

# Statement of Environmental Effects

128 Elanora Road, Elanora Heights

Construction of a new dwelling

Clair & Peter Shilling





**Figure 1: Project Perspective**

Client: **Clair & Peter Shilling**  
 Project: **128 Elanora Road, Elanora Heights**  
 Project No: **19-7060**  
 Date: **March 2020**

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## **1.0 Executive Summary**

### **1.1 Project Overview**

This Statement of Environmental Effects (SEE) is to accompany the plans lodged as part of the development proposal to Northern Beaches Council for Construction of a new dwelling, at 128 Elanora Road, Elanora Heights.

The statement addresses the relevant elements of Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979, together with relevant State Environmental Planning Policies, Sydney Regional Environmental Plans, The Regulations and local plans and policies.

### **1.2 Legislative Requirements**

The site is located in the Northern Beaches Local Government Area (LGA) within the E4 Environmental Living Zone. The following state and local legislative controls relate to the proposal:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy – BASIX
- State Environmental Planning Policy – Infrastructure
- Pittwater Local Environmental Plan 2014

### **1.3 Non - Legislative Controls**

The following Non-Legislative control is applicable to the development:

- Pittwater Development Control Plan 21

### **1.4 Conclusion**

It is our professional opinion that the proposal is consistent with the relevant controls, their underlying objectives, together with the plans and policies at both local and state levels. The proposed offers a high-quality, flexible, contemporary, residential outcome which provides for and contributes to the housing diversity in this residential precinct comprised of a varied and eclectic mix of types of dwellings.

## 2.0 Summary

<b>Address of Site:</b> 128 Elanora Road, Elanora Heights
<b>Local Government:</b> Northern Beaches
<b>Real Property Description:</b> Lot 1 DP1237847
<b>Area of Site:</b> 762.6sqm (including access handle)
<b>SEP:</b> State Environmental Planning Policy No 55 Remediation of Land State Environmental Planning Policy - Infrastructure State Environmental Planning Policy - BASIX
<b>LEPP:</b> Pittwater Local Environmental Plan 2014
<b>DCP:</b> Pittwater Development Control Plan 21
<b>Zone:</b> E4 Environmental Living
<b>Name of Owner:</b> Clair & Peter Shilling
<b>Brief Description / Purpose of Proposal:</b> Construction of a new dwelling
<b>Staged Development:</b> No
<b>Superseded Planning Scheme Application:</b> No

## 3.0 Pre-Application / Consultation and History

The following history is noted with respect to the subject site:

Application Reference	Comment
N0345/13	<p>A 3 lot subdivision including the demolition of an existing dwelling and construction of a concrete driveway. This application was recommended for deferred commencement approval on 9 April 2014. This recommendation was overturned by the Development Unit of Pittwater Council on 17 April 2014 and as a result, the application was refused under the delegation of the Panel.</p> <p>An appeal was lodged with the Land and Environment Court (Proceedings 10429 of 2014) and a Section 34AA conference was held. The parties reached agreement 23 December 2014 and the appeal was upheld.</p>
DA2018/0970	Construction of a new dwelling house on the then unregistered Lot 2 of an approved subdivision. Withdrawn on 31 September 2018. No data is available for the reasons for withdrawal, however, a review of Council records indicates the removal of the Morton Bay Fig on site to likely be the reason for withdrawal.

