

STATEMENT OF ENVIRONMENTAL EFFECTS

1 WESLEY STREET, ELANORA HEIGHTS

**PROPOSED DRIVEWAY EXTENSION AND RETAINING
WALL**

**PREPARED ON BEHALF OF
Mr & Mrs Fennell**

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1. INTRODUCTION

This application seeks approval for the extension of the existing driveway and associated retaining wall ancillary to an existing dwelling house upon land at Lot 19 in DP 30255 which is known as **1 Wesley Street, Elanora Heights**.

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

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

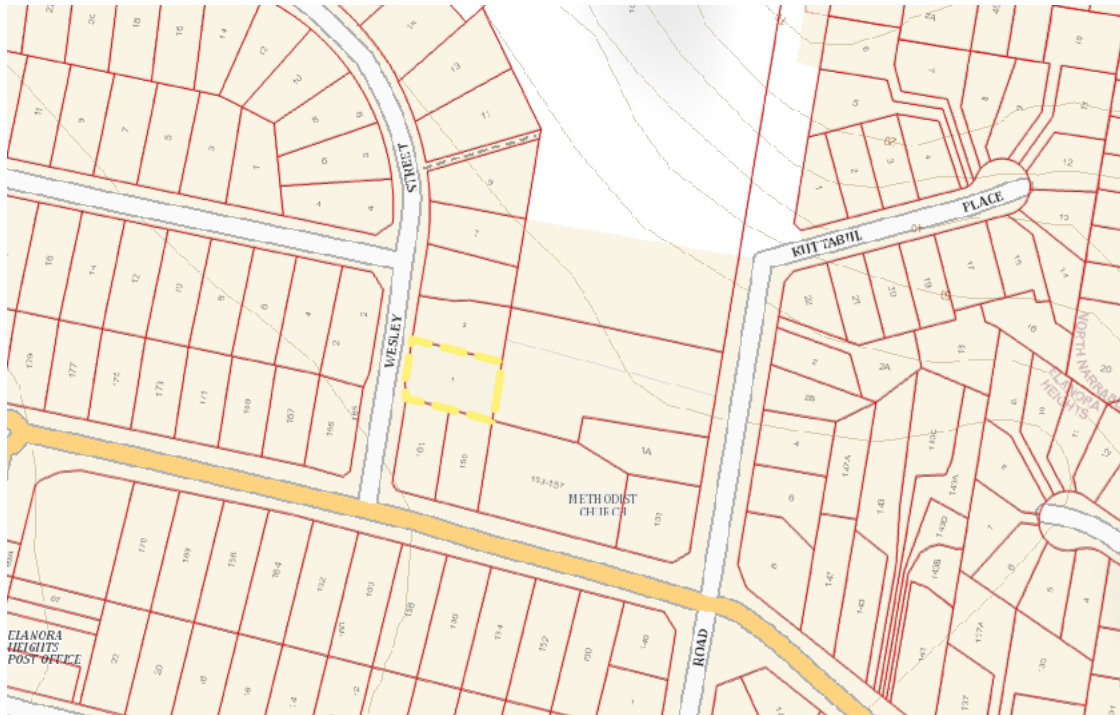
The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by CMS Surveyors Pty Ltd, Ref No. 23908, Issue 1 and dated 4/11/2024.
- Architectural Plans prepared by Michal Korecky, DWG No. 24089, Issue 1 and dated 12/11/2024.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot 19 in DP 30255 which is known as 1 Wesley Street, Elanora Heights. The site has an area of 931m² which is a generally rectangular shaped allotment located on the eastern side of Wesley Street. The site has a frontage of 24.71m to Wesley Street and a maximum depth of 38.53m. The locality is depicted in the following map:



Site Location Map

The site slopes from the front southwest corner (RL81.26) towards the rear northeast corner (RL 78.22). The site currently comprises a two storey brick dwelling with tiled roof. The dwelling is located centrally on site with an inground pool in the rear yard. A concrete driveway provides access to the detached brick garage. A brick fence with metal palisade infills is erected adjacent to the front boundary. A brick pier and low base wall is erected adjacent to the northern boundary of the site. This application seeks to demolition the existing fence adjacent to the northern boundary and realign a new fence immediately adjacent to the boundary and infill with driveway extension.

The site is depicted in the following photographs:



View of Existing Driveway and Garage from Wesley Street

The existing surrounding development comprises of a mix of original housing stock interspersed between larger more modern two storey dwellings. The sites relationship with the surrounding properties is depicted in the following aerial photograph:



Aerial Photograph of the Subject Site

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the demolition of the wall/fence parallel to the northern boundary and construct a wall/fence and extend the existing driveway.

