

# STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 82 DP 866452  
10 Manor Road  
Ingleside

PROPOSED DEVELOPMENT: Construction of a two-storey dwelling



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## INTRODUCTION

This Statement of Environmental Effects is submitted to Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the construction of a two-storey dwelling along with an attached garage, alfresco and swimming pool. This report is based on plans prepared by Home Design Agency, Issue E, dated 10.07.2024.

The proposed works include:

- Construction of a two-storey dwelling consisting of six (6) bedrooms, a gym, study, laundry, family/games room, living/dining, theatre room along with two attached alfresco dining areas and a quadruple garage.
- Construction of a swimming pool
- Construction of a new driveway
- Demolition of existing dwelling

The subject site is located on the corner of Manor Road and King Road and is irregular in shape. The allotment has primary frontage of 225m to King Road, a secondary frontage of 174m to Manor Road and total site area of 2.352ha. The site currently consists of a stable, sheds and a dwelling all of which are to be demolished as part of the proposed development.

The subject site is identified to be of archaeological heritage significance known as 'ruins of power works'. Six trees are proposed to be removed to site the proposed development and additional planting in proposed post constructed.

The following sections of this statement address the likely impact of the proposal.



## LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

### (a)(i) Relevant environmental planning instruments

#### **State Environmental Planning Policy (Sustainable Buildings) 2022**

##### Chapter 2 – Standards for Residential Development - BASIX

State Environmental Planning Policy (Sustainable Buildings) 2022 requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development has been assessed in accordance with the relevant provisions of the Sustainable Buildings SEPP. It is demonstrated on the BASIX Certificate submitted with this application that the proposal achieves the required rating for energy efficiency, water efficiency and thermal comfort.

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

##### Chapter 4 – Remediation of Land

##### Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is within an existing area utilised for residential purposes. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.





## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

### Chapter 2 Infrastructure

#### Part 2.3 Development controls

##### Division 15 Railways

###### Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

###### Section 2.98 Development adjacent to rail corridors

- (1) *This section applies to development on land that is in or adjacent to a rail corridor, if the development—*
- (a) is likely to have an adverse effect on rail safety, or*
  - (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
  - (c) involves the use of a crane in air space above any rail corridor, or*
  - (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.

##### Division 17 Roads & Traffic

###### Subdivision 2 Development in or adjacent to road corridors and road reservations

###### Section 2.119 Development with frontage to classified road

- (1) *The objectives of this section are—*
- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
  - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*



- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site is not located within proximity to a classified road, and does not have a frontage or common boundary with the classified roadway. No further assessment is anticipated in this regard.

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### **Chapter 2 – Vegetation in non-rural areas**

The aims of this chapter of the policy are understood to relate to the protection of the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural area through preservation of trees and other vegetation.

The proposed development includes the removal of six (6) trees, required to allow the proposed development to occur. The removal of the identified trees is not known to be of increased biodiversity value and is not anticipated to result in reduced amenity to the proposed development as a result of their removal. Replacement planting is to be provided as part of the proposed development to ensure amenity of the allotment is maintained as a result of the development.

#### **Chapter 4 – Koala habitat protection 2020**

This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Development within areas of containing Koala Habitat must be undertaken in accordance with Council's approved Koala Plan of Management. The subject site is understood to be identified as containing Core Koala Habitat within the Campbelltown Koala Plan of Management (CKPoM).



Six (6) trees and/or vegetation are required to be removed in order to site the proposed development. However due to the extent of vegetation being retained on the site, no detrimental impact is anticipated as a result of the proposed development.

### **Pittwater Local Environmental Plan 2014**

The LEP is divided into several parts and the relevant provisions that apply to the subject development are listed together with a comment with respect to compliance.

#### Part 2 Permitted or prohibited development

##### Clause 2.2 Zoning of land to which this plan applies

The subject site is identified to be zoned RU2 Rural Landscape Zone pursuant to Clause 2.21 of Pittwater Local Environmental Plan 2014.

The proposed development is for a dwelling house' which is defined in the Plan as "*a building containing only one dwelling*".

The identified zone permits the construction of a '*dwelling house*' subject to development consent from Council.

