

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED TORRENS TITLE SUBDIVISION OF ONE LOT INTO TWO
INCLUDING ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING
& DRIVEWAY WORKS**

LOCATED AT

56 & 58A ELIMATTA ROAD, MONA VALE



**Prepared
March 2025**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Michael & Lindsay Ludowici by Adam Clerke Surveyors Pty Ltd, Sheets Reference 6987A_16 dated 25 September 2023 and as amended 27 November 2024 and File No 6987DP_15 dated 27 November 2024, to detail the proposed Torrens Title subdivision of one lot into two and including minor alterations to the existing common access driveway at **56 & 58A Elimatta Road, Mona Vale**.

A previous Development Application for a similar proposal seeking the Torrens Title subdivision of the land into two lots (DA2022/1645) was withdrawn following concerns raised by Council in the initial assessment of the application.

A subsequent Development Application which similarly sought consent for the Torrens Title subdivision of the land into two lots (DA2023/0728) was refused by Council under Notice of Determination dated 16 May 2024.

The reasons for refusal were detailed as:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Pittwater Local Environmental Plan 2014.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 7.10 Essential services of the Pittwater Local Environmental Plan 2014:

Particulars

i. In accordance with comments provided by Council's Development Engineer, Council can not be satisfied that the proposal provides suitable vehicular access.

3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the requirements of Clause A4.9 Mona Vale Locality of the Pittwater 21 Development Control Plan:

Particulars

i. The proposal is inconsistent with the Mona Vale DFC as it is not supported by adequate vehicular access

4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause B2.2 Subdivision - Low Density Residential Areas of the Pittwater 21 Development Control Plan:

Particulars

i. The proposal fails to provide a vehicle passing bay for safe vehicle access.

ii. To enable appropriate access to the site, additional hard surface for the driveway will need to be provided to facilitate a passing bay. In sufficient information has been provided to ensure that Lot 1 can

sustain a compliant amount of landscaped area, with a functional dwelling and pedestrian pathway, while not resulting in adverse environmental impacts.

5. The proposal is inconsistent with the outcomes of Section B6.2 Internal Driveways P21 DCP:

Particulars

i. The proposed development does not provide safe and functional vehicle access to the proposed Lot 2 and No.58A Elimatta Road.

6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities of the Pittwater 21 Development Control Plan:

Particulars

i. The proposed development does not provide safe and functional vehicle access to the proposed lots.

7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D9.11 Landscaped Area - Environmentally Sensitive Land of the Pittwater 21 Development Control Plan:

i. The indicative building area on Lot 1 only illustrates the dwelling and pedestrian pathway. Therefore, it cannot be determined if Lot 1 can accommodate a compliant dwelling footprint as well as landscaped area, whilst also considering the hard surface areas required for the vehicle passing bay.

8. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the Development Application does not comply with the provisions of Clause 23 of the EP&A Regulation 2021 and must be refused as the application does not constitute a legitimate Development Application.

Particulars:

ij). The application is not accompanied by sufficient information in the form of owners consent from No. 58A Elimatta Road for the works within the right-of-way.

In discussions with Council's Assessment Officer and Development Engineer, it was apparent that the fundamental reasons for the refusal of the submission were based on the need for the provision of a passing bay and supporting information confirming the location and maneuverability of the passing and parking provisions, together with the necessity for land owners consent for any works to be carried out within the right-of-way which benefits the subject site.

The revised submission response to the issues of concern for Council in the assessment of DA2023/0728 through the preparation of the following revised reports and technical information which document the inclusion of an appropriate alternative parking location for Proposed Lot 2 together with a passing bay to allow free and safe access for proposed Lot 2 and the adjoining properties at 58 & 58A Elimatta Road to continue to utilise the shared driveway, over which subject land enjoys legal rights of way.

The following information is offered to assist Council in its assessment:

- Revised Plan of Subdivision prepared by Adam Clerke Surveyors Sheets Reference 6987A_16 dated 25 September 2023 and as amended 27 November 2024 and File No. 6987DP_15 dated 27 November 2024
- Traffic Assessment prepared by Transport and Traffic Planning Associates, reference 054/2023 dated, Issue G dated December 2024.
- Arboricultural Impact Assessment Report prepared by Hugh the Arborist, Revision D dated 29 November 2024.
- Driveway Civil Works plans prepared by Hyve Designs, Job Number SC22181, Revision G dated 28 November 2024
- Stormwater Management Plan prepared by Hyve Designs, Job Number SC22181, Revision H dated 3 December 2024

Separate discussions are underway with the adjoining neighbours at 58A Elimatta Road in order to secure land owners consent for any works to be carried out within the area covered by the existing driveway access and right of carriageway which adjoins the proposed subdivision.

