



Suite 16, 895 Pacific Highway Pymble NSW 2073
Tel 02 9440 8900 Mob 0419 250 600
Email mail@urbanesque.com.au

STATEMENT OF ENVIRONMENTAL EFFECTS

NEW DWELLING AND SWIMMING POOL

LOT 10 DP 12130

No. 15 INGLESIDE ROAD INGLESIDE

FOR

MR TIM BROWN

October 2021

Table of Contents

1.0	INTRODUCTION.....	3
2.0	PROPERTY DESCRIPTION.....	3
3.0	SITE DESCRIPTION	4
4.0	SURROUNDING DEVELOPMENT.....	5
5.0	PROPOSED DEVELOPMENT	7
5.1	Development Application History	10
6.0	RELEVANT STATUTORY CONTROLS	8
6.1	Pittwater Local Environmental Plan 2014	8
6.2	Pittwater 21 Development Control Plan 2015	10
7.0	SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979	19
7.1	The provisions of any environmental planning instrument – S41.5(1)(a)(i)	19
7.2	Any draft environmental planning instrument – S41.5(1)(a)(ii).....	19
7.3	Any development control plan – S41.5(1)(a)(iii)	19
7.4	Any planning agreement that has been entered into under section 7.4.....	20
7.5	Any matter prescribed by the regulations - S4.15(1)(a)(iv)	20
7.6	The likely impacts of that development - Section 4.15(1)(b).....	20
7.7	Suitability of the Site - Section 4.15(1)(c).....	20
7.8	Submissions made in accordance the regulations - Section 4.15(1)(d)	20
7.9	The Public Interest - 4.15(1)(e).....	20
8.0	CONCLUSION.....	21

1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared on behalf of the client and accompanies architectural plans prepared by Stothard Projects, Issue C, dated 7 September 2020. The proposed works at **15 Ingleside Road Ingleside** include the construction of a new dwelling and swimming pool.

This report assesses the proposed development against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and includes the following planning controls:-

- *The Environmental Planning and Assessment Regulation 2000,*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004,*
- *Pittwater Local Environmental Plan 2014,*
- *Pittwater 21 Development Control Plan.*

As a result of the assessment, it is concluded that the application addresses the controls satisfactorily and that the granting of consent to the application is justified.

2.0 PROPERTY DESCRIPTION

The subject allotment is described as **15 Ingleside Road Ingleside**, being Lot 10 within Deposited Plan 12130. Located within the Pittwater Local Government Area, the site is zoned RU2 Rural Landscape under the Pittwater Local Environmental Plan 2014 (PLEP).

The site is not listed as a Heritage Item nor is it within a Conservation Area or affected by flooding. The site is within a bushfire prone area (non-EPI) within the vegetation buffer and also affected by Terrestrial Biodiversity. The site is listed as being Class 5 on the Acid Sulfate Soils Map.

There are no other statutory planning constraints mapped under the PLEP.

