

STATEMENT OF ENVIRONMENTAL EFFECTS

**TORRENS TITLE SUBDIVISION OF TWO LOTS INTO THREE LOTS INCLUDING THE
RETENTION OF THE EXISTING DWELLINGS, CONSTRUCTION OF A NEW DWELLING AND
PROVISION OF SERVICES AND DRIVEWAY ACCESS**

AT

62 & 64 POWDERWORKS ROAD & 32 BELLARA AVENUE, NORTH NARRABEEN

FOR

MICHAEL & BEVERLEY SMYTHE & SOMERS ISLES PTY LTD

**Prepared
December 2024**

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1.0 Introduction

This Statement of Environmental Effects has been prepared to assist Council in the consideration of a development application seeking consent for the Torrens Title subdivision of two lots into three lots (being Proposed Lots 1, 2 & 3) at **62 & 64 Powderworks Road, North Narrabeen**.

The proposal will also involve the retention of the existing dwellings within the existing lots (Proposed Lots 1 & 3) and the construction of a new dwelling within Proposed Lot 2.

The works include the provision of infrastructure services and a driveway access to Proposed Lot 2 via a right of carriageway over the adjacent property at No 32 Bellara Avenue, North Narrabeen.

The driveway access to Proposed Lot 2 will be provided to the lot over the neighbouring site to the west, being No 32 Bellara Avenue via a right of carriageway which will provide for vehicular access to the cul-de-sac end of Bellara Avenue.

The existing driveway access and stormwater provisions for No's 62 & 64 Powderworks Road which gain direct access from Powderworks Road will remain unchanged.

The proposed subdivision layout is detailed within the accompanying Plan of Proposed Subdivision prepared by C.M.S Surveyors Pty Ltd, Drawing Name 10814subdivision dated 12 September 2024.

Accompanying the application are architectural plans prepared by Inlet Design Studio, Project No BEL001, Sheets A001 – A10 dated 4 September 2024 to detail the construction of a new two storey dwelling with driveway access and car parking within Proposed Lot 2, which will provide Council with certainty as to the proposed built form outcome within the new allotment.

The proposed stormwater management infrastructure works necessary to support subdivision of the land to create Proposed Lot 2 and the new dwelling to be constructed within the new Lot 2 have been detailed in plans prepared by Taylor Consulting Engineers, Drawing No STORM – 2/B & 3/B dated 12 July 2024. The stormwater management design will direct collected roof and stormwater via an on-site detention system, to an inter-allotment drainage line provided for the adjacent site at 32 Bellara Avenue.

Driveway access to the site will be provided as an extension to the driveway within the adjacent property at the west at No 32 Bellara Avenue in accordance with the Driveway Civil Works plans prepared by Taylor Consulting Engineers, Drawing No CIVIL – 2/B & 3/B dated 12 July 2024.

A separate Development Application is being prepared for a new dwelling within the identified building platform resulting from the previous approved subdivision of 66 Powderworks Road & 31 Bellara Avenue, North Narrabeen and as detailed in the determination of DA2018/1335.

The adjoining site has been formally subdivided and the lower portion of the previous site is now known as 32 Bellara Avenue, North Narrabeen, being Lot 1 within DP 1271591.

The new Proposed Lot 2 will rely on the approved infrastructure works for stormwater disposal via the inter-allotment drainage system to Nareen Parade and the required services infrastructure

including power, water, gas and telecommunications from Bellara Avenue and which will be extended to Proposed Lot 2.

The consent of the owners of No 32 Bellara Avenue has been provided to confirm that driveway access via a right of carriageway and services via easements for services will be provided to support Proposed Lot 2.

The drawing list for the proposed new dwelling within Proposed Lot 2 (known in the architectural submission as “House C”) includes the following:

	Cover Sheet & BASIX Commitments
A001	Site Plan and Site Analysis
A01	Site Plan House A & C
A02	Lower Ground Floor Pla
A03	Ground Floor Plan
A04	First Floor Plan
A05	East and West Elevations
A06	South and North Elevations
A07	Section A-A and B-B
A08	Illustrated Window and Door Schedule
A09	Shadow Diagram
A10	General Specification

A Landscape Plan has been prepared by Peta Gilliland Landscape Design, Drawing No L001, Sheet 1/1 dated 24 July 2024.

The proposal is also supported by a Biodiversity Assessment Report prepared by East Coast Ecology, dated December 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. 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 2021*
- *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 existing two allotments (“the site”) which comprise the parcel to be subdivided into three Torrens Title lots comprise:

- No 62 Powderworks Road, being Lot 1 within DP 305247
- No 64 Powderworks Road, being Lot 35 within DP 6462

Easements for services and rights of way for driveway access in favour of Proposed Lot 2 will be provided over the adjoining land at No 32 Bellara Avenue (Lot 1 within DP 1271591).

The site is zoned C4 Environmental Living under the provisions of PLEP 2014.

The site is noted as ‘W Hazard H1’ on Council’s Geotechnical Hazard Map. A Geotechnical Investigation has been prepared by White Geotechnical Group Pty Ltd, Reference No. J5607, dated 30 July 2024, and this will be discussed in further detail within this report.

Part 7 of the *Biodiversity Conservation Act 2016 (BC Act)*, identifies the subject site as being located within the Biodiversity Values (BV) Map, together with being on Council’s Map. These issues will be discussed in further detail within this report.

The land has been identified on Council’s Biodiversity Map and this issue will be discussed further within the statement.

There are no other hazards affecting this site.

3.0 Site Description

The site is located on the southern side of Powderworks Road and after initially rising to the south above street level to a generalised north-west – south-east ridgeline, the sites levels fall gradually down to the southern boundary facing the rear boundaries of properties fronting to Nareen Parade.

Currently development within the site is isolated to the ridgeline above Powderworks Road and the lower, southern portion of each lot is currently undeveloped.