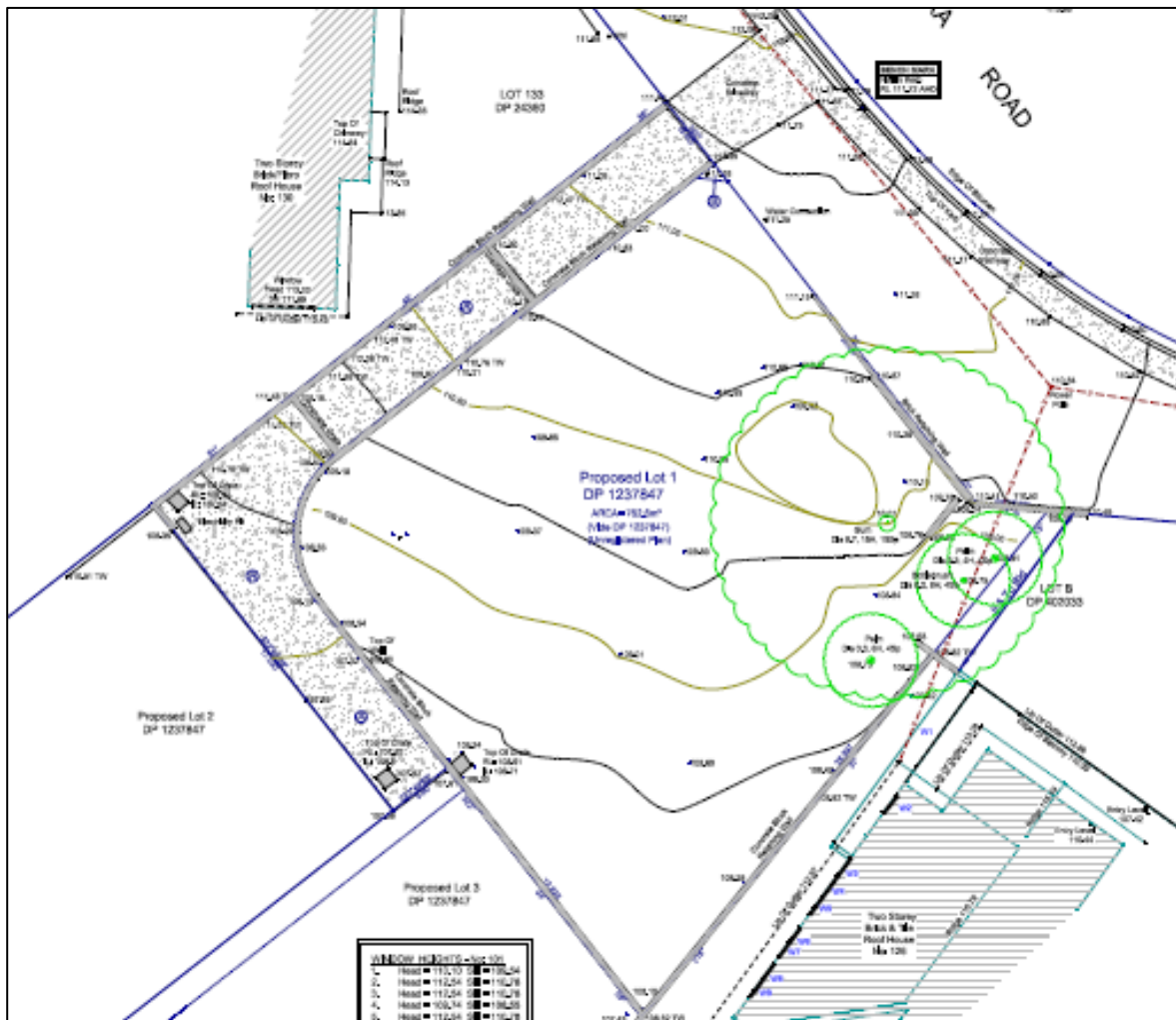


Figure 1: Extract from Survey Plan

## 4.0 Site Information and Analysis

### 4.1 Physical Description

The subject site is legally known as Lot 1 DP1237847 and commonly referred to as 128 Elanora Road, Elanora Heights. The allotment is irregular in shape with a split angular front boundary of two sections, one of 22.25m and the other, at the southern end of the frontage to Elanora Road of 3.1m, equating to a total frontage of 25.35m. The average site depth is 28.38m and the total site area is 762.6sqm.

