

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING
OUTBUILDING AND USE AS A SECONDARY DWELLING**

LOCATED AT

24 WHITNEY STREET, MONA VALE

FOR

MS JENNIFER SCOBLE



**Prepared
May 2020**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Ms Jennifer Scoble by Backyard Cabins, Project No. CD-081/20, Sheets 1 – 4, dated 23 February 2020 to detail the proposed alterations and additions to an existing outbuilding and use as a secondary dwelling at **24 Whitney Street, Mona Vale.**

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 24 Whitney Street, Mona Vale, being Lot 6 within Deposited Plan 238405 is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site is not listed as being affected by any heritage listing, nor is it within a conservation area.

The site is noted as being within the Class 5 Acid Sulfate Soils Area. This matter will be discussed further within the submission.

The site is not within the coastal zone as stipulated under the provisions of the State Environmental Planning Policy (Coastal Management) 2018.

The land is not noted as being affected by any hazards.

3.0 Site Description

The site is located on the western side of Whitney Street, south of the intersection with Kristine Place.

The land has a general slope towards the east, with a fall of approximately 1.9m over the sites length.

The site is irregular in shape, with a total frontage to Whitney Street of 29.025m. The northern and south-western side boundaries measure 40.27m and 41.91m respectively. The site narrows towards the rear, with the rear boundary measuring 7.62m. The total site area is 735.2m².

The site is currently developed with a one storey brick and clad residence with a tile roof. The rear yard of the site also is occupied with a detached outbuilding with a metal roof.

Vehicular access to the site is currently provided via a bitumen and concrete driveway, with parking provided in an existing carport.

The details of the parcel are contained within the survey report prepared by Waterview Surveying Services, Project No. 1034, dated 28 October 2019, which accompanies the DA submission.

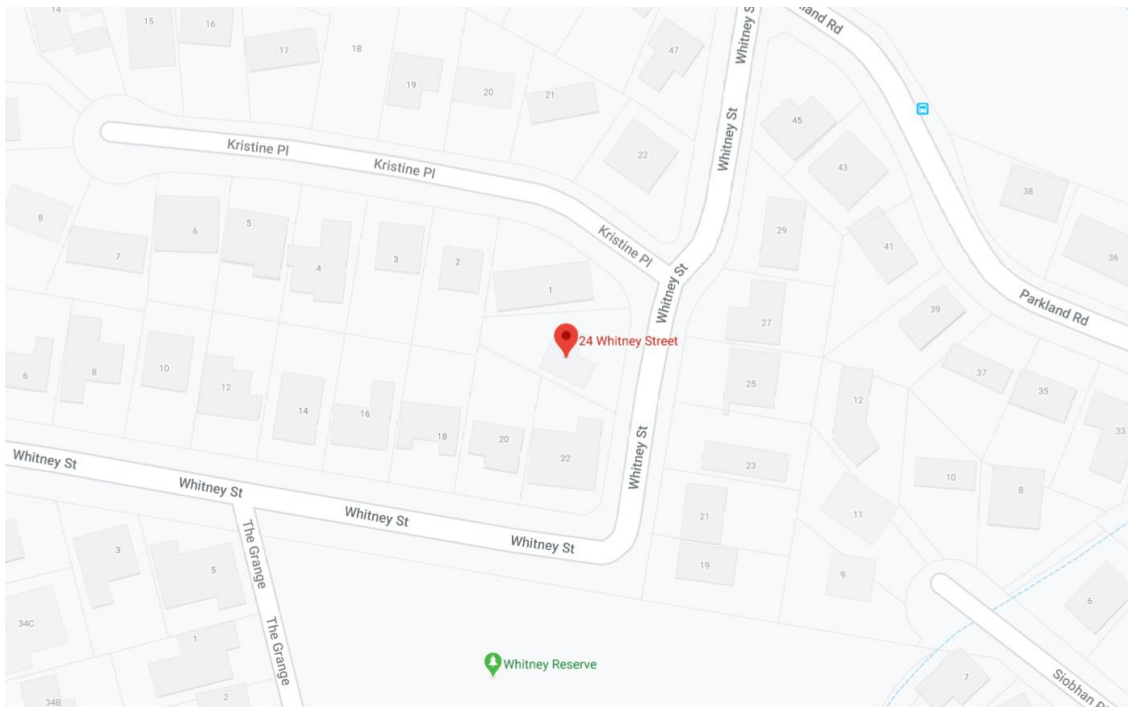


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of the subject site looking west from Whitney Street



Fig 3: View of the existing rear yard and the location of the additions to the current outbuilding to provide for a new secondary dwelling, looking west



Fig's 4 & 5: Views of the location of the new works as an addition to the existing outbuilding, to provide for new secondary dwelling, looking south

4.0 The Surrounding Environment

The general vicinity of the site is characterised by regular and some irregular shaped allotments within a natural setting, with a low density single residential development scale.