##### Clause 2.3 Zone objectives and land use table

The objectives of the RU2 Zone are:

- *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.*



The proposed development can satisfy the objectives of the zone as it complements the existing rural-residential setting. The proposed development is compatible with the existing and future character of the locality. The development is designed to provide high level amenity for the future residents whilst considering the natural constraints and ecology of the site.

The sitting of the proposed dwelling is in the most appropriate location, which minimises disturbance on the existing vegetation and adjacent heritage item and utilising an area of existing hard standing.

The proposed dwelling is considered to meet the objectives of the RU2 Zone.

#### Part 4 Principal development standards

##### Clause 4.3 Height of buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
8.5m	8.04m	Yes

##### Clause 4.4 Floor Space Ratio

The subject site is not identified on the Floor Space Ratio Map and therefore this Clause does not apply.

##### Clause 4.6 Exceptions to development standards

The proposed development does not contravene the development standards of the LEP.

#### Part 5 Miscellaneous provisions

##### Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property is identified to be part of an archaeological heritage item known as 'The Powderworks Ruins' which covers no. 2 and no.10 Manor Road. The subject site is also adjacent to the heritage item 'Ingleside House'.

*The objectives of this clause are as follows –*





- (a) To conserve the environmental heritage of Pittwater,*
- (b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) To conserve archaeological sites,*
- (d) To conserve Aboriginal objects and Aboriginal places of heritage significance.*

The subject site currently consists of dense vegetation making any remains of the former gunpowder factory difficult to identify and existing outbuildings are scattered around the subject site. The proposed dwelling and associated landscape works have been located out of sight from Ingleside House and therefore is not considered to have any adverse impact upon the heritage item's significance.

The State Heritage Inventory found the Powderworks ruins to have a low level of integrity as they are not substantially intact and perform no function. A review of the 2016 GML Heritage's Ingleside Precinct Non-Indigenous Heritage Assessment Report has been undertaken and despite the proposed development occurring in a high potential area it has been sited away from the remaining ruins.



**Figure 5.13** Aerial of the Powderworks factory complex showing areas of archaeological potential. (Source: Google Earth with GML additions 2014)

*Figure 1: Extract from GML Heritage's Ingleside Precinct Non-Indigenous Heritage Assessment May 2016 Figure 5.13*

A recent approval for alterations and additions to a dwelling house including a carport and secondary dwelling (DA2023/0707) at no. 2 Manor Road was approved in March 2024, thus highlighting the existing and continued use of the site for residential purposes permissible on the site.

The proposed development is not anticipated to have any detrimental impact on the archaeological heritage significance or adjacent heritage item. Therefore, the proposed development is considered to meet the objectives of the Clause while the dwelling will be in keeping with recent developments within the nearby streets and is considered to complement the streetscape.



#### Clause 5.11 Bush fire hazard reduction

The subject site is identified to be bushfire prone land. Please refer to the attached Bushfire Assessment Report.

#### Clause 5.21 Flood Planning

The subject site has been identified to have areas mapped on the NBC Flood Hazard Map as low, medium and high-risk precincts. However, the proposed development is wholly located outside and a suitable distance from the high-risk precinct.

#### Part 7 Additional local provisions

##### Clause 7.1 Acid Sulfate Soils

The subject property is identified as being affected by Class 5 Acid Sulfate Soils. The proposal does not require excavation more than 1 meter below the existing natural ground level and is not considered to lower the water table by 1 meter. The proposed dwelling requires minor excavation within the footprint area only to provide footings / foundations for the proposed development. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils.

##### Clause 7.2 Earthworks

Minor ground disturbance is required to provide a level platform to site the building footprint. The extent of earthworks is not considered excessive for the site as the dwelling incorporates equal amounts of cut to reduce site disturbance outside of the dwelling footprint. All earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties.

##### Clause 7.6 Biodiversity

The subject site is identified as being within an area of terrestrial biodiversity. The proposed development does not involve removal of excessive vegetation or land clearing and will maintain landscape character of the area. It is not anticipated that the development will detrimentally impact upon the ecological value and significance of the fauna and flora on the land or the importance of the



vegetation to the habitat of native fauna and the habitat elements providing connectivity on the land. A Streamlined Biodiversity Development Assessment has been completed by Narla environmental and provided as part of this development application. This report confirms that through the retention of existing trees and the proposal of replacement planting a net gain in biodiversity is achievable across the subject site.