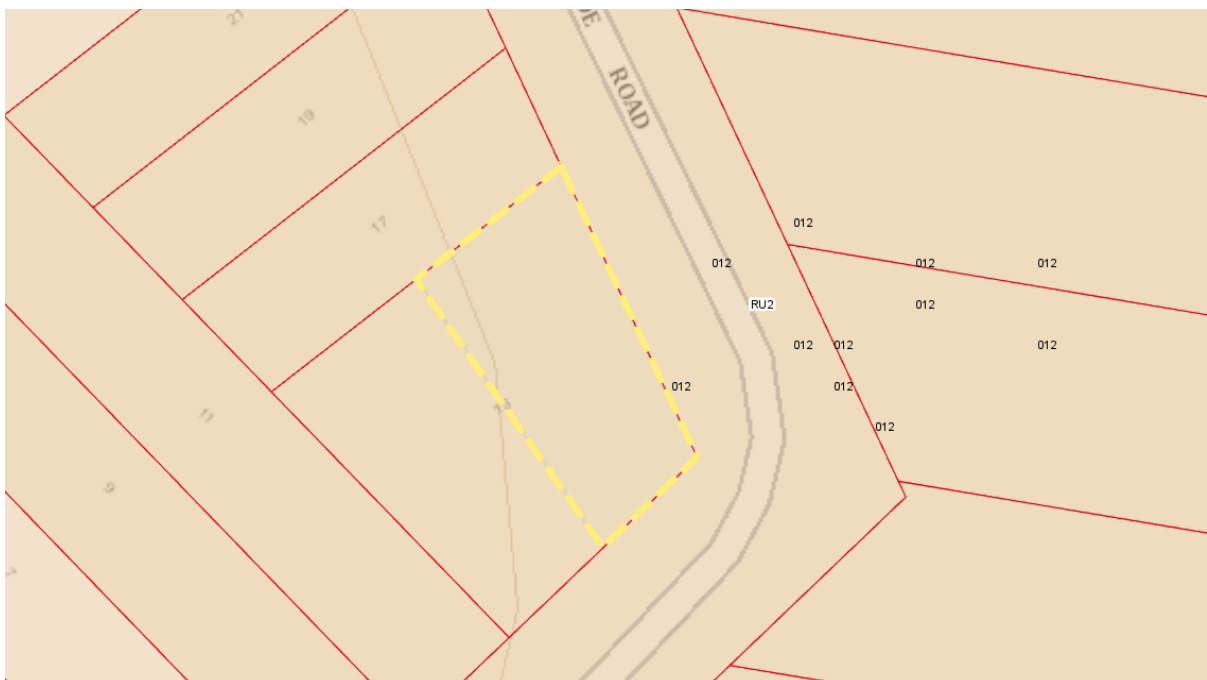


Figure 1: Location and zoning map. Subject site outlined in yellow.



Figure 2: Terrestrial biodiversity map. Subject site outlined in yellow.

3.0 SITE DESCRIPTION

The subject site has a total area of 713.9m² (by calculation) and is slightly irregular in shape as the site widens towards the rear. The site has a frontage of 15.24m to Ingleside Road, rear boundary width of 21.535m and a side boundary of 38m. The length of the secondary frontage is 37.505m. There is a moderate fall from the rear to the front of the site of approximately 1.98m.

The site currently supports part of the existing dwelling which is situated over both Lot 9 and 10. The site is moderately vegetated with lawn and shrubbery with one tree in the rear yard.



Figure 3: Aerial view of the subject site.



Figure 3: View of the property from the existing driveway at Lot 10, facing west.



Figure 4: View of the existing dwelling which lies over both Lot 9 and Lot 10, when viewed from the northern driveway.

4.0 SURROUNDING DEVELOPMENT

Ingleside is a suburb within Northern Sydney, located 28km north of the Sydney central business district. Ingleside is part of the Forest District of the Northern Beaches LGA, approximately 2km from the coastline at Mona Vale.

Ingleside Road and the surrounding area is characterized by larger residential lots set within a semi-rural setting encompassed by natural bushland. The majority of local development has occurred post WW2 with much of the original development intact. Recent urban renewal is evident in Ingleside as the original dwellings reach the end of their building lifecycle.



Figure 5: View of the subject dwelling from Ingleside Road.



Figure 6: Streetscape view of Ingleside Road, facing north-west.



Figure 7: No. 12 Ingleside Road, which is in proximity to the subject site and currently under development.

5.0 PROPOSED DEVELOPMENT

The proposed development involves the construction of a new two storey dwelling, as detailed below. The existing swimming pool and dwelling will be demolished under a complying development application. The building configuration is as follows:-

Ground Floor

- Entry porch and entry room,
- Double garage,
- Mudroom,
- Laundry room,
- Mud room,
- Powder room,
- Media Room,
- Open plan kitchen/dining/family room,
- Rear alfresco,
- Swimming pool.

First Floor

- Master bedroom 1 with associated WIR and ensuite,
- Four bedrooms,
- Bathroom,
- Water closet,
- Study,
- Living room,
- Front balcony.

The dwelling will present to Ingleside Road and is of a modest yet contemporary architectural style. The proposed colors and materials will provide visual interest to the development and are sympathetic to the local character.

6.0 RELEVANT STATUTORY CONTROLS

In accordance with the Environmental Planning and Assessment Act 1979, the following assessment considers the proposal against the relevant planning instruments. It should be noted that secondary dwellings are permissible under the PLEP and an assessment under the State Environmental Planning Policy (Affordable Rental Housing) 2009 is not required.

6.1 Pittwater Local Environmental Plan 2014

The site is zoned RU2 Rural Landscape under the provisions of the *Pittwater Local Environmental Plan 2014*. Dwelling houses and secondary dwellings are permissible subject to the consent of Council.

The objectives of the RU2 zone are as follows:-

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

It is considered that the proposal for the construction of the dwelling on the subject property is consistent with the objectives of the zone as charted within the PLEP.