The topography features a slope of approximately 3% from east down to west and has significant trees in the south east corner of the site frontage. The allotment is currently devoid of structures containing only a vegetation located within the north eastern corner of the property.





Figure 2: Context Map

## 5.0 Proposal Details

The applicant seeks approval for the construction of a new dwelling incorporating:

### Basement

- Double garage
- Storage space and stairs to upper levels

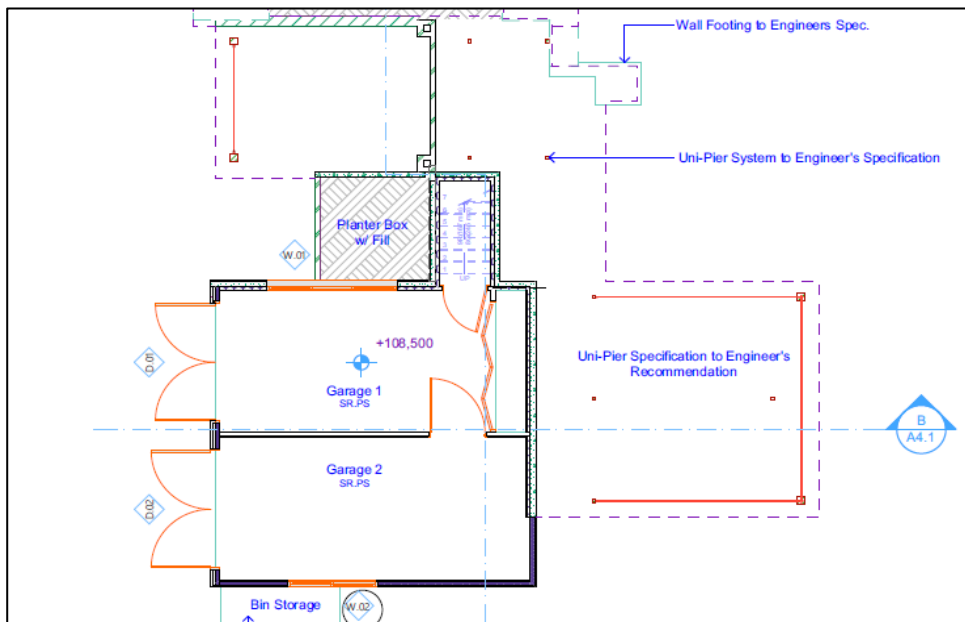


Figure 3: Extract from Basement Plan

## Ground Floor

- Front Door and entry to the dwelling with stairs to other levels,
- Three (3) separate bedrooms with an ensuite servicing the master bedroom,
- Separate bathroom, laundry and study,
- Kitchen, and combined dining and living area,
- An outdoor kitchen and associated deck.

