

NOLAN PLANNING CONSULTANTS

STATEMENT OF ENVIRONMENTAL EFFECTS

13 BUNGENDORE STREET, INGLESIDE

CONSTRUCTION OF A DETACHED SECONDARY DWELLING

**PREPARED ON BEHALF OF
Mr John Holman**

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1. INTRODUCTION

This application seeks approval for the construction of a detached secondary dwelling upon land at Lot 166 in DP 752046 which is known as **No. 13 Bungendore Street, Ingleside.**

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Pittwater Local Environmental Plan 2014.
- Pittwater Development Control Plan 2014.

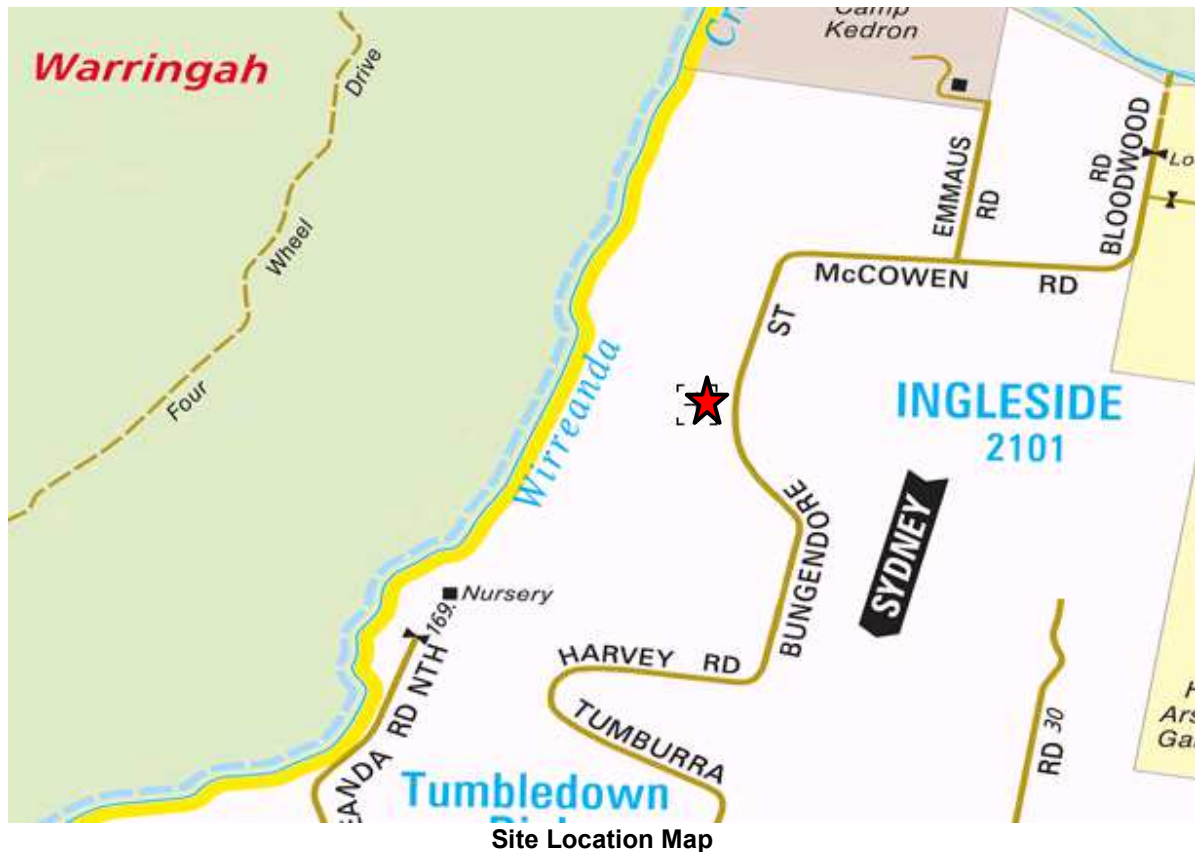
The following details and documents have been relied upon in the preparation of this document:

- Survey Plan, prepared by Bee & Lethbridge Pty Ltd, Ref No. 20656, Revision O and dated 13/3/2019.
- Architectural Plans prepared by Parker + Associates, Job No. 20412, Issue E and dated 9/8/2019.
- Bushfire Assessment Report prepared by Roger Fenwick Bushfire Consultant. BASIX Certificate #1017568S and issued 8/8/2019.

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. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that 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.

2. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot 166 in DP 752046 which is known as 13 Bungendore Street, Ingleside. The site has an area of 2.588ha and is located on the western side of Bungendore. The site is irregular in shape with a combined street frontage of approximately 126.5m to Bungendore Street. The locality is depicted in the following map:



The site falls from the front southeast corner of the site towards the rear northwest corner of the site. A level area is located at the southeast corner of the site and this is the location of the proposed secondary dwelling. This level area is the commencement of a 100m² farm building as exempt development. A large rock escarpment then dissects this portion of the site from the remainder. A 200m² metal farm building is located adjacent to the rear (western) boundary. A 100m² farm building is located near the Eastern boundary. The property benefits from three separate driveway access points, one adjacent to the southern portion on the higher level, one in approximately the middle of the front boundary, and one adjacent to the northern boundary at the lower level. A post and rail fence is erected along the front boundary of the site.

The site is a working farm used for primary production (Beekeeping).

A separate Complying Development Application (CDC No 20190848 has been approved for the construction of a new dwelling on the lower level of the site adjacent to the existing shed.

There are a number of large trees on site as depicted on the survey plan. This application does not require the removal of any existing trees.

The site benefits from an approved on-site sewage management system which has been sized to take the sewage from both the principal dwelling and the secondary dwelling. Included with this DA submission is a document titled "Report – Sewer calculations" which shows that the current on-site sewage management system is appropriately sized for both the principal dwelling and the secondary dwelling.

The site is depicted in the following photographs:



**View of Existing Access (adj Southern Boundary) and
Subject Site as viewed from Bungendore Street
(Dwelling at No. 11 also depicted)**



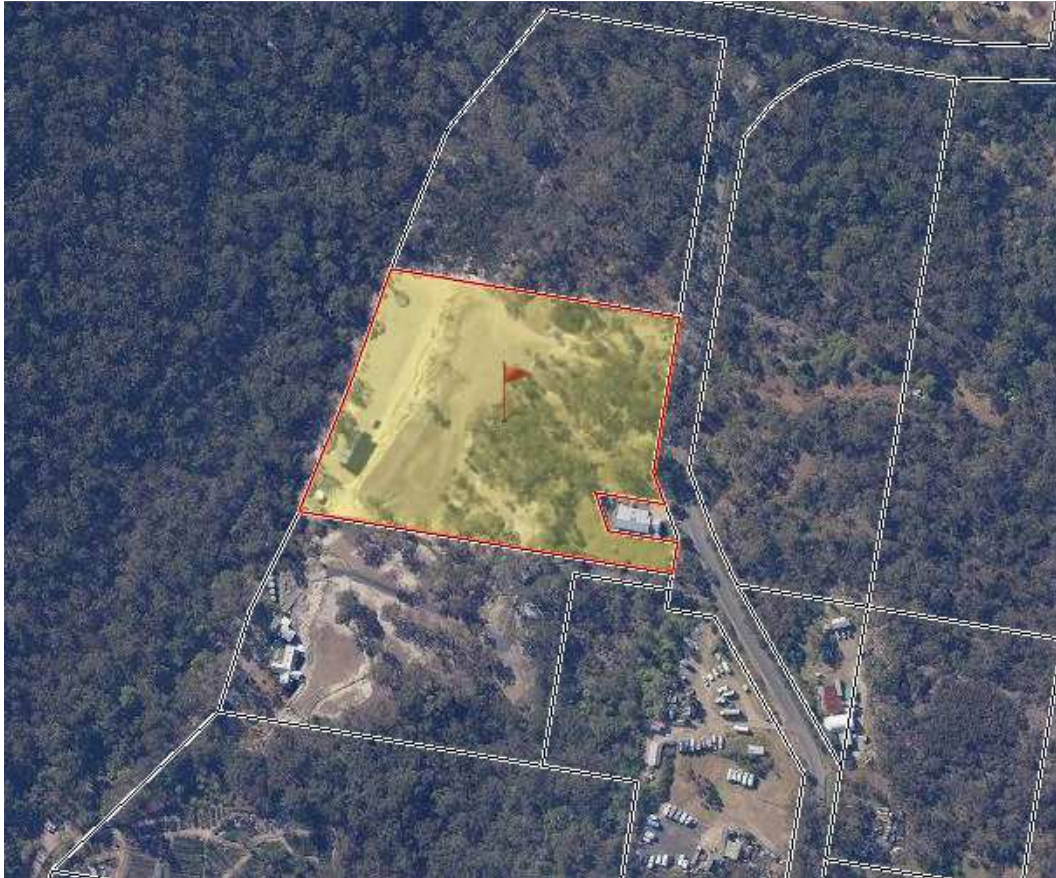
Proposed Location of Secondary Dwelling



View from Subject Site looking east towards No. 11 Bungendore Street

The existing surrounding development comprises generally large rural allotments. A number of allotments have been previously historically subdivided to provide for smaller allotments of approximately 800-900m² which contain regular residential dwellings. The

sites relationship with the surrounding properties is depicted in the following aerial photograph:



Aerial Photograph of the Subject Site

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of a detached secondary dwelling. The secondary dwelling is to be constructed of face brickwork with a low pitched metal roof.

The proposed secondary dwelling is to be located towards the southeast portion of the site on an existing level area. The secondary dwelling is provided with a setback of 19.475m to the southern side boundary as measured from the garage, with the verandah setback 19.625m from this boundary. Setbacks of at least 7.45m are provided from the development to the eastern boundary which adjoins No. 11 Bungendore Street.

The applicant has commenced building a 100m² farm building (as exempt development) in the location now proposed for the secondary dwelling. The commenced farm building would be 7m high with a 10m setback from the boundary with 11 Bungendore Street. The applicant was also planning on building a 50m² carport attached to the farm building (5m from the boundary of 11 Bungendore St) in a similar location to the proposed garage.

The proposed secondary dwelling will comprise two bedrooms, a study, bathroom, kitchen, living room and powder room with attached double garage.

All collected stormwater can discharge to existing stormwater system which disposes on site via a rainwater reuse tank.

The proposal does not require the removal of any significant vegetation.

The proposal will result in the following numerical indices:

Site Area: **25,880m²**

Proposed Landscaped Area: **24,991.2m² or 96.6%**

**Proposed Floor Area
(Secondary Dwelling):** **106m² which represents less than 25% of the total floor area of the principal dwelling.**

4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Pittwater Council.

4.1 Planning for Bushfire Protection



Extract of Bushfire Map

The subject site is identified as bushfire prone land buffer. A Bushfire Assessment Report has been prepared by Roger Fenwick Bushfire Consultant.

4.2 Pittwater Local Environmental Plan 2014

The site is zoned RU2 Rural Landscape under the provisions of the PLEP 2014. Secondary dwellings are permissible with the consent of Council within the RU2 Rural Landscape zone.

The relevant provisions of the PLEP which relate to the proposed development are detailed in the attached table:

Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	8.5 metres	Approx 5.0m.	Yes

The following clauses also apply:

Clause 5.4 Controls Relating to Miscellaneous Permissible Uses

Subclause 9 of this clause provides:

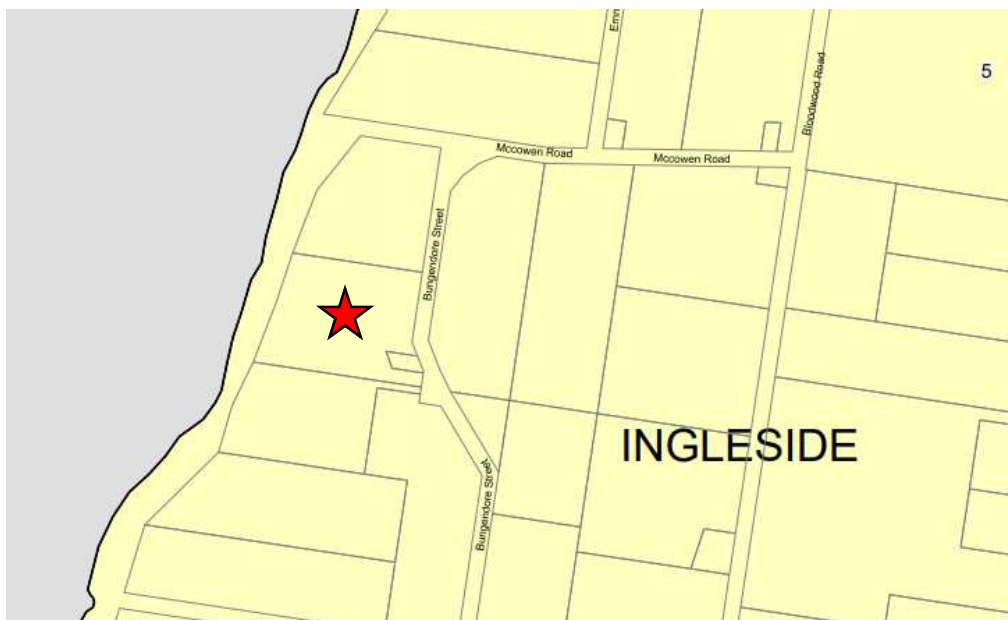
(9) *Secondary dwellings*

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

- (a) 60 square metres,
- (b) 25% of the total floor area of the principal dwelling.