The sites have been improved with a range of one and two storey low density residential developments within landscaped settings, and continue to retain a dominance of natural features and vegetation.

The yard areas surrounding the dwelling support a range of ancillary outbuildings and swimming pools.

The dwellings along Whitney Street enjoy local views.

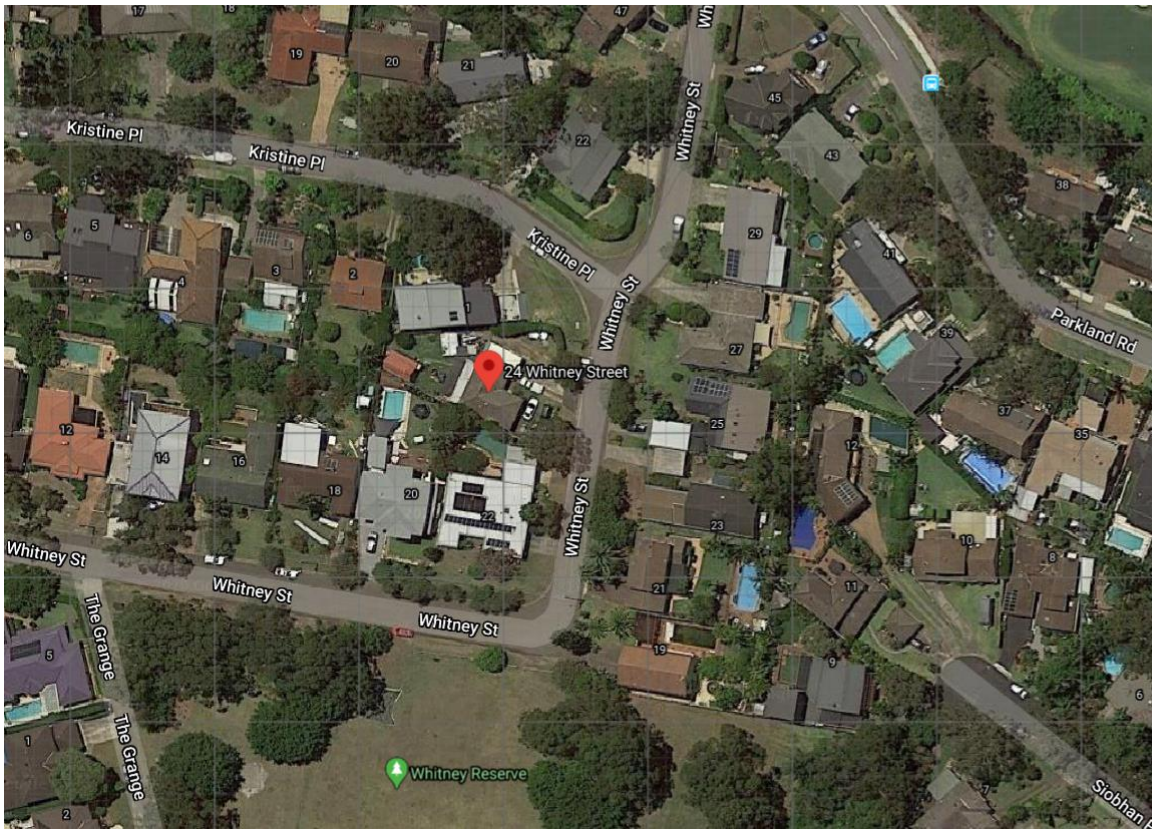


Fig 6: Aerial Photograph
(Source: Google maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for alterations and additions to an existing outbuilding to provide for use as a secondary dwelling.

The proposed new works will provide for a new open plan living, dining and kitchen and front and rear decking.