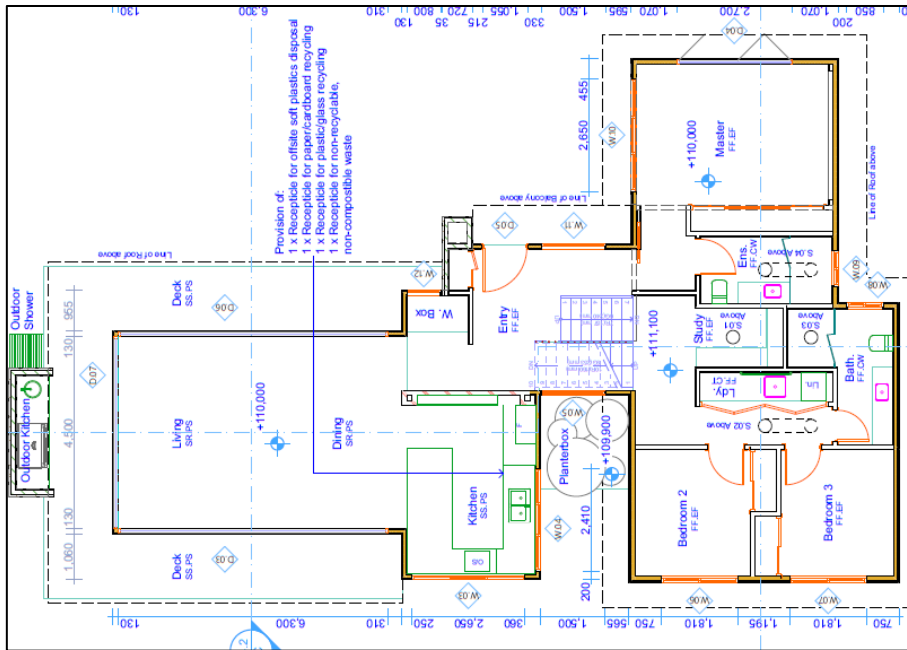


Figure 4: Extract from Ground Floor Plan

## Upper Floor

- An office and stairs to the lower floors.

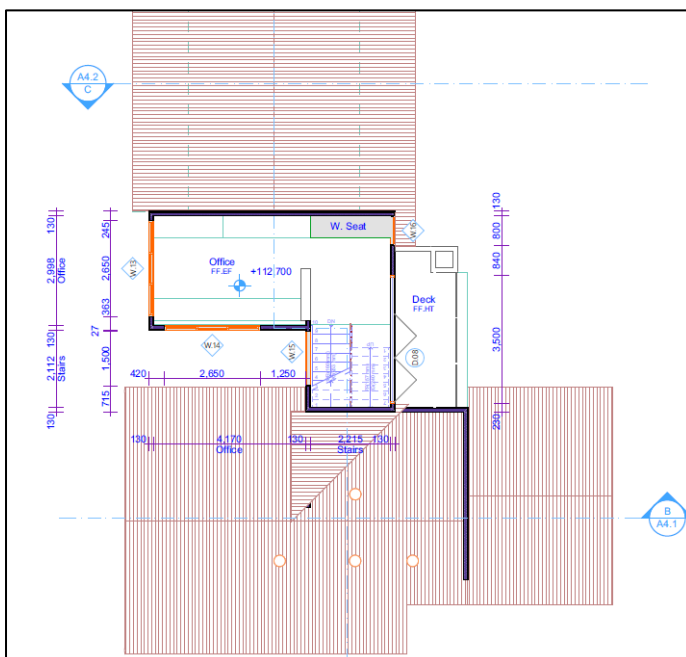


Figure 5: Extract from Upper Floor Plan

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## Roof Form

- The design incorporates a mix of hipped and sloping roof forms.