The approved dwelling has a floor area (as defined) of 424.37m². The proposed secondary dwelling has an area of 106m² which represents less than 25% of the principal dwelling. The proposal complies with this clause.

Clause 7.1 Acid Sulfate Soils



Acid Sulfate Soil Map

The subject site is identified as Class 5 on Council's acid sulfate soil map. The proposed secondary dwelling is located on a level portion of the site and the proposal does not require any significant excavation. There is no further information required in this regard.

Clause 7.6 Biodiversity



Biodiversity Map

The subject site is identified on Council's Biodiversity Map. However, the proposed secondary dwelling is located on a portion of the site that is level and does not comprise any vegetation. The proposal does not require the removal of any vegetation and no further information is required in this regard.

Clause 7.7 Geotechnical Hazards



Geotechnical Hazard Map

The site is not identified on Council's Geotechnical Hazard Map. No further information is required in this regard.

There are no other specific provisions of the LEP that apply to the proposed development.

4.3 Pittwater Development Control Plan 2014

Council's Pittwater DCP 2014 Part B (General Controls), Part C (Design Criteria) and Part D6 Ingleside Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality. The following clauses are considered relevant to the works as constructed:

4.3.1 Section A Introduction

A4.6 Ingleside Locality

The Ingleside locality will remain a low-density area consisting of rural residential, agricultural, horticultural and other permissible development on large lots in a natural landscaped setting, integrated with the landform and landscape. The high visual significance of the escarpment will be maintained, and development limited on this land. Development will also be limited in the "blue-hatched Area" due to a lack of infrastructure and small lot sizes. 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. Currently, few of these services exist, and development for anything other than a dwelling house will need to ensure that these services can be provided to the site. Care will need to be taken with future developments to ensure that outbuildings and ancillary recreational structures do not dominate the natural landscape and bushland setting.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Single storey buildings will be preferred where the site has little opportunity for canopy trees or is visually prominent. Existing and new native vegetation, including canopy trees, will be integrated with the development. Development shall maintain generous spatial separation of the built form and low site coverage on large lots. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

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. Fencing where provided, shall enable the native fauna to pass through yet contain livestock animals where needed.

The proposed secondary dwelling is considered to achieve the *desired character* (stated above) for the following reasons:

- The proposal provides for a small detached secondary dwelling on a large parcel of land. The main dwelling house is well detached and is not visible from the public domain. Therefore, the proposal will maintain the low-density area.
- The secondary dwelling is single storey with a low pitched roof form to minimise bulk and scale.
- The proposal is located on a level area of land and does not require any significant cut or fill.
- This portion of the site has access to all necessary infrastructure such as electricity, on site water and sewer.
- The secondary dwelling is single storey with a low pitched roof and will sit below the tree canopy. There is sufficient area on site for additional landscaping.
- The proposal maintains appropriate visual separation to the adjoining built form.
- The proposal provides for a well modulated form with the of an alfresco/verandah feature.
- External finishes will harmonise with the natural environment.

4.3.2 Part B General Controls

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

B3.2 Bushfire Hazard

A Bushfire Hazard Assessment has been prepared to ensure the proposal meets the requirements of *Planning for Bushfire Protection*.

B3.6 Contaminated and Potentially Contaminated Land

The subject site has been previously vacant. There is no evidence of any potential contamination. No further information is required in this regard.

B5 Water Management

The proposal will provide for all collected stormwater to discharge on site via a 50,000L above water reuse tank. There is no further information required in this regard.

B6.3 Off-street Car Parking Requirements

This clause requires 1 off street parking spaces for a secondary dwelling. The proposal incorporates 2 parking spaces within an attached garage. The garage is well integrated with the door opening perpendicular to the street frontage. The proposal complies with this clause.

B8.1 Construction & demolition – excavation and landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised.

Excavation and construction not to have an adverse impact.

Excavation operations not to cause damage on the development or adjoining property.

The proposal does not require any significant excavation.