#### Clause 7.7 Geotechnical hazards

*(2) This clause applies to land identified as "Geotechnical Hazard H1" and "Geotechnical Hazard H2" on the Geotechnical Hazard Map.*

The subject site is identified as being within the 'Geotechnical Hazard H1' area on Council's maps, and therefore this clause applies.

*(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks –*

- (a) Site layout, including access*
- (b) The development's design and construction methods,*
- (c) The amount of cut and fill that will be required for the development,*
- (d) Waste water management, stormwater and drainage across the land,*
- (e) The geotechnical constraints of the site,*
- (f) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Consideration of the abovementioned geotechnical risks has been undertaken during the design of the proposed development.

The proposed dwelling has been designed utilising a concrete slab with equal amounts of cut and fill being proposed where earthworks are required. The proposal also includes retaining walls within the dwelling design to minimise the geotechnical impacts of the development.

Suitable waste water and stormwater management has been incorporated within the design with supporting documentation accompanying the subject development application.



#### Clause 7.10 Essential services

All necessary services are available to the site and will be connected in accordance with the requirements of the respective authorities.

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#### Conclusion with respect to LEP requirements

The proposal satisfies the objectives and requirements of the Pittwater Local Environmental Plan 2014.

#### **Biodiversity Conservation Act 2016**

The Biodiversity Offsets Scheme applies to developments that involve the clearing of native vegetation or a prescribed impact on biodiversity (under Clause 6.1 of the Biodiversity Conservation Regulation) and is located on the Biodiversity Values Map.

Several areas within the subject site are identified as containing land with high biodiversity value. The proposed development does not involve removal vegetation or land clearing and will maintain landscape character of the area.

It is not anticipated that the development will detrimentally impact upon the ecological value and significance of the fauna and flora on the land or the importance of the vegetation to the habitat of native fauna and the habitat elements providing connectivity on the land.

#### **(a)(ii) Relevant draft environmental planning instruments**

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.



(a)(iii) Relevant development control plans

**Pittwater Development Control Plan No.21**

The DCP is divided into several sections of generic and individual locality-based controls. The subject site is located within the Ingleside Locality. Assessment of the subject proposal against DCP No.21 is provided as follows;

Section A – Shaping Development in Pittwater

A4.6 Ingleside Locality

Desired Character (extract)

*The Ingleside locality will remain a low-density area consisting of rural residential, agricultural, horticultural and other permissible development on large lots in a natural landscaped setting, integrated with the landform and landscape. The high visual significance of the escarpment will be maintained, and development limited on this land. Development will also be limited in the "blue-hatched Area" due to a lack of infrastructure and small lot sizes. 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. Currently, few of these services exist, and development for anything other than a dwelling house will need to ensure that these services can be provided to the site. Care will need to be taken with future developments to ensure that outbuildings and ancillary recreational structures do not dominate the natural landscape and bushland setting.*

*Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Single storey buildings will be preferred where the site has little opportunity for canopy trees or is visually prominent. Existing and new native vegetation, including canopy trees, will be integrated with the development. Development shall maintain generous spatial separation of the built form and low site coverage on large lots. 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.*

*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, and to enhance wildlife corridors. Fencing where provided, shall enable the native fauna to pass through yet contain livestock animals where needed.*

*Heritage items and conservation areas indicative of the Guringai Aboriginal people, of early settlement, entrepreneurial and farming history in the locality, and the Baha'i House of Worship, will be conserved.*

*Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.*

The proposed dwelling is considered to reflect the desired locality, permissible within the RU2 rural residential area where existing residential development exists utilising existing utilities provided to the subject site. The proposed dwelling is considered to be of an appropriate size for the scale of the allotment to ensure it would not dominate the natural landscape or bushland setting, and has been sited in a location to minimise the amount of vegetation and trees proposed to be removed. The proposed dwelling has a compliant building height in accordance with the Pittwater LEP 2014 and would not be visually prominent due to appropriate setbacks and landscape proposed.

This development application has been supported by bushfire report and heritage statement confirming the proposed development has been designed to be safe from hazards and would not have an adverse impact upon the heritage item identified onsite.

The proposed works are considered to be in keeping with the desired character of the Ingleside area.