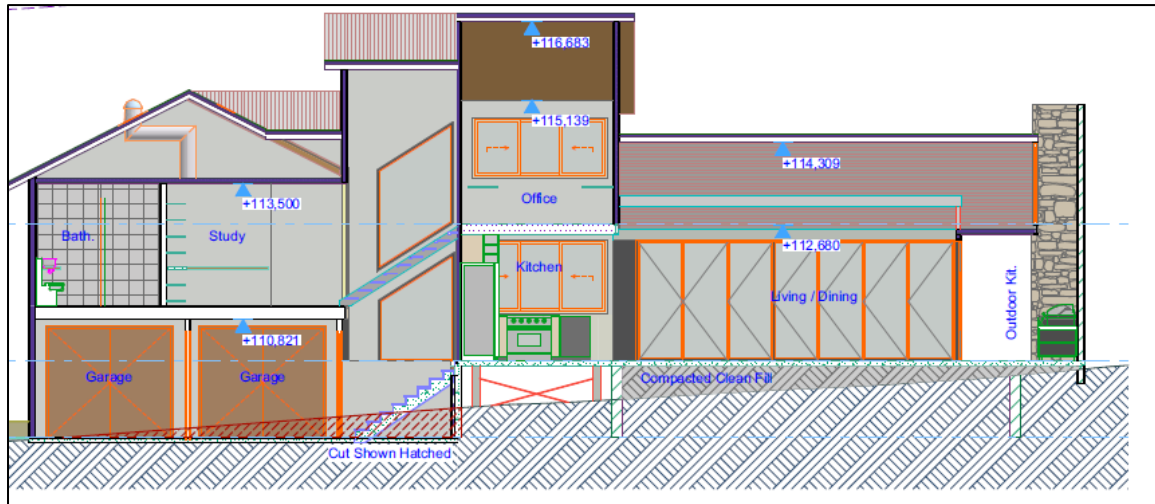


Figure 6: Extract from site Sections showing roof elements

## 6.0 Environmental Planning Controls

### 6.1 Environmental Planning Instruments

#### 6.1.1 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 (1)(a) of State Environmental Planning Policy (SEPP 55) Remediation of Land requires consideration whether land is contaminated. A review of council records and an inspection of site attributes indicates that the site has been utilised for residential purposes for a significant period.

In this regard, the works proposed will not result in risks being posed in terms of contamination of land and thus no further consideration is required under the provisions of Clause 7 (1) (b) and (c) of the SEPP. A review of the site indicates there is no evidence contamination and the wider residential locality is well established, the land is suitable for the land use.

#### 6.1.2 State Environmental Planning Policy BASIX

A BASIX certificate has been prepared and accompanies the proposal under separate cover. This BASIX certificate demonstrates a consistency with the policy. Any additional recommendations and compliance with the certificate may be included into any condition consent documents.

#### 6.1.3 State Environmental Planning Policy – Infrastructure

Clause 45 of the State Environmental Planning Policy (SEPP) requires the Consent Authority to consider any development application for any development carried out:

- Within or immediately adjacent to an easement to an easement for electrical purposes,
- Immediately adjacent to an electrical sub-station,
- Within 5m of an overhead power line,
- Includes instillation of a swimming pool any part of which is within 30m of a structure

A site inspection has indicated that the site subject to the proposal is within 5m of an overhead powerline thus a referral to Ausgrid is required. Any recommendations resulting from the referral to Ausgrid are requested to be included into the conditions of consent.

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

##### PART 1 – PRELIMINARY

##### **1.2 Aims of the Plan**

The particular aims of this Plan relevant to the proposal are as follows:

###### *Aim*

*To promote development in Pittwater that is economically, environmentally and socially sustainable,*

###### Response

The proposal will not result in any negative environmental impacts. Regard is shown for the natural environment and the site will be enhanced through the provision of soft landscaping throughout, as well as the retention of existing significant vegetation. The subject site contains two trees, *Eucalyptus microcorys* (Tallow Wood) and *Banksia integrifolia* (Coastal Banksia), which are in good health. These trees are proposed to be retained as part of the proposed development, as per the recommendations contained within the accompanying Arboricultural Impact Assessment Report prepared by Seasoned Tree Consulting.

The built environment will be enhanced by the upgraded site and its increased yield and will add to the gentrified outlook of this socially stable locale.

###### *Aim*

*To ensure development is consistent with the desired character of Pittwater's localities:*

###### Response

The relevant elements of the Desired Future Character statement are considered below:

###### *Requirement*

*The Elanora Heights 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.*

###### Response

The proposal is for a two-storey dwelling, consistent with the low-density environment with appropriate levels of landscaping on site. The dwelling is consistent with this requirement.

###### *Requirement*

*Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.*

###### Response

The proposal will utilise existing infrastructure services, well established in the area.

*Requirement*

*Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development.*

Response

The proposed dwelling remains beneath the existing tree canopies and provides adequate native vegetation.

*Requirement*

*Building colours and materials will harmonise with the natural environment.*

Response

The montage below shows the dwelling finishes to be consistent with this requirement.



