

**STATEMENT OF ENVIRONMENTAL EFFECTS**

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

**LOCATED AT**

**27 ALLAWAH AVENUE, ELANORA HEIGHTS**

**FOR**

**GREG & SUE PRESTON**



**Prepared  
February 2020**

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## **1.0 Introduction**

This Statement of Environmental Effects accompanies plans prepared by LKS Design & Drafting, Project No. 1906, Sheets No. DA 01 – DA 14, Issue A, dated February 2020, to detail the construction of alterations and additions to an existing dwelling at **27 Allawah 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*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

## **2.0 Property Description**

The subject allotment is described as 27 Allawah Avenue, Elanora Heights, being Lot 201 within Deposited Plan 13643.

The property is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The south-eastern corner of the site is identified as being within the Coastal Environment Area under the SEPP Coastal Management 2018, however all new works are located well clear of the affected land.

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

There are no known hazards affecting the land.

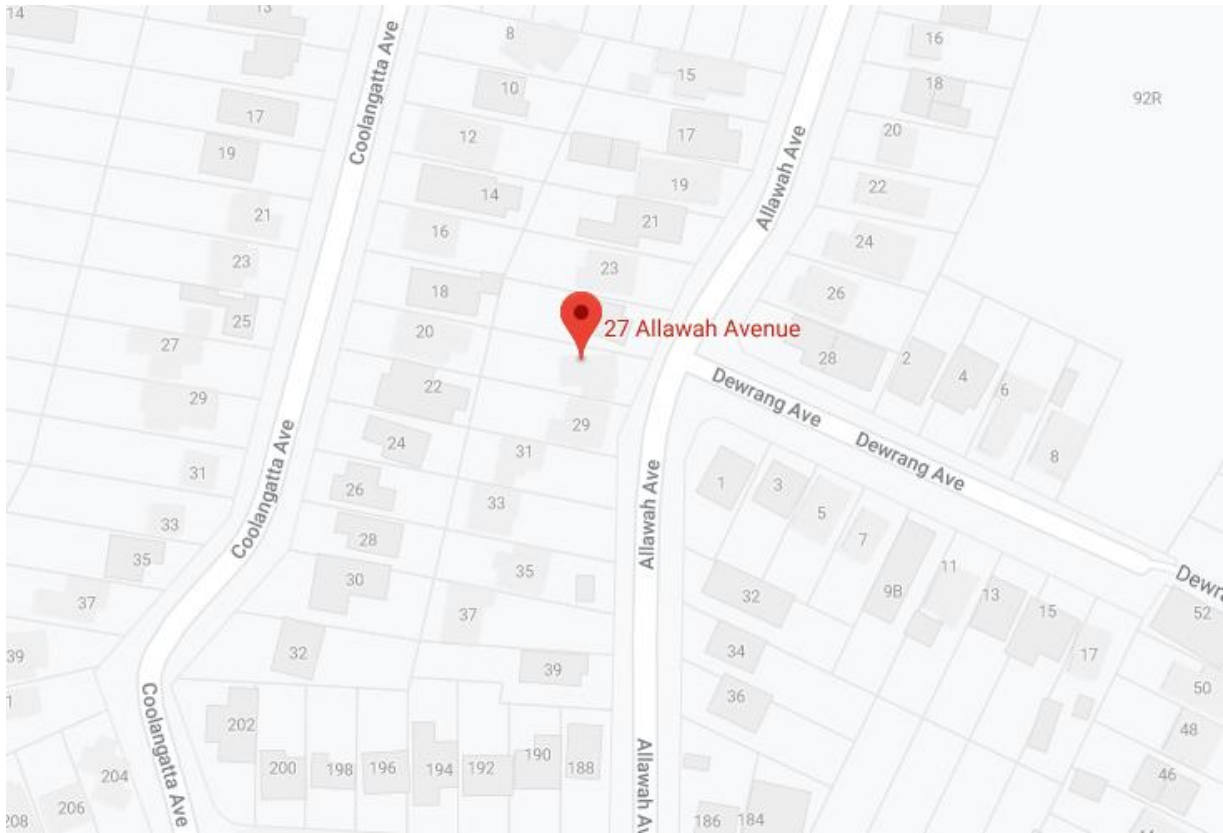
## **3.0 Site Description**

The property is located on the western side of Allawah Avenue and has a gentle fall to the south-eastern corner.

The site is irregular in shape, with an angled front boundary to Allawah Avenue of 15.595m, northern and southern boundaries 48.87m and 45.89m respectively, and a rear boundary of 15.22m. The site has a total area of 721.2m<sup>2</sup>.

The site is currently developed with an existing brick and timber dwelling with a tile roof, which is located towards the front of the site, with a number of detached outbuildings sited within the rear yard of the property. Stormwater from the site is currently directed to the street gutter in Allawah Avenue.

The details of the site are included on the survey plan prepared by Bee & Lethbridge Pty Ltd Surveyors, Reference No. 21268, dated 5 April 2019, which accompanies the DA submission.