## Section B – General Controls

### B1 Heritage Controls

#### B1.1 Heritage conservation – heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014

The subject site currently consists of dense vegetation making any remains of the former gunpowder factory difficult to identify and existing outbuildings are scattered around the subject site. The proposed dwelling and associated landscape works have been located out of sight from Ingleside House and outside the area of the remaining ruins and therefore is not considered to have any adverse impact upon the heritage significance.

The proposed development is not anticipated to have any detrimental impact on the archaeological heritage significance or adjacent heritage item. Therefore, the proposed development is considered to meet the objectives of the Clause while the dwelling will be in keeping with recent developments within the nearby streets and is considered to complement the streetscape.

#### B1.2 Heritage Conservation – Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites

The subject site is identified to be located within proximity to Ingleside House identified to be a heritage item. The proposed dwelling has been appropriately situated a substantial distance from the heritage item, retains existing landscape which will act as a buffer between the proposed dwelling and the heritage item as to have no impact upon the heritage item.

### B3 Hazard Controls

#### B3.2 Bushfire Hazard

The subject site has been identified to be bushfire prone, please refer to the Bushfire report provided as part of this development application.

#### B3.11 Flood Prone Land



The proposed subject site has been identified on the Northern Beaches Flood Map to be a mix of high, medium and low flood risk. The proposed dwelling is not proposed to be sited in a flood prone area.

#### B4 Controls relating to Natural Environment

##### B4.22 Preservation of Trees and Bushland Vegetation

The proposed development includes the removal of six (6) trees to site the proposed dwelling. An arborist report has been provided as part of this development application, identifying the proposed trees to be removed to relate to exempt species or within regions of dense vegetation.

#### B5 Waste Management

##### B5.15 Stormwater

Proposed stormwater and drainage plans have been provided.

#### B6 Access and Parking

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>B6.1 Access driveways and works in</u> Distance Building Line to Boundary <b>&gt;3.5-6.5m -</b> Max. Width at boundary 4m Max. width at kerb 4.5m	3.5m proposed 3.5m proposed	Yes Yes
<b>&gt;6.5m –</b> Max. width at boundary 3m Max. width at kerb 3.5m	N/A	N/A
<u>B6.2 Internal driveways</u> Minimum width of driveway corridor 3m	3.523m proposed	Yes
<u>B6.3 Off-street parking requirements</u> Required parking spaces per dwellings (not secondary dwelling)		



1bedroom – 1 space	4 spaces proposed	Yes
2bedrooms + - 2 spaces		
Min. enclosed garage dimensions -	12m x 6.8m provided	Yes
3.0m x 6.0m	>2.4m provided	Yes
2.4m min. width entry		

### B8 Site Works Management

<i>Requirements</i>	<i>Provision</i>	<i>Compliance</i>
<u>B8.1 Construction and Demolition – Excavation and landfill</u> The following types of excavation and fill must comply with requirements of Geotechnical Risk Management Policy for Pittwater Excavation >1m Any excavation >1.5m Any excavation that has the potential to destabilise a tree capable of collapsing which would fall onto structures Fill >1m	Max. 860mm cut          Max. 1m fill	Yes          Yes
<u>B8.3 Construction and Demolition – Waste Minimisation</u> Waste materials to be minimised by reuse on-site, recycling or disposal at an appropriate waste facility	Waste management plan provided	For council's consideration
<u>B8.4 Construction and Demolition – Site fencing and security</u> All sites to be protected by site fencing for the duration of the works	Capable of complying	Yes
<u>B8.5 Construction and Demolition – Works in the Public Domain</u> All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.	Capable of complying	Yes



All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance.	Capable of complying	Yes
All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.	Capable of complying	Yes

### Section C Development Type Controls

#### C1 Design Criteria for Residential Development

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>C1.1 Landscaping</u> Min. 2 trees in front yard and 1 tree in rear yard	Three (3) trees proposed in front yard and 1 tree capable of being provided in rear	Yes
60% of front setback to be landscaped	53% proposed	No – see below
<u>C1.2 Safety and Security</u> Be able to view visitor at front door without opening it.	Capable of providing	Yes
Casual surveillance of front yard.	Provided – windows within theatre room, study and bedroom	Yes
Building entrance to be clearly visible and easily identifiable	Proposed porch and entry is clearly identifiable from Kings Road	Yes
<u>C1.3 View Sharing</u>	The proposed development is not anticipated to have any unreasonable impact on views on surrounding properties. Any views obtained along the street and through the site can be obtained due to appropriate siting.	Yes