As discussed, the property immediately to the west has been the subject of a previous subdivision application which has created the new parcel known as 32 Bellara Avenue, which gains access directly off the eastern cul-de-sac end of Bellara Avenue.

As detailed in the Civil Works plans, a driveway can be provided across the land contour and over 32 Bellara Avenue to provide vehicular access to the new Proposed Lot 2 from Bellara Avenue.

The existing dwellings within the site and their current vehicle access arrangements from Powderworks Road will remain unchanged as a consequence of the proposed subdivision of two lots into three.

The site has a total frontage to Powderworks Road of 34.55m and a depth of between 98.11m & 121.525m. The total combined site area is 2790.03m².

Each site is currently occupied by a detached single dwelling with driveway access from Powderworks Road.

The details of the land are shown on the Survey Plan by Adam Clerke Surveyors Pty Ltd, Reference No 3923A dated 27 September 2023, which accompanies the DA submission.

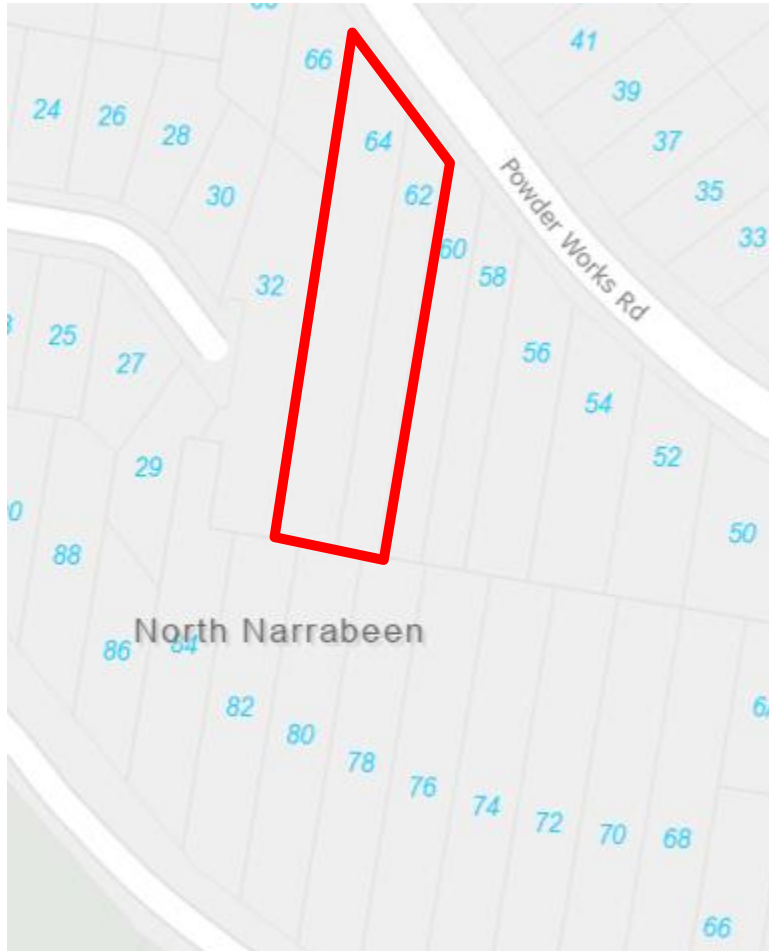


Fig 1: Location of subject sites
(Source: Google Maps)



Fig 2: View of the Bellara Avenue eastern cul-de-sac and driveway entry to the subject sites (via 32 Bellara Avenue), looking north-east



Fig 3: View of the location of the driveway entry to the sites, looking east from Bellara Avenue



Fig 4: View of the northern portion of Proposed Lot 2 – looking north-east towards the rear of the existing dwellings at 62 & 64 Powderworks Road



Fig 5: View of the lower portion of Proposed Lot 2 and location of proposed new dwelling within Proposed Lot 2, looking south-east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by varied allotments with a mix of low density residential developments within landscaped settings.

The aerial photo and previous map (Figure 1) indicates that there are a number of sized allotments in the near vicinity, and most particularly the adjoining lot at 66 Powderworks Road and the recently subdivided rear portion at 32 Bellara Avenue.

To the east, the lots which face Powderworks Road reduce in their depth and the proposed allotment size is compatible with the wider pattern in Bellara Avenue and surrounding streets including Powderworks Road.