Boundary Retaining Wall

A new boundary retaining wall is proposed to align immediately adjacent to the northern boundary of the site. The wall will be constructed wholly within the boundaries of the subject.

The wall is constructed of a low block retaining wall, with the existing aluminium fence reconstructed on top. The wall has a maximum height of 1.8m at the western end which will increase slightly to accommodate the slope of the site.

Driveway Extension

It is proposed to extend the driveway to the new proposed wall. This will enable safe access and egress to the existing garage.

Stormwater

All collected stormwater will continue to be discharged to the existing stormwater system.

Landscaping

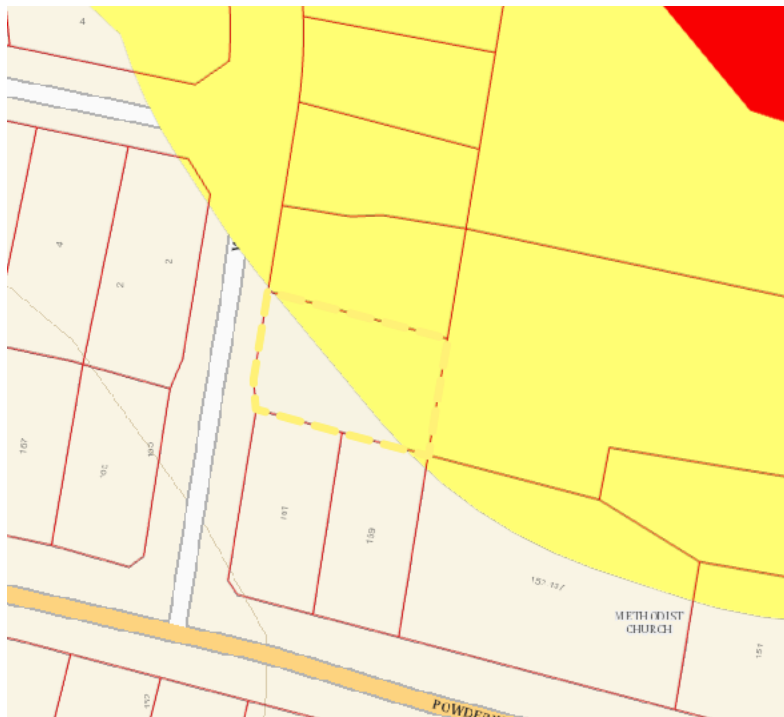
The proposed driveway extension is over an existing gravel area and as such the proposal does not reduce the existing landscaped area of the site.

4. ZONING & DEVELOPMENT CONTROLS

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

4.1 Planning for Bushfire Protection

A portion of the site is identified as bushfire prone land. A Bushfire Assessment Report has been submitted with the application.



Extract of Bushfire Map

4.2 Pittwater Local Environmental Plan 2014

The site is zoned R2 Low Density Residential under the provisions of the PLEP 2014. Development for the purposes of a driveway and fence/wall ancillary to an existing dwelling house and ancillary works are permissible with the consent of Council within the R2 zone.

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

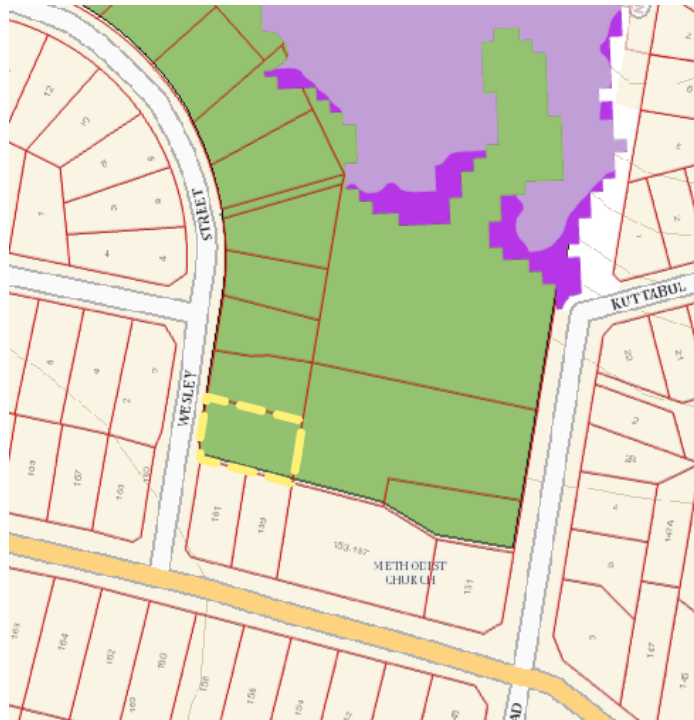
Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	8.5 metres	Refer to plans – work do not exceed 8.5m	Yes

The following clause also applies:

Clause 7.1 Acid Sulfate Soils

The site is identified as 5 on Council's Acid Sulfate Soil map. The proposal does not result in any significant excavation. No further information is required in this regard.

