

## **Statement of Environmental Effects**

convert the detached garage to a secondary dwelling and construct a carport for the secondary dwelling and a carport for the principal dwelling

**50 Wesley Street, Elanora Heights**

**Client** Lachlan & Zoe Isles  
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## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared to support an application for convert the detached garage to a secondary dwelling and construct a carport for the secondary dwelling and a carport for the principal dwelling at 50 Wesley Street, Elanora Heights.

The objective of the development proposal is to contribute to additional affordable housing in a manner encouraged by the applicable zone objectives and planning controls.

Key aspects of the proposal include alterations and additions to the detached garage and use of the building as a secondary dwelling. Carports are proposed for both the principal and secondary dwelling. The application also proposes landscaping in the front setback area.

The site is mapped as bushfire prone land meaning the provisions of the NSW RFS publication *Planning for Bushfire Protection 2019* (PBP) will apply to the application. A Bushfire Risk Assessment Report is supplied with the application and confirms the proposal satisfies relevant provisions.

Our assessment finds that the development proposal is entirely consistent with relevant environmental planning instruments and broadly aligns with the objectives and controls contained within relevant planning guidelines, with justifiable exceptions to front and side setback and garage siting controls.

We have provided commentary on core assessment matters including impact on neighbour amenity, suitability of proposed built form / scale and building, and setback non-compliances. This report sets out the merits of the proposal in relation to these assessment matters.

Based on our evaluation of the proposal against relevant planning instruments and our detailed consideration of the environmental impacts, we conclude that the proposal is worthy of approval.

# 1. INTRODUCTION

This Statement of Environmental Effects has been prepared to support an application for convert the detached garage to a secondary dwelling and construct a carport for the secondary dwelling and a carport for the principal dwelling at 50 Wesley Street, Elanora Heights.

The objective of the development proposal is to contribute to additional affordable housing in a manner encouraged by the applicable zone objectives and planning controls.

Key aspects of the proposal include alterations and additions to the detached garage and use of the building as a secondary dwelling. Carports are proposed for both the principal and secondary dwelling. The application also proposes landscaping in the front setback area.

The purpose of this document is to evaluate the proposal against relevant planning instruments and to provide a planning assessment of its environmental impacts, as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 2. SITE AND CONTEXT

This section describes the characteristics of the land which have informed and influenced the proposal. Here we also describe the characteristics of the locality which have been considered in developing the proposal.

### 2.1. SITE DESCRIPTION

The site is located at 50 Wesley Street, Elanora Heights and the land is legally described as Lot 94 in DP 32253. An aerial photograph identifying the site in yellow is provided at Figure 1.



Figure 1 | Aerial image  
(Source: NSW Govt.)

#### 2.1.1. Site Characteristics

The site is a triangular lot with a ~45.7m frontage to Wesley Street. The site area is 700.9sqm. The land falls ~3m from the western side boundary to the eastern corner of the site.

A Survey Plan illustrating site dimensions and contours is included at **Appendix A**.

The site contains a single storey brick dwelling situated over the southern portion of the site. The principal private open space is on the southern side of the dwelling and consists of a covered terrace and lawn area.

A detached single-bay garage with storage is situated on the northern side of the dwelling. The rear wall of the garage is parallel to the eastern side boundary. The garage has a flat roof. Vehicular access to the site is from Wesley Street.

The site contains a mature bottlebrush situated between the residence and the detached garage. The site is otherwise sparsely vegetated a handful of low shrubs and lawn area.

Roof water runoff is understood to discharge to a kerb outlet on Wesley Street and the site frontage.

There is an easement for water supply burdening a corridor of land along the eastern boundary.

### **2.1.2. Site Constraints**

#### Lot configuration

The site is a triangular shape and the existing dwelling and garage are situated near the rear boundaries of the property leaving little opportunity for expansion or alterations unless delivered forward of the building line. Strict compliance with setback controls, which contemplate a more conventional lot shape, is less likely where lot configuration is irregular.

This report and supporting documentation explain how the proposal responds to site constraints.

### **2.1.3. Site Opportunities**

#### Development potential

The site contains a residence with modest floorplate and residual undeveloped area. There is potential to utilise the existing garage floorplate to deliver a secondary dwelling thereby contributing to much needed affordable housing supply in the locality.

This report describes how the proposal leverages site opportunities.

## **2.2. LOCALITY DESCRIPTION**

The site is situated within Northern Beaches Local Government Area in the suburb of Elanora Heights.

### **2.2.1. Land Use**

Land use in the immediate locality is almost exclusively low-density residential consisting of single dwelling houses and the occasional secondary dwelling. The Elanora Heights local centre is ~300m to the south-east.

### **2.2.2. Building Form**

Building form is characterised by two-storey detached dwellings with the occasional outbuilding or detached secondary dwelling. Dwelling siting and arrangement in the immediate locality are varied which is reflective of the irregular subdivision pattern in the street block.

The streetscape is characterised by parking structures forward of the building line as demonstrated by the analysis at Figure 2. Sites with parking structures forward of the building line are indicated by a red star.





Figure 2 | Parking structure street block analysis

### 2.2.3. Adjacent Development

Adjacent development is described as follows:

- **48 Foxall Street**

Directly to the south-east with a frontage Foxall Street is an irregularly shaped lot containing a single storey residence. The lot is downslope of the subject site.

CDC no. 130018, dated 11 April 2013, approved rear additions to the dwelling. The additions have been delivered. The approved plans show three window openings on the western elevation. Those windows are associated with a bedroom, a street-facing living room, and a kitchen.

The principal area of private open space is the covered patio to the rear of the dwelling.

Survey information indicates that the external wall of the dwelling is situated a minimum distance of ~3.2m from the western boundary. There is a driveway / hardstand between the dwelling and the side boundary.

- **52 Wesley Street**

Directly to the west with a frontage to Wesley Street is an irregularly shaped lot containing a double storey dwelling with an integrated double bay garage. The site is upslope of the subject site.

The garage is situated on the eastern side of the floorplate and is a variable distance (~1.2-2.6m) from the eastern side boundary. Survey information indicates the nearest east-facing window is ~7.7m from the common boundary.

The principal private open space area is the terrace and pool area to the rear of the dwelling.

There is a breezeblock wall on the common boundary 52 Wesley Street and the subject site.

The proposed building arrangement and orientation responds to the siting and location of neighbouring development and avoids adverse shadow and privacy impact thereby preserving the amenity of neighbours.

## **3. PROPOSED DEVELOPMENT**

This section provides a description of the proposal and should be read in conjunction with accompanying plans and documentation. Here we endeavour to explain how the proposal has been designed to work with site constraints and optimise site opportunities.