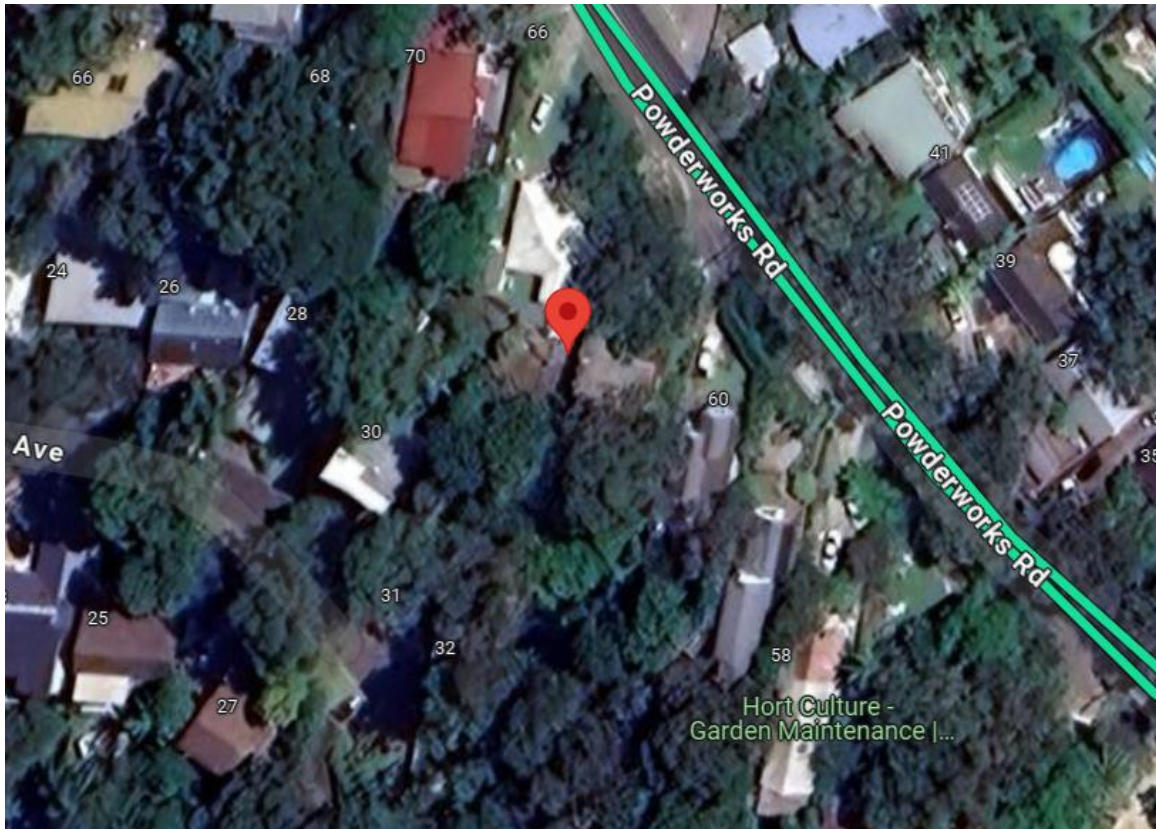


Fig 6: Aerial view of the subject sites
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying subdivision and architectural plans, the proposal will also involve the retention of the existing dwellings within the existing lots (Proposed Lots 1 & 3) and the construction of a new dwelling within Proposed Lot 2, with driveway access to Proposed Lot 2 over the neighbouring site to the west at 32 Bellara Avenue.

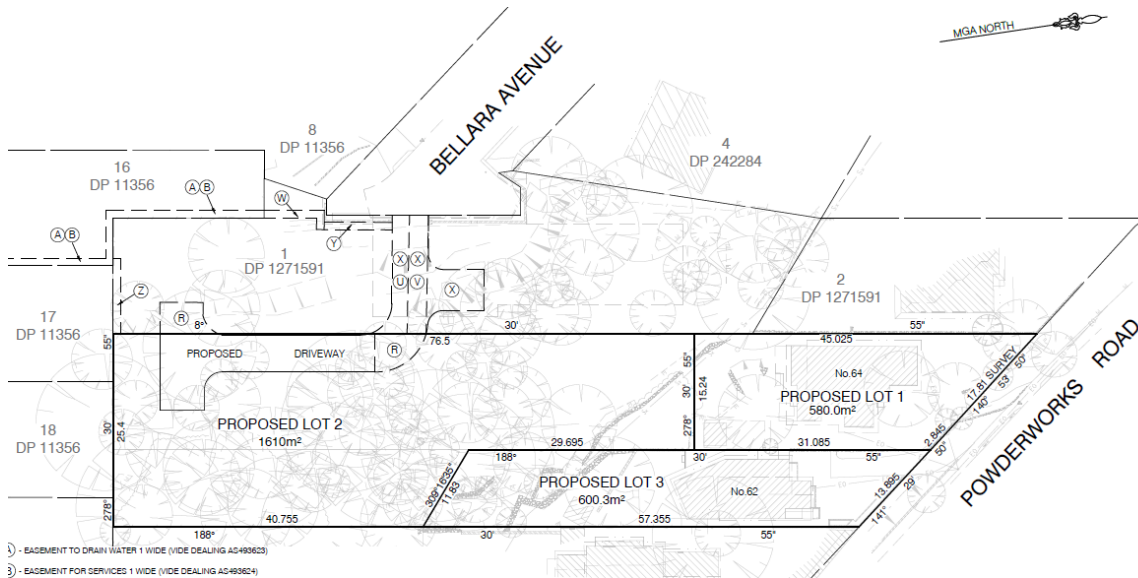


Fig 7: Proposed subdivision layout

The works include the provision infrastructure services and a driveway access to the Proposed Lot 2 via a right of carriageway over the adjacent property at No 32 Bellara Avenue, North Narrabeen.

The existing driveway access and stormwater provisions for No's 62 & 64 Powderworks Road will remain unchanged. Currently, the existing dwellings within No 62 & 64 Powderworks Road gain vehicular access from Powderworks Road, with stormwater directed to the street gutter in Powderworks Road.

The proposed subdivision layout is detailed within the modifications are detailed in the accompanying Plan of Proposed Subdivision prepared by C.M.S Surveyors Pty Ltd, Drawing Name 10814subdivision dated 12 September 2024.

Accompanying the application, are architectural plans prepared by Inlet Design Studio, Project No BEL001, Sheets A001 – A10 dated 4 September 2024 to detail the construction of a new two storey dwelling with driveway access and car parking within Proposed Lot 2, which will provide Council with certainty as to the proposed built form outcome within the new allotment.

The proposed stormwater management infrastructure works necessary to support subdivision of the land to create Proposed Lot 2 and the proposed new dwelling to be constructed within the Proposed Lot 2 have been detailed in plans prepared by Taylor Consulting Engineers, Drawing No STORM – 2/B & 3/B dated 12 July 2024. The stormwater management design will direct collected roof and stormwater via an on-site detention system, to an inter-allotment drainage line provided for the adjacent site at 32 Bellara Avenue.

Driveway access to the site will be provided as an extension to the driveway within the adjacent property at the west at No 32 Bellara Avenue in accordance with the Driveway Civil Works plans prepared by Taylor Consulting Engineers, Drawing No CIVIL – 2/B & 3/B dated 12 July 2024.

