

SUBJECT: N0462/17 - 16 Iluka Avenue, ELANORA HEIGHTS NSW 2101 Construction of a two storey dwelling with an attached garage

Determination Level: **Manager - Development Assessment**

SUMMARY OF RECOMMENDATION: **CONSENT WITH CONDITIONS**

REPORT PREPARED BY: Christopher Nguyen

APPLICATION SUBMITTED ON: 17 October 2017

APPLICATION SUBMITTED BY: METRICON HOMES
KEIRA DONALDSON
P.O. BOX 7510
BANLKHAM HILLS, NSW 2153

OWNER(S): Ms Amanda Lee Gray
Mr Richard John Gray

1.0 SITE DETAILS

The site is known as 16 Iluka Avenue, Elanora Heights and legally referred to as Lot 23 DP 13643. The site is rectangular in shape and the total area of the site is 676.6m². The site contains a single dwelling. Adjoining the site are low density residential dwellings.

2.0 PROPOSAL IN DETAIL

The proposal seeks consent for demolition of the existing dwelling and construction of a new two storey dwelling.

3.0 STATUTORY AND POLICY CONSIDERATIONS

The site is zoned E4 Environmental Living under Pittwater Local Environmental Plan 2014. Pursuant to the land use table in Part 2 of this instrument, are permissible with consent.

The following relevant state, regional and local policies and instruments apply:

- Environmental Planning and Assessment Act, 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
 - Acid Sulphate Soils Map - Class 5
 - Height of Buildings Map - 8.5m
 - Lot Size Map - 550sqm
- Pittwater 21 Development Control Plan (P21 DCP)
 - Elanora Heights Locality
 - Landscaped Area Map: Area 1

Variation to development standards:

The application does not seek to vary a development standard.

4.0 BACKGROUND

N0462/17 was lodged at Council at 19/10/2017 and referred to Council's Development Engineer and Natural Resources Officer. No objections were raised.

5.0 NOTIFICATION

N0462/17 was notified from 30/10/2017 to 13/11/2017 to adjoining property owners in accordance with council's notification policy. During the notification period, zero (0) submissions were received.

6.0 ISSUES

- C1.5 Visual Privacy
- D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)
- D5.7 Building envelope (Excluding Elanora Heights Village Centre)
- D5.9 Landscaped Area - Environmentally Sensitive Land

7.0 COMPLIANCE TABLE

- T - Can the proposal satisfy the technical requirements of the control?
- O - Can the proposal achieve the control outcomes?
- N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
Pittwater Local Environmental Plan 2014					
1.9A Suspension of covenants, agreements and instruments			Y	Y	Y
2.7 Demolition requires development consent			Y	Y	Y
Zone E4 Environmental Living			Y	Y	Y
4.3 Height of buildings	Maximum height of 8.5m	The dwelling rises to a maximum height of 8.32m	Y	Y	Y
5.10 Heritage conservation			Y	Y	Y
7.2 Earthworks			Y	Y	Y

Control	Standard	Proposal	T	O	N
7.10 Essential services			Y	Y	Y
Pittwater 21 Development Control Plan 2014					
A1.7 Considerations before consent is granted			Y	Y	Y
A4.5 Elanora Heights Locality			Y	Y	Y
B1.3 Heritage Conservation - General			Y	Y	Y
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land			Y	Y	Y
B5.4 Stormwater Harvesting			Y	Y	Y
B5.7 Stormwater Management - On-Site Stormwater Detention			Y	Y	Y
B5.8 Stormwater Management - Water Quality - Low Density Residential			Y	Y	Y
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B6.1 Access driveways and Works on the Public Road Reserve			Y	Y	Y
B6.2 Internal Driveways			Y	Y	Y
B6.3 Off-Street Vehicle Parking Requirements			Y	Y	Y
B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential (Amended 14/11/15 See B6.3)			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y

Control	Standard	Proposal	T	O	N
B8.4 Construction and Demolition - Site Fencing and Security			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
C1.1 Landscaping			Y	Y	Y
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			Y	Y	Y
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy		See 8.0 Discussion of Issues	Y	Y	Y
C1.6 Acoustic Privacy		The dwelling contains adequate to each side boundary and therefore there is not considered to be an acoustic privacy issue	Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.9 Adaptable Housing and Accessibility			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.23 Eaves			Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)		See 8.0 Discussion of Issues	Y	Y	Y
D5.2 Scenic protection - General			Y	Y	Y
D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)			Y	Y	Y
D5.5 Front building line (Excluding Elanora Heights Village Centre)	Minimum 6.5m front setback	Complies	Y	Y	Y
D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)	2.5m to at least one side; 1.0m for other side. 6.5m rear	Complies	Y	Y	Y
D5.7 Building envelope (Excluding Elanora Heights Village Centre)		See 8.0 Discussion of Issues	N	Y	Y
D5.9 Landscaped Area - Environmentally Sensitive Land		See 8.0 Discussion of Issues	N	Y	Y

Control	Standard	Proposal	T	O	N
D5.11 Fences - General (Excluding Elanora Heights Village Centre)		No new fences or modifications to existing fences	Y	Y	Y
D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights Village Centre)			Y	Y	Y
State Environmental Planning Policies and other					
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
EPA Act 1979 No 203 section 147 Disclosure of political donations and gifts			Y	Y	Y

8.0 DISCUSSION OF ISSUES

- **C1.5 Visual Privacy**

There is a considerably large window on the eastern elevation of the dwelling, however this is to a staircase and if fixed. As this area is a transient space, there is not considered to be a visual privacy issue arising from this window.

- **D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)**

The dwelling is considered appropriate in scale and in character with the surrounding dwellings within Iluka Avenue. The dwelling is below the height limit and meets all side setback requirements.

- **D5.7 Building envelope (Excluding Elanora Heights Village Centre)**

The dwelling falls outside of the building envelope, however the breach is due to the overhanging roof eaves which are allowed under the variation of this control. The dwelling is not considered excessive as it is below the maximum height limit and meets all setback requirements.

- **D5.9 Landscaped Area - Environmentally Sensitive Land**

The soft landscaping was measured to be 327.7m² (48.43%). When taking into consideration variations which allow 6% of the site for impervious landscape treatments, the overall landscaping area is approximately 368.30m² (54.43%). Although the required 60% landscaped area is not met, the proposal provides sufficient landscaping within the front and rear of the site. There are sufficient natural features within the front yard for the site to be considered in character with the surrounding locality. The rear yard is adequate for private open space.

9.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan, Pittwater 21 Development Control Plan and other relevant policies as listed at item 3.0.

The proposal has been found to be consistent with the outcomes of the relevant controls of P21 DCP. The proposal is considered to be consistent with the existing character of Elanora Heights and the desired future character of the Elanora Heights Locality. As a result of these considerations the proposal is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER/PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0462/17 for the demolition of the existing dwelling and construction of a new dwelling subject to the conditions of consent.

Report prepared by

Christopher Nguyen
PLANNER

Date: 12 January 2018