### **3.1. SITE PREPARATION**

#### **3.1.1. Demolition**

External walls and roof of the garage and a section of the brick fence on the front boundary and are to be demolished. The extent of demolition works is detailed on the architectural plans.

#### **3.1.2. Tree Removal**

The bottlebrush between the dwelling and garage will be removed.

#### **3.1.3. Land Modification**

Some site disturbance / excavation is proposed to allow for proposed driveway and garage floorplate expansion. Areas of site disturbance are illustrated on the architectural plans.

### **3.2. BUILDING WORKS**

#### **3.2.1. Secondary dwelling**

The application proposes alterations and additions to the detached garage and use of the structure as a secondary dwelling. The floorplate will be expanded to provide for a floor area of 60sqm.

The secondary dwelling will contain two bedrooms, and open plan living, kitchen, and dining, a bathroom, and a cupboard laundry. The living room openings are oriented to the north-east for solar entry. A small deck will extend from the living room.

A new skillion roof with wide eaves on the north and north-east side of the building will be installed over the secondary dwelling.

#### **3.2.2. Carport (secondary dwelling)**

A single-bay carport is proposed and abuts the north-west elevation of the secondary dwelling.

The carport has a flat roof which sits comfortably below the eave line of the secondary dwelling. The north-west wall of the carport consists of breezeblocks. The carport level will sit below EGL and will be disguised from view by the retained boundary wall and proposed front setback planting.

### **3.2.3. Carport (principal dwelling)**

A single-bay carport is proposed on the north-west side of the principal dwelling over an area of surplus and rarely utilised garden space. A existing layback on Wesley Street at the western end of the site frontage will be utilised for access.

Storage cupboards are proposed flank the carport and will be used for storage of tools and beach equipment.

### **3.2.4. Materials**

Proposed external materials include a combination of light painted fibre cement wall cladding, exposed timber frame / structure, and pale coloured metal roof cladding. New external brick work will match existing.

A schedule of materials and finishes is supplied at Sheets D903 and D904 of the Architectural Plans.

## **3.3. ANCILLARY WORKS**

### **3.3.1. Stormwater**

Roof water runoff from the secondary dwelling will be directed to a rainwater tank for reuse within the building. Overflow and surface wall runoff will discharge to drainage infrastructure in Wesley Street.

There is less than 50sqm of additional hardstand therefore no need for a Stormwater Concept by a hydraulic engineer.

### **3.3.2. Landscaping**

A diversity of trees, shrubs, and groundcovers are proposed within the front setback zone to compensate for the removal of the existing bottlebrush and to soften built form and enhance resident amenity.

A landscape concept is included at Sheet D070 of the Architectural Plans.

## **3.4. OPERATION**

### **3.4.1. Waste Management**

There is ample room for storage of waste bins in the side passages / alongside the proposed carport. Bins will be concealed from view and can conveniently be moved to Wesley Street for collection.

## 4. COMPLIANCE SUMMARY

This section provides an evaluation of the proposal against relevant planning instruments as required by section 4.15(1) of the EP&A Act.

### 4.1. ENVIRONMENTAL PLANNING INSTRUMENTS

#### 4.1.1. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (SEPP BASIX) applies to BASIX affected development and requires that a BASIX certificate accompany the development application.

A BASIX certificate is supplied with the development application.

#### 4.1.2. State Environmental Planning Policy (Resilience and Hazards) 2021

##### Remediation of land

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP) states that a consent authority must not consent to development of land unless it has considered whether the land is contaminated and, if contaminated, can be made suitable for the proposed use.

The land has not been used for a purpose referred to in Table 1 of the DPE publication *Contaminated Land Planning Guidelines*. The site has a long history of residential use and is unlikely to contain contaminants that would preclude ongoing residential use.

No further consideration under the R&H SEPP is required.

#### 4.1.3. State Environmental Planning Policy (Housing) 2021

Chapter 3 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) sets out controls for secondary dwellings and applies where development for the purposes of a secondary dwelling is carried out on land in a “residential zone”. The site is within Zone R2 and therefore the policy applies.

The standards are addressed at Table 2.

Table 1 | Housing SEPP compliance summary

Clause	Standard	Comment	Compliance
52 Development may be carried out with consent	(2) Development consent must not be granted for development to which this Part applies unless— (a) no dwellings, other than the principal dwelling and the secondary	The principal dwelling and secondary dwelling will be the only dwellings located on the land.	Yes

Clause	Standard	Comment	Compliance
	dwelling, will be located on the land, and		
	(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and	There is no FSR standard.	n/a
	(c) the total floor area of the secondary dwelling is— (i) no more than 60m <sup>2</sup> , or (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.	The floor area of the secondary dwelling is 60sqm.	Yes
53 Non-discretionary development standards—the Act, s 4.15	(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies— (a) for a detached secondary dwelling—a minimum site area of 450m <sup>2</sup> ,	The site is 700.9sqm.	Yes
	(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.	There is presently parking for two cars: one spaces within the garage and one space on the driveway. The proposal provides space to park three vehicles.	Yes

The proposal is consistent with development standards for secondary dwellings and the Principles of the Housing SEPP which encourage delivery of affordable housing stock.

#### 4.1.4. Pittwater Local Environmental Plan 2014

Pittwater Local Environmental Plan 2014 (PLEP) applies to the site.

The site is within Zone R2 Low Density Residential and secondary dwellings are permitted with consent. The objectives for development in Zone R2 are outlined in Table 2. The proposed development aligns closely with relevant objectives.

Table 2 | Zone objectives

Objective	Comment
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> </ul>	The proposal is for a new secondary dwelling and will contribute to low density housing stock in Elanora Heights.
<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	n/a
<ul style="list-style-type: none"> <li>To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.</li> </ul>	n/a

An extract of the Zoning Map is provided at Figure 4.

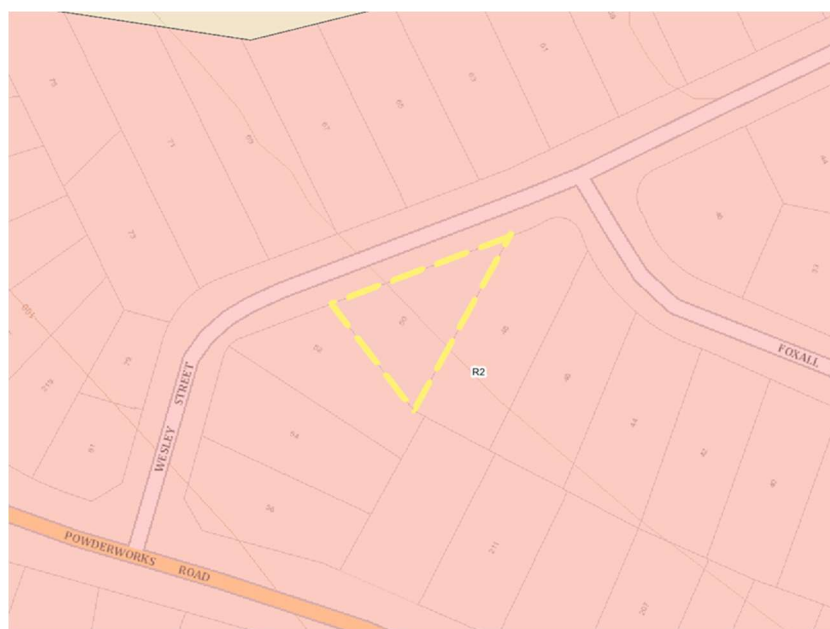


Figure 3 | Zoning Map extract (Source: NSW Govt.)