<p><u>C1.4 Solar Access</u> 3hrs to POS of proposed and adjoining 9am-3pm.</p> <p>Min. 3hrs sunlight- min 50% glazing to proposed living area windows.</p> <p>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid-winter.</p> <p>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</p>	<p>Provided</p> <p>Provided to proposed living/dining room</p> <p>N/A – no solar collectors proposed on site or within proximity to site.</p> <p>Capable of providing sunlight to clothes drying areas</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
<p><u>C1.5 Visual Privacy</u> Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation</p> <p>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</p> <p>Direct views from an upper-level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower-level dwelling directly below.</p>	<p>Proposed private open space including the swimming pool and living rooms have been located &gt;9m from any existing adjoining dwellings</p> <p>Proposed balcony located at the rear and has been suitably setback to ensure no adverse privacy impacts upon adjoining developments.</p> <p>Proposed development would not result in the overlooking of &gt;50% of private open space of a lower-level dwelling.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>





<p><u>C1.6 Acoustic Privacy</u></p> <p>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.</p> <p>Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</p>	<p>No significant noise generation sources identified on the subject site. Proposed bedrooms suitably located setback from road and proposed private open space</p> <p>Proposed pool infrastructure will be contained within a soundproof enclosure.</p>	<p>Yes</p> <p>Yes</p>
<p><u>C1.7 Private Open Space</u></p> <p>Min. 80m<sup>2</sup></p> <p>Min 3m dimensions</p> <p>Max. 75% of POS provided in front yard</p> <p>Directly accessible from living areas</p> <p>Located at the rear</p>	<p>&gt;80m<sup>2</sup> provided</p> <p>Provided</p> <p>Proposed in rear yard</p> <p>Accessible from living/dining room and family/games room</p> <p>Provided in rear</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>C1.10 Building Facades</u></p> <p>Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.</p>	<p>None of the listed services are proposed to be located within front building façade that would be visible from the street scene or any public place.</p>	<p>Yes</p>
<p><u>C1.12 Waste and Recycling Facilities</u></p>	<p>Adequate area available for bin storage within the site.</p>	<p>Yes</p>
<p><u>C1.17 Swimming Pool Safety</u></p> <p>Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed,</p>	<p>Capable of complying</p>	<p>Yes</p>



located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.		
<u>C1.23 Eaves</u> To incorporate eaves on all elevations Min. 450mm width excluding fascia/barge boards and gutters.  Where Dutch gables are proposed eaves may be reduced to 300mm width.	>450mm eaves proposed  N/A – no Dutch gables proposed	Yes  N/A

#### Variation Request

Front Setback Landscape Area – Council's DCP requires a minimum of 60% of the front setback to be landscaped. The proposed development provides 53% landscaped area and therefore requires a 7% variation to this control.

The proposed development has been provided with a compliant landscape area throughout the site however a reduced landscape area forward of the building line has been identified. This minor numerical non-compliance relates to the front setback to also be of a non-compliance thus reducing the site's ability to provide the required access whilst utilising impervious materials. Providing an increased amount of impervious area to the front of the dwelling would result in significant changes to the design of the development and would prevent access to the garage via the driveway from being provided on the subject site.

The proposed sitting of the dwelling with a reduced front setback has been proposed to minimise further clearing of existing landscaping and therefore it would be illogical to provide a compliant front setback to provide a suitable space required for both a safe driveway access and compliant landscape area as it would require the removal of existing landscape.

In this instance, the proposed development maintains a suitable landscape area to the front of the development in keeping with the landscape character of the site and surrounding area. Therefore, the



reduced landscape area will not result in any impact beyond that of a compliant proposal and it is therefore considered reasonable and appropriate for the variation to be supported.

#### Section D Locality Specific Development Controls

##### D6 Ingleside Locality

This section of the DCP applies to all land within the Ingleside Locality. An assessment of the proposed development against the relevant controls of this section of the DCP is provided below.

