

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR THE STRATA TITLE SUBDIVISION OF AN EXISTING DUAL OCCUPANCY DEVELOPMENT

LOCATED AT

96 WAKEHURST PARKWAY, ELANORA HEIGHTS

FOR

BRUCE MACDONALD



**Prepared
March 2024**

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1.0 Introduction

This Statement of Environmental Effects accompanies strata subdivision plans prepared on behalf of Bruce Macdonald by Paul Byrne to seek consent for the proposed Strata Title subdivision of an existing dual occupancy development at **96 Wakehurst Parkway, 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 (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as **96 Wakehurst Parkway, Elanora Heights**, being Lot 2 within DP 815540 and is zoned C4 Environmental Living and SP2 Infrastructure under the Pittwater Local Environmental Plan 2014.

The site has been identified on Council's Map as Flood Prone Land (Low and Medium Flood Risk), along with being listed within the Class 5 Acid Sulfate Soils Area and on Council's Biodiversity Map. These matters will be discussed further in this submission.

The site is also identified as being in the Coastal Use Area and Coastal Environment Area. As such, State Environmental Planning Policy (Resilience and Hazards) Chapter 2 applies to the site. This will be discussed in further detail below.

The site is also mapped with the Bushfire Prone Land and within the Biodiversity Values (BV) Map under Part 7 of the *Biodiversity Conservation Act 2016 (BC Act)*. Council's Geotechnical Hazard Map identify the site as being within area "W Hazard H1". These matters will be discussed in further detail below.

The site is not listed as a heritage item, nor is it within a conservation area.

No other hazards have been identified.

3.0 Site Description

The property is located on the northern side of Wakehurst Parkway, west of the Mirrool Street intersection. The site has a sloping topography from the rear to the front boundary that meets Wakehurst Parkway.

The site is regular in shape, with a frontage of 15.245m to Wakehurst Parkway and side boundaries of 98.6m and 99.1m respectively. The rear boundary measures 15.24m and the site has a total area of 1523m².

The site is currently developed with an existing detached dual occupancy which was approved on 2 November 1994 via Application No. 1994/229.

Stormwater from the site is currently dispersed to Wakehurst Parkway.

Vehicular access is available from the Wakehurst Parkway via with parking provided for both detached dwellings.

The details of the site are included on the survey plan prepared [insert] which accompanies the DA submission.



Fig 1: Location of subject site
(Source: Six Maps)



Fig 2: View of the site, looking north from Wakehurst Parkway



Fig 3: View of the existing southern dwelling, looking north towards rear dwelling

4.0 The Surrounding Environment

Surrounding the site is a variety of low-density, typically one, two and three storey residential developments reflective of the C4 zoning of the locality. The subject site and properties adjoining to the east and west are within the C4 Environmental Living and SP2 Infrastructure zone along Wakehurst Parkway.

The site enjoys views to the south towards Narrabeen Lagoon which is located opposite the subject site.

There are also a number of community and recreational open space areas nearby, including Bilarong Reserve, and Narrabeen Beach.



Fig 4: Aerial view of locality
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying strata subdivision plans prepared by Paul Byrne, the proposal seeks consent for the Strata Title subdivision of an existing dual occupancy development.

The submitted draft plan nominates the existing shared driveway as common property with the proposed private open space allocations. Lot 1 has an area of 496m² and Lot 2 has a total area of 629m² (see Figure 1). The draft plan is consistent with the approved plans for the site.

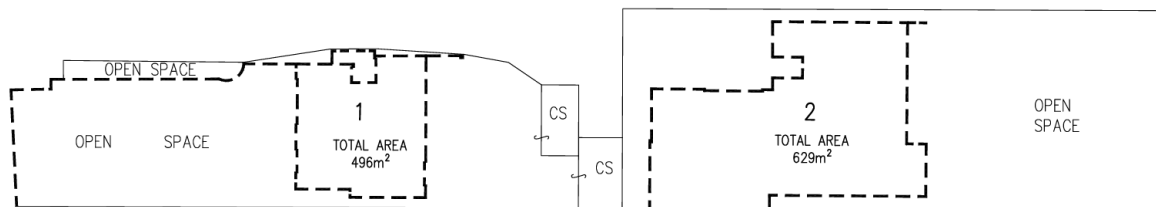


Fig 5: Draft Strata Subdivision Plan

No new works are proposed as part of the application.

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation. No vegetation is proposed to be removed as part of the proposed development.

Part 7 of the Biodiversity Conservation Act 2016 (BC Act), identifies the subject site as being located within the Biodiversity Values (BV) Map, meaning the site has high biodiversity value that is particularly sensitive to impacts from development and clearing.

The map forms part of the Biodiversity Offsets Scheme threshold, which is one of the entry requirements for determining whether the Biodiversity Offset Scheme (BOS) applies to a clearing or development proposal.

The application does not require the removal of prescribed trees or vegetation, nor is it likely to impact on nearby biodiversity values, meaning the BOS does not apply to this application.

No further consideration of the legislation is required.

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The site is located within the Coastal Use Area and Coastal Environment Area and thus the proposal requires assessment under Chapter 2 Coastal Management, Division 3, and 5 of the above SEPP (Resilience and Hazards) 2021.