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





**Fig 2: View of subject site, looking west from Allawah Avenue**



**Fig 3: View of subject site and neighbouring property at No 29 Allawah Avenue, looking west**





**Fig 4: View of neighbouring property at No 25 Allawah Avenue and the streetscape to the north of the site, looking north-west**

#### 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 view. The site has a council reserve located to the north and east.



**Fig 5: Aerial view of locality**  
**(Source: Northern Beaches Council)**

## 5.0 Proposed Development

The new works will provide for the construction of alterations and additions to an existing dwelling and carport & replace the existing tiled roofing with new colourbond roof sheets.

In summary, the new works will provide for:

### Ground Floor & Carport Plan

- Alterations and additions to existing lower floor plan to provide for new entry stairs to the porch, refurbishment of existing kitchen, new dining, master bedroom with walk in robe and ensuite, new rear deck
- Addition to the existing carport & removal of the existing tiled roofing and replace with new colourbond roof sheets.

### External Works

- Extension of existing driveway
- Remove the existing tiled roofing with and replace with new colourbond roof sheets.
- Add 10,000 litre Water Storage Tank in the rear yard for irrigation purposes.

The external finishes of the new works have been selected to complement the existing dwelling and characteristics of the locality. The proposed external finishes have been detailed within this submission.

The proposed alterations and additions are complementary in bulk and scale to the existing dwelling and will complement the existing locality. The proposal will utilise compatible external colours and finishes to complement the existing dwelling.

A large tree in the rear yard is in close proximity to the works and accordingly, a Arboricultural Impact assessment has been prepared by Complete Arborcare, dated 28 November 2019, to assess the impact of the works.

The Assessment reviews the impact of the proposal on five trees within the vicinity of the works and within the adjoining properties. The Assessment concludes that subject to the recommendations within the report for pier and beam footing construction within the vicinity of Tree #2 and the implementation of tree protection measures, all five trees can be viably retained and will be protected during the construction process.

The development indices for the proposal are summarised as:

Site Area:	721.2m <sup>2</sup>
Required soft landscaped area:	60% or 432.72m <sup>2</sup>
Existing soft landscaped area:	52.95% or 381.9m <sup>2</sup>
Proposed soft landscaped area:	42.05% or 303.3m <sup>2</sup> (excl. 6% impervious surfaces area allowance – see DCP discussion)



## 6.0 Zoning and Development Controls

### 6.1 State Environmental Planning Policy (Coastal Management) 2018

A small portion of the south-eastern corner of the subject site is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

*The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:*

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*

- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under SEPP (Coastal Management) 2018 are addressed as follows:

***Division 3 Coastal environment area***

***13 Development on land within the coastal environment area***

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) coastal environmental values and natural coastal processes,*
  - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) Aboriginal cultural heritage, practices and places,*
  - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
  - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

***Comment:***

The proposal provides for the construction of alterations and additions to an existing dwelling. The proposed works will be carried out in accordance with the recommendations of the consulting

Structural Engineer, which will ensure that appropriate structural integrity for the site will be maintained.

The collected stormwater will be directed to the street gutter. The proposed stormwater arrangements will maintain compliance with Council's Water Management Policy.

Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

#### **Division 5 General**

##### **15 Development in coastal zone generally—development not to increase risk of coastal hazards**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

#### **Comment**

The proposal provides for the construction of alterations and additions to an existing dwelling. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

##### **16 Development in coastal zone generally—coastal management programs to be considered**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.*

**Comment:** No coastal management programs have been identified.

##### **17 Other development controls not affected**

*Subject to clause 7, for the avoidance of doubt, nothing in this Part:*

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

**Comment:** Noted

##### **18 Hierarchy of development controls if overlapping**

*If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:*

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*



(d) the coastal use area.

#### **Comment**

Noted

### **6.2 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.

### **6.3 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 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 alterations and additions to an 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 single 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 modest alterations and additions 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 approximately 4.81m and therefore complies with this control.

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

The site has been identified on Council's mapping as being in a Class 5 zone. No substantial cut and fill is required for the proposed works. The works are not anticipated to result in the disturbance of any acid sulfate soils, and no further investigation necessary is deemed necessary in this instance.

#### **Clause 7.2 – Earthworks**

No substantial cut and fill is required for the construction of the proposed new works. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer and therefore satisfy the provisions of this clause.

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 (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.

### **6.4.1 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 alterations and additions to an existing dwelling. The new works to the dwelling maintain a modest single storey scale and form consistent with the scale and style of development in the vicinity.

The proposal will not require the removal of any significant vegetation and will maintain a suitable area of soft landscaping.

The dwelling will continue to reflect the predominant setbacks provided to the side boundaries in the immediate area. The dwelling will maintain a modest height and will not adversely impact adjoining properties solar access or view sharing.

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

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

##### **B4.5 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. The existing plantings will assist with softening and screening the built form of the development, and the property boundaries are capable of accommodating future plantings.