6.1.1 Pittwater Local Environmental Plan Compliance Table

CONTROL	PROPOSED	COMPLIANCE
Clause 4.3 Height of buildings 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. The prescribed height is 8.5m	The proposed development will have a building height of 8.27m at the highest point.	Complies
Clause 4.4 Floor space ratio The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	N/A. There is no specified floor space ratio requirement for the subject site.	N/A
Clause 7.1 Acid Sulfate soils The objective of this clause is to ensure that development does not disturb expose or drain acid sulfate soils and cause environmental damage. Class 5 Acid Sulfate soils applicable.	The site is identified as containing Class 5 Acid Sulfate Soils. The proposed works are unlikely to disturb, expose or drain acid sulfate soils, as they will not take place within proximity to Class 1, 2, 3 or 4 acid sulfate soils. Accordingly, the proposal satisfactorily meets the objective of this clause.	Complies

STATEMENT OF ENVIRONMENTAL EFFECTS

CONTROL	PROPOSED	COMPLIANCE
<p>Clause 7.6 Biodiversity</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:</p> <p>a) whether the development is likely to have:</p> <ol style="list-style-type: none"> i. any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and ii. any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and iii. any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and iv. any adverse impact on the habitat elements providing connectivity on the land, and <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>The subject site is affected by Biodiversity. All works are to be constructed on land that has had prior disturbance due to development.</p> <p>A Biodiversity Assessment Method is not required as there is no clearing to be done and the proposed works will occur over already disturbed land.</p> <p>For the above reasons, it is considered that there is no utility in commissioning an ecological report.</p>	<p>Complies</p>

6.2 Pittwater 21 Development Control Plan 2015

Council's Pittwater 21 DCP Section B and Section C provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

6.2.1 Pittwater 21 Development Control Plan – Sections B and C Compliance Table

CONTROL	PROPOSED	COMPLIANCE
Section B: General Controls		
B3.2 Bushfire Hazard All development to be constructed so as to manage risk due to the effects of bushfire throughout the life of the development. Development must comply with the requirements of <i>Planning for Bushfire Protection 2006</i> and <i>AS3959:2009</i> .	The subject site is identified as Bushfire Prone Land (Non-EPI) and lies within the Vegetation Buffer. A bushfire self-assessment report accompanies this application.	Noted
B4.11 Land Adjoining Bushland Development shall not adversely impact on the adjoining reserve.	The land does not directly adjoin bushland and therefore this control is not applicable.	N/A
B4.22 Preservation of Trees and Bushland Vegetation These provisions relate to the removal of trees and bushland vegetation.	The proposal does not involve the removal of any trees or bushland vegetation. Therefore, these provisions are not applicable.	N/A
B5 Water Management An Integrated Water Management approach must be undertaken on all land subject to development for the effective water management of all water on the site including: <ul style="list-style-type: none"> • rainwater • stormwater • greywater, and • wastewater A water management plan is required to be submitted setting out the proposed Integrated Water Management System.	Concept Stormwater Management Plans accompany this application and have been prepared by Eze Drainage Solutions.	Complies
B6 Access and Parking Access Driveway Design The design of Access Driveways shall be in accordance with the current edition of the following Australian Standards: <ul style="list-style-type: none"> • Australian Standard AS/NZS 2890.1-2004: Parking Facilities – Part 1: Off-Street Car Parking. 	There are no proposed changes to the existing access driveway. As such these provisions are not applicable.	N/A

STATEMENT OF ENVIRONMENTAL EFFECTS

CONTROL	PROPOSED	COMPLIANCE
<p>The number of permissible Access Driveways to an allotment is as follows:</p> <ul style="list-style-type: none"> Where the frontage of an allotment of a local public road is less than 30m, only one access driveway. 		
<p>B8 Site Works Management</p> <p>Excavation and landfill on any site that includes the following:</p> <ul style="list-style-type: none"> Excavation greater than 1m deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation; Any excavation greater than 1.5m deep below the existing surface; Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall on adjoining structures or adjoining property; Any landfill greater than 1m in height; and/or Any works that may be affected by geotechnical processes or which may impact on geotechnical processes <p>Waste materials generated through demolition, excavation and construction works is to be minimized by reuse on-site, recycling, or disposal at an appropriate waste facility.</p>	<p>No extensive excavation and landfill are proposed on this site.</p> <p>A Waste Management plan accompanies this application.</p>	<p>N/A</p> <p>Complies</p>
PART C: Development Type Controls – Residential Development		
<p>C1.1 Landscaping</p> <p>A built form dominated and complemented by landscaping, Landscaping that reflects the scale and form of development, retention of canopy trees, urban forest and rock outcrops, and reduced risk of landslip.</p>	<p>The site will be landscaped on completion of the works in a manner that is sensitive to the local environment and that integrates landscape with built form.</p> <p>Refer to the Landscaped Plan prepared by Contour Landscape Architecture, dated 27 October 2021.</p>	Complies
<p>C1.2 Safety and Security</p> <p>Ongoing safety and security and opportunities for vandalism are minimised.</p>	<p>The safety and security are not of particular concern as the site is not evident from the street. Nonetheless, appropriate household security measures such as alarms and</p>	Complies