The new works will retain the existing low scale single storey and have been designed to complement existing dwelling and surrounding locality, with natural tones and a recessive colour finish.

The proposed works will not require the removal of any significant vegetation. Where possible, superfluous paving will be removed to enhance the landscaped cover within the site.

The development indices for the development are summarised as:

Site Area	735.20m ²
Required Landscaped Area:	50% or 367.60m ²
Proposed Landscaped Area:	41.44% or 304.70m ² (See DCP discussion)

6.0 Zoning and Development Controls

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

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been provided to support the proposed works.

6.3 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned R2 Low Density under the provisions of the PLEP 2014.

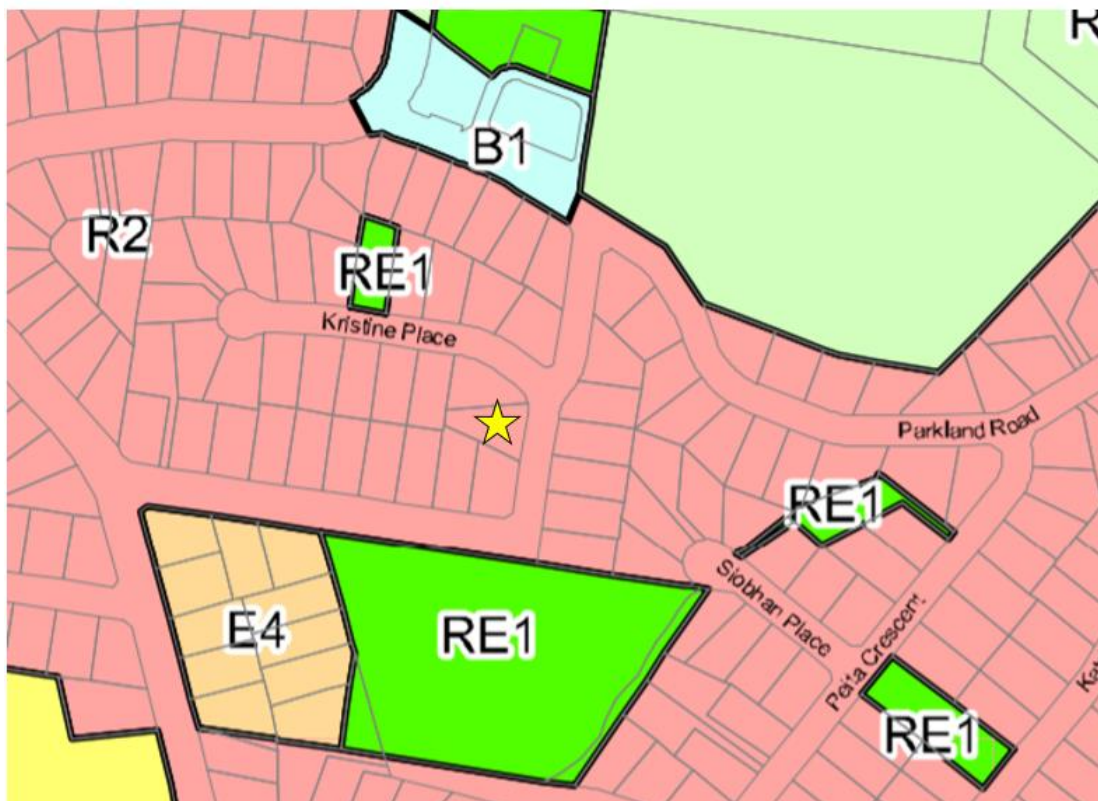


Fig 7: Extract of Pittwater Local Environmental Plan 2014

The proposed alterations and additions to an existing outbuilding and use as a secondary dwelling is considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the R2 Low Density Zone is consistent with the zone objectives, which are noted as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

It is considered that the proposed secondary dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. The proposal provides for the construction of additions and alterations to an existing outbuilding to allow for its use as a detached secondary dwelling which will not have any significant or adverse impact on the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any adverse impact on long distance views.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Mona Vale is 8.5m. The proposed new maximum height will stand at 4.1m which complies with the council's control.

Clause 5.4 – Miscellaneous permissible uses

The controls state:

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- *60 square metres,*
- *25% of the total floor area of the principal dwelling.*

The proposed detached secondary dwelling will present a total floor area of 54.6m² and therefore complies with this control.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by Acid Sulfate Class 5. The proposal will not require any further excavation to accommodate the proposed works and therefore no further investigation is deemed necessary.

