

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF A NEW TWO STOREY DWELLING WITH ATTACHED
GARAGE, DRIVEWAY AND ASSOCIATED LANDSCAPING**

LOCATED AT

128B ELANORA ROAD, ELANORA HEIGHTS

FOR

MR & MRS BELIKOFF



**Prepared
February 2020**

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1.0 Introduction

This Statement of Environmental Effects accompanies plans prepared by Metricon, Sheets No. 1 – 12, Reference No. 702879, Revision E dated 7 August 2019, to detail the construction of a new two storey dwelling with attached garage, new driveway and associated landscaping on an existing vacant site at **128B Elanora Road, 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 (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

The Torrens Title subdivision of one lot into three was approved by the Land & Environment Court via a Section 34 Agreement on 23 September 2014. The subdivision of the land has been undertaken and the subject lot has been legally created as Lot A within DP 1237847.

2.0 Property Description

The subject allotment is described as 128B Elanora Road, Elanora Heights, being Lot 3 within Deposited Plan 1237847.

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.

There are no known hazards affecting the land.

3.0 Site Description

The property is located on the south-western side of Elanora Road and falls towards the rear, south-western boundary.

The site is an irregular-shaped battle-axe allotment, with a minimum depth of 33.895m (south-eastern side boundary) and a minimum width of 13.835m. The site has a total area of 662.9m².

The site is currently vacant.

The details of the site are included on the survey plan prepared to accompany the DA submission.

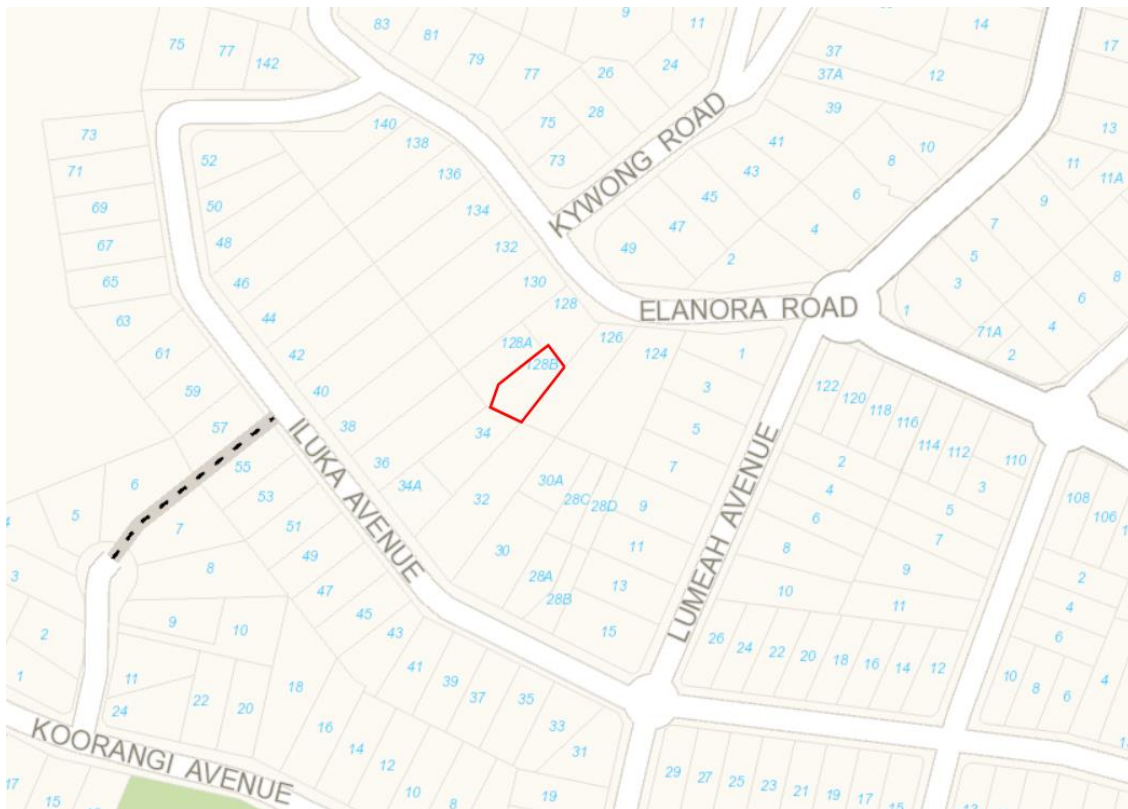




Fig 2: View towards access handle of subject site, looking south-west from Elanora Road



Fig 3: View of subject site, looking south-west from internal access driveway



Fig 4: View of subject site, looking south-west



Fig 5: View of subject site, looking towards rear, south-western boundary



Fig 6: View of subject site, looking north-west



Fig 7: View of subject access handle, looking north-east towards Elanora Road

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 local district outlook to the south and south-east towards Narrabeen Beach.