The proposal is entirely consistent with relevant development standards and provisions contained within PLEP.

A compliance summary is provided at Table 1.

Table 3 | PLEP compliance summary

Clause	Standard	Comment	Compliance
4.3 Height of buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	<p>The maximum permitted building height is 8.5m as indicated on the <i>Height of Buildings Map</i>.</p> <p>The building height is less than 8.5m.</p>	Yes

Clause	Standard	Comment	Compliance
5.4 Controls relating to miscellaneous permissible uses	<p>(9) <b>Secondary dwellings on land other than land in a rural zone</b></p> <p>If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—</p> <p>(a) 60 square metres,  (b) 25% of the total floor area of the principal dwelling.</p>	The secondary dwelling has a floor area of 60sqm.	Yes
7.1 Acid sulfate soils	<p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</p>	<p>The site is identified as “Class 5” acid sulfate soil on the <i>Acid Sulfate Soils Map</i>.</p> <p>The proposed development occurs more than 500m from mapped Class 1, 2, 3, and 4.</p> <p>The requirement for an acid sulfate soils management plan is not triggered in this scenario.</p>	n/a
7.2 Earthworks	<p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,  (b) the effect of the development on the likely future use or redevelopment of the land,</p>	<p>There will be minor site disturbance / excavation associated with building footings and construction of driveways.</p> <p>The proposed land modification works will optimise the future use of the land and will not preclude or impinge on redevelopment potential. Excavated material will be reused on site where possible with excess disposed of at a licenced waste management facility. A standard condition of consent is anticipated.</p>	Yes



Clause	Standard	Comment	Compliance
	<p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</p> <p>(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.</p>	<p>Sediment and erosion controls will be installed prior to site works commencing to prevent migration of sediment laden water from the site and mitigate impact on receiving waters.</p> <p>The site is not heritage listed or within a heritage conservation area (HCA).</p> <p>The site is not identified as having archaeological potential.</p>	
7.10 Essential services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p>	<p>The site has connections to all necessary services including electricity supply, and reticulated water and sewer.</p> <p>The site has suitable access from a public road.</p>	Yes

Clause	Standard	Comment	Compliance
	(e) suitable vehicular access.		

## 4.2. PROPOSED INSTRUMENTS

There are no proposed planning instruments that are relevant to the site or the proposed development.

## 4.3. DEVELOPMENT CONTROL PLANS

### 4.3.1. Pittwater 21 Development Control Plan

Pittwater 21 Development Control Plan (PDCP) applies to the site.

The proposal is broadly consistent with relevant development controls contained within PDCP except for front and side setback and garage location controls.

Discussion concerning these aspects of the non-compliance is set out at Section 5.1 of this report.

A compliance summary is provided at Table 2.

Table 4 | PDCP compliance summary

Clause	Control	Comment	Compliance
Section A Shaping development in Pittwater			
A4.5 Elanora Heights Locality	<p><u>Desired character</u></p> <p>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. 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.</p> <p>Future development is to be located so as to be</p>	<p>The proposal is consistent with the desired future character statement as follows:</p> <ul style="list-style-type: none"> <li>The proposal retains the single storey scale of development and the site and sufficient area within the setback zones for landscaping.</li> <li>A secondary dwelling is proposed thereby contributing to low density housing in a manner encouraged by the desired character statement.</li> </ul>	Yes

Clause	Control	Comment	Compliance
	<p>supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.</p> <p>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.</p> <p>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.</p> <p>Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development on non-urban zoned land shall maintain generous spatial separation of the built form and low site coverage on large lots. Development will be designed to be safe from hazards including landslip and bushfire.</p> <p>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</p>	<ul style="list-style-type: none"> <li>• There is adequate infrastructure in the locality / at the site to support the development.</li> <li>• The proposal complies with the building height standard and occurs below the local tree canopy. There is sufficient pervious area in setback zones for landscaping to ameliorate the building form.</li> <li>• The works proposed will improve the streetscape appearance and architectural quality of development and the site. Altered facades are sufficiently modulated / articulated. The blank northern façade of the residence is disguised by the proposed carport.</li> <li>• The external materials proposed are compatible with those evident in the locality and will ensure the building “harmonises” with the natural environment.</li> <li>• A bushfire risk assessment report is supplied with the application and recommends</li> </ul>	

Clause	Control	Comment	Compliance
	<p>blending into the natural environment, and to enhance wildlife corridors. Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality 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.</p>	<p>construction requirements and bushfire mitigation measures to manage bushfire risk.</p> <p>The proposal will enhance the architectural quality of development on site, will contribute to affordable housing stock, and is compatible with bushfire hazard. The proposal aligns with the DFC statement.</p>	

#### Section B General controls

#### B3 Hazard controls

B3.2 Bushfire Hazard	<p>Development land to which this control applies must comply with the requirements of:</p> <ul style="list-style-type: none"> <li>• Planning for Bushfire Protection (2006)</li> <li>• Australian Standard AS 3959:2009 - Construction of a building in a bushfire-prone area</li> </ul>	<p>The Bushfire Risk Assessment Report supplied with the application finds that the development can satisfy relevant provisions of PBP.</p>	Yes
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#### B5 Water management

B5.15 Stormwater	<p>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.</p>	<p>Stormwater runoff will be directed to a rainwater tank for reuse within the secondary dwelling. Tank overflow and surface water runoff will discharge to Welsey Street.</p> <p>It is unlikely that that the works will have adverse impact on downstream environments.</p>	Yes
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Clause	Control	Comment	Compliance
	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	Stormwater runoff will be directed to a rainwater tank for reuse within the secondary dwelling. Tank overflow and surface water runoff will discharge to Welsey Street.  It is unlikely that that the works will have adverse impact on downstream environments.	Yes
B6 Access and parking			
B6.1 Access driveways and Works on the Public Road Reserve	Access Driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Appendix 10 - Driveway Profiles.	Noted.	-
	An Access Driveway to the standards as set out below must be provided for: <ul style="list-style-type: none"> <li>any new development;</li> <li>any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m<sup>2</sup>; and</li> <li>where additional car parking spaces and/or garages are proposed.</li> </ul>	The existing driveway is retained and will service the proposed secondary dwelling.  There is an <i>existing</i> layback on Wesley Street at the western end of the site frontage which will be used to access the proposed carport for the principal residence.	Yes
	Where there is an existing driveway and the applicant proposes to retain the existing driveway, the applicant will be required to demonstrate compliance with this control.	The retained access driveway is understood to comply.	-

