

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR ADDITIONS & ALTERATIONS TO AN EXISTING DWELLING**

**LOCATED AT**

**202 WOORARRA AVENUE, ELANORA HEIGHTS**

**FOR**

**MATTHEW MONTGOMERY**

Prepared  
August 2018

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## 1.0 Introduction

This Statement of Environmental Effects accompanies plans prepared by High Design, Drawing No. 768 17 HD, Sheets 1 – 3A, dated March 2018 to detail the proposed construction of additions and alterations to the existing dwelling at **202 Woorarra Avenue, Elanora Heights**.

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 No 202 Woorarra Ave, Elanora Heights, being Lot 171 within Deposited Plan 13643. The property is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is not listed as a heritage item nor is it within a conservation area. The site is listed as being within a Class 5 zone on the Acid Sulfate Soils Map. This matter will be discussed further within this report.

The site is noted as being potentially affected by bushfire attack and a Bushfire Risk Assessment has been prepared by Building Code & Bushfire Hazard Solutions Pty Ltd and this issue is discussed further within this submission.

There are no other known hazards affecting the land.

### 3.0 Site Description

The property is located on the northern eastern corner of the intersection of Woorarra Avenue and Coolangatta Avenue and falls towards the front, southern boundary.

The site has a frontage of 18.29m to Woorarra Avenue and a secondary frontage to Coolangatta Avenue of 43.15m. The eastern side and northern rear boundaries measure 42.67m & 23.465m respectively. The total site area is 761.4m<sup>2</sup>.

The site is currently developed with an existing two storey brick and clad dwelling with a metal roof, which includes an attached approved secondary dwelling and with a lower ground floor level garage and storage area.

Vehicular access is via a driveway from Coolangatta Avenue. Stormwater from the site is currently directed to the street gutter in Coolangatta Avenue.

The details of the site are included on the survey plan prepared by Base Surveying, Reference No 17-99, dated 10 October 2017 which accompanies the DA submission.



