed which meets the requirements of the control. As existing, off-street parking provision fails to comply and results in highway safety, pressure to on street parking provision and impacts the amenity of the occupiers (note commentary re: recent vandalism). The proposed development enables compliance.
C1.1 Landscaping	YES	YES	No trees or planting are proposed to be removed on the site or significant alterations proposed to the existing landscaping.  The proposed car port is proposed on existing lawn area. The impact on site coverage is limited, given the floor area proposed (46.64 sqm).
C1.3 View Sharing	YES	YES	The site and surrounding topography is a relatively flat and by virtue of the design of the proposal and topography no view loss will arise from the proposed development.
C1.4 Solar Access	YES	YES	Shadow diagrams are shown on the master set plans and demonstrate no impact on overshadowing impacts on the neighbouring occupiers given scale and orientation.
C1.5 Visual Privacy	YES	YES	The proposed development is for a car port, with no impact on visual privacy.
C1.6 Acoustic Privacy	YES	YES	No noise generating plant is proposed.



C1.7 Private Open Space	YES	YES	Private open space exceeds 80sqm and is located to the rear of the property and directly accessible from the living space as required by the control.
D1.1 Character as viewed from a public place	YES	YES	The proposed car port further forward than the dwelling house is in keeping with surrounding development. As shown in figure 3 of this SEE, there are numerous examples of similar developments approved and constructed within the vicinity of the site along Elaine Avenue. The proposed development is appropriate in character and form when viewed from the streetscape.
D1.5 Building colours and materials	YES	YES	The materials proposed are as existing and in keeping with surrounding development.
D1.8 Front building line	YES	YES - Primary Street frontage – no change NO - Secondary Street frontage –Acceptable on merit	See Section 6.4 of this SEE and examples of similar developments approved and constructed in Elaine Avenue at Figure 3 (established building lines). The outcomes are achieved for a variation to accept a minimum setback to the secondary street frontage.
D1.9 Side and rear building line	YES	YES	900 mm
D1.11 Building envelope	YES	YES	Single storey addition only
D1.13 Landscaped Area General	YES	NO – modest breach and acceptable on merit	See Section 6.4 of this SEE. 50% general landscaped area required. 42.8% landscaped area provided, with additional 6% impervious landscape treatment. Total 48.8% Minor breach of 1.2% acceptable on merit as detailed at Section 6.4.

## 6.4 Commentary and Justification

### DCP Control B6.1 Access driveways and Works on the Public Road Reserve

The proposed access driveway meets the outcomes of DCP Control B6.1 and enables compliance with DCP Control B6.6 in provisioning for off street parking. A Driveway Application for the proposed drop kerb and access driveway will be submitted.

As existing, the 5-bedroom dwelling house fails to meet DCP Control B6.6, as there is currently no provision for off street parking. Failure to provision for any off-street parking for a 5-bed dwelling creates highway safety implications, additional pressure for on street parking and amenity impacts. A drop kerb was set out circa 1960's. but is not in a feasible location for a driveway given that it is located adjacent to existing built form and the established rear garden area which is mature and completed with hard and soft landscaping.

The proposed development seeks consent to construct the access driveway off the secondary street frontage and further away from the junction with the Barrenjoey Road. This is the most appropriate location for the driveway access given that it is adjacent to an existing driveway access which serves No. 6 Elaine Avenue and is at the further point from the tangent point at the kerb. Elaine Avenue is a local road and not subject to high volumes of vehicular or pedestrian traffic. Examples of driveways which are also closer than 6 metres from the tangent point at the kerb include:

- 9 Elaine Ave within the arc of the curve
- 7 Elaine Ave within the arc of the curve
- 30 Elaine Ave corner of Eastbourne Ave: unit block driveway 1.37m from tangent.

See figure 4 for site photos.

The proposed access location meets with the outcomes of DCP Control B6.1 for the following reasons.

### ***Outcomes***

#### ***Safe and convenient access.***

**Comment:** As detailed above, the proposed driveway access is further from the access with the Barrenjoey Road and at the point where cars are slowing down into the street. The visibly splays from the proposed access point would allow for clear sight lines and are not impeded by built form or landscaping. The proposed access is adjacent to the driveway access to No.6 Elaine Avenue and would not have any greater impacts than that driveway for No.6 which is already approved and in use. As shown in figure 4 and as per bullet points above, no. 7, 9 and 30 Elaine Avenue have a zero to 1.37 metre set back from the tangent point at the kerb, which is considerably less than that proposed.