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)

This proposal does not involve subdivision or major construction works which have the potential to cause soil erosion, so an Erosion and Sediment Management Plan are not required.

4.3.3 Part C Design Criteria

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

C1.1 Landscaping

The proposal does not require the removal of any vegetation. There is ample vegetation including canopy trees, being retained on site. The proposal incorporates sufficient area around the perimeter of the secondary dwelling for additional landscaping if necessary.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

On-going safety and security of the Pittwater community.

Opportunities for vandalism are minimised.

Inform applicant's of Council's requirements for crime and safety management for new development.

Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements

Identify crime and safety priority areas in Pittwater LGA

Improve community safety and reduce the fear of crime in the Pittwater LGA

Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety.

The proposed secondary dwelling provides good views of the dwelling approach and driveway. The front door is easily identifiable for those entering the property. The proposal complies with this clause.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views amongst dwellings.

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.

Canopy trees take priority over views.

The site and surrounding properties currently enjoy district views. The proposal is single storey with a low pitched roof to minimise disruption of existing views. The existing dwelling at No. 11 Bungendore is orientated towards north (away from the proposed secondary dwelling) and as such the proposal will not obstruct existing views from No. 11. It is considered that appropriate view sharing has been achieved.

C1.4 Solar Access

The proposal provides for a single storey secondary dwelling with a low pitched roof form. Shadow diagrams are not required to be submitted. However, the proposed design and ample boundary setbacks will ensure that the proposal does not result in any overshadowing of the adjoining properties. The proposal complies with the requirements of this clause.

C1.5 Visual Privacy

The proposal provides for a new single storey dwelling. The dwelling is orientated towards the north and northwest to maximise bushland views. This orientation in conjunction with the single storey design and boundary setbacks ensures that privacy to the adjoining properties will be maintained. It is noted that the habitable areas of the proposed secondary dwelling are setback at least 10m from the common boundary with No. 11 Bungendore which is the nearest residential building.

Therefore, it is considered that appropriate visual privacy will be provided to the adjoining properties.

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.

All members of the community enjoy equitable access to buildings to which the general public have access.

Housing for older people and people with a disability are accessible, adaptable and safe.
(S)

Equitable access in the public domain.

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

C1.11 Secondary Dwellings and Rural Workers Dwellings

This clause requires that detached secondary dwellings shall only be single storey. The proposal complies with this clause.

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.

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

There is sufficient area for storage of waste and recycling facilities that can be obscured from the public domain. The proposal complies with this clause.

C1.23 Eaves

The controls seek to achieve the outcomes:

Housing that reflects the coastal heritage and character of Pittwater.

Optimise roof forms.

Appropriate solar access and shading is achieved.

This clause requires dwellings to be provided with eaves having a minimum width of 450mm. The proposal complies with this clause.

4.3.4 Part D Design Criteria

A summary of the DCP controls for the **D6 Ingleside Locality** is provided below:

D6.1 Character as Viewed from a Public Place

The proposal is well setback from the public road and will be partially obscured from view by the existing dwelling at No. 11 Bungendore. The proposal will present as a single storey detached dwelling that sits well within the streetscape and sits below the existing tree canopy. The dwelling is articulated and does not result in unreasonable bulk or scale.

D6.3 Building Colours and Materials

A schedule of external finishes has been submitted with the application. The proposed colours are in accordance with the colours and materials specified in this clause. The proposal complies with this clause.

D6.5 Front Building Line

This section requires a front building line of 30m. The proposal provides for a setback of at least 7.45m to the common boundary with No. 11 Bungendore Street with a setback greater than 50m to the boundary fronting Bungendore Street. It is also considered that the proposal achieves the 'outcomes' of this clause for the following reasons:

Achieve the desired future character of the Locality.

As detailed previously the proposal achieves the desired character of the Ingleside Locality by providing for a single storey detached dwelling that sits below the tree canopy.

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

The proposed single storey dwelling has been designed and located to maintain views and vistas from the surrounding properties. This has been achieved by the single storey design and ensuring that the main views from No. 11 Bungendore, which are to the north, are maintained.

The amenity of residential development adjoining a main road is maintained.

The proposal is not in the vicinity of a main road. Notwithstanding the proposal ensures substantial separation to Bungendore Road to ensure reasonable amenity for the intended residents.

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

The proposal does not require the removal of any vegetation.

Vehicle manoeuvring in a forward direction is facilitated.

There is sufficient manoeuvring on site to enable all vehicles to enter and leave the site in a forward direction.