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 (Resilience and Hazards) 2021*
- *Pittwater Local Environmental Plan 2014 (PLEP 2014)*
- *Pittwater 21 Development Control Plan (P21 DCP)*

2.0 Property Description

The subject allotments is described as 56 Elimatta Road, Mona Vale, being Lot 8 within Deposited Plan 611691 and No 58A Elimatta Road, being Lot B within Deposited Plan 409707.

The properties are zoned C4 Environmental Living under the provisions of PLEP 2014.

The site is identified as being within the Class 5 Acid Sulfate Soils Area. This matter will be discussed further within this statement.

There are no other hazards affecting this site.

3.0 Site Description

The site is located on the western, higher side of Elimatta Road.

The site is generally regular in shape and an angled frontage to Elimatta Road of 25.145m, northern and southern side boundaries of 79.565m and 69.68m respectively, a rear boundary that measures 17.46m and the total site area of 1507m².

The land is currently developed with a two storey single dwelling that is located towards the rear of the site. Vehicular access is currently gained via a driveway that runs through the centre of the allotment, towards a single hardstand space forward of the existing dwelling.

The site benefits from a right of carriageway that burdens the driveway of 58A Elimatta Road, that runs along the northern side boundary of the site. The driveway is regularly used by the owners of the subject property to gain access to the rear of their land.

The details of the land are shown on the Survey Plan by Adam Clerke Surveyors Pty Ltd, Reference 6987A_16, dated 25 September 2023 and as amended 27 November 2024, which accompanies the DA submission.

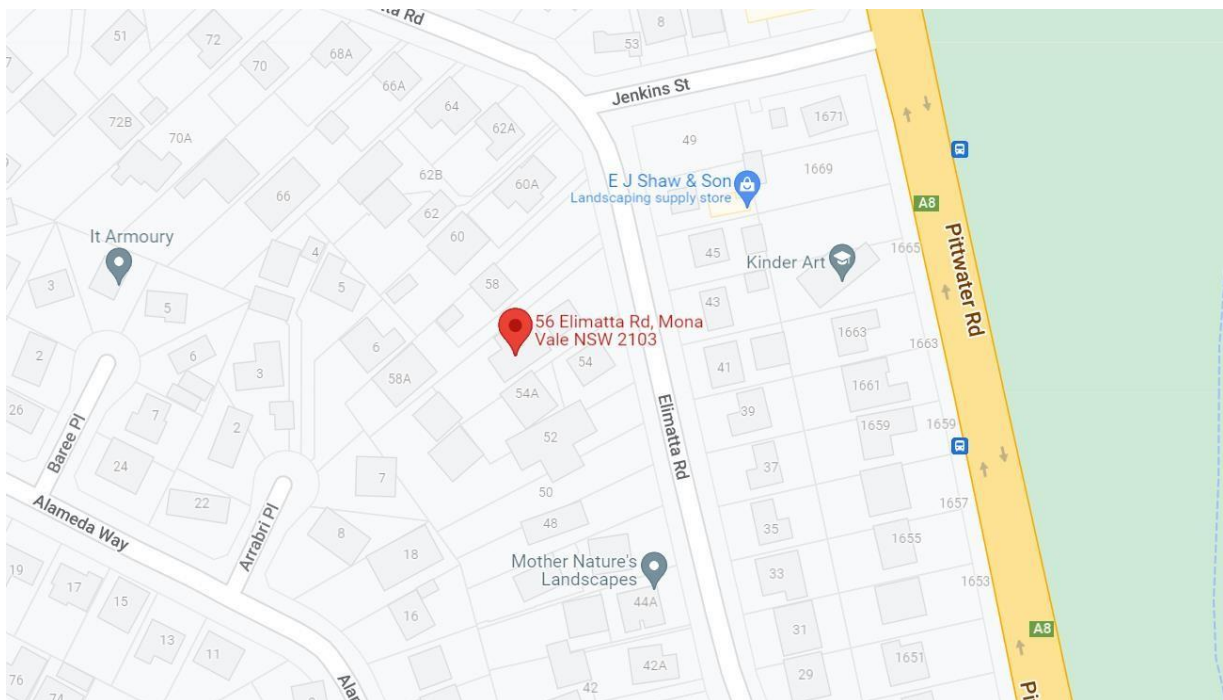


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of subject site, looking south-west from Elimatta Road



