

TOWN PLANNING REPORT

PROPOSED ELEVATOR

26 BUNGOONA AVENUE ELANORA HEIGHTS

PREPARED BY

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1.0 Introduction

This Town Planning Report has been prepared by Charles Hill Planning, seeking approval for a proposed elevator at the property known as 26 Bungoona Avenue Elanora Heights.

This planning report describes the proposed development having particular regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act (EP and A) Act, and examines any potential environmental impacts with regard to the relevant sections of the Act, and the statutory and non- statutory requirements of Pittwater Council.

In addition to the Statement of Environmental Effects, the application is also accompanied by the following:

- Architectural drawings including, site plan; floorplans, elevations, sections, prepared by Mark Hurcum Design Practice (MHDP).
- Fire report prepared by Control Line Consulting
- Geotechnical Report prepared by Crozier Geotechnical Consultants

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

- Environmental Planning and Assessment Act, 1979;
- State Environmental Planning Policy 55-Remediation of Land
- Pittwater Local Environmental Plan 2014;
- Pittwater Development Control Plan 2014;

It is considered that the proposed development will have no adverse environmental impacts, and is suitable to the site conditions and constraints for the type of use proposed.

The proposed works will afford high levels of amenity for the occupants of the existing dwelling home, and maintain appropriate residential amenity to adjoining properties, whilst contributing positively to the built form quality of the housing stock established within this Locality.

The conclusions of this report are that the proposed development is consistent with the Pittwater Local Environmental Plan 2014, and other relevant plans, controls, and policies of Pittwater Council.

Accordingly it can be concluded that the proposed development and associated works may be approved, subject to conditions as may be deemed appropriate.

2.0 Site and Surrounds

The subject land is located within Northern Beaches Local Government Area (previously Pittwater), and is known as 26 Bungoona Avenue Elanora heights (Lot 147 in DP 224239).

The site is located on the south side of Bungoona Avenue, is essentially rectangular in shape, having an area of approximately 837 square metres, with a front boundary

of 28.345 metres, and side boundaries of 29.53 metres. The site rises gently to the existing garage level, where that part of the site is relatively flat.

The actual dwelling sits on a rock shelf approximately four (4) metres above the natural ground level.

The existing two storey timber and brick residence has a metal roof, and sits above a double garage. The garage is set back from Bungoona Avenue approximately 6 to 7 metres, and from the eastern boundary of approximately 1.5 metres, and from the western boundary approximately 2 metres.

There are no trees of any significance located on the site.

The site has not been identified as a heritage item, nor is it within a heritage conservation area, or in proximity to a heritage item or heritage conservation area.

Existing development in this locality comprises essentially one and two storey dwellings. The closest dwellings are located to the east and west of the subject land, with a separation distance of in excess of 20 metres.

Land immediately to the north is vacant land, owned by the Elanora Country Club.

A site location plan is attached with the Architectural plans.

3.0 Proposed Development

It is proposed to erect a small domestic elevator in the front of the existing dwelling with pedestrian access through the existing garage. The structure has dimensions of 1.665 metres by 1.550 metres, and internally fitted out with guide rails.

The structure is setback from the garage front alignment.

The proposed structure also protrudes over the landing roof line by approximately 500mm, but sits below the roof line of the second storey, of the existing dwelling.

The proposal includes access from the existing garage and a new timber deck and riser added to the existing stair. The proposal also provision of a neqw roof over entry and lift, and partial demolition of the existing roof.

The existing stairs are to remain as is.

It is also proposed that the lift and external cladding to the lift structure shall be constructed using only non-combustible building elements, as has been required by the fire consultant.

No vegetation is proposed to be removed as part of this application.

A copy of the site locality and site analysis plans, together with architectural drawings prepared by MHDP, are attached to this report. **(Appendix A)**

4.0 STATUTORY CONTROLS (Section 4.15 (1) (a) (i))

Section 4.15 of the Environmental Planning and Assessment Act (EP and A) Act, requires an assessment of the development application having regard to the statutory planning instruments applying to the subject land, as well as the non-

statutory controls and guidelines of the Northern Beaches Council (previously Pittwater Council).