The new works to provide for the construction of the new dwelling within Proposed Lot 2 (noted as “House C” will comprise:

Lower Ground Floor

- Proposed new lower ground floor level to provide the double garage, workshop laundry and hallway with internal access to ground floor level

Ground Floor

- Proposed entry porch and foyer with cloakroom, office, three bedrooms and guest room with ensuite, bathroom and separate WC, internal stair access to 1st floor level

First Floor

- Master bedroom with ensuite and walk-in robe, parents retreat, powder room, media room, lounge room, open plan kitchen dining family area with north facing balcony and eastern deck

External

- Driveway with turning area with access via right-of-way over 32 Bellara Avenue
- Landscaping of the site in accordance with landscape plan prepared by Peta Gilliland Landscape Design dated 6x June 2024

The proposed dwelling will present a two storey form over the garage which is located at the southern end of the building. The proposal complies with Council’s maximum 8.5m height control and will maintain generous setbacks to all boundaries.

The new dwelling will adopt a concrete floor with timber framed construction, weatherboard cladding and a colour bond steel roof. The external finishes will utilise natural materials and earthy tones.

To assist Council in the consideration of the proposed building footprint for the new dwelling and driveway access, the proposal is accompanied by an Arboricultural Impact Assessment prepared by Joanne Willis, noted a Revision A dated 8 July 2024.

The Assessment considers the impact of the work on 61 trees which are noted as being within the site and within the neighbouring properties.

The construction of the new dwelling will see the removal of 23 trees, of which 3 are exempt species which do not require consent for the removal.

Of the other 20 trees to be removed to accommodate the dwelling and driveway, only 4 have been nominated as being of high significance with the remainder being of low (7) or moderate (9) significance.

The Landscape Plan prepared by Peta Gilliland Landscape Design provides for the replacement planting of additional 14 new species which have a mature height of between 6m to 10m to replace the trees that are being removed.

The replacement tree planting will provide for replacement tree canopy and flora and fauna habitat to supplement the existing vegetation being retained within the sites.

The proposed development presents the following indices:

Proposed Lot 1:

Site Area	580m ²
Landscaped Area	372m ² or 64.1% (excl. any permissible variations)

Proposed Lot 2:

Site Area	1610m ²
Landscaped Area	1199m ² or 74.4%

Proposed Lot 3:

Site Area	600.3m ²
Landscaped Area	396.3m ² or 66%

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.

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 proposal is supported by a Biodiversity Development Assessment Report prepared by East Coast Ecology, dated December 2024.

The proposal seeks to remove a number of trees to accommodate the new works. Accordingly, an Arboricultural Impact Assessment has been prepared by Joanne Willis, and accompanies this submission.

Up to 23 trees will be removed, however 3 trees are noted of being exempt species and only 4 are noted as being of high significance, with the majority of the trees being removed being low (7) or moderate (9) significance. The proposal is supported by a Landscape Plan which will provide for replacement tree planting and can be supplemented as required by Council.

The remaining significant trees are to be retained and protected, in accordance with the biodiversity values of the locality.

Any new landscaping would include native vegetation, no exotic vegetation. The development is designed, sited and will be managed to avoid any significant adverse environmental impact at any surrounding trees on the neighbouring sites.

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. Given the history of residential use of the land with the portion comprising Proposed Lot 2 being historically undisturbed,, the site is not considered to be subject to contamination and further investigation is not required at this stage.

Overall, the proposed modified development remains consistent with the relevant provisions of SEPP (Resilience and Hazards).

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

SEPP (Sustainable Buildings) 2022, commenced on 1 October 2023 and applies to the proposed development. In accordance with the provisions of the SEPP, a BASIX Certificate is submitted with the application and confirms that the proposal will comply with the water, thermal comfort, and energy efficiency requirements of the policy.

6.4 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned C4 Environmental Living all it is under the provisions of the PLEP 2014.