Fig 3: View of subject site and existing access driveway, looking west from Elimatta Road



Fig 4: View of the existing development to the south of the site facing Elimatta Road, looking south-west



Fig 5: View of the common access driveway and access to the rear of the subject lot and adjacent north-western neighbour



Fig 6: View of the subject dwelling, looking south-west from common access driveway towards location of proposed passing bay



Fig 7: View of the location of the eastern edge of the proposed passing bay looking south from the common access driveway

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 similar battle-axe allotments on the western side of Elimatta Road. For example, in the near vicinity the following lots have a similar north/south subdivision line:

- No's 18 & 18A Elimatta Road
- No's 20 & 20A Elimatta Road
- No's 22 & 22A Elimatta Road
- No's 24 & 24A Elimatta Road
- No's 30 & 30A Elimatta Road
- No's 34 & 34A Elimatta Road
- No's 38 & 38A Elimatta Road
- No's 40 & 40A Elimatta Road
- No's 42 & 42A Elimatta Road
- No's 44 & 44A Elimatta Road
- No's 46 & 46A Elimatta Road
- No's 54 & 54A Elimatta Road
- No's 58 & 58A Elimatta Road
- No's 60 & 60A Elimatta Road
- No's 62, 62A and 62B Elimatta Road
- No's 64 and 64A Elimatta Road
- No's 66 and 66A Elimatta Road
- No's 68 and 68A Elimatta Road
- No's 70 and 70A Elimatta Road
- No's 72 and 72B Elimatta Road