**Figure 7: External Finishes**

*Requirement*

*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.*

Response

The dwelling is an appropriate design response to the topographic and surrounding built form environments relating to the site

*Aim*

*To encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,*

Response

The dwelling proposed will add to the choice of housing in the locality and will add to the various types of accommodation within the community.

*Aim*

*To protect and promote the health and well-being of current and future residents of Pittwater.*

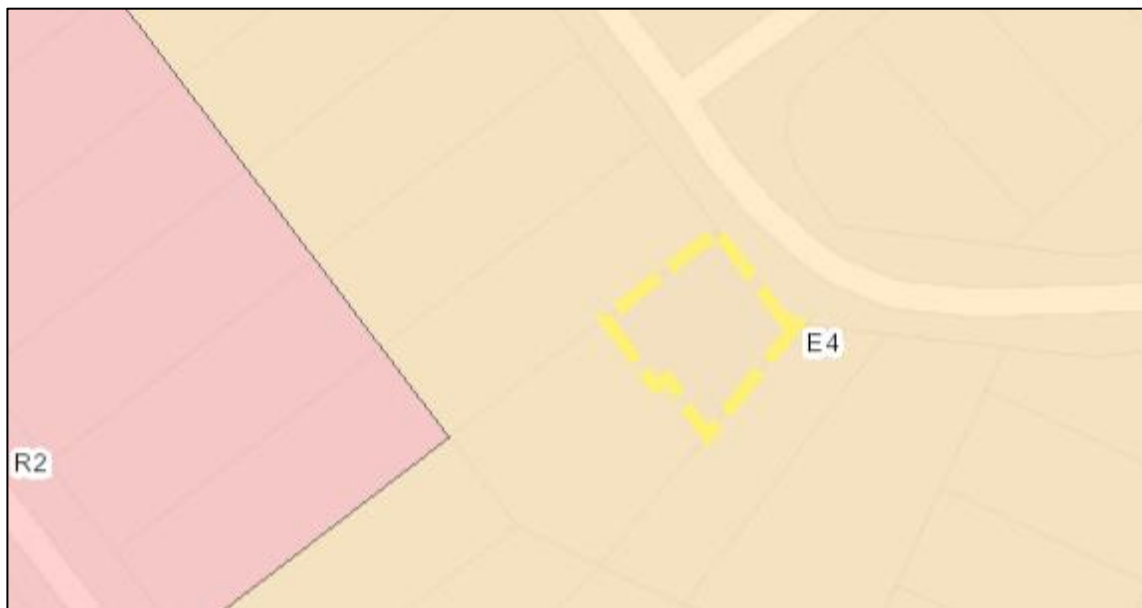
Response

The proposal further reinforces the high level of wellbeing currently enjoyed within the Elanora locality.

PART 2 – PERMITTED AND PROHIBITED DEVELOPMENT

Land Use Table

*Zone E4 Environmental Living*



**Figure 8: Zone Map**

Objectives of zone

The relevant objectives of the zone are addressed as follows:

*To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Response

The proposal is for a low impact residential development with extensive landscaping and consideration for the unique attribute of the Elanora Locality. The proposal is consistent with this objective.

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*To ensure that residential development does not have an adverse effect on those values.*

Response

The proposal is an appropriate fit to the area and considered the ecological, scientific and aesthetic values of the zone.

*To provide for residential development of a low density and scale integrated with the landform and landscape.*

Response

The proposal shows regard is shown for the natural environment with particular reference to the topography and surrounding built form. The application is consistent with this Objective.