STATEMENT OF ENVIRONMENTAL EFFECTS

CONTROL	PROPOSED	COMPLIANCE
	surveillance equipment may be installed at the discretion of the owners.	
C1.3 View Sharing A reasonable sharing of views amongst dwellings and protection of views from public places.	The proposed location of the dwelling will not affect or detract from the views of neighboring properties.	Complies
C1.4 Solar Access The main private open space of the subject and adjoining dwellings are to receive a minimum of 3 hours of sunlight in mid-winter. Windows to the principal living areas are to receive a minimum of 3 hours in mid-winter.	The subject site will receive adequate solar access to the POS and living rooms. The property to the south will not be greatly affected as much of the shadow cast from the proposed development will fall over the driveway and front yard.	Complies
C1.4 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 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. Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling.	The development has considered overlooking to adjoining properties and has implemented privacy measures where necessary. Windows adjoining the first floor rooms are rooms of low use and do not pose significant privacy concerns. Upon completion, the new landscape scheme will further enhance the visual privacy afforded to the site and neighbouring properties.	Complies
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. Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F5 of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire	The development is within a residential setting and no high level of noise generation is anticipated to affect the development. There are no unusual noise generating devices proposed.	Complies

STATEMENT OF ENVIRONMENTAL EFFECTS

CONTROL	PROPOSED	COMPLIANCE
<p>rating provisions of the Building Code of Australia).</p> <p>Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</p> <p>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</p>		
<p>C1.7 Private Open Space</p> <p>Private open space shall be provided as follows:-</p> <p>a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-</p> <p>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> <p>Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</p> <p>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.</p> <p>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).</p>	<p>The area of private open space by far exceeds the minimum 80m². Due to the site constraints of the existing subdivision pattern, much of the private open space will be within the front/side yard to the east of the dwelling. This arrangement was considered to be the most appropriate with respect to the siting of the dwelling and optimizing solar access. The rear alfresco will form part of the private open space, with a total area of 34m².</p> <p>Proposal exceeds minimum requirements.</p> <p>The private open space of the dwelling is accessible from living areas. The alfresco forms a component of the private open space of the dwelling.</p> <p>All private open space areas have orientation to the north and east.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>

STATEMENT OF ENVIRONMENTAL EFFECTS

CONTROL	PROPOSED	COMPLIANCE
Private open space should be located to the rear of the dwelling to maximise privacy for occupants.	As mentioned previously, POS cannot be located at the rear of the dwelling. The Landscape Plan incorporates sufficient screen planting in order to ensure privacy for occupants.	Complies
Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.	The area is well screened with landscaping. Refer to the accompanying Landscape Plan.	Complies
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 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.	A front balcony is also provided at the first floor, accessible from the first floor living room and Bedroom 1.	Complies
Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.	Clothes drying facilities are capable of being provided on site.	Complies
An accessible and usable area for composting facilities within the ground level private open space is required.	The site is large enough to accommodate a composting area on level ground.	Complies
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. A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom. 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. Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.	No secondary dwelling is proposed.	Complies

STATEMENT OF ENVIRONMENTAL EFFECTS

CONTROL	PROPOSED	COMPLIANCE
<p>Where the secondary dwelling or rural worker's dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum building height is to be in accordance with the height controls contained within <i>Pittwater Local Environmental Plan 2014</i>.</p> <p>A secondary dwelling above a detached garage is not supported.</p>		
<p>C1.12 Waste and Recycling Facilities</p> <p>All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.</p>	<p>Construction on site will comply with the relevant sections of the Waste Management Guidelines. A Waste Management Plan accompanies this application.</p>	<p>Complies</p>
<p>C1.13 Pollution Control</p> <p>Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.</p> <p>Developments must comply in all respects with the <i>Protection of the Environment Operations Act 1997</i>, and other relevant legislation.</p>	<p>The site will be used for residential purposes and will be designed, constructed, maintained and used to not adversely impact pollution.</p>	<p>Complies</p>
<p>C1.14 Separately Accessible Structures</p> <p>A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:</p> <ol style="list-style-type: none"> 1. it is ancillary to a dwelling; 2. it is not designed for separate habitation and does not contain any cooking facilities. 	<p>No separately accessible structures are part of the application.</p>	<p>N/A</p>
<p>C1.17 Swimming Pool Safety</p> <p>Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the <i>Swimming Pools Act 1992</i> and regulations. The fencing and warning</p>	<p>The swimming pool will provided with compliant and appropriate pool safety measures. Condition.</p>	<p>Complies</p>