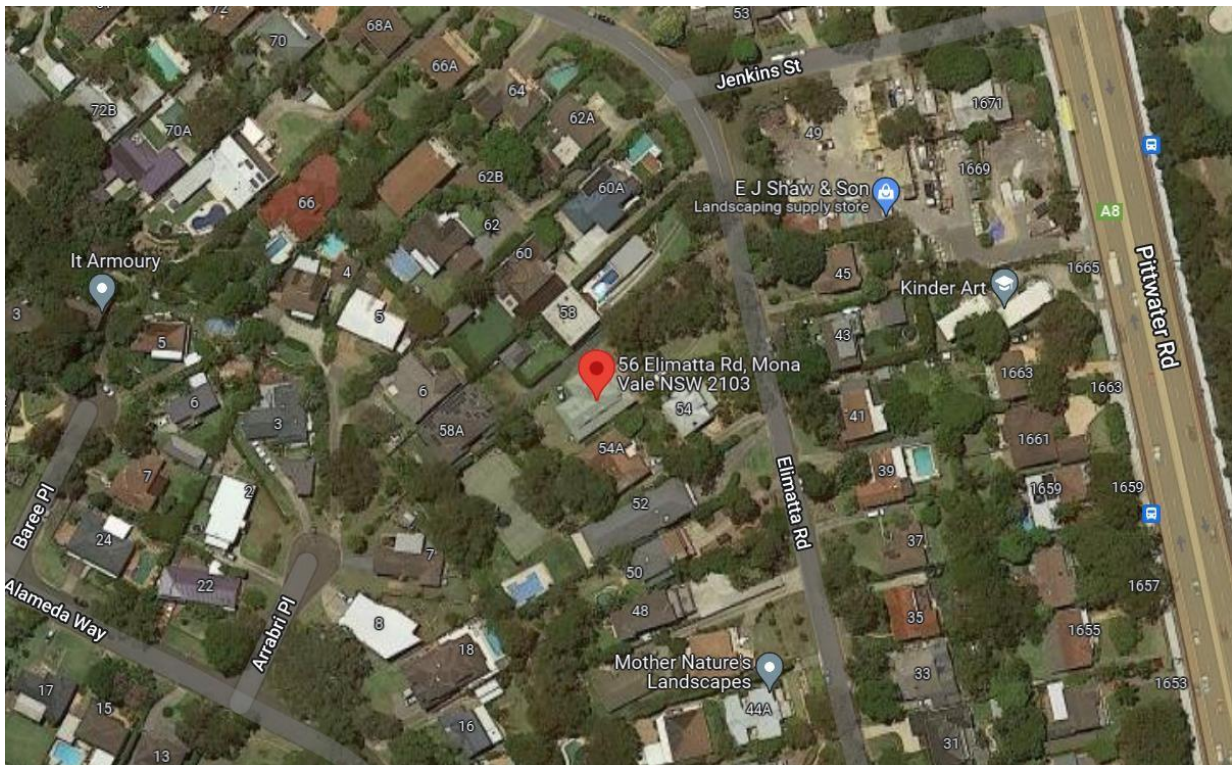


Fig 8: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, it is proposed to subdivide the existing allotment into two lots through the inclusion of a north/south subdivision line.

The details of the proposed subdivision layout are indicated on the plans prepared by Adam Clerke Surveyors Pty Ltd, Sheets Reference 6987A_16 dated 25 September 2023 and as amended 27 November 2024 and File No 6987DP_15 dated 27 November 2024.

The subdivision of the lot will create an additional allotment (Proposed Lot 1) which will be developed for residential purposes.

The application seeks to rely on the existing right of carriageway benefiting the subject site over the adjacent driveway and access handle to No 58A Elimatta Road. Confirmation that the site benefits from the adjacent access handle over No 58A Elimatta Road is provided within the Transfer Granting Easement document which accompanies the submission.

A new hardstand parking area is also proposed in proximity to the existing dwelling (proposed Lot 2). Access to the hard stand parking area will be via the driveway that services 58A Elimatta Road, to which the subject site benefits from a right of way.

Civil Works Plans for the driveway design had been prepared by Hyve Designs, Job No. SC222181, Drawing No. DW01 – DW02, Revision G dated 28 November 2024.

The Civil Works Plans include the provision of a passing bay to benefit both the proposed Lot 2 and the existing northern neighbouring properties being No 58 & 58A Elimatta Road to allow free and clear vehicle movement at all times for all sites. The works are discussed in the Traffic Assessment prepared by Transport and Traffic Planning Associates Issue G dated December 2024.

The Civil Works Plan – Driveway confirms that access for two vehicles can be provided within Proposed Lot 2 with access from the common driveway, within an open double car stand area, conveniently located for access to the existing dwelling.

The existing driveway to the subject site will be maintained and allow for vehicular access to the proposed front lot (Proposed Lot 1). The proposal will not seek to provide any access to Proposed Lot 1 via any right of way over the adjacent access handle to No 58A Elimatta Road. The existing layback and crossing will be retained in its current location.

The application is also supported by an Arboricultural Impact Assessment Report prepared by Hugh the Arborist, Revision D dated 29 November 2024.

The AIA considers the impacts of the proposed works within the services easement which is located on the southern boundary of the Proposed Lot 1 and also the impacts resulting from the potential building envelope identified within Proposed Lot 1.

The location of the services easement and pedestrian access to Proposed Lot 2 along the southern boundary of Lot 1 will see the removal of two trees however they have been identified as not considered worthy being a constraint to the development. Porous construction is proposed for the

proposed pathway to ensure that there will be limited impact on planting in the vicinity of the new path.

The potential building envelope is identified within the subdivision plan will see impacts resulting from the future dwelling with tree loss anticipated, subject to the future design of a new dwelling within the building envelope.

Further assessment can be provided with sensitive design to minimise impact on trees within the group adjacent to the northern boundary of Proposed Lot 1 and the site will also retain ample opportunity for replacement planting either forward of the dwelling within the front setback or within the rear setback of Proposed Lot 1.

At this stage, given Proposed Lot 1 follows a similar development pattern to the surrounding locality, it is not unreasonable for the subdivision to be considered, with future detailed assessment of potential trees impacts to be carried out with a future Development Application for a new dwelling.

A detailed Landscape Plan including replacement tree planting can be provided with the future Development Application.

A Stormwater Plan has been prepared by Hyve Designs, Job No SC22181, Sheets SW01 & SW02 Revision H dated 3 December 2024 which provides for stormwater for the future dwelling to be directed to the street gutter in Elimatta Road.