Clause 7.2 – Earthworks

The proposal will not require any further earthworks. All works will be carried out under the guidance of a qualified engineer.

Clause 7.10 – Essential services

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:

- *the supply of water,*
- *the supply of electricity,*
- *the disposal and management of sewage,*
- *stormwater drainage or on-site conservation,*
- *suitable vehicular access.*

The existing services available to the principal dwelling will be provided to the secondary dwelling.

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

6.6 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP and Section D9 Mona Vale Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.6.1 Section A Introduction

The desired outcomes for the Mona Vale Locality, in which this site falls, are as follows:

A4.9 Mona Vale Locality

The Mona Vale locality will contain a mix of residential, retail, commercial, industrial, recreational, community, and educational land uses.

Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities.

Retail, commercial and light industrial land uses will be employment-generating. The Mona Vale commercial centre status will be enhanced to provide a one-stop convenient centre for medical services, retail and commerce, exploiting the crossroads to its fullest advantage and ensuring its growth and prosperity as an economic hub of sub-regional status. The permissible building height limit is increased to promote economic growth within the centre. The Mona Vale Hospital, as a regional facility servicing the Peninsula, is an essential part of the future local economy.

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

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. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the Mona Vale commercial centre will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

Light industrial land uses in Darley and Bassett Streets will be enhanced as pleasant, orderly, and economically viable areas.

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.

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. Improved public transport, pedestrian accessibility and amenity, carparking and an efficient surrounding local network will support the commercial centre, moving people in and out of the locality in the most efficient manner. 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.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of additions and alterations to an existing outbuilding to provide for the use of the outbuilding as a detached secondary dwelling, which is consistent with the low density scale of the area and which has been designed to harmonise within the Whitney Street locality.

The works will be finished in a range of textures and finishes which will complement the existing dwelling and surrounding development as the use of earthy tones will harmonise with the locality.

6.6.2 Section B General Controls

The General Controls applicable to the proposed additions and alterations are summarised as:

B1.4 Aboriginal Heritage Significance

The controls seek to achieve the outcomes:

Provide protection for 'Aboriginal Places and Objects'. (S)

Potential Aboriginal Places and Objects are identified and protected. (S)

The controls suggest:

"If a property, the subject of a development application is identified as possibly meeting any of the criteria for being a potential Aboriginal place or containing an Aboriginal Object then additional independent information on the potential heritage significance may be requested.

Development must conserve the significance of any aboriginal place or object".

The site has been disturbed by the introduction of the dwelling and gardens.

There is no obvious evidence of Aboriginal occupation or objects. The construction of the works is to be carried out in a sensitive manner and if any Aboriginal objects are located, they will be preserved and further advice sought to protect the items.

B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

The controls seek to achieve the outcomes:

The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)

The proposal does not seek to remove any significant trees or vegetation.

The proposal will retain suitable area for further tree planting and soft landscaping and the proposal is therefore in keeping with this control.

B5.8 Stormwater Management - Water Quality – Low Density Residential

The controls seek to achieve the outcomes:

No increase in pollutants discharged with stormwater into the environment. (En)
Development is compatible with Water Sensitive Urban Design principles. (En)

The requirements outlined in the controls seek to limit the extent and quality of stormwater run-off to the waterway. The stormwater from the new roof areas of the secondary dwelling will be directed to Whitney Street.

As the stormwater is direct run off from the roof areas, there will not be any significant issue in terms of water quality.

B6.1 Access Driveways and Works on the Public Road Reserve

This control seeks to achieve the outcomes:

Safe and convenient access. (S)
Adverse visual impact of driveways is reduced. (En)
Pedestrian safety. (S)
An effective road drainage system. (En, S)
Maximise the retention of trees and native vegetation in the road reserve. (En, S)

The existing driveway crossing to Whitney Street will be retained and will continue to provide safe and convenient access to the existing carport.

B6.3 Off-Street Vehicle Parking Requirements

This control seeks to achieve the outcome:

An adequate number of parking and service spaces that meets the demands generated by the development.
Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety. Safe and convenient parking. (S)

The existing parking and access arrangements remain unchanged.

