

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR THE CONSTRUCTION OF A DETACHED SECONDARY DWELLING**

**LOCATED AT**

**54 IRRUBEL ROAD, NEWPORT**

**FOR**

**NATHAN & VICKY KING**

**Prepared  
February 2019**

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## **1.0 Introduction**

This Statement of Environmental Effects accompanies plans prepared by MK Design, Sheets No's DA-01 – DA - 06 dated 3 December 2017 to detail the construction of a detached secondary dwelling at **54 Irrubel Road, Newport.**

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended.*
- *The Environmental Planning and Assessment Regulation 2000.*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

## **2.0 Property Description**

The subject allotment is described as 54 Irrubel Road, Newport, being Lot 6 within Deposited Plan 12463.

The site is zoned E4 Environmental Living under the provisions of the Pittwater Local Environmental Plan 2014.

The site is identified as Bushfire Prone Land and a Bushfire Risk Assessment has been prepared by Planning for Bushfire Protection, Ref 1179-R, dated 25 January 2019.

The site has been identified on Council's Geotechnical Hazard Map and a Geotechnical Report has been prepared by White Geotechnical Group, Ref No. J1581A, dated 23 May 2018 & 25 January 2019.

The site is identified as Flood Prone Land (Medium Risk) a Flood Assessment has been prepared by Barrenjoey Consulting Engineers Pty Ltd, Ref No. 171107 dated 29 May 2018.

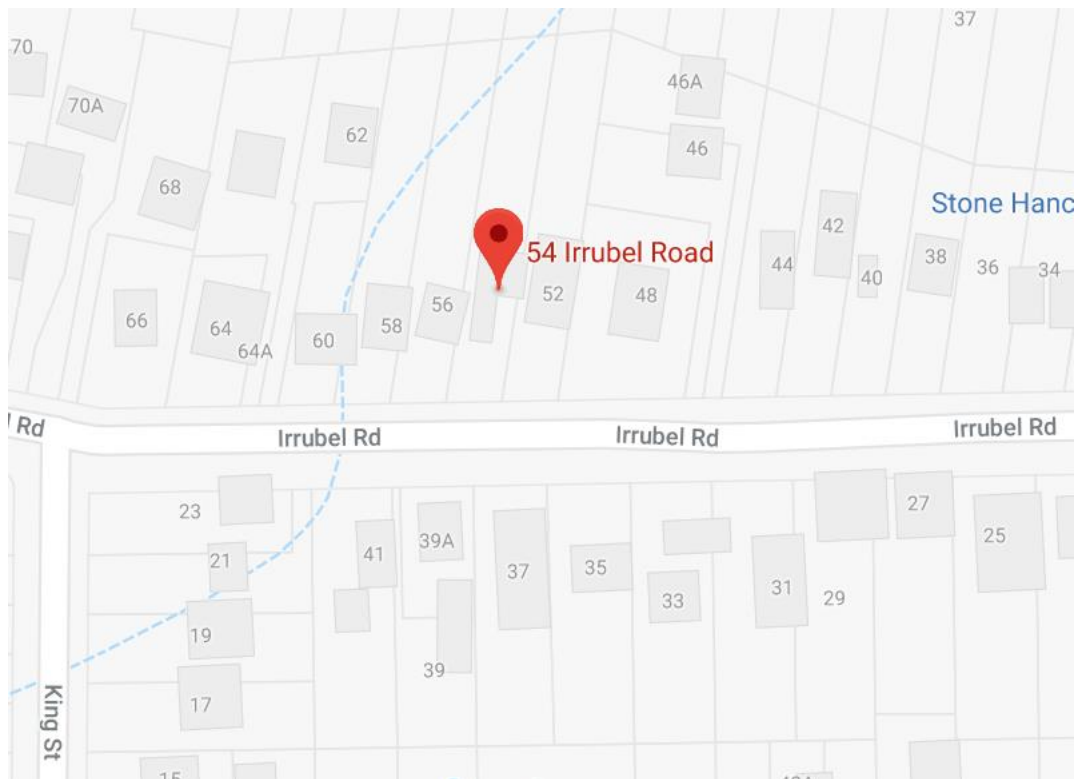
These reports will be discussed in further detail within this submission.

### 3.0 Site Description

The site is located on the northern side of Irrubel Road, with a site area of 1237m<sup>2</sup>. The front boundary measures 13.92m (by title) and the eastern and western side boundaries are 91.77 and 90.88m respectively. The rear boundary measures 13.71m.