The proposed access further provisions for off street parking, where no off-street provision is currently in situ.



***Adverse visual impact of driveways is reduced.***

**Comment:** No adverse visual impact of the driveway. Construction and material would be in keeping with adjacent driveway forms.

***Pedestrian safety.***

**Comment:** No pedestrian safety impacts given visibility sight lines and residential street layout. Elaine Avenue is a local road, and not subject to high volumes of pedestrian (or vehicular) movement.

***An effective road drainage system.***

**Comment:** Effective road drainage to utilise existing stormwater drainage. Additional requirements can be conditioned accordingly.

***Maximise the retention of trees and native vegetation in the road reserve.***

**Comment:** No trees or native vegetation as existing. No impact.

As detailed above, the proposed development meets the outcomes of the control.

## **DCP Control D1.8 Front building line**

The proposed development meets the outcomes of DCP Control D1.8 and non-compliance with the numerical requirements should be considered acceptable on merit. A variation to the control is appropriate given that the proposed breach to a secondary street frontage follows established building lines and enables compliance for off street parking under DCP Control B6.3.

A merit assessment against the outcomes of the control is as follows:

### ***Outcomes***

***To achieve the desired future character of the Locality. (S)***

**Comment:** Figure 4 of this SEE includes site photos of 12 car ports within the vicinity of the site and accessed off Elaine Avenue. The car ports discussed have a zero to minimal setback to the primary street frontage, whereas the proposed is to a secondary street frontage. As set out in the merit assessment of DA2018/0845 for the car port at 1 Elaine Avenue, non-compliance

is, 'reasonable due to the constraints of the site, and features of adjoining properties and the street'.

An extract of the merit assessment of DA2018/0845 is at Figure 8 of this SEE.

## **Figure 8 – Extract of merit assessment of DA2018/0845 against DCP Control D1.8**

### **D1.8 Front building line**

It is acknowledged that the proposed front building line (3.5m) is non-compliant with the controls identified within Clause D1.8 Front Building Line of P21 DCP. Clause D1.8 permits a variation to the minimum front building line where the outcomes of the control are achieved. The proposed carport can satisfactorily meet the outcomes of the clause in the following ways;

- Consistent with the desired future character,
- The amenity of residential development adjoining a main road is maintained
- The proposal will result in the removal of an existing Eucalyptus tree, to address this a condition of consent for replacement planting has been placed.
- The proposal is in character with surrounding development as similar open style car parking structures located within the immediate vicinity

The proposal does not facilitate a vehicle to manoeuvre in a forward direction. The inability for strict adherence to the outcomes of Clause D1.8 is seen as reasonable due to the constraints of the site and features of the adjoining properties and street. The subject site adjoins a quiet residential street, and is not subject to a high volume of pedestrian use. The proposed carport, whilst non-compliant, provides for a safe and convenient parking arrangement for both pedestrians and residents, it is therefore supported on merit.

**Source:** Northern Beaches Council online file

***The amenity of residential development adjoining a main road is maintained. (S)***

**Comment:** N/A. The proposed development is adjoining a local road. Although not applicable, it should be noted that amenity, both for the occupiers of the dwelling house and neighbouring occupiers would be improved given the provision of off-street parking and an appropriate design.

***Vegetation is retained and enhanced to visually reduce the built form. (En)***

**Comment:** The site area is grassed (as existing) and this is the only vegetation to be removed. The grass area has little value visually in the streetscape. Additional landscaping can be conditioned accordingly, if required.



***Vehicle manoeuvring in a forward direction is facilitated. (S)***

**Comment:** Similarly to DA2018/0845, vehicle manoeuvring in a forward direction could not be facilitated on site, unless reverse parking. As assessed under the DA2018/0845, the inability for strict adherence to this outcome of the control for the subject DA should be seen as reasonable due to the constraints of the site and features of adjoining properties, noting also that the proposed is on a quiet, local street, without high volumes of pedestrian activity.

***To encourage attractive street frontages and improve pedestrian amenity.***

**Comment:** As above, re: pedestrian amenity and noting that provisioning for off street parking assists in pedestrian amenity. The proposed car port is of a scale and design to ensure an attractive street frontage, in keeping with surrounding development.