Suitable off-street parking area is maintained to meet the needs of the dwelling and secondary dwelling, including two hardstand car spaces and a single carport. The proposal will not place unreasonable demand on the street parking within the locality.

B8.1 Construction & demolition – Excavation and landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

Excavation, landfill and construction not to have an adverse impact. (En)

Excavation and landfill operations not to cause damage on the development or adjoining property. (S)

The works will not require any further excavation or landfill.

B8.2 Construction and Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)

Reduction of waste throughout all phases of development. (En)

Public safety is ensured. (S)

Protection of the public domain. (S, En)

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways. Where appropriate erosion and sediment barriers will be installed prior to the commencement of any works on site.

6.6.3 Section C Development Type Controls

The Design Criteria applicable to the proposed additions and alterations are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcomes:

- A built form softened and complemented by landscaping. (En)*
- Landscaping reflects the scale and form of development. (En)*
- Retention of canopy trees by encouraging the use of pier and beam footings. (En)*
- Development results in retention of existing native vegetation. (En)*
- Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*
- Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*
- Landscaping enhances habitat and amenity value. (En, S)*
- Landscaping results in reduced risk of landslip. (En, Ec)*
- Landscaping results in low watering requirement. (En)*

The required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing significant trees and to provide for locally occurring species within any proposed replanting of the site.

The proposal does not seek the removal of any significant trees or vegetation.

A suitable soft landscaped area is maintained.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (S, Ec)*
- Inform applicants of Council's requirements for crime and safety management for new development. (S)*
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*
- Identify crime and safety priority areas in Pittwater LGA (S, Ec)*
- Improve community safety and reduce the fear of crime in the Pittwater LGA (S)*
- Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)*

The proposed works will not impact on the existing safety or security of the site. The existing dwelling will maintain casual surveillance of the street area.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views from public places and living areas. (S)
Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)
Canopy trees take priority over views (En, S)

The subject and adjoining properties currently enjoy local views only. Given the modest height of the new works and single storey form, no significant impacts to the outlook of the neighbouring properties are expected.

C1.4 Solar Access

The controls seek to achieve the outcomes:

Residential development is sited and designed to maximise solar access during mid-winter. (En)
A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)
Reduce usage and/dependence for artificial lighting. (En)

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid winter.

The single storey secondary dwelling will not result in any further overshadowing over neighbouring properties.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings (optimize visual privacy through good design. (S)
A sense of territory and safety is provided for residents. (S)

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitable protected to limit the effects of direct overlooking.

The proposed rear deck is modest in size, and is only slightly elevated above existing ground level. New perimeter plantings will be provided which further assist with minimising opportunities for overlooking.

The proposal is therefore not considered to result in any problematic overlooking.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S)

Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas (S)

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, it is considered that there will not be any significant change to the existing site conditions.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)

Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)

Private open space receives sufficient solar access and privacy (En, S).

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation.

Private open space areas are provided for occupants of the principal and secondary dwellings. The perimeter of the open space areas is provided with supplementary planting which will preserve neighbour amenity.

C1.11 Secondary Dwellings and Rural Worker's Dwelling

The controls seek to achieve the outcomes:

Limitation of the visual bulk and scale of development. (En, S)

Provision of design flexibility for second storey development.

Restriction of the footprint of development site. (En)

Retention of natural vegetation and facilitation planting of additional landscaping. (En)

Provision of rental accommodation. (S)

The proposal is compliant with Council's DCP control, in so far as:

- The development of the secondary dwelling will result in not more than two (2) dwellings being erected on an allotment of land.
- The proposal will not be visually prominent within the locality.
- The site will retain suitable areas of perimeter planting.

- The detached secondary dwelling will comprise a modest storey height.

C 1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

Waste and recycling facilities are accessible and convenient, and integrate with the development. (En)

Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment. (En, S)

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials.

The curtilage to the dwelling and storage area will have adequate area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

6.6.4 Section D Locality Specific Development Controls

The **D9 Mona Vale Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D9 Mona Vale Locality** is provided below:

D9.1 Character as Viewed From A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

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

To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.

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)

High quality buildings designed and built for the natural context and any natural hazards.
(En, S)

Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)

To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.

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 required controls to achieve the outcomes are to ensure that the building maintains compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows, modulation of wall and roof planes, spatial separation, landscaping etc.