Clause	Control	Comment	Compliance
	<p>The design of all Access Driveways shall be in accordance with the current edition of following Australian Standards:</p> <ul style="list-style-type: none"> <li>• Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking.</li> <li>• Australian Standard AS/NZS 2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities except as qualified in this control.</li> </ul>	To be detailed in Roads Act application for the proposed driveway.	-
	<p>The number of permissible Access Driveways to an allotment is as follows:</p> <ul style="list-style-type: none"> <li>• where the frontage of an allotment to a local public road is 30m or more, a second access driveway will be considered on merit.</li> </ul>	A second driveway utilising an existing layback is proposed and is permitted because the road frontage is greater than 30m.	Yes
	<p>Council, under the Local Government Act 1993, may direct as to which frontage access is to be gained where traffic safety issues are a consideration.</p>	There is only one frontage.	n/a
	<p>Access Driveways shall be designed and located to provide adequate sight distance to maximise pedestrian and vehicular safety as follows:</p> <ul style="list-style-type: none"> <li>• minimum clear distance along the road frontage edge of kerb of 50 metres for 40 and 50 kph speed limit</li> </ul>	We understand the proposed driveway has adequate sight lines and will not diminish vehicle or pedestrian safety.	Yes

Clause	Control	Comment	Compliance
	<p>roads measured from a point on the centreline of the driveway 2.5 metres from the face of kerb; and</p> <ul style="list-style-type: none"> <li>• minimum clear distance along the frontage footway of 5 metres, measured from a point on the centreline of the driveway 2.5 metres from the edge of footway area closest to property boundary.</li> </ul>		
	The location of the Access Driveway is to maximise the retention of trees and native vegetation in the public road reserve.	No trees in the road reserve will be impacted. There is a juvenile plant in the street frontage that may be impacted. It is not tall enough to constitute a "tree".	n/a
	<p>The maximum width of an Access Driveway for dwellings houses, secondary dwellings shall be as follows:</p> <p>The maximum permitted driveway width at the boundary and kerb is 3m and 3.5m, respectively, where the distance building line to the boundary is greater than 6.5m.</p>	The proposed driveway width at the kerb is ~3.3m. The driveway width at the boundary is ~4.4m, however, this is necessary as the driveway is not perpendicular to the front boundary.	On merit
	Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles.	Driveway profile is AS compliant.	Yes
	All Access Driveways shall be constructed with an impervious pavement and gutter crossing construction.	Concrete driveway proposed.	Yes

Clause	Control	Comment	Compliance
	Gutter crossings are to be in plain concrete.	Designed to comply.	Yes
	Access Driveways are to be in plain concrete. Cosmetic Access Driveways on a public road reserve are not permitted.	Concrete driveway proposed.	Yes
	Access Driveways are to match with the adjacent constructed footpaths or alternatively adjacent constructed footpaths are to be adjusted to provide a continuous surface with no trip points with a maximum 1:14 (V:H) transition.	No footpath at site frontage.	n/a
	The Access Driveway is to be structurally adequate for its intended use.	Driveway design will be informed by structural engineer advice.	Yes
	Suspended driveways must not use the existing road structure for support.	Driveway will not use the road for structural support.	Yes
B6.2 Internal Driveways	<p>An Internal Driveway must be provided for in:</p> <ul style="list-style-type: none"> <li>any new development;</li> <li>development where additional car parking spaces and/or garages are required by Council's plans or policies;</li> <li>any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m<sup>2</sup> ; and</li> <li>development where additional car parking spaces and/or garages are proposed.</li> </ul>	A new internal driveway is proposed.	Yes



Clause	Control	Comment	Compliance
	Internal Driveways are to be designed and constructed to provide safe access and shall have a maximum gradient of 1:5 (V:H). Recommended maximum gradient of an Internal Driveway for a distance of 2m on the approach to a garage, parking area or carport is 1:20 (V:H). There must be a minimum 2 metre long transition between the driveway and the garage/parking area/carport in accordance with the standards.	Internal grades are AS compliant.	Yes
	For Internal Driveways on steeply sloping or difficult sites, gradients may be increased up to 1:4 (V:H) over a maximum 20 metre length.	Internal grades are AS compliant.	Yes
	Provision is to be made for vehicles to enter and leave the site in a forward direction, where: <ul style="list-style-type: none"> <li>the internal driveway grade exceeds 1:4 (V:H);</li> <li>the land abuts a roadway subject to high pedestrian use (e.g. School, Commercial Centre);</li> <li>driveways are more than 30m in length; and</li> <li>the driveway enters onto a classified road.</li> </ul>	Forward entry and egress of vehicles is not required in these circumstances.	n/a
	Internal Driveway grades, cross falls and grated drains are to be designed to reduce discharge into the public drainage system and to maximise stormwater discharge into	The driveway can be designed such that some runoff discharges to adjacent landscape area.	Yes

Clause	Control	Comment	Compliance
	adjacent landscape areas by the use of grass swales and soakage pits.		
	Internal Driveways shall have a stable surface for all weather construction.	Concrete driveway proposed.	Yes
	Internal Driveways where visible from a public road or public place are to be constructed of materials that blend with the environment and of dark earthy tones or natural materials.	Concrete driveway proposed. Driveway colour will be neutral to blend with environment.	Yes
	The design of all Internal Driveways and ramps shall be in accordance with the current edition of the following Australian Standards: <ul style="list-style-type: none"> <li>• Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Off-Street Car Parking.</li> <li>• Australian Standard AS/NZS 2890.2-2002: Parking Facilities - Off-Street Commercial Vehicle Facilities except as qualified in this control.</li> </ul>	Internal grades are AS compliant.	Yes
	The Internal Driveway shall be contained within the driveway corridor. The minimum width of the driveway corridor (i.e. impervious pavements together with grassed shoulder area) shall be as follows: <ul style="list-style-type: none"> <li>• Single Dwelling: 3.0 metres minimum.</li> </ul>	The proposed driveway width complies with the minimum width requirement.	Yes