The statutory instruments considered as part of this assessment are as follows:

- Environmental Planning and Assessment Act, 1979.
- State Environmental Planning Policy 55-Remediation of Land
- Pittwater Local Environmental Plan 2014

The non statutory document is the Pittwater Council Development Control Plan, 2014

These matter are addressed below.

4.1 Environmental Planning and Assessment (EP and A) Act

Clause 5 of the E P and A Act, sets out the objects of this Act in particular subclause (a) (ii), which is to encourage:

The promotion and co-ordination of the orderly and economic use and development of land,

COMMENT

It is considered that the proposed development is consistent with this clause in that the proposal will enhance the variety and choice of housing in this locality, consistent with the zoning for the locality, and facilitate the existing residents remaining in their own home for some time to come.

4.2 State Environmental Planning Policy 55-Remediation of Land

Clause 7(1) (a) of this State Policy requires the consent authority to consider whether the land is contaminated.

Given the residential nature of the existing use of the site, it is not anticipated of the site would be contaminated, and as such it is considered that no further consideration is required in accordance with Clause 7(1)(b) and(c) of this Policy.

Accordingly it can be concluded that the site is suitable for the proposed use.

4.3 Pittwater Local Environmental Plan 2014

1.2 Aims of Plan

This Plan aims to make local environmental planning provisions for land in Pittwater in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

The particular aims of this Plan are as follows:

(a) to promote development in Pittwater that is economically, environmentally and socially sustainable,

(b) to ensure development is consistent with the desired character of Pittwater's localities,

(c) to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,

(d) to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,

(e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,

(f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,

(g) to protect and enhance Pittwater's natural environment and recreation areas,

(h) to conserve Pittwater's European and Aboriginal heritage,

(i) to minimise risks to the community in areas subject to environmental hazards including climate change,

(j) to protect and promote the health and well-being of current and future residents of Pittwater.

COMMENT

It is considered that the proposed development is consistent with the relevant objectives of this clause in that it is economically, environmentally, and socially sustainable, provides an enhanced variety and choice of housing in this locality, whilst protecting and enhancing Pittwater's natural environment and recreation areas.

2.3 Zone objectives and Land Use Table

Clause 2.3(2) requires that:

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The subject site is Zoned **R2 Low Density Residential**. Within this zone, dwelling houses and ancillary development is permissible with Council consent.

The **Objectives** of this R2 Low Density zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

COMMENT

It is considered that the proposed development is consistent with the objectives of this zone because, and as is addressed later in this report, it involves low impact development within an existing residential area, and as such has no adverse environmental impacts, is consistent with the character of existing development in this locality, and the environmental constraints of the site.

Part 4 Principal development standards

4.3 Height of buildings

The objectives of this clause are as follows:

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
 - (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
 - (c) to minimise any overshadowing of neighbouring properties,*
 - (d) to allow for the reasonable sharing of views,*
 - (e) to encourage buildings that are designed to respond sensitively to the natural topography,*
 - (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

COMMENT

In accordance with the Height of Buildings Map, the maximum height permitted on this site is 8.5 metres.

The proposal has a maximum height of 8 metres.

It is considered that the proposal is consistent with the objectives of the height control, in that the height of the proposed elevator is below the roof line of the second storey.

The location of the elevator in front of the existing dwelling does not create any additional height to the existing building, and is comparable with the height and scale of other development in this locality.

Furthermore, and as addressed later in this report, there are no adverse impacts in relation to overshadowing of neighbourhood properties, or the sharing of views, and responds to the environmental constraints of the site.

4.4 Floor space ratio

The objectives of this clause are as follows:

(a) to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,

(b) to minimise adverse environmental effects on the use and enjoyment of adjoining properties and the public domain,

(c) to minimise any overshadowing and loss of privacy to neighbouring properties and to reduce the visual impact of any development,

(d) to maximise solar access and amenity for public places,

(e) to minimise the adverse impact of development on the natural environment, heritage conservation areas and heritage items,

(f) to manage the visual impact of development when viewed from public places, including waterways,

(g) to allow for the reasonable sharing of views.