Roof water from the existing dwelling can be conveyed to the street via the proposed services easement on the southern side of Proposed Lot 1, with existing pipelines to be utilised where appropriate or replaced under the direction of the Consulting Hydraulic Engineer.

The proposal is also supported by a Traffic Assessment prepared by Transport and Traffic Planning Associates, Reference Number 054/2023, Issue G dated December 2024.

The Assessment considers the traffic implications resulting from the proposed subdivision in the creation of the additional allotment, together with the driveway access over the adjacent access handle to No 58A Elimatta Road.

The Assessment also specifically considers the proposed Vehicle Access to Proposed Lot 2 by way of the adjacent access handle to No 58A Elimatta Road and the DCP requirement that suggests a passing Bay should be provided where driveway lengths exceed 30m.

As noted within the Plan of Proposed Subdivision prepared by Adam Clerke Surveyors, a passing bay has been provided adjacent to the existing dwelling within Proposed Lot 2 which will provide for the opportunities for vehicles using the common driveway for Proposed Lot 2, No 58 & No 58A Elimatta Road to pass safely with suitable sight distances and maintain free and clear access at all times.

The Traffic Assessment provides the following comments in relation to the existing driveway access and its suitability to cater for the requirements of the proposed subdivision (see over):

6.0 Issues

The circumstances of shared driveways can be contentious, and consideration have been given to this as follows:

- *the existing driveway complies explicitly with Councils DCP criteria in that the driveway corridor is 4.57m wide (i.e. DCP minimum is 3.0m)*
- *a passing bay is to be provided*
- *the outside of wheels on a 99th percentile vehicle are 1.84m apart while the driveway pavement is a minimum of some 2.4m*
- *the driveway has been utilised (apparently without incident) for some 37 years.*
- *the driveway is straight and the grade is compliant with the DCP criteria.*
- *the frequency of vehicle movements subsequent to the proposed subdivision will be quite minor and the likelihood of concurrent movements will be extremely unlikely. However, there will be a passing bay available should this unlikely event ever occur.*

It is quite clear and indisputable that the proposed driveway circumstances will be entirely compliant with the DCP requirements and quite satisfactory both from operational and safety perspectives.

In summary, the Traffic Assessment notes:

7.0 Conclusion

Assessment of the proposed residential subdivision at Mona Vale has confirmed that:

- ❖ *there will not be any unsatisfactory traffic implications*
- ❖ *the proposed vehicle access, internal circulation and servicing arrangements will be suitable and practical*

On the basis of the Traffic Assessment prepared by Transport and Traffic Planning Associates, Council's support of the proposed access and parking provisions to support the subdivision of the existing allotment into two lots is sought.

The proposed development presents the following indices:

Proposed Lot 1:

Site Area 659.3m²

Proposed Lot 2:

Site Area 848.1m²

6.0 EPIs, Zoning and Development Controls

6.1 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, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

6.2 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

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



Fig 9: 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.*

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. The proposed Lots 1 and 2 are 659.3m² and 848.1m² (exclusive of any common access) respectively and therefore comply with the minimum lot size control.

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 Mona Vale is 8.5m. The proposed works include only the provision of a open car stand area at ground floor level and therefore there are no new structures which present any substantial height and all works are at or near existing ground level.

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 will be carried out in accordance with the recommendations of the consulting Structural Engineers and will therefore satisfy the provisions of this clause.

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.

6.3 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP and Section D9 Mona Vale Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.3.1 Section A Introduction

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

A4.9 Mona Vale Locality

The Mona Vale locality will contain a mix of residential, retail, commercial, industrial, recreational, community, and educational land uses.

Existing residential areas will remain primarily low-density 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 and lower slopes 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, commercial and light industrial land uses will be employment-generating. The Mona Vale commercial centre status will be enhanced to provide a one-stop convenient centre for medical services, retail and commerce, exploiting the crossroads to its fullest advantage and ensuring its growth and prosperity as an economic hub of sub-regional status. The permissible building height limit is increased to promote economic growth within the centre. The Mona Vale Hospital, as a regional facility servicing the Peninsula, is an essential part of the future local economy.

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 Mona Vale commercial centre will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

Light industrial land uses in Darley and Bassett Streets will be enhanced as pleasant, orderly, and economically viable areas.