Clause	Control	Comment	Compliance
	Internal Driveways shall be designed and constructed to the minimum practical pavement width needed to facilitate access and turning movements.	The driveway design allows for vehicle manoeuvres.	Yes
	Internal Driveways shall be designed and constructed to minimise the area of impervious pavement within the land. Track style driveways are encouraged where practical.	The proposed driveway width is no wider than it needs to be to allow for vehicle manoeuvres. Wheel tracks are not preferred in this case.	Yes
	Turning movements are to be in accordance with the turning paths for a B85 vehicle (Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking).	The pavement width allows for adequate manoeuvring space for vehicles accessing and egressing the carport/s.	Yes
B6.3 Off-street vehicle parking requirements	The minimum number of vehicle parking spaces to be provided for off-street parking is as follows: 2+ bedrooms = 2 spaces	There is space for three vehicles to park on the site.  We note that the Housing SEPP does not allow for parking provision to be used as a reason for refusal where the number of spaces present pre-development is retained.	Yes
	For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling (based on number of bedrooms in principal dwelling).	As above.	Yes
	The maximum cross-fall in any direction for an open car parking space is 1:20 (V:H).	The open parking space is ostensibly level.	Yes
Section C Development type controls			
C1 Design criteria for residential development			
C1.1 Landscaping	All canopy trees and more than 50% of other vegetation shall be locally	Species selection is described in the landscape plan (Sheet D070) supplied	Yes

Clause	Control	Comment	Compliance
	native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community.	with the Architectural Plans. We understand a sufficient proportion of plants are natives.	
	In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.	A combination of shrubs and canopy trees are proposed to moderate building form.	Yes
	At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site.	Five trees are proposed including a <i>Eucalyptus lansdowneana</i> between the principal and secondary dwelling to compensate for the necessary removal of the Bottlebrush.	Yes
	Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m <sup>3</sup> within this area to ensure growth is not restricted.	Landscape zones proposed to accommodate new trees have sufficient dimensions and soil depth.	Yes
	The following soil depths are required in order to be counted as landscaping: <ul style="list-style-type: none"> <li>• 300mm for lawn</li> <li>• 600mm for shrubs</li> <li>• 1metre for trees</li> </ul>	Areas accounted for in the landscaped area calculation satisfy the stipulated depth requirements.	Yes
	The front of buildings shall be landscaped to screen those buildings from the street as follows: [60% for a single dwelling house and secondary dwelling.]	The calculation diagram at Sheet D070 of the Architectural Plans demonstrates that 62% of the front setback is landscaped.	Yes
	Screening shall be of vegetation (not built items) and shall be calculated when viewed directly onto the site.	Vegetation is proposed in the front setback to soften building appearance.	Yes

Clause	Control	Comment	Compliance
	Landscaping shall not unreasonably obstruct driver and pedestrian visibility.	Landscaping does not obscure sight lines though does reduce the sense of exposure from the street.	Yes
	Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.	The proposal involves the necessary removal of a Bottlebrush which will be replaced. No visually significant trees are to be removed.	Yes
	Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.	Proposed trees are positioned a suitable distance from structures to ensure growth and long-term viability.	Yes
C1.2 Safety and security	Building design should allow visitors who approach the front door to be seen without the need to open the door.	The front door of the secondary dwelling is glazed allowing occupants to see who is approaching the dwelling.	Yes
	Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.	The living room glazing is oriented to the street and northern corner of the site and allows for good passive surveillance.	Yes
	Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners.	There are no structures that allow for concealment.	Yes
	Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.	The building entrance will be readily apparent.	Yes
	The street number of the property is to be clearly identifiable.	The street number is evident from the street.	Yes

Clause	Control	Comment	Compliance
	Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.	Retained boundary fencing effectively demarcates public and private realms.	Yes
C1.3 View sharing	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The proposed secondary dwelling and carports will have no impact on views through the site.	Yes
C1.4 Solar access	The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	<p>Shadow diagrams demonstrating shadow at 9am, midday, and 3pm on the winter solstice are supplied with the application.</p> <p><u>Site</u></p> <p>The main POS of the <i>existing</i> (principal) dwelling is situated on the southern side of the dwelling. A reasonable portion of the POS receives solar access on the winter solstice.</p> <p>The development does <i>not</i> diminish solar access to the POS of the main dwelling.</p> <p>The POS for the secondary dwelling is the deck proposed on the northern side of the building.</p> <p>The deck will enjoy direct solar access throughout the day.</p> <p><u>Neighbour</u></p> <p>The proposal will have no shadow impact on the main POS of the dwelling @ 52 Wesley Street.</p> <p>Similarly, shadow diagrams demonstrate that the proposal will have little to no shadow impact on the rear patio and lawn area of</p>	Yes

Clause	Control	Comment	Compliance
		the dwelling @ 48 Foxall Street.	
	Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).	<p><u>Site</u> The secondary dwelling will enjoy solar exposure throughout the day on the winter solstice.</p> <p><u>Neighbour</u> The proposal does not cast shadow over living room windows of the residence @ 52 Wesley Street. Similarly, the living room window of the dwelling @ 48 Foxall Steet is on the street facing elevation and is not cast in shadow by the proposal.</p>	Yes
	Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid-winter.	Solar collectors will not be impacted.	Yes
	Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.	Both the proposed dwelling and dwellings on neighbouring land have adequate space for clothes drying.	Yes
	The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	Shadow diagrams demonstrate that the neighbour at 48 Foxall Street will continue to enjoy adequate solar access.	-
C1.5 Visual privacy	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 as shown in the diagram below (measured	The proposal has no privacy impact because living room windows are oriented away from side / rear property boundaries.	Yes

Clause	Control	Comment	Compliance
	from a height of 1.7 metres above floor level).		
	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.	Elevated decks etc. are not proposed.	n/a
C1.6 Acoustic privacy	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.	The proposed secondary dwelling will achieve a satisfactory level of acoustic amenity.	Yes
	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.	No noise generating plant or equipment proposed.	n/a
C1.7 Private open space	Minimum 80m2 of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.	<p><u>Principal dwelling</u></p> <p>The main area of POS for the principal dwelling is on the southern side of the building and has an area of ~87sqm.</p> <p>The area is not diminished by the proposal.</p> <p><u>Secondary dwelling</u></p> <p>The proposed secondary dwelling has a main POS area in the form of a deck on the northern side of the building. This space spills to a lawn area in the north corner of the site.</p> <p>The total area is ~126sqm. ~25sqm of the POS (i.e. 31% of the minimum 80sqm) required occurs behind the 6.5m front setback line.</p>	Yes



Clause	Control	Comment	Compliance
	Within the private open space area, a minimum principal area of 16m <sup>2</sup> with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).	The rear yard POS for the principal dwelling is maintained incorporates a level area of 16sqm with minimum dimension >4m. The deck for the secondary dwelling is level and has an area of ~18sqm.	Yes
	Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.	The POS for the proposed secondary dwelling is accessible from the living room.	Yes
	Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).	The proposed POS for the secondary dwelling has excellent solar exposure.	Yes
	Private open space should be located to the rear of the dwelling to maximise privacy for occupants.	The POS for the secondary dwelling is necessarily located alongside the dwelling.  There is no space <i>behind</i> the dwelling owing to site configuration and existing building arrangement. Nonetheless, proposed planting will obscure sightlines between the street and POS to moderate the sense of exposure.	Yes
	A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that	No balcony proposed.	n/a