To preserve and enhance the rural and bushland character of the locality.

The proposal does not require the removal of any vegetation and there is ample area available for additional landscape. The proposal is single storey and retains the rural setting.

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

The proposal does not have a detrimental impact on the streetscape. The proposal is well setback from the public road and will be partially obscured by the existing dwelling at No. 11 Bungendore. The proposed single storey development will not be prominent in the streetscape and is of a height and scale that is compatible with the locality and natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

The proposal is well setback from the street frontage. There is no impact on pedestrian amenity.

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

The proposed design, orientation and location will ensure that the proposal relates well to the spatial characteristics of the existing urban environment.

D6.6 Side and Rear Building Lines

This clause does not specifically apply to ‘*secondary dwellings*’, however it is considered that the proposal provides for setbacks that are appropriate. The proposal provides for a setback of 19.475m to the southern side boundary and between 7.45m to 10.29m to the common boundary with No. 11 Bungendore. It is considered that the setbacks are appropriate and meet the stated outcomes of this clause for the following reasons:

To achieve the desired future character of the Locality.

As detailed previously the proposal achieves the desired character of the Ingleside Locality by providing for a single storey detached dwelling that sits below the tree canopy.

The bulk and scale of the built form is minimised.

The proposal provides for a single storey dwelling that is articulated with varied setbacks and the alfresco/verandah.

*Equitable preservation of views and vistas to and/or from public/private places.
To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

The proposed single storey dwelling has been designed and located to maintain views and vistas from the surrounding properties. This has been achieved by the single storey design and ensuring that the main views from No. 11 Bungendore, which are to the north, are maintained.

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

The proposed single storey secondary dwelling does not allow overlooking due to the orientation of the dwelling towards the northwest in conjunction with the appropriate setbacks. The single storey design and setbacks ensure that there will be no overshadowing to the adjoining properties.

*Substantial landscaping, a mature tree canopy and an attractive streetscape.
Vegetation is retained and enhanced to visually reduce the built form.*

. The proposal does not require the removal of any trees.

Flexibility in the siting of buildings and access.

The proposal ensures appropriate setbacks and ensures access vehicles to the garage and pedestrians around the dwelling.

To preserve and enhance the rural and bushland character of the locality.

The proposed single storey detached secondary dwelling does not require the removal of any vegetation and retains the low density character of the locality with ample setbacks.

It is worth noting that a Farm Building can be built as exempt development 10m from the boundary and a carport can be built as exempt development 5m from the boundary.

D6.7 Building Envelope

This clause requires all development to be contained within an envelope measured at 3.5m on the boundary and 45 degrees. Whilst this clause does not specifically apply to secondary dwellings, the proposal complies with this clause.

D6.8 Landscaped Area - Non-Urban General

This clause specifies a landscaped area for residential development as follows:

96% of the total site area minus 400 square metres

The subject site requires a landscaped area of 24,444.8m² or 94.45%.

Principal dwelling area = 492.8m²

Secondary Dwelling area = 246.0m²

Hard surface driveway = 150m²

Total non landscaped area = 888.8m²

Landscaped area = 25880-888.8 = 24,991.2m²

The proposal provides for a landscaped area of 24,991.2m² or 96.6% which complies with this clause.

There are no other provisions of the DCP that apply to the proposed development.

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the Pittwater Development Control Plan 2014. It is considered that the provisions of these documents have been satisfactorily addressed within this report.

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

The Likely Impacts of the Development

It is considered that the development provides for a detached secondary dwelling without detrimentally impacting on the character of the area. In this respect the development is considered to be compatible with the character of the surrounding locality. The proposal does not require the removal of any vegetation and the design of the development is such that the privacy and solar access of the adjoining properties is maintained.

The Suitability of the Site for the Development

The subject site is zoned RU2 Rural Landscape and the construction of a secondary dwelling in this zone is permissible with the consent of Council. The resultant secondary dwelling is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons it is considered that the site is suitable for the proposed development.

The Public Interest

It is considered that the proposal is in the public interest in that it will provide an alternative form of housing that is compatible with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

6. CONCLUSION

This application seeks approval for the construction of a detached secondary dwelling. As demonstrated in this report the proposal is consistent with the aims and provisions of the Pittwater LEP 2014 and the Pittwater DCP 2014. The proposed secondary dwelling does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed secondary dwelling upon land at **No. 13 Bungendore Street, Ingleside** is worthy of the consent of Council.

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