Fig 8: Aerial view of locality
(Source: Northern Beaches Council Maps)

5.0 Proposed Development

The new works will provide for the demolition of existing structures and construction of a new dwelling with attached garage, new driveway and associated landscaping.

In summary, the new works will provide for:

Ground Floor	Proposed ground floor level to provide for entry portico, entry foyer, internal access stairs to upper level, bedroom with ensuite, store, theatre, family, meals and kitchen with butlers pantry, laundry, outdoor room with external stairs
First Floor	Proposed first floor level to provide for four bedrooms with ensuites including master bedroom with ensuite, walk in robe and balcony, leisure room with balcony
External Works	Proposed new driveway, stairs and landscaping.

The external finishes of the new works will comprise a mix of lightweight cladding and an acrylic render finish to the brickwork with tile roofing.

The proposal results in the following indices:

Site Area:	662.9m ²
Required Landscaped Area:	60% or 397.74m ²
Proposed Landscaped Area:	47% or 311.76m ² (excluding 6% allowance for functional open space – See DCP discussion)

6.0 Zoning and Development Controls

6.1 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.

6.2 Pittwater Local Environmental Plan 2014

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

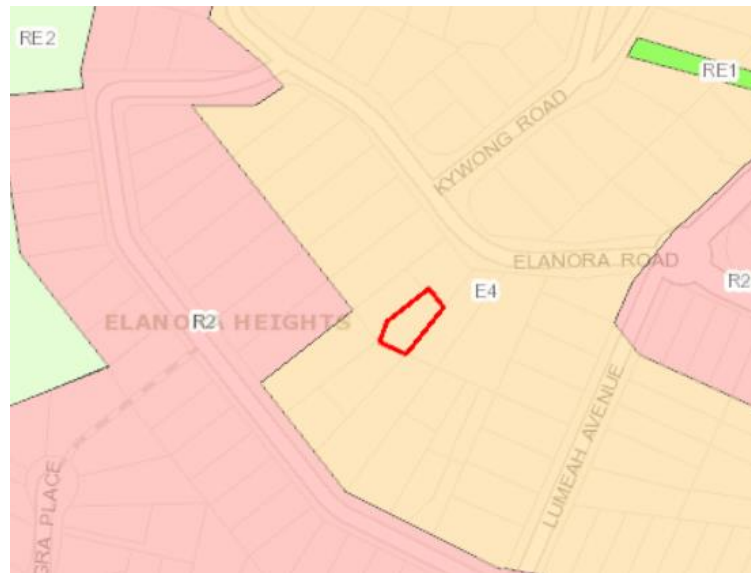


Fig 9: Extract of Pittwater Local Environmental Plan 2014 Zoning Map
Source: Northern Beaches Council Maps

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 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 new 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 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 a new 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 approximately 8.419m and therefore complies with this control.

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 excavation and fill will be required to accommodate the proposed works due to the site's sloping topography. 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 essential services to the site being provided to the dwelling as necessary.

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

6.3 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) 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.

6.3.1 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 a new dwelling with attached garage, new driveway and associated landscaping. The proposed new dwelling maintains a compatible scale and form and is consistent with the scale and style of development in the vicinity.

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

The proposal will not require the removal of any significant trees. New plantings will be provided that have been detailed in the Landscape Plan prepared by Site Design Studios, Drawing No 702879, Sheet L-01B dated 20 February 2020.

6.3.2 Section B General Controls

The General Controls applicable to the proposed new dwelling are summarised as:

B4.5 Landscape and Flora and Fauna Habitat 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 will not require the removal of any significant vegetation. New plantings are to be provided throughout the site as detailed in the Landscape Plan prepared by Site Design Studios, Drawing No 702879, Sheet L-01B dated 20 February 2020.

The proposed works will include two new plantings that can achieve a height of >8m and introduces perimeter screen planting to the private outdoor areas. The proposal will therefore complement and contribute to the landscaped character of the locality.

Subject to compliance with the recommendations of the submitted Landscape Plan, the proposal is considered to satisfy the provisions of this clause.

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 proposal is accompanied by Stormwater Drainage Plans prepared by Ibrahim Stormwater Consultants, Job Number M99319-702879, Sheet 1-2, dated 22 January 2020. The collected roof and surface waters will be directed to the existing interallotment drainage easement which serves the site.

Subject to compliance with the proposed stormwater plans, the proposal will comply with the provisions of this clause.

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 construction of a new driveway and attached double garage which will utilise the new driveway which was constructed as part of the subdivision infrastructure works.

The driveway has regard for Council's design specifications and will provide convenient and safe access to the site from Elanora Road, with the opportunity for vehicles to turn within the site and leave in a forward direction.

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 each dwelling. The proposal will provide for two off-street spaces within the new double garage.