The proposed strata subdivision is sited in a relatively unconstrained location that is cleared and suitably setback an effective buffer distance to Narrabeen Lagoon. The Strata Subdivision does not seek any approval for amendments to the existing built form, accordingly, is not foreseen to generate any increased risk of coastal hazards on the site or surrounding coastal land.

Chapter 4 – Site Contamination

SEPP (Resilience and Hazards) 2021 and in particular Clause 4.6(2) 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 (Sustainable Building) 2022

SEPP (Sustainable Buildings) 2022, commenced on 1 October 2023 and applies to the proposed development. There is no works proposed to the existing detached dual occupancies, as a result a no further consideration of the SEPP is required.

Bushfire Prone Land

The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires the consent authority to be satisfied that the development conforms to the specifications and requirements of the *Planning for Bush Fire Protection* 2019.

There are no works proposed as part of the strata subdivision meaning there is to change to the existing structures on the site. No further consideration is required.

6.4 Pittwater Local Environmental Plan 2014

The site is zoned C4 Environmental Living and SP2 Infrastructure 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 C4 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.*

The SP2 Infrastructure zone objectives, which are noted as:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

It is considered that the proposed strata subdivision of the existing dual occupancy will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with the existing structures on the site and complement the existing detached style housing within the locality.
- The proposed strata subdivision respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The strata subdivision will not have any substantial impact to the neighbouring properties.
- There is no change to the building height, setbacks or landscape areas which are compatible with the existing surrounding development.
- The strata subdivision does not have any impact on long distance views.
- The strata subdivision will not compromise the residential character of the locality.

With respect to the SP2 zoning to the south, the proposed works do not impinge upon existing or future infrastructure and related uses by providing a setback to the zoning. The strata subdivision makes no changes to the existing development and therefore will not detract from the provision of future infrastructure.

Clause 2.6 – Subdivision - Consent requirements

This clause indicates that the consent of Council is required for the subdivision of land.

The Development Application seeks Council's consent for the Strata Title Subdivision of the existing dual occupancy dwelling which is currently used for two separate occupancies.

Clause 4.1 – Minimum subdivision lot size

This clause does not apply as the proposal seeks to approval for the registration of a strata plan of subdivision. No further consideration is required.

Clause 4.2A – Minimum subdivision lot size for strata plan schemes in certain rural, residential, and environmental protection zones.

The subject dual occupancy was approved by Council under Development Consent No 94/212 dated 2 November 1994 and accordingly, the provisions of Clause 4.6 do not apply to the land.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Elanora Heights is 8.5m. As there is no works as part of the application, no further consideration of this control is required.

Clause 7.1 – Acid sulfate soils

The site has been identified on Council's zoning maps as being in a Class 5 zone. As there is no works as part of the application, no further consideration of this control is required.

Clause 7.2 – Earthworks

As there is no works as part of the application, no further consideration of this control is required.

Clause 7.3 – Flood Planning

The site has been identified on Council's Map as Flood Prone Land (Low & Medium Flood Risk).

As there is no works as part of the application and no change in the provision of two dwellings on the site. Accordingly, no further consideration of this control is required.

Clause 7.6 – Biodiversity protection

The proposed works do not remove any existing native vegetation or any substantial planting. Accordingly, no further consideration of this control is required.

Clause 7.7 – Geotechnical Hazards

The site is identified on the Geotechnical Map of PLEP 2014 as being affected by a landslip hazard (Hazard H1). As there is no works as part of the application no further consideration of this control is required

Clause 7.10 – Essential Services

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

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

6.5 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.

6.5.1 Section A Introduction

A4.5 Elanora Heights Locality

The Elanora Heights locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located only on the plateau on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Land in the vicinity of Caladenia Close and Dendrobium Crescent to the west will remain a low-density rural residential area due to the constraints and characteristics of the land, including steepness of slope, species and habitat diversity, and lack of infrastructure. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community, and recreational facilities will serve the community.

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

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

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

It is considered that the proposal is consistent with the desired character of the locality by providing for the Strata Title subdivision of an existing dual occupancy development.

The Strata Subdivision maintain the existing detached structures scale and form that is consistent with the scale and style of development in the vicinity.

The Strata Subdivision will not require the removal of any significant vegetation and will maintain a suitable area of soft landscaping within the site.

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

6.5.2 Section B General Controls

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

B2.2 Subdivision - Low Density Residential Areas

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 1 on the Landscaped Area Map shall have a minimum lot width at the building line of 16 metres.

The proposed strata subdivision would result in a minimum lot width below 16.0m at 15.245m. There is no increase to the population density as a result of the proposed strata subdivision as the dual occupancy that is to be subdivided is existing. No physical works are proposed, meaning views and vistas to and from private and public spaces will not be unreasonably impacted by the proposal. The proposed strata subdivision is not expected to have any significant adverse impacts on the existing environment. The desired future character of the Elanora Heights locality is maintained.

B3.11 Flood Prone Land

The controls seek to achieve the outcomes:

Protection of people.

Protection of the natural environment.