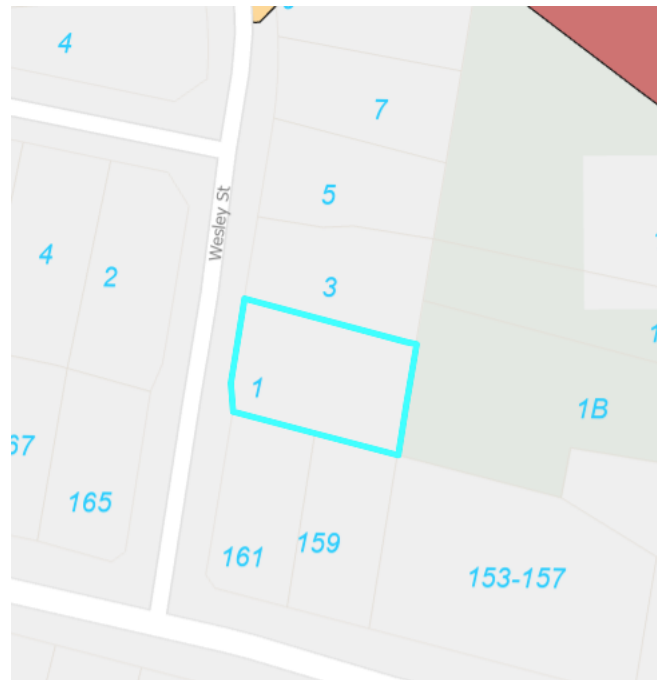
Clause 7.6 Biodiversity



Extract of Biodiversity Map

The site is not identified on the NSW BDAR map (purple), however it is identified as an area of terrestrial biodiversity on Council's Biodiversity Map (green). The proposal does not require the removal of any protected trees. The proposed driveway and fence/wall are not located over any existing landscaping and does not impact on existing trees. The proposal complies with this clause.

Clause 7.7 Geotechnical Hazards



Extract of Geotechnical Hazards Map

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

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

4.2 Pittwater Development Control Plan 2014

Council's Pittwater DCP 2014 Part B (General Controls), Part C (Design Criteria) and Part 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.

4.2.1 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. 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.

It is considered that the proposal is consistent with the desired character of the locality. The proposal seeks to realign the fence so as to be follow the boundary line. In essence the existing fence will be replicated adjacent to the boundary and the driveway extended. The proposal does not impact on any landscaping. The proposed works do not have any detrimental impact on the amenity of the surrounding properties.

4.2.2 Part B General Controls

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

B4.6 Wildlife Corridors

The proposed fence/wall and driveway extension is not located over any existing landscaped area and there is no impact on existing vegetation. The proposal complies with this control.

B5.15 Stormwater

All collected stormwater will continue to drain to the existing stormwater system.

6.2 Internal Driveways

The proposal merely provides for an extension to the existing driveway and maintaining the existing grade. The works are contained wholly within the boundaries of the site and will improve access and egress.

6.3 Off-Street Vehicle Parking Requirements

The subject site requires 2 parking spaces on site. The subject site currently provides for sufficient parking on site. This application does not alter the existing parking arrangements but merely seeks to slightly extend the existing hardstand area and thereby improve access and egress to the site.

B8.1 Construction & demolition – excavation and landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised.

Excavation and construction not to have an adverse impact.

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

The proposal does not result in any significant excavation or fill. Appropriate sedimentation and erosion measures will be implemented prior to works commencing on site.

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)

Erosion and Sediment controls, as depicted in the architectural plans, will be implemented prior to works commencing on site.

4.2.3 Part C Design Criteria

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

C1.1 Landscaping

The controls seek to achieve the outcome:

*A built form dominated and complemented by landscaping.
Landscaping that reflects the scale and form of development.
Retention of canopy trees by encouraging the use of pier and beam footings.
Development does not result in significant loss of the urban forest.
Reduced risk of landslip.*

The proposal does not require the removal of any vegetation and there is no impact on existing landscaping.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

*On-going safety and security of the Pittwater community.
Opportunities for vandalism are minimised.*

This application realigns the existing fence/wall to be adjacent to the northern side boundary. The existing dwelling will continue to provide for good views of the dwelling approach and street. The proposal complies with this clause.

C1.3 View Sharing

The controls seek to achieve the outcomes:

*A reasonable sharing of views amongst dwellings.
Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.
Canopy trees take priority over views.*

The proposal provides for only a relocation of a fence and extension of the driveway. There will be no impact on existing views.