COMMENT

Whilst there are no floor space ratios applying to the site, the objectives of this control are matters for consideration and are addressed later in this report.

In accordance with **Part 5 Miscellaneous provisions**

5.9 Preservation of trees or vegetation

The objectives of this clause are to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

It is not proposed to remove any tree or vegetation on the site.

5.10 Heritage conservation

The subject site has not been identified as a heritage item, nor is it within a heritage conservation area. There are also no identified heritage items or heritage conservation areas, in close proximity to the subject land.

5.11 Bush fire hazard reduction

The site has been identified as being within an area defined as *Bushfire vegetation buffer*.

As this category refers to the rear of the site, and in particular land owned by the Elanora Country Club, and as the proposed elevator is to be located in the front of the dwelling, a bushfire hazard reduction is considered to be not necessary.

However a Bush fire Hazard Assessment Report has been prepared, a copy of which is attached to this report.

The report concludes as follows:

The objectives and performance requirements for the proposed development as required by the Building Code of Australia Volume 2 and the document Planning for Bush Fire Protection 2006, whilst not being fully achieved due to the potential

Flamezone category of bushfire attack upon sections of the development, will be enhanced by the incorporation of the 5 recommendations contained within this report.

The recommendations contained within this report will assist in providing a reasonable level of bushfire protection and improve but not guarantee the chances of building survival, or provision for the occupants with a safe refuge during the passage of a bushfire front and or the provision of a defensible space for fire fighters.

The following are the recommendations of the consultant:

1. That the entire site where not built upon shall have the vegetation reduced where or if necessary to satisfy the requirements of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service document "Standards for Asset Protection Zones" for an inner protection area of an asset protection zone and this area shall be maintained at this vegetation level for the lifetime of the development.

2. That no future landscaping features, planting of shrubs, trees or other vegetation shall occur in such a manner as to compromise the integrity of the asset protection zone.

3. That the proposed dwellings alterations and additions shall be constructed to a minimum standard of section 3 Construction General and section 9 BAL Flamezone of AS3959-2009 Construction of buildings in bushfire prone areas with the exception that the construction requirements shall be varied to comply with the requirements of the NSW Rural Fire Service Addendum to Appendix 3 Table A3.7 of Planning for Bush Fire Protection 2006.

4. That the lift and external cladding to the lift structure shall be constructed using only non-combustible building elements.

5. The residents should complete a Bush Fire Survival Plan as formulated by the NSW Rural Fire Service and the NSW Fire Brigades.

COMMENT

It is proposed that these requirements be part of the conditions of approval.

Part 7 Additional local provisions

7.1 Acid sulphate soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject land has not been identified as being affected by acid sulfate soils.

7.2 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions

and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

As only minor excavation works are proposed, it is considered that these works will not have an impact on the structural stability of the land or neighbouring properties.

7.6 Biodiversity

(1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:

- (a) protecting native fauna and flora, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

COMMENT

The site has not been identified on the Council's Biodiversity Map.

7.7 Geotechnical hazards

The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards:

- (a) matches the underlying geotechnical conditions of the land, and*
 - (b) is restricted on unsuitable land, and*
 - (c) does not endanger life or property.*
- (2) This clause applies to land identified as "Geotechnical Hazard H1" and "Geotechnical Hazard H2" on the Geotechnical Hazard Map.*
- (2) This clause applies to land identified as "Geotechnical Hazard H1" and "Geotechnical Hazard H2" on the Geotechnical Hazard Map.*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:*
- (a) site layout, including access,*
 - (b) the development's design and construction methods,*
 - (c) the amount of cut and fill that will be required for the development,*
 - (d) waste water management, stormwater and drainage across the land,*
 - (e) the geotechnical constraints of the site,*
 - (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless:

(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and

(b) the consent authority is satisfied that:

(i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development,

or

(ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or

(iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.

COMMENT

The subject land has been identified on the Geotechnical Hazard Map as *Geotechnical Hazard H1*.

In accordance with this Clause, before determining a development application for development on land to which this clause applies, the consent authority must consider a number of matters to decide whether or not the development takes into account all geotechnical risks.