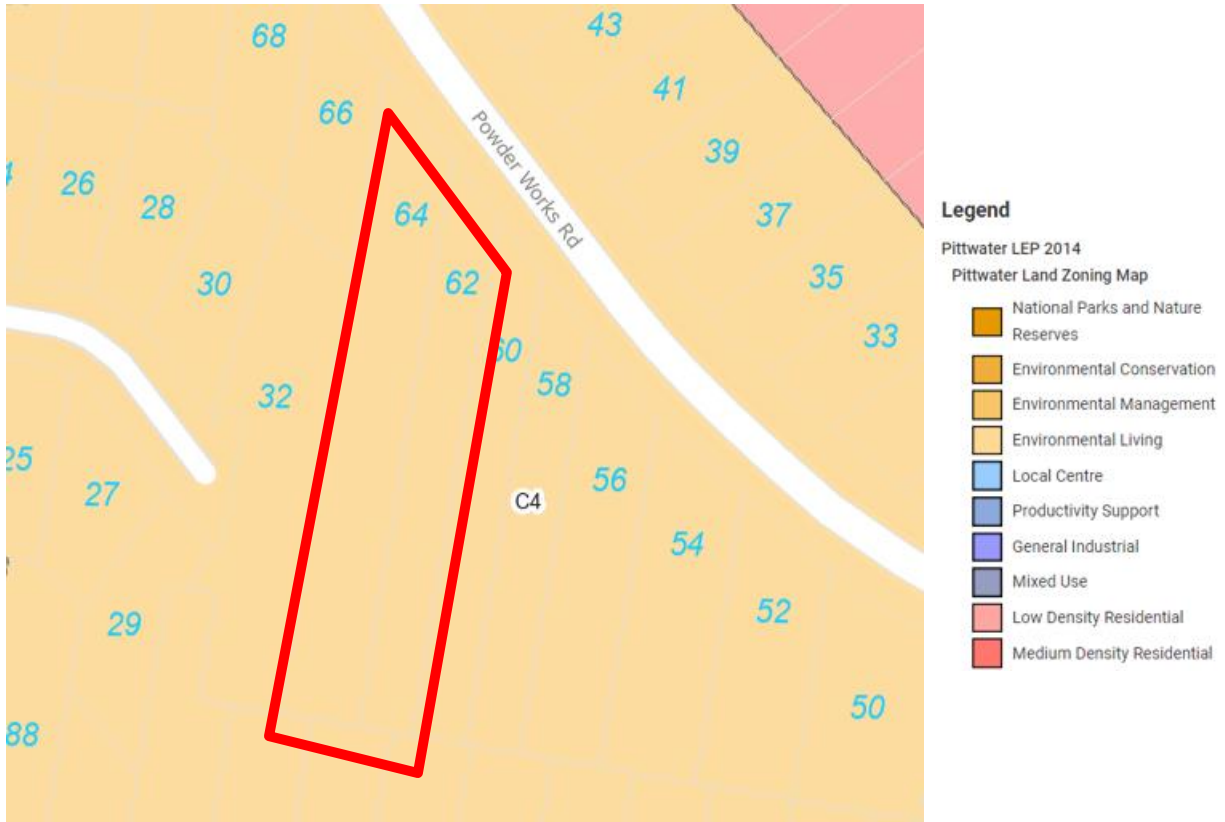


Fig 8: Extract of Zoning Map of PLEP 2014

The proposed subdivision is considered to be permissible with the consent of Council.

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.*

It is considered that the proposed subdivision of two lots into three and the construction of a new dwelling with the newly created Proposed Lot 2 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 development respects the scale and form of other new developments in the vicinity and therefore complements the locality. The proposal provides for a new dwelling with driveway access and services which will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- As discussed in this submission, it is considered that the proposal does not have any unreasonable impact on long distance views for the nearby properties.

Clause 2.6 – Subdivision

Clause 2.6 of PLEP 2014 requires the prior consent of Council for any subdivision of land. This application seeks consent in accordance with the Clause.

Clause 4.1 – Minimum subdivision lot size

In accordance with the Lot Size Map, the minimum allotment size in this locality is 550m².

All lots will achieve the required minimum lot size and will result in the following lot sizes:

Proposed Lot 1:

Site Area 580m²

Proposed Lot 2:

Site Area 1610m²

Proposed Lot 3:

Site Area 600.3m²

Clause 4.3 Height of Buildings

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of North Narrabeen is 8.5m. The proposed new dwelling will present a height of up to 7.07m at the southern extremity which will comply with Council's maximum height control.

Clause 7.1 – Acid Sulfate Soils

The site falls within Class 5 of the Acid Sulfate Soils Map of PLEP 2014. The proposed development does not involve the works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Clause 7.2 – Earthworks

The works do not involve any significant site disturbance other than for the construction of the driveway and cut for the new dwelling.

The site is noted as ‘W Hazard H1’ on Council’s Geotechnical Hazard Map. A Geotechnical Investigation has been prepared by White Geotechnical Group Pty Ltd, Reference No. J5607, dated 30 July 2024.

The Investigation concludes:

“The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice”.

All works will be carried out in accordance with the recommendations of the Consulting Geotechnical & Structural Engineers and will therefore satisfy the provisions of this clause.

Clause 7.6 – Biodiversity protection

The site is identified on Council’s biodiversity map. As discussed in the Arboricultural Impact Assessment prepared by Joanne Willis, the proposal will involve the loss of trees within the nominated building area for the new dwelling however supplement replanting will be provided to compensate for the removal of existing trees.

The proposal is supported by a Biodiversity Development Assessment Report prepared by East Coast Ecology, dated December 2024.

A comprehensive Landscape Plan has been prepared by Peta Gilliland Landscape Design to provide for the managed replanting of the site and the supplementary planting of 14 additional trees with a mature height of between 6-10 m.

Further supplementary planting can be provided as necessary.

Clause 7.10 – Essential Services

The proposal will provide all essential services to each of the lots proposed.

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 and Section D11 North Narrabeen Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.5.1 Section A Introduction

The desired outcomes for the North Narrabeen Locality, in which this site falls, are as follows:

A4.11 North Narrabeen Locality

The North Narrabeen 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 on the valley floor on land that has 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.

The design, scale and treatment of future development within the North Narrabeen commercial centre on Pittwater Road will reflect the status of the centre as the 'gateway' to Pittwater through building design, signage and landscaping, and will reflect principles of good urban design.

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.

The residential subdivision will not present any significant noise or traffic issues associated with the normal vehicle movements to and from the site, with the additional traffic generated by the development not being discernible in the existing traffic flows of Bellara Avenue and access to the area from Nareen Parade.

The proposal will see the retention of the existing dwellings facing Powderworks Road, with their footprint and driveway access from the road being unchanged.

A single additional dwelling will be constructed at the lower portion of Proposed Lot 2, with driveway access via the cul-de-sac and of Bellara Avenue and benefiting from a right of carriageway over No 32 Bellara Avenue.

The proposal will provide the opportunity for additional housing within a bushland setting and through the use of complementary building materials and finishes will integrate with the landform and landscape.

6.5 part .2 Section B General Controls

The General Controls applicable to the proposed subdivision of the land and construction of the new dwelling and associated infrastructure are summarised as:

B2.2 Land Subdivision – Low Density Residential Areas

The controls seek to achieve the outcomes:

- Achieve the desired future character of the locality.*
- Maintenance of the existing environment.*
- Equitable preservation of views and vistas to and/or from public/private places.*
- The built form does not dominate the natural setting.*
- Population density does not exceed the capacity of local and regional services.*
- Population density does not exceed the capacity of local and regional transport facilities.*

The proposal seeks to provide for the Torrens Title subdivision of the existing two lots into three and the construction of a new dwelling and associated infrastructure.

All lots will achieve Council’s minimum lot size in this locality of 550m².