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>D6.1 Character as viewed from a public place</u> Max. 8m wall length to any street frontage with no articulation	No wall >8m proposed with no articulation	Yes
Any building facade to a public place must incorporate at least two of the following design features: i. entry feature or portico; i. awnings or other features over windows; i. verandahs, balconies or window box treatment to any first-floor element; v. recessing or projecting architectural elements; v. open, deep verandahs; or i. verandahs, pergolas or similar features above garage doors.	Proposed dwelling incorporates portico and architectural elements	Yes
Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.	Proposed garage incorporated into dwelling as to not dominate the site.	Yes



Parking structures must be located behind the front building line, preferably set back further than the primary building	Proposed garage located behind building line	Yes
Parking structures be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser	Garage width >7.5	No - see below
<u>D6.3 Building colours and materials</u>	Colours and materials schedule has been provided	For Councils consideration
<u>D6.5 Front building line</u> Land zoned RU2 or SP2 adjoining Mona Vale Road – min. 30m  Land zoned RU2 within blue hatched area (other than adjoining Mona Vale Road and Lane Cove Road) - Min 15m  All other land zoned in RU2- min. 20m All other land – merit assessment  Council may accept variations in the following circumstances: <ul style="list-style-type: none"> <li>- considering established building lines</li> <li>- degree of cut and fill</li> <li>- where it is difficult to achieve acceptable levels for building</li> <li>- for narrow or irregular shaped blocks</li> <li>- where topographic features of site need to be preserved</li> <li>- where depth is &lt;20m</li> </ul>	N/A  N/A  5.383m provided N/A	N/A  N/A  No – see below N/A



<u>D6.6 Side and rear building line</u> Land zoned RU2 within blue hatched area adjoining land other than a road or reserve – min. 2.5m to one side and 1m to other side. 6.5m rear  All other land zoned RU2 adjoining land other than a road or reserve - min.7.5m  Land zoned RU2 within the 'blue hatched area' adjoining a road or reserve – min.15m All other land zoned RU2 adjoining a road or reserve – min.20m	N/A   N/A  N/A  Min side 20.04m 24.073m rear setback provided	N/A   N/A  N/A  Yes Yes
<u>D6.7 Building Envelope</u> 45° from a height of 3.5m	Entire building within the building envelope	Yes
<u>D6.8 Landscape Area – Non urban general</u> Residential development – Min. 96% of total site area minus 400m²  Horticultural/shade/glass/green houses with an earth floor – min. 50%  Other non-residential development permissible with consent except agriculture, agricultural sheds used for a rural industry – min 94%  Sheds used for the purpose of agriculture or for the purpose of a rural industry, with a maximum of 200 square metres, are permitted in	22,179.2m² required 22,344m² provided  N/A  N/A  Noted	Yes  N/A  N/A



<p>addition to non-landscaped areas permitted in the above table.</p> <p>Where a site also contains a dwelling (this includes any ancillary or attached structures), the landscape controls for non-residential development can be applied separately, i.e. the minimum landscaped area (as per table above) can be reduced by the size of the dwelling.</p>	Noted	
<u>D6.9 Landscaped Area – Blue Hatched Area</u>	N/A – subject site is not located within the blue hatched area	N/A
<p><u>D6.10 Fences – General</u></p> <p><i>Front fences and side fences (front building line)</i></p> <p>Max. 1m above existing ground level</p> <p>Not obstruct views available from road</p> <p><i>Rear fences and side fences (to front building line)</i></p> <p>Max. 1.8m height</p> <p><i>Fencing on land on Council's Flood Hazard Map</i></p> <p>No masonry fences permitted on land identified in High Flood Hazard Areas or within a Floodway</p> <p>All fences in High Flood Hazard Areas or within a Floodway to be constructed in open materials</p>	N/A – no fences are proposed as part of this development application	N/A
<u>D6.11 Fences – Flora and fauna conservation areas</u>	N/A – subject site is not located within a flora and fauna conservation area	N/A
<u>D6.12 Construction, retaining walls, terracing and undercroft areas</u>		





Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.	Capable of complying	Yes
Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.	Proposed concrete retaining walls at the front of the property, located behind proposed landscape buffer.	For Council's consideration.
In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.	Noted – proposed alfresco in rear	Yes

#### Variation Request

Garage Width – Council's DCP requires parking structures to be no more than 50% of the lot frontage or 7.5m whichever is lesser. The proposed development includes a 4-car garage with a total width of 13.795m and therefore requires a variation to this control.