The site is currently developed with a one and two storey rendered and weatherboard dwelling with metal roof. Vehicular access to the site is currently provided from an access driveway from Irrubel Road to an existing single garage and hardstand area.

The details of the lot are contained within the survey report prepared by Base Surveying, Ref 17-51, dated 23 May 2017 which accompanies the DA submission.



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

#### 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 are single to two storey dwellings, of a similar size and scale to the subject dwelling. The form of the dwellings and associated structures is influenced by the sloping terrain and existing tree cover within the vicinity. There are a number of parking structures located forward of the dwelling structures.

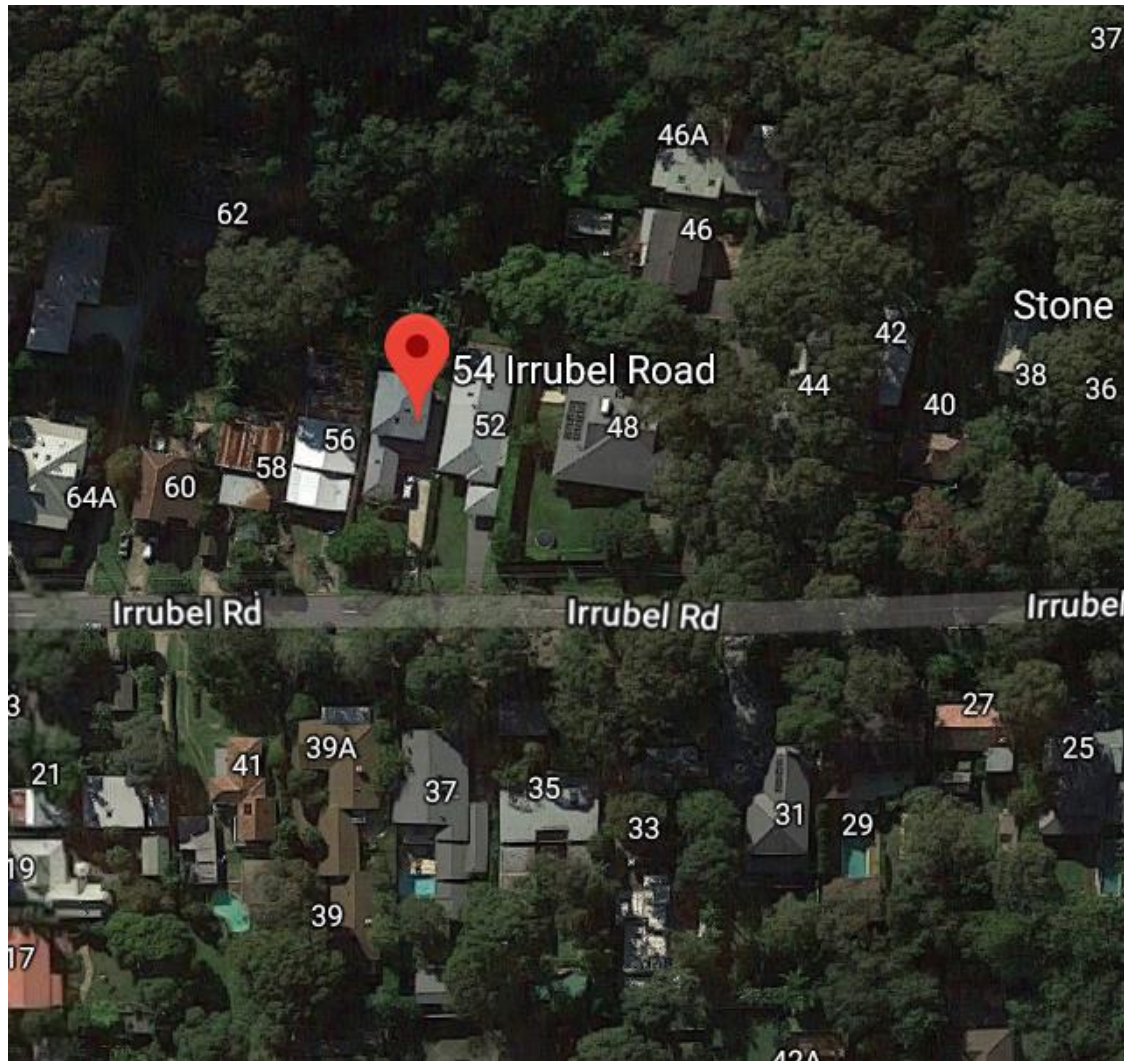


Fig 2: Aerial view of locality  
(Source: Google Maps)

## 5.0 Proposed Development

The new works will provide for the construction of a detached secondary dwelling within the rear yard of the site.