***To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.***

**Comment:** As previously discussed, the proposed development is similar in siting, scale and design to similar driveway access and car ports within the immediate vicinity of the site. See figure 2 and 4 of this SEE.

As detailed above, the proposed development meets the outcomes of the control.

**DCP Control D1.13 Landscaped Area – General**

50% general landscaped area is required under the control. The proposed development would result in 42.8% landscaped area provided, with the additional 6% impervious landscape treatment to total 48.8%. The minor breach of 1.2% is acceptable on merit and meets the outcomes of the control for the following reasons.

- Bulk and scale minimised
- No detrimental impact on amenity or solar access, as per shadow diagrams
- No trees or natives removed. Additional landscaping can be conditioned, if required.
- No stormwater impacts

A merit-based assessment against this control was also considered under DA2018/0845 at No.1 Elaine Avenue, given a minor breach, as shown at Figure 9 \.

As detailed above, the proposed development meets the outcomes of the control.

## Figure 9 - Extract of merit assessment of DA2018/0845 against DCP Control D1.13

### D1.13 Landscaped Area - General

#### Proposed

307.8m<sup>2</sup> or 41.4% (Without Variation)

371m<sup>2</sup> or 49.9% (With Variation)

#### Required

371.6m<sup>2</sup> or 50%

There is a short fall in landscaped area of 63.8m<sup>2</sup> (without variation). Clause D1.13 Landscaped Area of P21 DCP permits a variation to the minimum landscaped area requirement where it can be demonstrated that the outcomes of the clause can be achieved. In this case, it is considered that the proposal can satisfactorily meet the outcomes in clause D1.13 of P21 DCP in the following ways:

- Bulk and scale is minimised as it is an open style structure
- In line with the current and desired future character of the Locality
- Reasonable level of solar access and amenity will be maintained

The Arborist Report provided in support of the application recommends one (1) tree for removal. Though this is not in line with the outcomes of the Clause it has been addressed via conditioning replacement planting. Though there is still technically a shortfall in landscaped area, the proposal is considered to be appropriate and consistent with the outcomes of the clause and is therefore supported on merit.

**Source:** Northern Beaches Council online file

## 7. Section 4.15 of the Environmental Planning & Assessment Act 1979

The subject DA has been assessed having regard to the matters for consideration pursuant to Section 4.15 of the EP&A Act. Council can be satisfied of the following:

- The use (proposal) is permissible with consent in the zone and consistent with the objectives of the zone, pursuant to the Pittwater LEP, 2014 and does not give rise to any unacceptable non-compliance with EPIs or DCP controls, as discussed in Sections 5 and 6 of this SEE and in accordance with Section 4.15 (1) (a) of the EP&A Act.
- The use will result in positive environmental, social and economic impacts in accordance with Section 4.15 (1) (b) of the EP&A Act as follows:



- **Environmental Impact**

The proposed development will have a positive environmental impact, as demonstrated in Section 6, given the improved visual appearance of the existing dwelling house from within the site and the addition of car parking provision on the site. Given the modest scale of the development proposed in keeping with surrounding development, and proximity from neighbouring dwellings, the amenity of neighbouring occupiers is not impacted.

- **Social Impact**

The proposed development will have a social benefit for the occupiers of the subject site and future occupiers and no harmful impact on neighbouring occupiers is anticipated as set out in Section 6.

- **Economic Impact**

The proposed development will have a limited economic benefit during the construction phase.

- The site is suitable for the proposed development in accordance with Section 4.15 (1) (c) of the EP&A Act given that the proposed additions and alterations are to an existing dwelling set within an existing low density residential environment, the design of the proposed is in keeping with and compatible with the current and likely future character of the area.
- Public interest is best met through the approval of this subject DA in accordance with Section 4.15 (1) (e) of the EP&A Act.

## 8. Conclusion

For the reasons set out in this Statement of Environmental Effects, the modest alterations and additions to the existing dwelling house for a new driveway and car port with associated works, are appropriate when assessed against the relevant EPIs and Planning Controls applicable to the subject site.

The proposed development is in keeping with the surrounding built form and character of the area and would not give rise to any harmful impacts on neighbouring amenity, environmental qualities or amenity of the immediate locality. The development, as proposed, has been designed to be compliant and mitigate against any impacts on neighbouring amenity or the surrounding environment and will be a positive addition to the existing dwelling house.

It is respectfully requested that the proposed development be supported by Council and consent granted under delegated approval.