Clause	Control	Comment	Compliance
	the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.		
	b) Secondary Dwellings:- For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.	A separate POS for the secondary dwelling is proposed.	-
C1.11 Secondary Dwellings and Rural Worker's Dwellings	The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.	The application proposes to convert the garage to a secondary dwelling resulting in two dwellings on the lot.	Yes
	A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.	The secondary dwelling has two bedrooms.	Yes
	A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.	The secondary dwelling is not near a driveway.	n/a
	Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.	Single storey proposed.	Yes
	A secondary dwelling above a detached garage is not supported.	Noted.	-
C1.12 Waste and recycling facilities	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management	A Waste Management Plan addressing demolition and construction waste is supplied.	Yes

Clause	Control	Comment	Compliance
	Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.		
C1.15 Storage facilities	A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.	Storage is proposed and is integrated with the carport for the principal dwelling.	Yes
C1.23 Eaves	Dwellings shall incorporate eaves on all elevations.	The secondary dwelling has an eave to mitigate heat load.	Yes
Section D Locality specific development controls			
D5.1 Character as viewed from a public place	Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	The secondary dwelling has a street presence because the street facing façade incorporates living room windows oriented to the street.  The alterations <i>vastly</i> improve the appearance of the structure.	Yes
	Walls without articulation shall not have a length greater than 8 metres to any street frontage.	No unarticulated length exceeds 8m.	Yes
	Any building facade to a public place must incorporate at least two of the following design features. <ul style="list-style-type: none"> <li>• entry feature or portico;</li> <li>• awnings or other features over windows;</li> <li>• verandahs, balconies or window box treatment to any first floor element;</li> <li>• recessing or projecting architectural elements;</li> <li>• open, deep verandahs; or</li> </ul>	The street facing façade incorporates the dwelling entry and window openings.	Yes

Clause	Control	Comment	Compliance
	<ul style="list-style-type: none"> <li>verandahs, pergolas or similar features above garage doors.</li> </ul>		
	The bulk and scale of buildings must be minimised.	The secondary dwelling is single storey and modestly proportioned.	Yes
	Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.	<p>The proposed carports are situated forward of the building line/s though, in our opinion, are not the “dominant site feature” when viewed from Wesley Street.</p> <p>Further discussion concerning streetscape appearance is set out at Part 5.1 of this report.</p>	Yes
	Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.	<p>The combined width of the proposed carports is <i>less than</i> 50% of the lot frontage.</p> <p>However, the structures are proposed forward of the building line.</p> <p>Further discussion concerning streetscape appearance is set out at Part 5.1 of this report.</p>	On merit
	Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	<p>The front setback will be landscaped to soften building appearance.</p> <p>A landscape concept is included at Sheet D070 of the Architectural Plans.</p>	Yes
	Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.	None proposed.	n/a
	General service facilities must be located underground.	Services will be delivered in accordance with infrastructure provider requirements.	Yes

Clause	Control	Comment	Compliance
	Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.	All services will be concealed.	Yes
D14.3 Building colours and materials	External colours and materials shall be dark and earthy tones.	A schedule of colours and materials is provided with the Architectural Plans.  Materials proposed include neutral-coloured FC cladding, exposed timber frames / structure, orange coloured face-brick external walls to match existing.	Yes
	Finishes are to be of a low reflectivity.	Materials proposed are low reflectivity.	Yes
D5.5 Front building line	The minimum front building line shall be in accordance with the following table.  Land within Zone R2 = 6.5m or established building line.	A fraction of the secondary dwelling and associated carport will encroach the 6.5m setback zone. The carport for the principal dwelling will also encroach the setback zone.  Further discussion concerning setback encroachment is set out at Part 5.1 of this report.	On merit
	Built structures, other than driveways, fences and retaining walls are not permitted within the front building setback	As above.	On merit
D5.6 Side and rear building line	The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table:  Land within Zone R2 = 2.5m on one side and 1m for the other side; 6.5m to the rear.	The site is a triangular shape and has <i>no</i> conventional rear boundary.  In our opinion, the western and south-eastern boundaries are logically treated as <i>side</i> property boundaries.  Based on existing building position, it would be sensible if the western boundary were the wide	On merit

Clause	Control	Comment	Compliance
		<p>setback and the south-eastern boundary the narrow setback.</p> <p>The proposed works comply with the 1m setback from the south-eastern boundary.</p> <p>The carport for the principal dwelling will <u>fractionally</u> encroach the 2.5m setback from western boundary.</p> <p>The encroachment is inconsequential because the encroaching element opposing the driveway of the neighbour @ 52 Wesley Street and has no impact on the amenity or enjoyment of their property; there remains sufficient area through the side passage for landscaping (the <i>minimum</i> distance between the boundary and carport is 1.9m), the encroachment does not disrupt public or private views; the encroachment does not necessitate removal of site vegetation.</p> <p>A variation is warranted.</p>	
D5.7 Building envelope	<p>Buildings are to be sited within the following envelope:</p> <p>Diagram indicates a 45-degree height plane projected from a point 3.5m above the side property boundary.</p>	The proposed works do not breach the side boundary envelope.	Yes
D5.9 Landscaped Area - Environmentally Sensitive Land	The total landscaped area on land zoned R2 Low Density Residential or E4 Environmental Living shall be 60% of the site area.	<p>Landscape calculation plans are supplied at Sheet D050 of the Architectural Plans.</p> <p>Calculable landscaped area (including 6% of paved area used for</p>	Yes

Clause	Control	Comment	Compliance
		recreational purposes) is 420sqm or 60%.	
	The use of porous materials and finishes is encouraged where appropriate.	Noted.	-
	Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped area.	Landscape calculation plans are supplied at Sheet D050 of the Architectural Plans. Calculable landscaped area (including 6% of paved area used for recreational purposes) is 420sqm or 60%.	Yes
D5.13 Retaining walls, terracing and undercroft areas	Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.	The site does not contain environmentally sensitive areas.	n/a
	Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.	No new retaining structures will be readily visible from a public place.	Yes
	Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.	No under-croft areas proposed.	Yes

#### 4.4. PLANNING AGREEMENTS

There are no planning agreements associated with this site.

#### 4.5. THE REGULATIONS

Section 92 of the *Environmental Planning and Assessment Regulation 2000* prescribes additional matters that the consent authority must consider in determining a development application. Each matter for consideration and its relevance to the proposal is noted in Table 3.