In summary, the new works will provide for a detached secondary dwelling comprising living, dining, kitchen, bathroom, bedroom and deck.

The construction of the secondary dwelling will utilise a timber support frame, with timber floor, wall and roof framing and selected wall cladding. The roofing will be colourbond steel.

All external materials will be finished in recessive colours in accordance with Council's controls.

The proposal results in the following indices:

<b>Site Area:</b>	1237m <sup>2</sup>
<b>Required minimum soft landscaped area</b>	60% or 742.2m <sup>2</sup>
<b>Proposed soft landscaped area:</b>	64.3% or 795.2m <sup>2</sup> (excluding any consideration of 6% variation for functional landscaped area. See DCP discussion).

## 6.0 Zoning and Development Controls

### 6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

### 6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

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

### 6.3 Pittwater Local Environmental Plan 2014

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

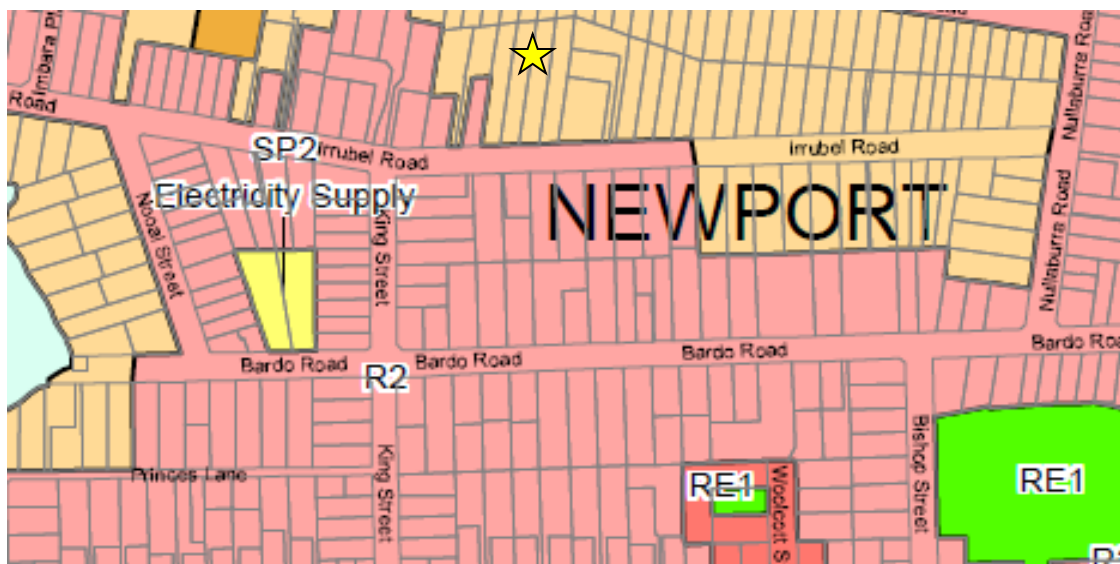


Fig 3: Extract of Pittwater Local Environmental Plan 2014

The development of and use of the land for ancillary 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 secondary dwelling to the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed 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 secondary dwelling which will be used for purposes which are ancillary to the existing dwelling and 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.

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

As the proposal seeks to provide for the construction of a secondary dwelling in the E4 zone, the following provision applies:

*(2FA) Despite subclause (2), the maximum height for a secondary dwelling or a rural worker's dwelling in Zone E4 Environmental Living or Zone RU2 Rural Landscape is 5.5 metres if the secondary dwelling or rural worker's dwelling is separate from the principal dwelling.*

The secondary dwelling presents a maximum height of 5.2m which complies with the control.

#### **Clause 5.4 – Miscellaneous permissible uses**

The controls state:

- *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:*
- *60 square metres,*
- *25% of the total floor area of the principal dwelling.*

The proposed works to provide for the secondary will provide for a maximum floor area of 43.7m<sup>2</sup> and by presenting a floor area that does not exceed 60m<sup>2</sup> or 25% of the total floor area of the principal dwelling, complies with the control.

**Clause 7.1** relates to acid sulfate soils. The site is within a Class 5 Acid sulfate soils zone, however no significant excavation or disturbance of the site is proposed.