*Permitted with consent*

The proposal is defined as a **Dwelling House**:

**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.

**Dwelling Houses** are identified as permissible with consent in the E4 environmental Living Zone.

PART 4 – PRINCIPAL DEVELOPMENT STANDARDS

Control	Required	Provided	Comment
Minimum Lot Size	550sqm	732.6sqm	Complies
Building Height	8.5m	7.1m	Complies
Floor Space Ratio	N/A	N/A	N/A

## 6.2 Development Control Plans

### 6.2.1 Pittwater Development Control Plan 21

Control	Required	Provided	Comment
Front Setback	6.5m	7m	Complies
Side Setback North	1m/2.5m	4m	Complies
Side Setback South	1m/2.5m	1m	Complies
Side Envelope North	3.5m x 45°	Complies	Complies
Side Envelope South	3.5m x 45°	Complies	Complies
Rear Setback	6.5m	7m	Complies
Landscaping	60% (457.56sqm)	56.4% (430.22sqm)	Variation*

### Landscape Open Space Objectives\*

Objective	Comment	Complies
Achieve the desired future character of the Locality.	This has been demonstrated under section 6.1.4 of this report.	YES
The bulk and scale of the built form is minimised.	The proposal achieves visual integration without dominating the streetscape.	YES
A reasonable level of amenity and solar access is provided and maintained.	This element is considered under the heading Solar Access within this report.	YES
Vegetation is retained and enhanced to visually reduce the built form	The subject site contains two trees, Eucalyptus microcorys (Tallow Wood) and Banksia integrifolia (Coastal Banksia), which are in good health. These trees are proposed to be retained as part of the proposed development. The provision of landscaping throughout the site and the retention of significant trees will soften the appearance of the built form when viewed from the street.	YES
Conservation of natural vegetation and biodiversity.	This is achieved and demonstrated within the landscape plan under separate cover.	YES
Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.	Adequate stormwater measures have been incorporated into the development.	YES
To preserve and enhance the rural and bushland character of the area.	Not applicable, the area is a well-established residential zone.	YES
Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.	Whilst the numerical standards are not achieved by the proposal, there are other areas of soft surface landscaping that do physically contribute to the functionality of the site in terms of open space, stormwater and built form separation. The proposal will adequately achieve the requirements of the objective.	YES

Notwithstanding the above, the relatively minor shortfall in the provision of landscaping is largely attributed to the portion of the site which cannot be developed (the right of way). Overall when viewed from the street, the shortfall in the provision of landscaping would not be evident as the 'right of way' does not necessarily read as being part of the site. The developable portion of the site is sufficiently landscaped and would comply if the 'right of way' were to be excluded from the site area, as such the minor shortfall is acceptable on merit.

### Solar Access

The proposal provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to living zones of the dwelling, and the living zones of any adjoining dwellings. Further, the proposal ensures a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings. The proposal is compliant in this regard.



### **Building Design**

The proposal is seen from the street as a single dwelling with gardens and landscape elements. All dwelling facades incorporate a variety of materials and shading structures with a mix of styles for the roof element. The proposal utilises a range of materials and finishes with windows on every elevation with articulation in the form of broken wall plans and a variety of finishes facing all boundaries are provided.

### **Visual and Acoustic Privacy and Outlook**

The proposal allows for outlooks from the dwelling and associated private open space whilst achieving levels of acoustic and visual privacy that are reasonable for the development. The high level of visual and acoustic privacy is a result of appropriate and thoughtful building design that minimises overlooking into private and public open spaces.

### **Safety and Security**

The proposal achieves adequate levels of passive security and allows for casual views from dwellings and private areas to the street frontage and to driveways. Appropriate levels of casual surveillance are achieved by the proposal.

### **Preservation of Trees**

The subject site contains two trees, *Eucalyptus microcorys* (Tallow Wood) and *Banksia integrifolia* (Coastal Banksia), which are in good health. These trees are proposed to be retained as part of the proposed development, as per the recommendations contained within the accompanying Arboricultural Impact Assessment Report prepared by Seasoned Tree Consulting.

### **View Sharing**

The Pittwater DCP 21 requires for the reasonable sharing of views. In this regard, Council officers have consistently applied the four step Planning Principle outlined within *“Tenacity Consulting v Warringah Council [2004] NSWLEC 140 at 25-29”*.