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 see some minor excavation to accommodate the new dwelling. The excavation is set back from the side boundaries, with the works to 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, which have been detailed in Sheet 1A. The site's proposed landscaping will also assist in preventing ongoing erosion.

6.3.3 Section C Development Type Controls

The Development Type Controls 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 require the removal of any significant vegetation. New plantings will be provided that have been detailed in the Landscape Plan prepared by Site Design Studios, Drawing No 702879, Sheet L-01B dated 20 February 2020.

The site will maintain a suitable 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 dwelling will maintain suitable safety or security for the site. The new dwelling will continue to provide casual surveillance to the site's entry point from the common access driveway.

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 to the south and south-east.

The new works will provide a modest height which complies with Council's statutory height limit, and the uphill properties will maintain views past and over the proposed roof form.

The first floor level provides an additional setback from the north-western side boundary, and has been designed to respect Council's building envelope control and retain significant view corridors over and past the new dwelling for the uphill properties.

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 north-westerly outlook, which allows for the rear yard and living areas overlooking the rear yard to enjoy good solar access throughout the day.

The proposal is accompanied by shadow diagrams which demonstrate that the adjacent properties 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 primary living areas are provided at the ground floor level to minimise potential privacy impacts. The proposed rear first floor balcony adjoins a bedroom, and is not considered to result in adverse privacy impacts for neighbouring properties.

Highlight windows and opaque glazing is utilized for a number of the side-facing windows to minimise opportunities for overlooking to neighbouring properties.

Given the modest size of the proposed outdoor room, it is not considered to result in any privacy impacts for neighbouring properties.

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.

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 garage for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

6.3.4 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 the construction of a new dwelling with attached garage, new driveway and associated landscaping, which is accessible from Elanora Road via a shared, common access driveway.

The proposed contemporary design of the new works is in keeping with the desired future character of the locality.

The proposal will maintain generous areas of soft landscaping on the site, with new planting provided throughout the site to soften the built form of the development.

D5.3 Building Colours and Materials

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 earthy tones and finishes which are compatible with the DCP and surrounding properties.

D5.5 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)

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 proposal provides for a new dwelling on a battle-axe shaped allotment which is accessible from Elanora Road via a shared, common access driveway. The new dwelling will be well in excess of 6.5m to Elanora Road.

The proposal provides for a compatible two storey form, with a bulk, scale and design which is in keeping with the desired future character of the locality.

The proposal will maintain consistency with the bushland character of the locality through the introduction of new native plantings.

Due to the battle-axe nature of the subject site, the proposed dwelling is well separated from the street and is in keeping with the desired outcomes of this clause.

D5.6 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 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 new dwelling provides minimum north-western and north-eastern setbacks of 2.434m and 1.0m respectively. The proposed north-western setback therefore presents a minor variation to this control.

The portion of the development which does not comply with this control comprises the northern corner of the garage only, which is a single storey feature with a flat, parapet style roof. Compliance with the setback control is constrained by the irregular shape of the lot, which narrows towards the front.

Given the modest height of the works and the minor extent of the breach to the side setback control (0.066m), the proposal is considered to be worthy of support on merit.

The proposed rear setback is a minimum of 6.7m and therefore complies with the rear setback control.

D5.7 Building Envelope

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°.

As noted on the submitted elevations, the proposal will comply with Council's building envelope control.

D5.8 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 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 proposal provide a soft landscaped area of 47% or 264.89m². With Council's 6% allowance for functional open space, a landscaped area of 53% is provided, which presents a minor variation to this control.

Compliance with this control is constrained by the battle-axe configuration of the site, which requires a substantial driveway and an extension to the driveway to facilitate forward entry and exit.

The rear yard and side boundaries are preserved as soft landscaping, and the dwelling will be surrounded by new screen planting in accordance with the Landscape Plan prepared by Site Design Studios.

The proposed area of soft landscaping is therefore considered worthy of support on merit.

D5.14 Scenic Protection Category One Area

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En, S)

Maintenance and enhancement of the tree canopy. (En, S)

Colours and materials recede into a well vegetated natural environment. (En, S)

To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component. (En, S)

To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.

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

To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.

Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

The proposal will not require the removal of any significant vegetation. New screen planting will be provided throughout the site in accordance with the Landscape Plan prepared by Site Design Studios.

The proposed dwelling provides an appropriate bulk and scale which is consistent with the extent of existing surrounding development in the locality. The external finishes of the new works comprise, earthy, non-reflective tones, which will blend with the natural environment.

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 draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

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 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 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

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 proposed construction of a new two storey dwelling with attached garage, new driveway and associated landscaping, 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 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 proposed construction of a new two storey dwelling with attached garage, new driveway and associated landscaping, 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.

7.8 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 the construction of a new two storey dwelling with attached garage, new driveway and associated landscaping, which is contextually appropriate in its bulk and scale and follows 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 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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