The following table summarises the controls of Clause B2.2:

Requirement	Proposal	Compliance
Minimum Allotment Size – 550m ²	Lot 1: 580m ² Lot 2: 1610m ² Lot 3: 600.3m ²	Yes Yes Yes
Minimum Allotment Width – 16m	Lot 1: 15.24m (existing) Lot 2: 15.24m – 25.4m Lot 3: 15.24m (existing)	Yes- on merit Yes- on merit Yes – on merit
Minimum Allotment Depth – 27m	Lot 1: 31.085m – 45.025m Lot 2: 40.755m-76.5m Lot 3 – 57.355m - 60.78m	Yes Yes Yes
Minimum Building Area – 175m ²	Lot 1: 175m ² Lot 2: 175m ² Lot 3: 175m ²	Yes Yes Yes

As noted in the Table, all lots will achieve Council's minimum allotment size, minimum allotment depth and minimum building area requirement.

The lots will have a minimum width of 15.24m, however as proposed Lots 1 & 3 retain the existing development in accordance with their existing conditions and widths, the proposed widths of these lots is considered acceptable.

The majority of Proposed Lot 2 significantly exceeds 15.24m (25.4m through the developable area) and as the architectural plans for the new dwelling confirm that Proposed Lot 2 can readily accommodate an appropriate dwelling, the minor non-compliance with the minimum lot width is not considered to be a restriction on development for this site.

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 site is noted as 'W Hazard H1' on Council's Geotechnical Hazard Map. A Geotechnical Investigation has been prepared by White Geotechnical Group Pty Ltd, Reference No. J5607, dated 30 July 2024.

The Investigation concludes:

"The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice".

All works will be carried out in accordance with the recommendations of the Consulting Geotechnical & Structural Engineers and will therefore satisfy the provisions of this clause

B4.4 Flora and Fauna Habitat Enhancement Category 2 Land 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 proposal will require the removal of trees to accommodate the new dwelling and driveway within Proposed Lot Two, with no tree loss resulting from in Los 1 & 3.

A comprehensive Landscape Plan has been prepared by Peta Gilliland Landscape Design to provide for the managed replanting of the site and the supplementary planting of additional 14 trees with a mature height of between 6-10 m.

The replacement tree planting will provide for replacement tree canopy and flora and fauna habitat to supplement the existing vegetation being retained within the sites.

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.

This existing stormwater drainage system for Proposed Lots 1 & 3 will continue to provide for collected stormwater from the roof area to be directed to the street gutter in Powderworks Road in accordance with Council's Water Management for Development Policy.

The proposed stormwater management infrastructure works necessary to support subdivision of the land to create Proposed Lot 2 and the new dwelling to be constructed within the new Lot 2 have been detailed in plans prepared by Taylor Consulting Engineers, Drawing No STORM – 2/B & 3/B dated 12 July 2024.

The stormwater management design will direct collected roof and stormwater via an on-site detention system, to an inter-allotment drainage line provided for the adjacent site at 32 Bellara Avenue.

B6.2 Internal Driveways

The controls seek to achieve the outcomes:

Safe and convenient access.

Reduce visual impact of driveways.

Pedestrian safety.

An effective road drainage system.

Maximise the retention of trees and native vegetation.

Reduce contaminate run-off from driveways.

Driveway access to the site will be provided as an extension to the driveway within the adjacent property at the west at No 32 Bellara Avenue in accordance with the Driveway Civil Works plans prepared by Taylor Consulting Engineers, Drawing No CIVIL – 2/B & 3/B dated 12 July 2024.

B6.3 Off-Street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

An adequate number of parking and service spaces that meets the demands generated by the development.

Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.

Safe and convenient parking.

Proposed Lots 1 & 3 will retain their existing driveway access and parking arrangements, from Powderworks Road.

Proposed Lot 2 will provide for driveway access via a right of carriageway over the adjacent property at to the west at No 32 Bellara Avenue and utilise the existing driveway access point from Bellara Avenue.

The proposed new dwelling within Proposed Lot 2 provides for a double garage with driveway Access and the opportunity for to turn via a right of way over 32 Bellara Avenue and enter and leave the site in a forward direction.

The proposed parking arrangements are considered to comply with Council's requirements.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

Excavation and construction not to have an adverse impact. (En)

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

(S)

The proposal will require some excavation to accommodate the new works. All works will be carried out under the guidance of the consulting Structural 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)

The proposal will not require some excavation to accommodate the new works. All works will be carried out under the guidance of the consulting Structural Engineer.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the following outcomes:

Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)

The construction works will seek to minimise waste by re-using material where possible or recycling appropriate materials. All construction waste will be removed from the site to an approved waste facility.

6.5.3 Section C Development Type Controls for Residential Development

The Development Type Controls applicable to the proposed subdivision of the land to create three allotments and a new dwelling within Proposed Lot 2 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 maintains a suitable area of soft landscaping on the site, with opportunity for new plantings to soften and screen the built form of the new works.

A comprehensive Landscape Plan has been prepared by Peta Gilliland Landscape Design to provide for the managed replanting of the site and the supplementary planting of an additional 14 trees with a mature height of between 6-10 m.

The site will maintain its contribution to the landscaped character of the locality.

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 local views and more distant views towards Narrabeen Beach to the south-east.

The existing dwellings facing Powderworks Road will be unchanged and therefore there will be no significant change for the outlook for the adjacent properties at the upper end of the site.

The proposed new dwelling within Proposed Lot 2 is a modest two story dwelling with substantial side setbacks, which has been excavated to nestle into the site.

Views over and past the dwelling will be maintained for the properties to the west and north-west and given that the building is set towards the lower end of the site, is not considered the proposal will adversely impact on any significant views for neighbouring properties.

The works present as a modest two storey form that will therefore see reasonable access to the available views for the site and the neighbouring dwellings, achieving Council's view sharing principles.

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.

Shadows cast by the existing dwelling is within Proposed Lots 1 & 3 remain unchanged as the existing built form of the dwellings is unaltered.

The proposal is accompanied by Shadow Diagrams for the new dwelling within Proposed Lot 2 which demonstrate that reasonable solar access is preserved for the properties to the south of the site, which are generally located substantial distance downslope, facing Nareen Parade.

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.

As discussed, the built form of the Proposed Lots 1 & 3 remains unchanged and therefore the privacy relationship with the neighbouring properties is unaltered.