The development will consist of a quadruple with two double garage doors, extensive articulation has been provided within the façade in the form of material changes and adequate setback to the garages to allow for vehicle parking within the property boundaries.

The overall width of the garage is not considered excessive for the site when considering the overall width of the site and the garage is appropriately integrated into the dwelling with a number of design features, high degree of articulation and varied roof forms ensuring the garages will not dominate the streetscape.

As the proposed garage will meet the needs of the landowners without resulting in any impact beyond that of a compliant proposal, it is considered reasonable for the variation to be supported in this instance.



Front Setback – Council’s DCP requires development in RU2 zones to have a minimum front setback of 20m. The proposed development provides a front setback of 5.383m to the building line from Kings Road and therefore requires a variation.

The proposed sitting of the dwelling has taken into consideration the need to preserve the heritage item onsite locating the dwelling a suitable distance to avoid any adverse impacts, and utilises an area where vegetation has already been removed to reduce the need for further vegetation loss.

The proposed dwelling is considered to have been provided with a suitable setback, and has been sited fronting King Road, with no dwellings within immediate proximity and therefore does not present any opportunities to overlook or adversely impact upon the privacy of any existing dwellings.

Despite the non-numerical compliance, the amenity and visual quality of the streetscape will be preserved given the appropriate side and rear setbacks provided. The proposed front setback maintains the objectives of the control and would not have detrimental impact to the streetscape or adjoining properties. A variation is requested to be supported in this instance.

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#### Conclusion with respect to DCP requirements

The proposal is considered to generally satisfy the objectives of the relevant development controls relating to dwellings, as contained within Pittwater DCP 21.

#### **(iiia) Relevant planning agreement, or draft planning agreements**

There are no known planning agreements that would prevent the proposed development from proceeding.

#### **(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality**

The following matters are understood to be relevant when considering on site impacts.



### Sitting and Design

The proposed two storey dwelling will be compatible in terms of height, bulk and scale with surrounding developments within the area.

The sitting of the dwelling within the Rural Landscape Zone, can provide spatial separation and openness in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

The front façade is appropriately articulated and contains a variety of roof forms and elements along a central entry feature. In this way, the proposal provides a clear definition of the entry and provides varied shadow lines due to the different construction elements and finishes. The proposed dwelling is considered to be of a design suitable for the Ingleside area it sits within.

### Utilities

The site is connected to all necessary services and utilities including electricity, water, reticulated sewerage and telecommunications.

### Heritage

The subject site has been identified as a heritage item and a heritage statement has been provided as part of this development application confirming that the proposed dwelling would not have an adverse impact upon the heritage items significance.

### Sedimentation Control

Due to the topography of the site, minor cut and fill will be required for the construction of a level building platform, as shown on the development plans.

All disturbed areas will be provided with sedimentation controls in the form of geofabric fencing and/or stacked hay bales. Soil erosion control measures can easily be provided in accordance with Council's policy with compliance required as a condition of consent.



#### Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

#### Noise and Vibration

All construction work will be undertaken during the hours specified within the development consent and/or normal construction hours. No vibration during construction is expected. Noise generated from the dwelling after occupation will be of residential scale only.

#### **(c) The suitability of the site for the development**

The subject site is within a reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed two storey dwelling, the subject of the application, can be constructed with all services necessary and have been designed to suit site constraints and the character of the surrounding rural setting.

The proposed works are permissible with development consent under the provisions of Pittwater Local Environmental Plan 2014, and generally satisfies the objectives of the Pittwater Development Control Plan 21 as discussed above.

#### **(d) Any submissions made in accordance with this Act or the regulations**

Council will consider any submissions received during the relevant notification period for this development application.

#### **(e) Public interest**

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.



## CONCLUSION

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permissible with development consent under the provisions of Pittwater Local Environmental Plan 2014, and can satisfy the objectives of the relevant development control plan for the area.

It is considered that the construction of a two-storey dwelling will complement and blend with the existing and likely future character of Ingleside. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed two storey dwelling appropriately identifies and relates to the sites use as a residential development.

Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the E P and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval.

Olivia McQuaid

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**Urban Planning & Building Consultants**

27 November 2024