The elevations provided with the DA submission demonstrate that the articulated form of the

secondary dwelling and the overall height will be complimentary in terms of bulk and scale to the existing surrounding development.

D9.2 Scenic Protection

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)*

The proposed secondary dwelling complements the surrounding locality and will maintain the low-density scale and residential character of the area.

The proposed perimeter plantings within the rear yard will provide for further amenity of the residents and neighbouring properties and will see the desired landscaped setting of the locality retained.

D9.3 Building Colours, Materials

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
The development enhances the visual quality and identity of the streetscape. (S)
To provide attractive building facades which establish identity and contribute to the streetscape.
To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater.
The colours and materials of the development harmonise with the natural environment. (En, S)
The visual prominence of the development is minimised. (S)
Damage to existing native vegetation and habitat is minimised. (En)*

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

It is considered that the development is appropriate as it is intended to utilise recessive tones and finishes to match the surrounding development.

D9.6 Front Building Line

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)
Equitable preservation of views and vistas to and/or from public/private places. (S)
The amenity of residential development adjoining a main road is maintained. (S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
Vehicle manoeuvring in a forward direction is facilitated. (S)*

To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

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

The control to achieve this outcome is to provide a setback of 6.5m to the front boundary.

The site is located within the rear yard and the existing front setback of the dwelling remains unchanged.

D9.7 Side and rear building line

The controls seek to achieve the outcomes:

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

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)

Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)

Flexibility in the siting of buildings and access. (En, S)

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

To ensure a landscaped buffer between commercial and residential zones is established. (En, S)

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m for at least one side and min 1.0m setback for the other side, and min 6.5m from the rear boundary.

The secondary dwelling will stand a minimum of 0.9m and 1.7m from the south-western and northern side boundaries respectively.

The proposal therefore presents a minor variation to the setback controls. The northern setback is a point encroachment only. The south-western setback follows the siting of the existing outbuilding.

Compliance with the side setback control is constrained by the irregular configuration of the lot, which narrows towards the rear.

The portion of the development which varies the side setback controls will not result in any adverse impacts for neighbouring properties in terms of visual amenity, solar access, views or privacy.

The secondary dwelling is modest in bulk and scale, and will not be overbearing within the locality.

The proposal is in keeping with the desired outcomes of this clause, and is worthy of support on merit.

The existing rear setback of the outbuilding remains unchanged.

D9.9 Building Envelope

The controls seek to achieve the outcomes:

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

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

The single storey height of the works ensures that the proposal observes Council's building envelope control.

D9.10 Landscaped Area – General

The controls seek to achieve the outcomes:

- Achieve the desired future character of the Locality. (S)*
- The bulk and scale of the built form is minimised. (En, S)*
- A reasonable level of amenity and solar access is provided and maintained. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*
- Conservation of natural vegetation and biodiversity. (En)*
- Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*
- To preserve and enhance the rural and bushland character of the area. (En, S)*
- Soft surface is maximised to provide for infiltration of water to the water table, minimise runoff and assist with stormwater management. (En, S)*

The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 50% of the site area.

The proposal provides a soft landscaped area of 41.44%, and therefore presents a minor variation to this control.

The existing landscaped area of the site does not comply with the landscaped area control, and the proposal results in only a minor reduction in landscaped area of 35.5m².

Where possible, superfluous paving will be removed to enhance the landscaped cover within the site.

The proposal will not require the removal of any significant vegetation, and a generous area of soft landscaping is maintained.

New perimeter plantings are provided to the rear yard, which assists with softening and screening the built form of the new works.

The proposal maintains the landscaped character of the locality, and modest single storey scale of the new works will ensure that the development is not prominently viewed within the Whitney Street streetscape. Runoff from the site will be suitably managed.

The proposal is in keeping with the desired outcomes of this clause, and is worthy of support on merit.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments applying to the land.

7.3 Any development control plan

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

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that

the variation to the side setback and landscaped area controls are a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the setback and landscaped area criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for alterations and additions to an existing outbuilding and use as a secondary dwelling, which will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP 2014 and the Avalon Beach Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 Submissions made in accordance with this Act or the regulations

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

7.9 The public interest

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

8.0 Conclusion

The principal objective of this development is to provide for alterations and additions to an existing outbuilding and use as a secondary dwelling.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbours amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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