Table 5 | Additional matters for consideration (Regs)

Clause	Matter	Relevance
92(1)(b)	In the case of a development application for the demolition of a building, the provisions of <i>AS 2601 The demolition of structures</i> .	Demolition works will be carried out as per the provisions of AS 2601.
92(1)(c)	In the case of a development application for development on land subject to a subdivision order, the provisions of that subdivision order.	The site is not subject to a subdivision order.
92(1)(d)	In the case of certain development on land within 200km of Siding Spring Observatory, the <i>Dark Sky Planning Guideline</i> .	The site is not within 200km of the Siding Spring Observatory.
92(1)(e)	In the case of a development application for a manor house or multi dwelling housing (terraces), the <i>Medium Density Design Guide for Development Applications</i> .	The development application does not propose a manor house or multi dwelling housing (terraces).
92(1)(f)	In the case of a development application for residential development within the Penrith City Centre, the <i>Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in Penrith City Centre</i> .	The site is not within the Penrith City Centre.



## 5. PLANNING ASSESSMENT

This section provides a planning assessment of the likely impacts of the proposed development, considers the suitability of the site, and evaluates whether the development is in the public interest, as required by section 4.15(1) of the EP&A Act.

### 5.1. IMPACTS ON THE NATURAL AND BUILT ENVIRONMENT

The proposed secondary dwelling is sited and designed to optimise occupant amenity and to mitigate adverse impact on neighbour amenity. The development will result in positive built environment outcomes and will have no significant adverse impact on the natural environment.

Below we outline aspects of the proposal that relate to built environment impacts.

#### 5.1.1. Carport/s location

Part D5.1 of PDCP contains character controls which require that:

Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.

The proposed carports projects forward of the street-facing elevation of the respective dwellings, however, the carports are designed and detailed such that they do not appear as the dominant site features and do not diminish streetscape quality.

The location of the carports is dictated by the unique site configuration and position of existing buildings. Additionally, the streetscape is characterised by parking structures forward of the building line as demonstrated by the analysis at Figure 3.



Figure 4 | Parking structure street block analysis

Per section.4.15(3A)(b) of the EP&A Act, the consent authority is compelled to be flexible in applying the garage siting controls and to allow the proposed alternative solution if it considers that the objectives of the control are achieved.

The “outcomes” of the building envelope controls are addressed in Table 8.

Table 6 | Garage siting outcomes

Objective	Comment
<p>To achieve the desired future character of the Locality. (S)</p>	<p>We have addressed the desired future character for the Elanora Heights Locality in Table 4.</p> <p>Most relevantly, the desired future character statement encourages the delivery of secondary dwellings to contribute to affordable housing stock.</p> <p>In our opinion, the outcome is consistent the desired future character of the locality despite the carports being situated forward of the building line.</p> <p>The proposed development will enhance the aesthetic and architectural quality of development at the site and contribute positively to streetscape appearance.</p> <p>Despite being situated forward of the building line, the wide site frontage allows for the retention of substantial pervious area which is proposed to be landscaped to ameliorate building form.</p> <p>The existing garage is presently oriented to the street. The garage will be converted to a secondary dwelling thereby removing the garage door which may be considered a “detracting” feature of the building.</p> <p>The carport structures are discreet / elegant in their design and will not overwhelm or offend the streetscape.</p> <p>The objective is achieved despite carport location.</p>
<p>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)</p>	<p>The position of existing buildings on site and the unique site configuration dictates that the carports be situated forward of the building line – there is physically no room to the rear of buildings for parking provision.</p> <p>In this sense, the proposal response to the spatial characteristics of the existing built environment.</p> <p>Parking structures forward of the building line, including instances of parking structures on or near the front property boundary is</p>

Objective	Comment
	<p>common, almost characteristic of the streetscape per our block analysis at Figure 3.</p> <p>The proposal responds to the built form character of the streetscape.</p> <p>The construction of the secondary dwelling carport will necessitate the removal of a mature Bottlebrush. The Bottlebrush is not “significant” vegetation and its removal is of little consequence. Compensatory planting is proposed in any case.</p> <p>Beyond tree removal, the proposal does not adversely impact or diminish the natural environment.</p> <p>The objective is achieved despite garage location.</p>
<p>To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.</p>	<p>As discussed above, it is our opinion that the proposed development will enhance the built form presentation of the street despite the carports being situated forward of the building line.</p> <p>Existing and proposed development at the site is single storey and sits comfortably below the canopy line of trees in the locality.</p> <p>Moreover, proposed landscaping, once established, will also extend above the buildings and will ameliorate built form.</p> <p>The objective is achieved.</p>
<p>The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)</p>	<p>Despite carports being situated forward of the building line, the wide site frontage allows for the retention of substantial pervious area in the front setback zone. This zone is proposed to be landscaped and landscaping will disguise / ameliorate building form.</p> <p>We note that there is presently very little landscaping at the site and the existing dwelling and garage are quite exposed / visible.</p> <p>The carports will be secondary to landscaping once established and achieves this outcome.</p>
<p>High quality buildings designed and built for the natural context and any natural hazards. (En, S)</p>	<p>The proposed works will enhance the architectural and aesthetic quality of development at the site through enhanced façade treatments, high quality external building materials, and well-arranged landscaping.</p> <p>The proposal is found to be compatible with bushfire hazard.</p>

Objective	Comment
Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)	All structures on site are single storey and do not “dominate” the streetscape. The carports are elegant / lightweight and do not visually overwhelm the street despite being situated forward of the building line.  The objective is achieved despite garage location.
To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.	The carport structures will not obscure public or private sightlines.
To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.	As discussed, the wide site frontage allows for the retention of substantial pervious area in the front setback zone. This zone is proposed to be landscaped and landscaping will disguise / ameliorate building form and provide for the landscape setting encouraged by this objective.  The objective is achieved despite carport location.
To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)	The site is not adjacent to a waterway, park, or bushland reserves. The siting of the carports will not offend or diminish the public use of Wesley Street.

The carports are designed and detailed such that they do not appear as the “dominant” site features and do not diminish streetscape quality. The location of carports forward of the building line is dictated by unique site configuration and position of existing buildings. Parking structures forward of the building line are characteristic of the immediate locality. Proposed landscaping will ameliorate built form appearance.

The discussion set out above demonstrates that the proposal satisfies the “outcomes” of the garage siting control. A variation is therefore warranted.

### 5.1.2. Front building line

Part D5.5 of PDCP prescribes a 6.5m building setback from the rear property boundary.

Under the “variations” heading at Part D5.5 it states:

“Where the outcomes of this control are achieved, Council may accept variation to these building lines in the following circumstances:

- considering established building lines;
- for narrow or irregular shaped blocks;
- where the depth of a property is less than 20 metres.”