Protection of private and public infrastructure and assets.

The site has been identified on Council's Map as Flood Prone Land (Low & Medium Flood Risk) . As no change in the provision of two dwellings on the site, nor any works as part of the application no further consideration of this control is required.

B4.5 Landscape and Flora and Fauna Enhancement Category 2 and Wildlife Corridor

The controls seek to achieve the outcomes:

Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats. (En)

The strata subdivision will not require the removal of any significant vegetation. The existing vegetation throughout the site will be maintained and assists with softening and screening the existing detached built. The proposed designated open space areas as part of the strata subdivision are capable of accommodating future plantings.

B5.13 Development on Waterfront Land

The controls seek to achieve the outcomes:

Protection of waterways and improved riparian health (En)
Stormwater and creek flows are safely managed. (S)
Appropriate setback between waterways and development (En)

The detached dwellings maintains the existing spatial distance the nearest waterway, Narrabeen Lagoon, thereby ensuring the ongoing protection of the waterway, and not adversely impacting on riparian health.

Stormwater flow will drain to the existing approved stormwater management system.

B5.15 Stormwater

The controls seek to achieve the outcomes:

Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;
Minimise the risk to public health and safety;
Reduce the risk to life and property from any flooding and groundwater damage;
Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.
Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle
Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources
Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.

There is no change to the existing approved stormwater management system for the detached dwellings.

B6.2 Internal Driveways

The controls seek to achieve the outcomes:

- Safe and convenient access. (S)*
- Reduce visual impact of driveways. (S)*
- Pedestrian safety. (S)*
- An effective road drainage system. (En, S)*
- Maximise the retention of trees and native vegetation.*
- Reduce contaminate run-off from driveways.*

The proposal will maintain the existing driveway via a Right of Way along to provide ongoing, safe access to the dwelling at the rear.

B6.3 Off-street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

- Safe and convenient parking (En, S)*

The detached dwellings will continue to provide 2 parking spaces for each dwelling complying 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)*

As there is no works as part of the application no further consideration of this control is required.

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)*

As there is no works as part of the application no further consideration of this control is required.

6.5.3 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 as part of the strata subdivision, including sufficient landscape zones within the designated open space areas.

The existing plantings throughout the site 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 strata subdivision does not impact on the existing safety or security of the site. The detached dwellings 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 south towards Narrabeen Lagoon.

As there is no works as part of the application there is no change to the existing view lines from the detached dwellings, nor view lines from neighbouring or nearby sites. No further consideration of this control is required

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)

As there is no works as part of the strata subdivision there is no change to the existing solar access to the detached dwellings, or to the directly adjoining sites or their associated dwellings. No further consideration of this control is required

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)

As there is no works as part of the strata subdivision there is no change to the existing window, door or overlooking arrangements for the detached dwellings. No further consideration of this control is required.

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 strata subdivision will make no change to the existing acoustic privacy of the detached dwellings or neighbouring sites .

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 continue to provide the existing substantial area for private open space for the detached dwellings.

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. The existing designated areas for the on-site storage of waste and recyclables is to be maintained as part of the strata subdivision.

6.5.4 Section D Design Criteria

The **D5 Elanora Heights Locality Statement** contains a number of outcomes for development. The strata subdivision has been assessed in regard to the Locality Statement.

In support of the proposal, it is considered that the strata subdivision is 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 strata subdivision maintains existing views and amenity to adjoining properties.
- The strata subdivision 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.

As there is no works as part of the application there is no change to the existing built form of the detached dwellings. The development will not see the loss of any significant vegetation and will maintain a suitable area of soft landscaping on the site. Accordingly, there is no change to the site when viewed from the public domain.

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)

As there is no works proposed as part of the strata subdivision the existing height and scale, of the detached dwellings is maintained. Accordingly, the built form maintained continues to be consistent with the desired future character of the locality.

The strata subdivision will not see the removal of any significant vegetation and will maintain a suitable area of soft landscaping on the site.

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)

There is no works as part of the strata subdivision, meaning there is no change to external colours and materials of the detached dwellings.

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 10m or the established building line, whichever is greater.

As there is no works proposed as part for the strata subdivision, there is no change to the existing front setback to Wakehurst Parkway.

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.

As there is no works proposed as part for the strata subdivision, there is no change to the existing side and rear setbacks for the detached dwellings.

D5.7 Building Envelope

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

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

The bulk and scale of the built form is minimised. (En, S)

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

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

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

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

As there is no works proposed as part for the strata subdivision, there is no change to the existing building envelope for the detached dwellings.

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)

As there is no works proposed as part for the strata subdivision, there is no change to the existing landscape areas for the detached dwellings.

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 strata subdivision 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).

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

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

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for the Strata Title subdivision of an existing dual occupancy development which will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP 2014 and the Avalon Beach Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned SP2 Infrastructure and C4 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 Strata Title subdivision of an existing dual occupancy development, which makes no change to the existing arrangement of the detached dwellings on the site.

It is considered that the proposed strata subdivision satisfies the stated objectives of Council's Development Controls with no change made to the neighbour's amenity and by complementing maintaining the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed strata subdivision 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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