##### **B5.8 Stormwater Management – Water Quality – Low Density Residential**

The controls seek to achieve the outcomes:

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

The proposed new roof areas will be connected to the existing stormwater system. A generous portion of the site is maintained as pervious, soft landscaping, and the proposal will therefore satisfy 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 existing driveway will be maintained and extended to facilitate safe vehicular access to the proposed new carport.

**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 altered carport and therefore complies with this control.

**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 proposal will not require any substantial disturbance to the existing site conditions. The works will be carried out in accordance with the recommendations of the Structural Engineer, and therefore 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 existing landscaping will prevent ongoing erosion.

### 6.4.3 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 does not seek to remove any significant trees, and a suitable area of soft landscaping will be maintained.

#### **C1.2 Safety and Security**

The controls seek to achieve the outcomes:

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

The proposed works do not impact on the existing safety or security of 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 to the east and south-east.

The new works will maintain a modest single storey scale, which readily complies with Council's statutory height limit. The proposal is not considered to result in any unreasonable loss of views for neighbouring 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 proposal maintains a modest single storey scale which will ensure that suitable solar access is maintained for neighbouring properties.

#### **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 window openings within the southern elevation of the proposed rear addition are limited to maximise privacy for the southern neighbour. The proposed rear deck is largely level with the natural ground level within the rear yard, and provides a suitable setback from the northern side boundary, which assists with minimising opportunities for overlooking.

The proposal is therefore not anticipated to result in any privacy impacts.

### **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.

### **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 site 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 alterations and additions to an existing dwelling which are integrated into the design of the dwelling. The dwelling will continue to present as a modest single storey dwelling to Allawah Avenue.

The development will not see the loss of any significant vegetation, and will maintain a suitable area of soft landscaping on the site.

#### **D5.2 Scenic Protection – General**

The controls seek to achieve the outcomes:

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

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

The proposed alterations maintain a modest single storey scale which readily complies with the statutory height limit. The earthy materials and finishes, together with the modest extent of the development, will ensure that the proposal is in keeping with the desired future character of the locality.

The proposal will not require the removal of any significant vegetation, and maintains a suitable area of soft landscaping.

#### **D5.3 Building Colours, Materials and Construction**

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 finishes and colours which are compatible with the DCP, existing building finish and the 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 existing front setback of the dwelling will remain unchanged.

The proposal will see the alterations and additions to the existing carport in a similar location. The proposed carport will stand a minimum of 3.89m from the front boundary, and therefore presents a minor variation to this control. The substantial majority of the carport is behind the 6.5m setback.

Compliance with this control is constrained by the siting of the existing dwelling, which cannot accommodate two car spaces with a 6.5m setback.

The proposal where it does not meet the setback control will not result in any adverse impacts for neighbouring properties in terms of views, privacy, solar access or general amenity.

The proposed carport is modest in bulk and scale, and will not be overbearing when viewed from Allawah Avenue. The proposal is in keeping with the desired outcomes of this clause, and is therefore considered worthy of support on merit.

#### **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 existing northern side setback of the dwelling remains unchanged, with a new low level deck and stairs to within 1.110m of the northern boundary.

The single storey rear addition stands from 1.464m to the southern side boundary and from 9.813m to the rear boundary.

As the works are an addition to an existing dwelling, with a modest single storey height and have been located to protect the significant tree in the rear yard, the proposed setbacks are considered to be reasonable in this instance.

The proposed setbacks of the new works will achieve the Objectives of the 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°.

Given the modest single storey height of the proposal, the new works will observe the building envelope controls.



#### **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 presents an existing soft landscaped area of 52.95% or 381.9m<sup>2</sup>.

The proposed new works will see a minor reduction in the total landscaped area to 42.05% or 303.3m<sup>2</sup>, excluding any consideration of up to 6% for functional landscaped area.

The proposal will see a minor reduction in the existing landscaped area to accommodate the proposed additions to the carport, rear extension and deck. As the new works provides a valued recreational and functional benefit to the owner's family, the minor reduction in total landscaped area is not considered to be significant and suitable perimeter planting to the subject site is maintained.

The proposal will not see the removal of any significant vegetation, and the front and rear boundaries are capable of accommodating future plantings.

Notwithstanding the proposed variation to the landscaped area which occurs as a result of the extent of existing and proposed structures on site, the proposed new works will substantially enhance the occupants' enjoyment of the site. The proposal is therefore considered worthy of support on merit.

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

### **7.1 The provisions of any environmental planning instrument**

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

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

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

There are no draft instruments applying to the land.

### **7.3 Any development control plan**

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

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

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

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

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

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

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

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

We request that Council applies considered flexibility where the application seeks variations to

numerical development controls in the DCP as justified in this report. In particular, we consider that the variation to the setback and landscaped area controls 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 proposed construction of alterations and additions to an existing dwelling 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 E4 Environmental Living 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 construction of alterations and additions to an existing dwelling, which is modest in bulk and scale, 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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