In that regard it is noted that:

- The proposed addition to the existing dwelling is located at the front of the dwelling, on that part of the site that is essentially flat adjoining the existing garage, and as such will have no adverse impact on the structure of the existing dwelling.
- Only minimum cut is proposed (maximum 300 mm) to accommodate the proposal.
- The proposal will not generate any waste water, and there will be no alteration to existing stormwater runoff, or drainage provision.
- There are no geotechnical constraints to this part of the site.
- As discussed later in this report, there are no adverse impacts anticipated as a result of this proposal, either in relation to the subject site, or in relation to adjoining properties.

Further to the above a geotechnical report has been prepared by Crozier geotechnical consultants, a copy of which is attached to this report.

The report concludes as follows:

The inspection and assessment identified no obvious significant slope movement, excess surface stormwater flow or seepage, erosion or likely instability within the site

or adjacent properties. The entire site and surrounding slopes have been assessed as per the Pittwater Council Geotechnical Risk Management Policy 2009 and achieve the “Acceptable Risk Management” criteria.

The proposed works involve construction of a new lift that will involve a small, shallow and isolated excavation. The proposed works are relatively minor from a geotechnical perspective and should not create any new instability, therefore the proposed works are separate from and not affected by a geotechnical hazard, and no further geotechnical assessment or reporting is required as part of this DA.

It is considered that the site will meet the ‘Acceptable’ risk management criteria for the design life of the development, taken as 50 years, provided the property is maintained as per the recommendations of this report.

7.10 Essential services

In accordance with this Clause:

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

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

COMMENT

All services are available to the subject site

5.0 Draft Environmental Planning Instruments (Section 4.15 (1) (a) (ii))

COMMENT

There are no draft Environmental Planning Instruments applicable to the site

6.0 Non-Statutory Planning Instruments (Section 4.15 (1) (a) (iii))

6.1 Pittwater Development Control Plan 2014

The relevant provisions of Pittwater Council Development Control Plan (DCP 2014) are addressed below. **APPENDIX B** sets out the Locality statement for Elanora Heights

It is considered that the proposal is consistent with the character of the locality, as the bulk and scale of the proposed extensions will maintain the distinct height limit below the tree canopy, and reflect the predominant scale and setbacks of existing development in this locality.

In addition the extension has been designed to address the street, integrate with the public domain, and be at a 'human scale'.

The proposed elevator proposed building colours and materials to harmonise with the natural environment and not dominate it.

The following are the responses to specific aspects of the DCP:

B6.2 Internal Driveways

This clause sets out Council's requirements in relation to internal access.

It is proposed that the existing driveway be retained.

B8 Site Works Management

It is proposed that site management works will be managed in accordance with Council's requirements

C1.1 Landscaping

The Proposal does not reduce the existing landscaping of the site.

C1.3 View Sharing

The proposal will have no adverse impacts on existing views.

C1.4 Solar Access

The proposal will have no adverse impacts in relation to overshadowing.

C1.5 Visual Privacy

The proposal will have no adverse impacts in relation to visual privacy.

C1.6 Acoustic Privacy

The proposed elevator has been designed to comply with Council requirements.

C1.7 Private Open Space

In accordance with this Clause Council requires that dwellings be 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 also to be integrated with, and directly accessible from, the living areas of dwellings if possible, and receives sufficient solar access and privacy.

A minimum of 80 square metres of private open space per dwelling is to be provided at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be located within the front yard.

The proposal does not alter the current provision of open space.

C1.12 Waste and Recycling Facilities

The proposal elevator has been designed to comply with the requirements of Council in relation to the provisions of this clause.

C1.13 Pollution Control

The proposal elevator has been designed to comply with the requirements of Council in relation to the provisions of this clause.

D9.1 Character as viewed from a Public Place

As indicated above, it is considered that the proposed alterations and additions are consistent with the desired future character of the Locality.

Furthermore it is considered that the proposed elevator, is of a height and scale that respond positively to the local natural environment, providing a quality built form outcome, not inconsistent with other dwellings in this locality.

The proposed elevator enhances the design of the building, and is visually interesting when viewed from the public domain, particularly as the proposal essentially maintains the existing building setback from Bungoona Avenue, and as such will present no adverse impacts.