**Fig 1: Location of subject site**  
**(Source: Google Maps)**



**Fig 2: View of subject site, looking east from Coolangatta Avenue**



**Fig 3: View of subject dwelling and existing front yard area, looking east from Coolangatta Avenue**



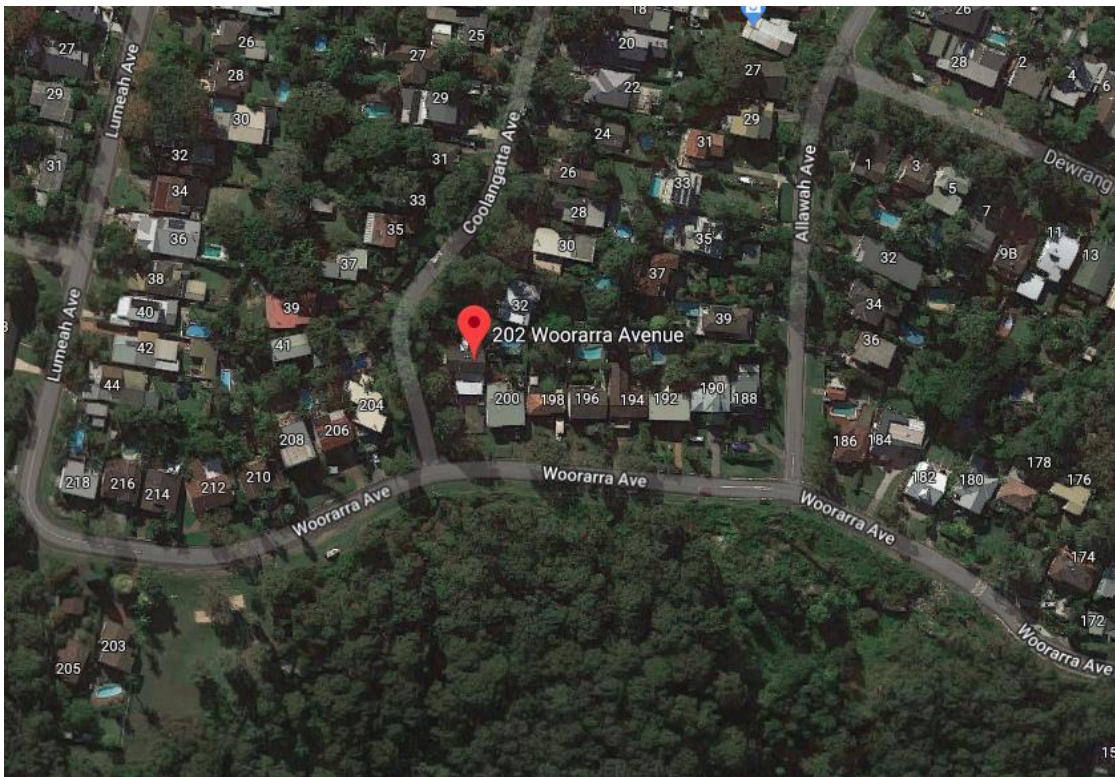


**Fig 4: View of north-west corner of subject property, looking south-east from Coolangatta Avenue**

#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by low density residential development of typically one to two storey dwellings of a variety of styles and scales of development.

The neighbouring properties comprise a mix of one and two storey dwellings. The site enjoys a district outlook to the south and south-east towards Narrabeen and Narrabeen Lagoon.



**Fig 5: Aerial view of locality**  
(Source: Google Maps)

## 5.0 Proposed Development

The new works will provide for additions and alterations to the existing upper and lower ground floor levels of the dwelling.

The works are modest in scale, with no increase in the overall height of the dwelling and the majority of the work are largely over the existing disturbed footprint.

A new storage area will be provided to the south-western corner of the existing garage area, which will result in a minor increase in the built footprint. Areas of redundant paving from within the rear yard will be lifted to contribute to the soft landscaped area remaining generally consistent with the existing ratio.

The existing secondary dwelling will be unchanged.

In summary, the new works will provide for:

<b>Lower Ground Floor</b>	Provide new storage area, with internal access from existing garage area Provide new external access stairs to existing upper level to facilitate access to a new formal entry
<b>Upper Ground Floor</b>	Alterations and additions to provide for a new open plan living, dining & kitchen area with pantry New study and internal bathroom configuration New covered rear deck New small south & east facing balcony from new living room area (privacy screen installed to eastern façade)
<b>External Works</b>	Removal of redundant paving from rear yard

The external finishes of the new works will comprise a mix of rendered brickwork at the lower ground floor level and timber framing with lightweight cladding and metal sheet roofing.

The proposal results in the following indices:

Site Area:	761.4m <sup>2</sup>
Required Landscaped Area:	60% or 478.86m <sup>2</sup>
Existing Landscaped Area:	46.4% or 354m <sup>2</sup>
Proposed Landscaped Area:	45.7% or 348m <sup>2</sup> <i>(excluding 6% allowance for functional open space – See DCP discussion)</i>



## 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

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

### 6.3 Pittwater Local Environmental Plan 2014

The site is zoned E4 Environmental Living under the provisions of the PLEP 2014.