**Clause 7.2** relates to earthworks. The proposal will not require any significant excavation of the site.

**Clause 7.6** relates to Biodiversity Protection.

The proposed works will not necessitate the removal of any significant trees or natural vegetation. The proposed secondary dwelling has been sited to limit impact on the trees.



An Arborist's advice letter has been prepared by Coastal Care Horticultural Services, dated 8 December 2017 and which confirms that no significant levels changes are proposed within the 3m critical rootzones of the existing trees.

#### **Clause 7.7 – Geotechnical Hazards**

The Geotechnical Investigation prepared by White Geotechnical Group, Reference No. J1581A, dated 25 January 2019 has been provided to address the provisions of this Clause.

The report concludes that the proposed developments are suitable for the site and the site can achieve the Acceptable Risk Management Criteria of Council's Geotechnical Risk Policy.

#### **Clause 7.10 – Essential services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage or on-site conservation,
- suitable vehicular access.

The site will retain the normal services which are available for the existing dwelling, to be provided to the secondary dwelling.

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 D11 Newport 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**

#### **A4.10 Newport Locality**

*The Newport locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural 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 occupancy dwellings will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. 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 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, to provide feed trees and undergrowth for koalas and other animals, 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 construction of a detached secondary dwelling, which is consistent with the scale and style of the newer development in the vicinity.

The proposal will have little impact on the existing tree canopy and will retain an appropriate area of soft landscaping.

The proposal has been designed to reflect the existing setbacks provided to all boundaries existing in the immediate area.

The building materials and colours will harmonise with the natural environment and will not detract from the existing locality.

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

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

##### ***B3.1 Landslip Hazard***

The controls seek to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

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

The controls seek to ensure that all development complies with Council's Interim Geotechnical Risk Management Policy for Pittwater. A report has been provided for Council's consideration, prepared by White Geotechnical Group, Ref No. J1581A, dated 25 January 2019 which concludes that the site is stable subject to the recommendations contained within the report.

The works will be constructed in accordance with the recommendations contained within the Geotechnical Investigation.

##### ***B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community***

The controls seek to achieve the outcomes:

*Conservation of intact Pittwater Spotted Gum Forest EEC. (En)*

*Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC. (En)*

*Reinstatement of Pittwater Spotted Gum Forest to link remnants. (En)*

*Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)*

The proposal will not see the removal of any significant or protected vegetation. With the construction of the detached outbuilding, the increase in the total building footprint will still permit the retention of in excess of 60% of the site as soft landscaping.

##### ***B5.7 On-Site Stormwater Detention***

On-site Stormwater Detention (OSD) is required where the development results in a built upon area of more than 50m<sup>2</sup>. The proposal will introduce a site coverage that will marginally exceed

50m<sup>2</sup> and therefore OSD will be provided if required by Council.

The site is noted as being medium risk flood prone land and on this basis, any need for OSD will be assessed by Council in its determination.

**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)*

Roofwater from the new roof areas will be connected to the existing system and will be dispersed within the site in accordance with Council's controls.

**B6.1 Access driveways and works on the public road reserve – Dwelling Houses and Dual Occupancy Development**

The controls seek to achieve the outcomes:

*Safe and convenient access. (S)*  
*Adverse visual impact of driveways is reduced. (En)*  
*Pedestrian safety. (S)*  
*An effective road drainage system. (En, S)*

The existing driveway access and garage arrangements will be unchanged.

**B6.5 Off-street Vehicle Requirements**

The controls seek to achieve the outcomes:

*Safe and convenient parking (En, S)*

The controls require a minimum of 2 parking spaces for the dwelling and an additional car space for the secondary dwelling. The site plan notes the provision of three off street spaces, located behind the 6.5m building line, which meets the requirement of the controls.

**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 works will not require any significant excavation of the site or disturbance to the exterior ground levels. Any minor cut of the site will be retained in accordance with the direction of the Consulting Structural and Geotechnical Engineer.

## **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 will be landscaped to prevent ongoing erosion.

### 6.4.3 Section C Development Type Controls

The Development Controls applicable to the proposed development and are summarised as:

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

The controls seek to achieve the outcome:

- A built form softened and complemented by landscaping. (En)*
- Landscaping 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 retains generous areas of soft landscaping (in excess of 64.3%) on site which will retain the landscaped character of the locality.