D9.3 Building Colours and Materials

it is intended that the proposed elevator incorporate the external colours, materials and finishes which are consistent with the predominant colours of the existing dwelling.

D9. 4 Height General

As indicated above the proposal complies with the height requirements of Council.

D9.6 Front Building Line

The front building line of the existing dwelling is to be maintained.

D9.7 Side and Rear Building Line

The side building lines of the existing dwelling are to be retained.

D9.12 Fences -Generally.

No fences are proposed.

D9.14 Construction Walls, terracing and under-croft areas

No new construction walls, terracing and or under croft areas are proposed as part of this application

7.0 Planning Agreements (Section 4.15 (1) (a) (Iliac))

There are no planning agreements applicable to the site

8.0 Assessment Regulations (Section 4.15 (1) (a) (IV)

Division 8A requires the consent authority to consider Prescribed Conditions of development consent.

Clause 98 requires the consent authority to consider insurance requirements under the Homes Building Act 1989. This matter may be addressed by the application of appropriate conditions.

Clause 98 also requires the consent authority to consider the provisions of the Building Code of Australia (BCA).

9.0 Likely Impacts (Section 4.15 (1) (b))

It is considered that the proposed addition to the existing dwelling is compatible with other similar dwellings in this locality.

As has been addressed above, there are no adverse impacts arising from the proposed additions of the elevator to the existing dwelling, such as overlooking, loss of solar access, and or view loss.

As the proposal involves only minor modifications to the existing dwelling for the benefit of the existing residents, no increase in traffic is anticipated. Nor will there be any adverse impacts on the public domain, and existing vegetation on the site is to be retained.

Whilst there will not be any significant economic impacts, there will be obvious economic benefits through the employment of the various trades people and the purchase of building materials associated with the installation of the new elevator.

The proposal is to be built in accordance with the Building Code of Australia, as is required by **Clause 98** of the Environmental Planning and Assessment Regulations 2000.

The building design will achieve the relevant standards in respect of health and safety for the occupants of the existing dwelling, and the standard safety measures to be adopted, will ensure that no site safety impacts arise during construction.

10.0 Suitability of Site (Section 79 C (1) (c))

The use of the subject land as a complying development is permissible with Council consent in the R2 Low Density Residential zone. The proposal essentially complies with the Council's statutory and non- statutory controls, and is consistent with the objectives of the zoning in this locality.

In addition, and as indicated above, there are no adverse environmental impacts, on neighbouring properties in relation to such matters as overlooking, overshadowing, and solar access.

It can therefore be concluded that the proposal additions of the proposed elevator is appropriate for the subject site, and suitable for approval, subject to conditions as may be appropriate.

11.0 Submissions (Section 79 C (1) (d))

There are no submissions

12.0 Public Interest (Section 79C (1) (e))

It is considered that the public interest is best served in approving the subject proposal, as it enhances the variety and choice of housing in this locality, by ensuring that the scale and high level of design, is consistent with other dwellings in this locality, whilst providing an increased amenity for the existing occupants of the dwelling, protecting the amenity of the adjoining residential properties, as well as enhancing the contextual setting of the dwellings located in this area.

13.0 Conclusions

The development application and associated works has been assessed having regard to the provisions of Section 4.15 of the EP and A Act, Pittwater Local Environmental Plan, and Pittwater 21 Development Control Plan.

It is considered that the proposal is consistent with the relevant statutory and non-statutory objectives and requirements, of Pittwater Council (Now Northern Beaches Council)

In addition it is considered that there will be no adverse environmental impacts as a result of the addition of the elevator to the existing dwelling.

Accordingly it can be concluded that the proposed development is suitable for approval, subject to conditions as may be appropriate.

APPENDIX A
ARCHITECTURAL Plans

APPENDIX B

LOCALITY STATEMENT

D5.1 Character As Viewed From A Public Place Outcomes Achieve the desired future character of the Locality. 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) Parking structures are minimised and secondary to the built form, landscaping and vegetation. (S) Access to public places and spaces is clear and defined. (S)