The variation circumstances are applicable here because the block is an irregular triangular lot, the property depth is (for the most part) less than 20m, and parking

structures forward of the building line, including in the front setback zones, is characteristic of the immediate locality.

The site plan extract at Figure 5 demonstrates the extent of the proposed front setback incursion.

A small portion of the secondary dwelling carport and the secondary dwelling footprint projects into the front setback zone. The carport associated with the principal residence is also within the front setback zone.



Figure 5 | Front setback incursion

In line with the variation criteria, front setback incursions may be considered where the “outcomes” of the control are achieved. The “outcomes” of the setback controls are addressed in Table 7.

Table 7 | Front setback control outcomes

Objective	Comment
To achieve the desired future character of the Locality. (S)	<p>We have addressed the desired future character for the Elanora Heights Locality in Table 4.</p> <p>Most relevantly, the desired future character statement encourages the delivery of secondary dwellings to contribute to affordable housing stock.</p> <p>In our opinion, the outcome is consistent the desired future character of the locality despite the carports being situated forward of the building line.</p> <p>The proposed development will enhance the aesthetic and architectural quality of development at the site and contribute positively to streetscape appearance.</p> <p>Despite being situated forward of the building line, the wide site frontage allows for</p>

Objective	Comment
	<p>the retention of substantial pervious area which is proposed to be landscaped to ameliorate building form.</p> <p>The existing garage is presently oriented to the street. The garage will be converted to a secondary dwelling thereby removing the garage door which may be considered a “detracting” feature of the building.</p> <p>The carport structures are discreet / elegant in their design and will not overwhelm or offend the streetscape.</p> <p>The objective is achieved despite carport location.</p>
Equitable preservation of views and vistas to and/or from public/private places. (S)	The encroaching structures will not obscure public or private sightlines.
The amenity of residential development adjoining a main road is maintained. (S)	The site does not adjoin a main road. Objective not relevant.
Vegetation is retained and enhanced to visually reduce the built form. (En)	<p>Despite front setback encroachments the wide site frontage allows for the retention of substantial pervious area in the front setback zone. This zone is proposed to be landscaped and landscaping will disguise / ameliorate building form.</p> <p>We note that there is presently very little landscaping at the site and the existing dwelling and garage are quite exposed / visible.</p> <p>The proposal will enhance landscape setting.</p>
Vehicle manoeuvring in a forward direction is facilitated. (S)	Not required for low density development.
Preserve and enhance the rural and bushland character of the non-urban area of the locality. (En, S)	The site is not in a non-urban area. The objective is not applicable.
To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.	<p>Existing and proposed development at the site is single storey and sits comfortably below the canopy line of trees in the locality.</p> <p>Moreover, proposed landscaping, once established, will also extend above the buildings and will ameliorate built form.</p> <p>The objective is achieved.</p>
To encourage attractive street frontages and improve pedestrian amenity.	<p>It is our opinion that the proposed development will enhance the built form presentation of the street despite front setback encroachments.</p> <p>The carports are elegant / lightweight and do not visually overwhelm the street. The existing garage door will be replaced by</p>

Objective	Comment
	<p>glazing to the living room and the blank north-west elevation of the principal dwelling will be disguised. The visual quality of the streetscape will benefit from the proposed works.</p> <p>The objective is achieved.</p>
<p>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.</p>	<p>The position of existing buildings on site and the unique site configuration dictates that the carports be situated forward of the building line – there is physically no room to the rear of buildings for parking provision.</p> <p>In this sense, the proposal response to the spatial characteristics of the existing built environment.</p> <p>Parking structures forward of the building line, including instances of parking structures on or near the front property boundary is common, almost characteristic of the streetscape per our block analysis at Figure 4.</p> <p>The proposal responds to the built form character of the streetscape.</p> <p>The objective is achieved despite setback encroachments.</p>

The front setback non-compliance is dictated by unique site configuration / lot depth and position of existing buildings. The proposed works will enhance the visual quality of development at the site, despite setback encroachments. There is sufficient residual pervious area in the front setback (60% +) for landscaping to soften built form.

The discussion set out above demonstrates that the proposal satisfies the “outcomes” of the front setback control. A variation is therefore warranted.

## 5.2. SOCIAL IMPACTS

The proposal will have a positive social impact because it will contribute to affordable housing stock in the Northern Beaches. Short term disturbance is possible however mitigation measures such as prescribed hours of work will minimise impact.

Social impacts are largely positive and adverse social impacts can be mitigated and are short term.

## 5.3. ECONOMIC IMPACTS

The proposal will have short term economic impact through job creation associated with demolition and construction works. The proposed development will contribute to housing stock in Elanora Heights and there will be resultant uplift in property value and economic benefit for the landowner.

Economic impacts associated with the proposal are positive.

#### **5.4. SITE SUITABILITY**

The proposed secondary dwelling is permitted within Zone R2 and is compatible with surrounding residential land use. The development is sited and designed to preserve neighbour amenity and will enhance streetscape appearance. The proposal is found to be compatible with bushfire hazard.

The site is suitable for the proposed development.

#### **5.5. PUBLIC INTEREST**

The development will contribute to affordable housing stock in a manner encouraged by the applicable zone objectives. The development responds to site conditions, minimises impacts on neighbour amenity, and makes a positive contribution to streetscape character.

The proposal aligns with the public interest.



## 6. CONCLUSION

This Statement of Environmental Effects has been prepared to support an application to convert the detached garage to a secondary dwelling and construct a carport for the secondary dwelling and a carport for the principal dwelling at 50 Wesley Street, Elanora Heights.

The objective of the development proposal is to contribute to additional affordable housing in a manner encouraged by the applicable zone objectives and planning controls.

Our report describes the key aspects of the proposal which include alterations and additions to the detached garage and use of the building as a secondary dwelling. Carports are proposed for both the principal and secondary dwelling. The application also proposes landscaping in the front setback area.

Our evaluation of the proposal against the relevant planning instruments has found that the proposal is broadly consistent with instrument objectives, development standards, provisions, and controls, with minor and justifiable exceptions to garage siting, and front and side setback controls.

We have assessed the environmental impacts of the proposal and have determined that there are no significant adverse impacts. We have assessed building siting / scale and arrangement, contribution to streetscape, and impacts on neighbour amenity and consider that development outcomes are site responsive, and no design modification is warranted.

Our report explains that the site is suitable for the development as it is zoned for residential purposes and is compatible with surrounding land use. We establish that the development is in the public interest given the absence of adverse impact and the resultant contribution to much needed affordable housing stock.

We conclude that the proposal is worthy of approval.



## **APPENDIX A | SURVEY**



## **APPENDIX B | ARCHITECTURAL PLANS**



## **APPENDIX C | BUSHFIRE RISK REPORT**



## **APPENDIX D | WASTE MANAGEMENT PLAN**