As discussed in the supporting letter prepared by Coastal Care Horticultural Services, the proposed secondary dwelling will be partly screened with new mid storey trees and shrubs, such as *Acmena Lilly Pilly sp.*, *Blueberry Ash* & *Livistona plan sp.*

#### **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 detached secondary dwelling does not negatively impact on the existing safety or security of the site. The current dwelling will continue to maintain passive surveillance to the street area.

The secondary dwelling is located towards the northern boundary and given the substantial setbacks from the neighbouring dwellings, will not unreasonably overlook the primary living areas of the neighbours.

### **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 limited district views. The modest height and form of the detached secondary dwelling will ensure that no significant views will be affected for the surrounding neighbours.

### **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.

Given the northerly aspect enjoyed by the subject and neighbouring properties, together with the modest overall height of the proposed detached secondary dwelling, the new works will not unreasonably remove solar access to the primary living spaces of any 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 proposal will not introduce any significant privacy impacts for the surrounding properties. The existing and proposed landscape screening to surround the building will combine with the substantial spatial separation from the adjoining neighbours to prevent unreasonable overlooking of the neighbouring sites.

### **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 low intensity 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 proposal retains the primary outdoor recreational spaces for the primary dwelling.

### **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 **D10 Newport 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 is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in additional run-off to adjoining properties or public spaces.
- 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 **D10 Newport Locality** is provided below:

#### **D10.1 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 form and natural environment. (En, S, Ec)*

*To enhance the existing streetscapes and promote a scale and density that is in scale 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 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 modest, detached secondary dwelling within the rear yard of the site.

The low roof pitch and the proposed use of receive colours and finishes will assist in minimising the visual impact of the development.

#### **D10.4 Building Colours and Materials**

The controls seek to achieve the outcomes:

*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 the visual character of 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 use of materials with low embodied energy is encouraged. (En)*

*New buildings are robust and durable with low maintenance requirements. (S)*

*In the Newport Commercial Centre, roofs of lighter colours are permitted to improve the thermal performance of the roof system. (En, Ec, S)*

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.

#### **D10.7 Front Building Line (excluding Newport Commercial Centre)**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)*  
*Equitable preservation of views and vistas to and/or from public/private places. (S)*  
*The amenity of residential development adjoining a main road is maintained. (S)*  
*Vegetation is retained and enhanced to visually reduce the built form. (En)*  
*Vehicle manoeuvring in a forward direction is facilitated. (S)*  
*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, or the established building line to the street frontage.

The proposed detached secondary dwelling is located within the rear yard of the site and exceeds the required 6.5m front setback control.

#### **D10.8 Side and rear building line (excluding Newport Commercial Centre)**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality. (S)*  
*The bulk and scale of the built form is minimised. (En, S)*  
*Equitable preservation of views and vistas to and/or from public/private places. (S)*  
*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*  
*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*  
*Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*  
*Flexibility in the siting of buildings and access. (En, S)*  
*Vegetation is retained and enhanced to visually reduce the built form. (En)*  
*To ensure a landscaped buffer between commercial and residential zones is established. (En, S)*

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

The proposed detached secondary dwelling will stand from 2.9m to the eastern boundary and from 1.340m to the western boundary, which complies with the controls.

The development will stand from 4.37m to the rear boundary to maximise the clearance from the existing trees uphill of the outbuilding, which will present a minor non-compliance with the 6.5m setback. In this instance, the minor variation is not considered to present any significant impact to the surrounding properties.

### **D10.11 Building Envelope (excluding Newport Commercial Centre)**

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- The bulk and scale of the built form is minimised. (En, S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

Given the gentle slope of the site to the south-west, the proposed single storey detached secondary dwelling and its side setback of 1.342m will comply with the building height plane control.

### **D10.12 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 maximum site coverage of 60% of the site area, with an additional 6% for paved landscaped area. A minimum of 795.2m<sup>2</sup> or 64.3% of the site area will be maintained as soft landscaped area, contributing to a pleasant, open appearance to the yard areas.

As the landscaped area exceeds Council's minimum control, the proposal is considered to achieve the objectives of the Clause and is acceptable in this instance.

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

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

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

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

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

There are no draft instruments applying to the land.

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

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

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

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

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

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

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

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

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

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

numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the rear setback control is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the landscaped area criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

**7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

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.  
the site have been previously addressed within this submission.

**7.6 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 constructions of a detached secondary 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 Newport 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 the construction of a detached secondary dwelling which respects and complements 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 complimenting 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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