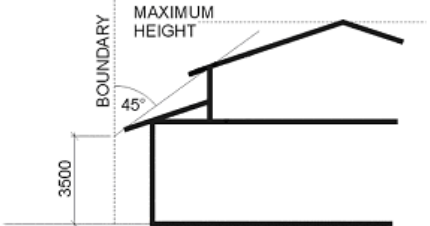
STATEMENT OF ENVIRONMENTAL EFFECTS

CONTROL	PROPOSED	COMPLIANCE
<p>notices (resuscitation chart) shall be permanent structures.</p>		
<p>C1.23 Eaves</p> <p>Dwellings shall incorporate eaves on all elevations.</p> <p>Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.</p>	<p>All roof overhangs are a minimum 450mm.</p>	<p>Complies</p>
<p>C1.25 Plant, Equipment Boxes and Lift Over-Run</p> <p>Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air conditioning units on the roof of residential flat buildings and multi dwelling housing. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement.</p> <p>Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.</p>	<p>The design of the building incorporates spaces for the location and integration of air conditioning equipment.</p> <p>The location of air conditioning equipment is indicated on the floor plans.</p> <p>All plant and equipment will be acoustically attenuated.</p>	<p>Complies</p>
<p>PART D: Locality Specific Development Controls – Ingleside Locality</p>		
<p>D6.1 Character as Viewed From a Public Place</p> <p>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.</p> <p>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</p>	<p>The proposed dwelling will have an appropriate presentation to Ingleside Road. There are a variety of architectural features and materials which have been utilized in order to present a design compatible with the local character. No blank frontages are proposed.</p> <p>No long expanses of unarticulated walls will present to the street.</p>	<p>Complies</p> <p>Complies</p>

STATEMENT OF ENVIRONMENTAL EFFECTS

<p>Any building facade to a public place must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> i. entry feature or portico; ii. awnings or other features over windows; iii. verandahs, balconies or window box treatment to any first floor element; iv. recessing or projecting architectural elements; v. open, deep verandahs; or vi. verandahs, pergolas or similar features above garage doors. 	<p>The dwelling will include an entry porch feature and front balcony.</p>	<p>Complies</p>
<p>The bulk and scale of buildings must be minimised.</p>	<p>Bulk and scale have been considered and minimized where possible.</p>	<p>Complies</p>
<p>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures must 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>	<p>The garage will not be a dominant feature and has been integrated within the design of the dwelling. The first floor will overhang 1.63m forward of the garage.</p>	<p>Complies</p>
<p>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>	<p>Landscaping will be integrated with the design of the dwelling and soften the visual impact of the development.</p>	<p>Complies</p>
<p>Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.</p>	<p>Noted.</p>	<p>Noted</p>
<p>General service facilities must be located underground.</p>	<p>Noted.</p>	<p>Noted</p>
<p>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.</p>	<p>Noted.</p>	<p>Noted</p>
<p>D6.3 Building colours and materials</p>		
<p>External colours and materials shall be dark and earthy tones as referenced in the DCP.</p>	<p>Colors and materials selected are appropriate.</p>	<p>Complies</p>
<p>Finishes are to be of a low reflectivity.</p>	<p>Finishes are of a low reflectivity.</p>	<p>Complies</p>