The new dwelling within Proposed Lot 2 is located well up slope of the adjoining properties to the south at Nareen Parade and there are no neighbouring dwellings within 9m of the proposed new dwelling Within Proposed Lot 2.

The development will not result in any significant privacy impacts to surrounding dwellings.

Suitable privacy is therefore considered to be maintained for occupants of the subject site and neighbouring properties.

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 recreation 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. Due to the residential nature of the proposed works, no acoustic privacy impacts are anticipated.

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

with suitable private open space with an area and grade which will facilitate outdoor private recreation.

The private open space areas of the existing dwellings within Proposed Lots 1 & 3 will remain unchanged.

The new dwelling within Proposed Lot 2 will have private open space areas which can achieve appropriate solar access throughout the day and are well separated from the surrounding properties.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

Waste facilities are accessible and convenient, and integrate with the development. (En)
Waste facilities are located such that they do not adversely impact upon amenity of the land 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 waste facilities for Proposed Lots 1 & 3 remains unchanged, with collection of household waste available from Powderworks Road.

In terms of Proposed Lot 2, there is sufficient inside the proposed garage for on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service and can be collected from the street frontage to Bellara Avenue.

C1.23 Eaves

The controls seek to achieve the outcomes:

Housing that reflects the coastal heritage and character of Pittwater. (S)
Optimise roof forms. (S)
Appropriate solar access and shading is achieved. (En)

The required controls to achieve the outcomes are to ensure that all dwellings incorporate eaves into their design.

The new works to construct a dwelling within Proposed Lot 2 incorporate appropriate eaves as part of its design.

C4.1 Subdivision - Protection from Hazards

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 site is identified as being affected as any hazards. The proposal is accompanied by the supporting expert reports to address hazards affecting the land and the conclusion of the supporting information is that the development of the site in the manner proposed does not present any significant impact to the existing site and its features and does not cause hazards to the neighbouring properties.

C4.2 Subdivision – Access Driveways and Off-Street Parking Facilities

The controls seek to achieve the outcomes:

Safe and functional access for vehicles, cyclists and pedestrians. (S)
Safe and convenient access and parking is provided on each lot.

This clause requires that the design of each individual lot created is to provide for off street parking facilities compatible with the proposed development uses for that lot. Residential dwellings require two parking spaces.

Proposed Lots 1 & 3 will retain their existing driveway access and parking provisions from Powderworks Road.

The design of the proposed driveway and parking areas for Proposed Lot 2 prepared by Taylor Consulting will utilise the driveway access over for 32 Bellara Avenue and enjoy right of carriageway which permits vehicles to enter and leave the site in a forward direction meets Council's requirements with sufficient area dimension for 2 parking spaces on site.

C4.3 Subdivision – Transport and Traffic Management

The controls seek to achieve the outcomes:

Safe and orderly traffic and pedestrian access to and from all development via the surrounding road network and transport infrastructure. (En, S)
The cost of upgrading the surrounding road, traffic and transport infrastructure to meet the needs generated by the development is met by the developer. (S, Ec)

The proposed development will be appropriately serviced by the existing driveways from Powderworks Road for Proposed Lots 1 & 3 and the new driveway to Proposed Lot 2 over 32 Bellara Avenue.

The modest residential nature of the subdivision will not present any significant safety or traffic issues associated with normal vehicle movements to and from the site, with the additional traffic generated by the development to create Proposed Lot 2 not being readily discernible in the existing traffic flows of Bellara Avenue & Nareen Parade and the wider area of North Narrabeen.

Accordingly, it is suggested that the proposal will achieve the outcomes of Clause 4.3.

C4.5 Subdivision – Utility Services

The controls seek to achieve the outcomes:

- Adequate utility services capacity to meet the demands of subdivision development. (En, S)*
- Safety of building occupants being maintained and enhanced. (S)*
- Security of utility services is improved. (S)*
- Opportunities for street tree planting enhanced. (En)*
- Visual pollution by aerial cables is reduced. (En, S)*
- Improved safety by removal of visual clutter. (En, S)*

The existing services available to Proposed Lots 1 & 3 will be maintained in accordance with the provisions of the clause and continue to meet the requirements of the existing dwellings.

Proposed Lot 2 will be provided with all normal services via the right of carriageway and easements for services over the adjacent western property at 32 Bellara Avenue

Stormwater disposal from the new dwelling within Proposed Lot 2 will be connected via an easement for services to the existing stormwater system serving No 32 Bellara Avenue.

C4.7 Subdivision – Amenity and Design

The controls seek to achieve the outcomes:

- Desired character of the locality*
- Protection of the natural environment. (En)*
- Ecologically sustainable development. (En)*
- Minimal design constraints. (S)*
- Adequate access and services. (En, S)*
- Access driveways to public roads are minimised.*

In regard to the identified controls, the following matters are noted:

- a) *all properties, both existing and proposed, achieve/retain a level of amenity commensurate with the locality and the desired character of the area*

As discussed, Proposed Lots 1 & 3 will retain their existing dwellings in the current setting and continue to provide for high level of amenity, without any significant change to the relationship of the neighbouring public.

The architectural design for the new dwelling within Proposed Lot 2 confirms that the Lot is of suitable size and configuration to allow its development for a new dwelling that meets Council's built form controls. The site layout and access via the driveway over 32 Bellara Avenue will support the requirements of the car parking for the new dwelling.

The subdivision pattern is consistent with the surrounding varied development pattern development in the locality.

Council can be satisfied that there is no impediment to the construction of new dwellings that can comply with Council's built form and amenity controls.

All allotments will maintain suitable levels of residential amenity for the residents of the subject and neighbouring sites.

(b) the impact on the environment of the completed development (including buildings to be constructed on the proposed lots) has an acceptable impact on the environment.

Given the appropriate allotment sizes, it is not anticipated that the development will have a significant impact on the local environment. The proposed tree removal is appropriately justified in the accompanying Arborist Report.