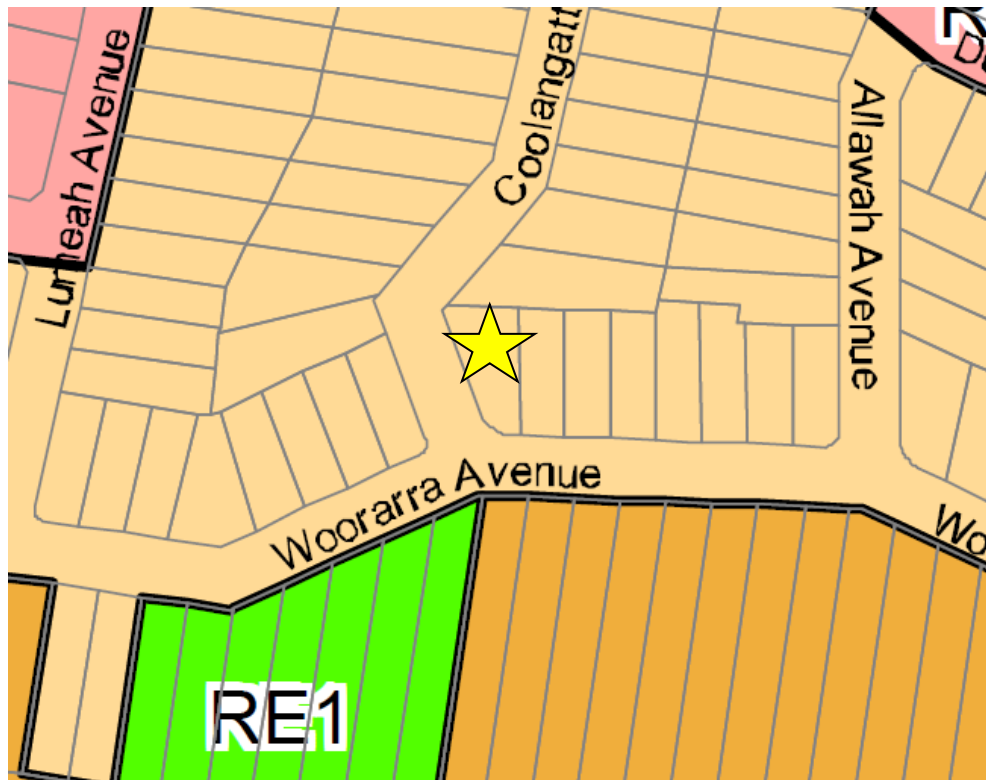


Fig 6: Extract of Pittwater Local Environmental Plan 2014

The development of and use of the land for residential purposes within the E4 Environmental Living Zone is consistent with the zone objectives, which are noted (over) as:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors*

It is considered that the proposed additions and alterations to the existing 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 one – two storey scale of the development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The proposal provides for additions and alterations to an existing dwelling, which will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.
- The works will not compromise the residential character of the locality.

#### **Clause 4.3 – Height of Buildings**

The maximum building height in this portion of Elanora Heights is 8.5m. The maximum proposed overall building height is up to 8.5m and therefore complies with this control.

#### **Clause 5.9 – Preservation of trees or vegetation**

The proposal will not see the removal or disturbance to any significant planting within the site.

#### **Clause 7.1 – Acid sulfate soils**

The site has been identified on Council's zoning maps as being in a Class 5 zone. The works are not anticipated to result in the disturbance of any acid sulfate soils.

#### **Clause 7.2 – Earthworks**

Some minor earthworks will be required to accommodate the proposed works, however no major excavation is proposed. The works will be carried out in accordance with the recommendations of the Structural Engineer.

Accordingly, the proposal is considered to satisfy the provisions of this clause.

#### **Clause 7.10 – Essential Services**

The proposal will see the existing essential services to the site being maintained.

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

development.

## **6.4 Pittwater 21 Development Control Plan**

Council's Pittwater 21 DCP Section B (General Controls), Section C (Design Criteria) and Section D5 Elanora Heights Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

### **6.4.1 Section A Introduction**

#### **A4.5 Elanora Heights Locality**

*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. Any dual occupancies will be located only on the plateau on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Land in the vicinity of Caladenia Close and Dendrobium Crescent to the west will remain a low-density rural residential area due to the constraints and characteristics of the land, including steepness of slope, species and habitat diversity, and lack of infrastructure. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community, and recreational facilities will serve the community.*

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

*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 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.*

*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. 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 alterations and additions to an existing dwelling, which is consistent with the scale and style of the newer development in the vicinity.

The dwelling will reflect the predominant setbacks provided to the site boundaries in the immediate area.