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. Improved public transport, pedestrian accessibility and amenity, carparking and an efficient surrounding local network will support the commercial centre, moving people in and out of the locality in the most efficient manner. 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 Elimatta Road and this area of Mona Vale.

The proposal will retain the existing dwelling as viewed from Elimatta Road, which maintains a low density scale for the development in the area.

Any new dwelling on the proposed front lot (Proposed Lot 1) will be the subject of a separate development application, to be assessed on merit under the provisions of PLEP 2014 and P21 DCP.

6.3.2 Section B General Controls

The General Controls applicable to the proposed alterations and additions 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 lot into two.

Proposed Lots 1 and 2 will have a total area of 659.35m² and 848.1m² respectively, which complies with the required minimum lot size of 550m².

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

Requirement	Proposal	Compliance
Minimum Allotment Size – 550m ²	Lot 1: 659.3m ² Lot 2: 848.1m ²	Yes Yes
Minimum Allotment Width – 16m	Lot 1: 20.77m Lot 2: 17.47m	Yes Yes
Minimum Allotment Depth – 27m	Lot 1: 25.5m Lot 2: 44.18m	No – discussion Yes
Minimum Building Area – 175m ²	Lot 1: 175m ² (area available approx. 214m ² , subject to future application) Lot 2: 256m ² (approx. existing dwelling footprint+ carstand)	Yes Yes

The design of the proposed subdivision notes that proposed Lot 1 will have a minimum depth of 25.5m however the northern depth of the site is 34.9m. On average, the site comfortably achieves a minimum depth of 27m and in most particularly in the likely location for a future dwelling as indicated by the proposed building envelope.

In this instance, the configuration of the lot does allow for future development in accordance with Council's built form controls and the minor non-compliance with the allotment depth for proposed Lot 1 does not result in any adverse impacts for future development or result in any direct impacts to neighbouring properties or to the surrounding streetscape.

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.

The adequacy and merits of the existing driveway are discussed in the Traffic Assessment prepared by Transport and Traffic Planning Associates, Reference 054/2023, Issue G dated December 2024.

The Assessment concludes that the existing driveway suitable for the internal circulation and servicing arrangements for the proposed subdivision and is suitable and practical.

It is also noted that Council's DCP control requires that an internal driveway shall be contained within a "driveway corridor".

The "driveway corridor", over which the subject land has a legal right of carriageway, is defined as "i.e. impervious pavements together with grassed shoulder area".

The existing driveway corridor, which includes the paved driveway and the grass shoulder area to each side of the driveway has a width of 4.57m and therefore complies with Council's requirements for minimum driveway corridor width.

Additionally, the Clause notes that for a combined driveway for more than two dwellings, the minimum width for the driveway corridor shall be:

" 3.0 metres minimum except where the driveway length exceeds 40m, a passing bay to an overall minimum width the 5.0 metres for a length of 10 metres with suitable transitions to the adjacent narrow driveway will be provided".

As detailed within the Driveway Plan prepared by Hyve Designs dated 28 November 2024, the existing driveway exceeds 40m in length and therefore a passing bay with a minimum width of 5.0m and a minimum length of 10m has been provided in accordance with the requirements of the clause.

On the basis of the supporting Traffic Assessment and the Driveway Plans prepared for the, the proposal is considered to achieve the objectives of this clause in that safe and convenient access is provided for all properties, without significant impact on trees and vegetation in the immediate vicinity of the work.

Additionally, the public view of the driveway access is largely unaltered, with the proposed passing bay and turning area located towards the western end of the site, well above the road level and therefore the streetscape view of the site remains largely unchanged.

6.3.3 Section C Development Type Controls

The Development Type Controls applicable to the proposed subdivision on the land are summarised as:

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 not identified as being affected as any hazards. 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. It is considered that each allotment is of sufficient area and dimensions to allow for 2 parking spaces on site.

The application proposes the construction of a double hardstand area associated with the existing dwelling on proposed Lot 2. Access to the front lot (Lot 1) will be via the existing driveway, with parking to be resolved as part of any future development application for the construction of a dwelling.

The proposal is also supported by a Traffic Assessment prepared by Transport and Traffic Planning Associates, Reference Number 054/2023, Revision G dated December 2024.