Whilst the principle may be relevant in most assessments within the Northern Beaches Local Government Area due to sites having significant water views, the subject site does not enjoy the benefit of any significant or iconic views. As such, no further investigation is required in this regard.

## **6.3 Planning Agreements**

There are currently no Draft Planning Agreements or Planning Agreements applicable to the development.

## **6.4 The Regulations**

### **Division 8A**

The consent authority is to consider ‘Prescribed conditions’ of development consent. This matter may be addressed within any consent documentation.

### **Clauses 54 and 109**

Were Council to require additional information, consideration must be given to the number of days taken in this assessment in light of this clause within the Regulation. No additional information has been requested at the time of writing of the Statement.

## **6.5 The Likely Impacts**

### **Environmental**

The assessment of the proposal has shown that any environmental impacts resulting from the proposal will be negligible. Regard is shown for the natural environment in terms of on-site management of stormwater and drainage, with appropriate measures incorporated into the overall design that operate in concert with the extensive areas of landscaping provided by the site layout.

The built environment will be enhanced by the upgraded site and its increased yield allowing for the more economical use of the available resource, without impacting or dominating the area in terms of built form. The proposal satisfies the requirements of both the natural and built environments.

### **Social**

The proposal adds to housing stock, allowing for a more diverse accommodation typology within the appropriate E4 Environmental Living Zone. This allows a more diverse population cross section to “settle and stay” within the Northern Beaches LGA. The increased choice of housing in this area provided by the proposal increases the longevity of the site whilst allowing residents an upgraded modern alternative. The dwelling will continue to fill an existing void and increase the services available to the occupants of dwellings in terms of housing. The proposal adds to the available housing stock within the area and provides opportunities for more varied dwelling choice. The proposal is consistent with the social requirements in these regards.

### **Economic**

The provision of separate housing opportunities within this appropriately zoned locality, contributes to the easing of housing affordability pressure on potential homeowners whilst showing regard for the requirements of this E4 Zone. The proposal provides economic benefits that extend beyond the dwelling. Increased residents in this appropriate zone will add to the economic stability of the area by allowing for residents to live in a locality that is gentrified and economically vibrant. The site is in close proximity to local services and within reasonable distance to local business and upgraded infrastructure. All of these entities will benefit from the employment and economic input provided by the future residents.

## **6.6 Site Suitability**

The site suitability is indicated by the appropriate land use being located within the appropriate E4 Zone. The proposal has demonstrated compliance with all the standards and controls together with a consistency of all underlying objectives of both State and Local controls. The subject site is serviced by existing infrastructure, is easily accessible and is within a gentrified residential area. The proposal is an appropriate fit to the naturally developed character of the locality and will add a further unique land use and housing opportunity within this residential area. The application is considered acceptable with regards to suitability of the site.

## **6.7 Submissions**

There have been no submissions received from any public person, private or Government Authorities at the time of the preparation of this report.

## **6.8 The Public Interest**

The public interest is served by the provision of the appropriate land use that is consistent with local and state planning objectives. The land use responds at a strategic level to desired planning outcomes together with increased affordable housing opportunities within the Sydney region and the Northern Beaches LGA specifically.

The proposal is consistent with the underlying objectives of the EP&A Act in that it is an appropriate and economical use of the available resource.

## **7.0 Conclusions and Recommendations**

The project, located within suburban Elanora, offers a high-quality, flexible, contemporary, residential outcome which provides for and contributes to the housing diversity in this residential precinct comprised of a varied and eclectic mix of types of dwellings. The proposal has demonstrated consistency with the underlying objectives of the controls and general compliance with the numerical standards contained within both State and Local policies and plans. The proposal shows regard for Section 4.15 of the Act, shows regard for all heads of consideration including site suitability, economic, social and environmental impacts and the public interest.

We recommend the proposal to Council for approval under the provisions of Section 4.16 Determination, of The Act.

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**Urban Strategies Pty Ltd**

10/3/2020