STATEMENT OF ENVIRONMENTAL EFFECTS

<p>D6.5 Front building line</p> <p>The minimum front building line shall be 15m.</p>	<p>The development will have a varied setback of 11.224m to 5.789m. Due to the site constraints of the existing subdivision and siting of the dwelling, achieving numerical compliance with this control is not feasible.</p>	<p>No Variation requested. Supportable on merit assessment.</p>
<p>D6.6 Side and rear building line</p> <p>All land zoned RU2 Rural landscape within the blue hatched area adjoining land other than a road or reserve – 2.5m to one side, 1m to other side and 6.5 to the rear.</p> <p>Swimming pools to be setback 1m from the boundary to the pool coping.</p> <p>Land zoned RU2 Rural landscape within the blue hatched area adjoining a road or reserve – 15m</p>	<p>The dwelling will be setback 2.5m from the western boundary and 9.985m to the eastern boundary.</p> <p>The swimming pool coping will be setback more than 1m from the boundary.</p>	<p>Complies</p> <p>Complies</p>
<p>D6.7 Building envelope</p> <p>Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height</p>  <p>STREET FRONTAGE</p>	<p>The building envelope is shown on the elevations within the plan set. The eaves are a minor encroaching element at the rear of the dwelling and will not result in any adverse bulk and scale or privacy or solar concerns. Compliance is achieved at other elevations.</p>	<p>Considered supportable on merit assessment.</p>
<p>D6.10 Landscaped Area - Non Urban</p> <p>On land zoned RU2 Rural Landscape or R5 Large Lot Residential, the minimum landscaped area shall be a minimum of 96% of the site area minus 400m².</p> <p>Sheds used for the purpose of agriculture or for the purpose of a rural industry, with a maximum of 200 square metres, are permitted in addition to non-landscaped areas permitted in the above table.</p> <p>Where a site also contains a dwelling (this includes any ancillary or attached structures), the landscape controls for non-residential development can be applied separately, i.e. the minimum landscaped area (as per table above) can be reduced by the size of the dwelling.</p>	<p>The required landscaped area for the site in accordance with the formula is 249.536m² (36.88%). The development will result in a landscaped area of 390m² (57.64%).</p>	<p>Complies</p>

The use of porous materials and finishes is encouraged where appropriate.		
---	--	--

7.0 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

7.1 The provisions of any environmental planning instrument – S41.5(1)(a)(i)

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

The subject property is zoned RU2 Rural Landscape under the Pittwater Local Environmental Plan 2014 and the proposed development as described in Section 5.0 of this report is permissible within this zone.

7.2 Any draft environmental planning instrument – S41.5(1)(a)(ii)

There are no draft environmental planning instruments at the present time.

7.3 Any development control plan – S41.5(1)(a)(iii)

The development has been designed to comply with the requirements of the following Development Control Plan:-

- *Pittwater 21 Development Control Plan*

It is considered that the proposed design respects the aims and objectives of these 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 objects 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 any minor numerical and performance variations to the DCP controls identified in the compliance table be favourably determined. We consider that these variances have been adequately justified within section 6.2 of this report.

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 7.11 - S4.15(1)(a)(iia)

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

7.5 Any matter prescribed by the regulations - S4.15(1)(a)(iv)

There are no additional matters called up by the Environmental Planning and Assessment Act Regulation 2000 that are applicable to the development.

7.6 The likely impacts of that development - Section 4.15(1)(b)

It is considered that the proposal, which seeks approval for the construction of a new dwelling as described is reasonable and achieves the objectives of the relevant planning controls. It is considered that the resultant development is compatible with and will complement the established character of the area.

The development will be consistent with the objectives of the RU2 Rural Landscape under the prevailing LEP.

The proposal will have an acceptable impact on the environment and the amenity currently enjoyed by the neighboring properties and nearby residential development.

7.7 Suitability of the Site - Section 4.15(1)(c)

It is considered that the subject site is suitable for the intended development as it zoned RU2 Rural Landscape. It is also of a suitable size and shape to accommodate the proposed development. There are no obvious site constraints that would prevent the granting of consent to the development.

7.8 Submissions made in accordance the regulations - Section 4.15(1)(d)

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

7.9 The Public Interest - 4.15(1)(e)

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

8.0 CONCLUSION

The proposal for the construction of a new dwelling as described at **15 Ingleside Road Ingleside** has been assessed against the requirements of Section 4.15 of the Act, the Pittwater Local Environmental Plan and the relevant Council policies applicable to the proposal.

The proposal complies with either Council's numerical controls or the qualitative objectives of the controls. This Statement of Environmental Effects has demonstrated that the proposal will not unreasonably impact upon the natural or built environment or the amenity of the surrounding properties.

It is our opinion that this application for the construction of a new dwelling and swimming pool at **15 Ingleside Road Ingleside**, as described in the application is reasonable and supportable and should be approved by Council under delegated authority.



Madeline Maric

Urbanesque Planning Pty Ltd



Eugene Sarich

Urbanesque Planning Pty Ltd