#### **6.4.2 Section B General Controls**

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

##### **B3.2 Bushfire Hazard**

The controls seek to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

*Protection of private and public infrastructure and assets. (S)*

The site is identified as Bushfire Prone Land on Council's mapping. Accordingly, a Bushfire Risk Assessment has been prepared by Building Code & Bushfire Hazard Solutions Pty Ltd which identifies that the works are to achieve a BAL Level of 40 to the southern, eastern and western facades.

The proposed works will be carried out in accordance with the recommendations contained within this report, and will therefore satisfy the provisions of this clause.

##### **B4.5 Pittwater Spotted Gum Forest – Endangered Ecological Community**

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 will not result in the removal of any protected trees or disturbance to any locally native flora and fauna.

##### **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)*

This collected stormwater from the roof area will be directed to the street gutter in accordance with the current arrangements.



## **B6.2 Internal Driveways**

The controls seek to achieve the outcomes:

*Safe and convenient access. (S)*

*Reduce visual impact of driveways. (S) Pedestrian safety. (S)*

*An effective road drainage system. (En, S)*

*Maximise the retention of trees and native vegetation. Reduce contaminate run-off from driveways.*

The proposal will see the retention of the existing driveway and access to the garage and storage area.

## **B6.5 Off-street Vehicle Parking Requirements – Low Density Residential**

The controls seek to achieve the outcomes:

*Safe and convenient parking (En, S)*

The controls require a minimum of 2 parking spaces for a dwelling. The proposal will retain the existing garage and stacked car spaces.

## **B8.1 Construction & Demolition – Excavation and Landfill**

The controls seek to achieve the outcomes:

*Site disturbance is minimised. (En)*

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

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

The proposed works will not require any significant site disturbance. All works will be carried out in accordance with the recommendations of the consulting Structural Engineer.

Accordingly, the proposal is considered to satisfy the provisions of this clause.

## **B8.2 Construction & 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)*

Appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties. The site's proposed landscaping will prevent ongoing erosion.

An erosion and sediment control plan has been prepared by Barrenjoey Consulting Engineers and is included in the application submission.

### **6.4.3 Section C Design Criteria**

The Design Criteria applicable to the proposed development are summarised as:

#### **C1.1 Landscaping**

The controls seek to achieve the outcome:

*A built form dominated and complemented by landscaping. (En) Landscaping that 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 proposal will not present any impact to the any significant protected trees. New plantings can be provided within the front yard area as required by Council.

The site will maintain a generous area of soft landscaping, and is considered to be in keeping with the provisions of this clause.

#### **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 will maintain suitable safety or security for the site. The dwelling will continue to provide casual surveillance to the street.

### **C1.3 View Sharing**

The controls seek to achieve the outcomes:

*A reasonable sharing of views amongst dwellings. (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 district views towards the south and south-east.

The new works will provide a modest height, and the uphill properties to the west will maintain views past the dwelling.

### **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 site and its neighbours enjoy a northerly outlook, which allows for the rear yards and north facing living areas to enjoy good solar access throughout the day.

The proposal will maintain a modest, elevated single storey height with a maximum building height of 8.5m at the southern extremity.

It is expected that the solar access arrangements for the subject and neighbouring properties will remain largely unchanged.

The subject and adjoining dwellings will continue to receive suitable solar access to the north-facing living areas and private open space, in accordance with Council's DCP requirements.

### **C1.5 Visual Privacy**

The controls seek to achieve the outcomes:

*Habitable rooms and outdoor living areas of dwellings optimise 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 suitably protected to limit the effects of direct overlooking.

The proposed new covered deck to the rear is well below the rear fence level and will not introduce any unreasonable overlooking to the northern neighbour.

The works include a new small balcony to the eastern and southern elevations of the upper floor level living room.

The eastern façade of the balcony is provided with a privacy screen to ensure that privacy is maintained to the living room and to restrict direct overlooking to the eastern neighbour.

The south-facing deck overlooks the front yard of the subject premises and on balance, it is not considered that the works will introduce any unreasonable or adverse privacy impacts for the neighbours.