The Assessment considers the traffic implications resulting from the proposed subdivision in the creation of the additional allotment, together with the driveway access over the adjacent access handle to No 58A Elimatta Road.

The Assessment also specifically considers the proposed Vehicle Access to Proposed Lot 2 by way of the adjacent access handle to No 58A Elimatta Road and the DCP requirement that suggests that the driveway corridor be a minimum width of 3 m and a passing bay should be provided where driveway length exceed 30m.

In accordance with the Plan of Proposed subdivision and the accompanying technical reports

including the Traffic Assessment and Civil Works Driveway Plan, the existing driveway corridor is 4.57m at width and a passing bay will be provided which achieves the minimum 10m length and 5m width and has been positioned to allow for suitable sight distances and the safe movement of vehicles entering and leaving Proposed Lot 2, No 58 and No 58A Elimatta Road.

The Assessment concludes that suitable sight distance is provided between the proposed open parking area within Proposed Lot 2 and the passing bay in their relationship to the street and the parking and turning assessment for vehicles utilising the new parking area is considered to be acceptable.

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 existing driveways, with no works required to existing crossovers.

As discussed in the Traffic Assessment which accompanies this submission, the residential 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 not being discernible in the existing traffic flows of Elimatta Road and this area of Mona Vale.

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 the site will be provided for each of the proposed allotments in accordance with the provisions of this clause.

All normal services for the use of the single dwellings are provided to the site and will be available for use by both properties. An easement for services to provide for utility services and stormwater for the existing dwelling within Proposed Lot 2, has been provided along the southern boundary of Proposed Lot 1 which will appropriately convey services to and from the site from the street.

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*

It is considered that the proposed allotments are of a suitable size and configuration. The existing building will be maintained on Proposed Lot 2, the bulk and scale of which is consistent with the existing development pattern of the adjoining development in the locality. Appropriate provision has been provided for car parking to support the existing dwelling, with the parking area structure that is located wholly within Proposed Lot to2.

Whilst the development of Lot 1 will be the subject of a future development application, Council can be satisfied that there is no impediment to the construction of a dwelling that complies with Council's built form and amenity controls.

Both 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 possible tree removal is appropriately justified in the accompanying Arborist Report and will be subject to a separate assessment when a Development Application is lodged for a future dwelling.

6.3.4 Section D Locality Specific Development Controls

The **D9 Mona Vale Locality Statement** contains a number of outcomes for development. The future Development Application for the development of the new allotment will consider the Section D requirements and maintain consistency with the desired character of the Mona Vale Locality.

Clause D9.1 relates to Character as viewed from a public space.

The controls seek 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.

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 allotments are of a suitable size and configuration which suitably accommodate the existing development and future residential development in a manner that is consistent with the pattern of development in the surrounding locality.

The streetscape view of the site will be generally unchanged, with a future application required for the construction of a new dwelling within Proposed Lot 1.

Clause D9.6 relates to the front building line.

The provisions of clause 9.6 of P21 DCP prescribed a minimum 6.5m setback from Elimatta Road, with the setback between sites to be considered on merit. A dwelling can be accommodated on Proposed Lot 1 in adherence with the 6.5m minimum setback requirements, and the proximity of the new hardstand parking area and passing bay on Proposed Lot 2 will not impact upon the development potential or amenity of Proposed Lot 1.

Clause D9.11 relates to landscaped area on environmentally sensitive land.

Clause D9.11 prescribes a minimum landscaped area of 60% for the subject site. Each allotment can accommodate future development which can be designed to comply with Council's minimum landscaped area and address Council's relevant built form controls.

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 one lot into two, 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 Mona Vale 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 proposed Torrens Title subdivision of one lot into two lots, with the addition of a new hardstand area and passing bay in association with the existing dwelling to be retained on the Proposed Lot 2.

This revised application is bonded successfully to the issues raised by Council in its previous assessment of Development Application DA2023/0728 in terms of technical reports and accompanying information to provide for the suitable turning and manoeuvring of vehicles entering and leaving Proposed Lot 2, No 58 & No 58A Elimatta Road.

The issue of the provision of suitable land owners consent for works been carried out within the access driveway to No 58A Elimatta Road over which the subject site enjoys rights of carriageway is being discussed between the landowners.

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 established subdivision pattern along this part of Elimatta Road.

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.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)