6.3.4 Section D Locality Specific Development Controls

The **D11 North Narrabeen 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 **D11 North Narrabeen Locality** is provided below:

D11.1 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 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)

As discussed, it is considered that the proposed new allotment (Proposed Lot 2) and the retention of significant portions of Proposed Lots 1 & 3 will ensure that each lot is of a suitable size and configuration which can accommodate residential development in a manner that is consistent with the pattern of development in the surrounding locality.

The streetscape view of the site from Powderworks Road will remain unchanged.

The new allotment to be created at the lower end of the site – Proposed Lot 2 will be largely screened from public view from Bellara Avenue by the existing boundary wall and entry gates and also by virtue of its setback from the Bellara Avenue Road reserve.

D11.2 Scenic Protection – General

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

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

The proposed works for the construction of the new dwelling within Proposed Lot 2 will present a modest two storey stepped scale that is compatible with the residential characteristics of the locality.

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

Accordingly, the proposed development is considered to be in keeping with the desired outcomes of the scenic protection area.

D11.3 Building colours and materials

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape. (S)

To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

The proposed colours and finishes for the new dwelling within Proposed Lot 2 will be selected to complement existing works and the characteristics of the neighbourhood.

A Schedule of External Finishes has been provided which notes the use of earthy and natural materials.

D11.6 Front Building Line

The controls seek to achieve the outcomes:

achieve the desired future character of the Locality.

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 existing development within Proposed Lots 1 & 3 will maintain the current setback to Powderworks Road.

Whilst a 6.5m building line applies to Bellara Avenue, the new dwelling within Proposed Lot 2 will stand well clear of the front setback to the Bellara Avenue Road reserve.

D11.7 Side and rear 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)

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 relevant controls to achieve this outcome are to maintain a minimum side boundary setback 2.5m to at least one side and 1m for the other.

As discussed, the existing dwellings and development within Proposed Lots 1 & 3 will remain unchanged.

The proposed development within Proposed Lot 2 will provide for side setbacks which comfortably exceed Council's minimum setback controls to the side boundaries, presenting a minimum 7m side setback to the eastern boundary and from 8.810m to the western boundary.

The proposed internal driveway will stand to a nil setback from the common boundary with 32 Bellara Avenue however as the dwelling within the adjacent property to the west at 32 Bellara Avenue is located well up slope, the setback does not have any direct impacts on the amenity of the adjacent property or other any other surrounding properties.

Rear setback

The existing dwellings within Proposed Lots 1 & 3 will maintain setbacks which comfortably exceed Council's minimum 6.5m setback requirement.

The proposed new dwelling within Proposed Lot two will stand 26m from the rear southern boundary however this element is single storey in height and the adjacent dwellings are a considerable distance away and set well downslope, facing the Nareen Parade frontage.

The minor variation to the rear setback control is in this instance not contributing to any adverse impacts on surrounding properties and given the site's southern boundary length of 25.4m, with the building width being only 8.4m, there are no adverse amenity impacts resulting from the proposed built form outcome.

The proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.

D11.9 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°.

For the existing development within Proposed Lots 1 the existing relationship with the building envelope control remains unchanged.

The proposed new building within Proposed Lot 2 presents significant side setbacks and the building will comfortably comply with Council building envelope control to the side boundaries.

The proposed development maintains a modest two storey scale, which respects the site's slope and will not present an overbearing form when viewed from the streetscape. The proposal is in keeping with the desired outcomes of this clause and is worthy of support

D11.11 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 in order to maintain a minimum landscaped area of 60% of the site area.

All lots will provide for a landscaped area that meets the objectives of Council's controls and provides for 60% soft landscaping for where available.

The proposal is in keeping with the outcomes of this clause, and is worthy of support on merit.

D11.12 Fences – General

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- To ensure fences compliment and conserve the visual character of the street and neighbourhood.*
- To define the boundaries and edges between public and private land between areas of different function.*
- To contribute positively to the public domain.*
- An open streetscape that allows casual surveillance of the street. (S)*
- Fences, where provided, are suitably screened from view from a public place. (S)*
- Safe sight distances and clear view of the street (including to and from driveways), for motorists and pedestrians. (S)*
- To ensure heritage significance is protected and enhanced. (S)*
- To ensure an open view to and from the waterway is maintained. (S)*

The proposal does not provide for any new boundary fencing.

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 PLEP 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.

The proposal has also considered all relevant SEPPs, and Council can be satisfied that the proposal is consistent with these policies.

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 Pittwater 21 Development Control Plan.

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

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

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

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

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

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

It is considered that the proposal, which seeks consent for the Torrens Title subdivision of two lots into three, together with the construction of a new dwelling and driveway within Proposed Lot 2, with access being provided over the adjacent property at 32 Bellara Avenue, 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 PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP and the North Narrabeen Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned C4 Environmental Living under the provisions of PLEP 2014 and is considered suitable for the proposed development.

7.8 Any 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 Torrens Title subdivision of two lots into three, together with the construction of a new single dwelling with driveway access within Proposed Lot 2 with the driveway access and services to be provided via a right of carriageway over the adjacent property at number 32 Bellara Avenue.

It is submitted that each allotment will be provided with appropriate services to facilitate the continued use of the land for single residential purposes.

The proposal is a site-specific design response which takes advantage of the property's superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

The outcome presents the opportunity for the inclusion of a new dwelling to supplement the housing stock in the locality, with the architectural plans for the proposed dwelling presenting a design that response to the site, and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The proposal is fully compliant with the building height and displays a complementary and compatible building form when considered in the site's visual catchment generally.

The inclusion of the new dwelling within Proposed Lot 2 maintains the rhythm of development and the setbacks provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

By maintaining our neighbour's amenity and by complementing the scale and form of other development in the immediate locality, the stated objectives have been satisfied.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area, particularly noting the prevalence of

recent subdivisions in the street and the new established subdivision pattern along this part of Powderworks Road and Bellara Avenue.

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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