#### **C1.6 Acoustic Privacy**

The controls seek to achieve the outcomes:

*Noise is substantially contained within each dwelling and noise from any communal or recreation 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, there will not be any significant impact on the surrounding locality in terms of acoustic privacy.

#### **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.

The site will maintain substantial area for private open space within the rear yard, with excellent access to the northern sun.



### **C1.9 Adaptable Housing and Accessibility**

The controls seek to achieve the outcomes:

*The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)*

*All members of the community enjoy equitable access to buildings to which the general public have access. (S)*

*Housing for Seniors or People with a Disability are accessible, adaptable and safe. (S) Equitable access in the public domain. (S)*

Single dwellings are not required to provide access in accordance with AS4299-1995.

The existing access to the secondary dwelling will be unchanged.

### **C1.12 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. There is sufficient area within the proposed basement and surrounding the dwelling for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

#### 6.4.4 Section D Design Criteria

The **D5 Elanora Heights 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 maintains compatibility with the existing residential character of the area by maintaining an appropriate scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- 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 **D5 Elanora Heights Locality** is provided below:

##### **D5.1 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. (En, S, Ec)*

*To enhance the existing streetscapes and promote a scale and density that is in keeping 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 the 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 a 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 proposal will provide for additions and alterations to the existing dwelling, with the existing secondary dwelling to be unchanged.

The proposed contemporary design of the new works, including the low profile pitched roof form, is in keeping with the desired future character of the locality.

The proposal will maintain generous areas of soft landscaping on the site, with the garden areas to be retained to soften the built form of the development.

### **D5.3 Building Colours, Materials and Construction (Excluding Elanora Heights Village Centre)**

The controls seek to achieve the outcomes:

*To 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 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 the proposal will utilise colours and finishes to match the existing dwelling.

### **D5.5 Front Building Line (Excluding Elanora Heights Village Centre)**

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)*

*Preserve and enhance the rural and bushland character of the non-urban area of the locality. (En, 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. The minimum proposed front setback is 6.5m and therefore complies with this control.

#### **D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)**

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 preserve and enhance the rural and bushland character of the locality. (En, S)*
- To ensure a landscaped buffer between commercial and residential zones is established.*

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

The proposed additions to the existing dwelling seek to replicate the existing general setbacks of the current upper floor level to the eastern boundary of 2.345m.

The existing rear setback to the northern boundary will be observed.

The proposed setbacks and massing of the building are considered to be suitable in this instance, as the modest height and scale of the new works ensures that there will not be any significant impacts on the amenity of the adjoining properties.

#### **D5.7 Building Envelope (Excluding Elanora Heights Village Centre)**

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- 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°.



Given the modest height of the additions, the proposal will generally comply with Council's building envelope control.

There will be a slight breach of the envelope for the south-eastern extremity of the living room wall, however that element of the building does not unreasonably remove access to the northern facade of the neighbouring dwelling nor does it remove any significant views for the neighbouring property.

#### **D5.9 Landscaped Area – Environmentally Sensitive Land**

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 run-off and assist with stormwater management. (En, S)*

The required controls to achieve the outcomes are to limit residential development to a minimum landscaped area of 60% of the site area. The site currently provides for a landscaped area of 46.5% (354m<sup>2</sup>). With the partial increase in building footprint, which will be partially offset by the removal of redundant areas of paving, there will be slight decrease in soft landscaping to 45.5% (348m<sup>2</sup>).

As the works will present a modest height and scale and will not introduce any adverse streetscape appearance or impacts to neighbours, the proposed retention of the majority of the existing soft landscaped area is considered to be reasonable in this instance.

## **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 building envelope control and landscaped area control is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the 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 the demolition of a portion of the dwelling and the construction of additions and alterations to the existing dwelling with garage and storage, 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 Elanora Heights 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 additions and alterations to the existing dwelling with garage and storage area under, which are modest in bulk and scale and follow the topography of the site, thereby respecting and complementing the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's 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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