C1.4 Solar Access

The controls seek to achieve the outcomes:

*Residential development is sited and designed to maximise solar access during mid-winter.
A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development.
Minimal need for artificial lighting.*

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 provides for relocation of fence adjacent to the northern boundary which will not result in any additional overshadowing of the adjoining properties.

The proposal complies with the requirements of this clause.

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.

A sense of territory and safety is provided for residents.

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The proposed works will not have any impact on existing privacy of the adjoining premises. The works relate to a boundary wall/fence and minor extension of the driveway. The works are located to a driveway and garage on the adjoining property.

The proposal complies with this clause.

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.

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

The proposed works which merely relocate the boundary wall/fence adjacent to the boundary and minor extension to the driveway, will not have any impact on existing acoustic privacy to surrounding properties.

C1.7 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.

Private open space is integrated with, and directly accessible from, the living areas of dwellings.

Private open space receives sufficient solar access and privacy.

The required controls to achieve the outcomes are to ensure that dwellings are provided with suitable private open space with an area and at a grade which will facilitate outdoor private recreation.

The development retains the existing private open space in the rear yard which is directly accessible from the existing dwelling. The proposal does not have any impact on existing private open space. The proposal complies with this clause.

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

*The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing.
All members of the community enjoy equitable access to buildings to which the general public have access.*

*Housing for older people and people with a disability are accessible, adaptable and safe. (S)
Equitable access in the public domain.*

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

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

*Waste and recycling facilities are accessible and convenient, and integrate with the development.
Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment.*

There is sufficient area for the storage of waste and recycling bins. The proposal complies with the requirements of this clause.

4.2.4 Part D Design Criteria

A summary of the DCP controls for the **D5 Elanora Heights Locality** is provided below:

D5.1 Character as Viewed from a Public Place & D10.2 Scenic Protection - General

The proposal incorporates demolition of the existing fence/wall and providing a new fence/wall adjacent to the northern boundary and extend the driveway. The works are very minor and merely seek to realign the works to the northern boundary. The proposal does not require the removal of any vegetation and will not have a detrimental impact on the streetscape. The proposal complies with this clause.

D5.3 Building Colours and Materials

The new wall/fence proposes to reuse the existing aluminium fence which is a neutral colour.

D5.5 Front Building Lines

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.
The amenity of residential development adjoining a main road is maintained.
Vegetation is retained and enhanced to visually reduce the built form.
Vehicle manoeuvring in a forward direction is facilitated.
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.

This clause requires a minimum setback of 6.5m or the established building to the primary street frontage. However fences and retaining walls are permitted within the front building setback.

D5.6 Side and Rear Building Lines

The controls seek to achieve the outcomes:

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

The numerical requirements of this clause require a setback of 2.5m to one boundary and 1.0m to the other boundary. A setback of 6.5m is required to the rear boundary.

It is proposed to realign the boundary wall/fence immediately adjacent to the boundary. Currently the fence is setback from the boundary and the land dissected from the site and accessed only from the adjoining property. This fence will correctly define the boundaries of the site without any detrimental impact.

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.

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

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

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

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°. The proposal complies with this clause.

D5.9 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

The bulk and scale of the built form is minimised.

A reasonable level of amenity and solar access is provided and maintained.

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

Conservation of natural vegetation and biodiversity.

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

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

Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.

This clause requires a landscaped area of 60% of the site. The proposed fence/wall and extension of the existing driveway does not reduce the existing landscaping area on site.

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

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

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

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

The Likely Impacts of the Development

It is considered that the development provides for the demolition of the existing fence/wall and construction of fence/wall adjacent to the northern boundary and extend the driveway ancillary to an existing dwelling without detrimentally impacting on the character of the area. The proposal which is a non-habitable structure over an existing hardstand area will retain privacy and amenity to the adjoining properties. The proposal does not require the removal of any existing trees or vegetation.

The Suitability of the Site for the Development

The subject site is zoned R2 Low Density Residential and the construction of a fence and driveway extensions ancillary to an existing dwelling in this zone are permissible with the consent of Council.

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

The Public Interest

It is considered that the proposal is in the public interest in that it will provide for the construction of a wall/fence that is appropriately aligned to the exiting boundary and is consistent with other development in this locality without impacting the amenity of the adjoining properties or the public domain. The proposal will merely realign the existing boundary fence/wall and driveway.

6. CONCLUSION

This application seeks approval for the construction of a fence/wall and driveway extension ancillary to an existing dwelling and associated work as demonstrated in this report the proposal is consistent with the aims and provisions of the Pittwater LEP 2014 and Pittwater DCP 2014. The proposed development does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed construction of a fence/wall and extension of the driveway ancillary to an existing dwelling and associated works upon land at **No. 1 Wesley Street, Elanora Heights** is worthy of the consent of Council.

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