
Statement of Environmental Effects

2 Cooleena Road Elanora Heights NSW 2101

Alterations and Additions to the Existing Dwelling including Construction of a New Garage and Driveway, and Conversion of Existing Garage into a Detached Secondary Dwelling



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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of the applicant for the proposed development. This Statement forms part of the development application to Northern Beaches Council seeking consent for “Alterations and Additions to the Existing Dwelling including Construction of a New Garage and Driveway, and Conversion of Existing Garage into a Detached Secondary Dwelling” at 2 Cooleena Road Elanora Heights NSW 2101. The following development controls apply:

1. Pittwater Local Environmental Plan 2014, hereafter referred to as the LEP;
2. Pittwater 21 Development Control Plan, hereafter referred to as the DCP.

The purpose of this statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of S4.15 of the Environmental Planning & Assessment (EP&A) Act, 1979.

The proposal reasonably complies with all the applicable LEP and DCP requirements and seeks a merit-based assessment in regard to setbacks. The variation has been addressed in this statement.

The following documentation is relied upon for the preparation of this Statement.

Document	Reference	Dated	Prepared by
Survey Plan	5171-19 sheet 03 issue A	11.11.2019	Lyle Marshall & Partners Pty Ltd
Proposed Site Plan	5171-19 sheet 09 issue A	11.11.2019	Lyle Marshall & Partners Pty Ltd
Proposed Ground Floor Plan	5171-19 sheet 10 issue A	11.11.2019	Lyle Marshall & Partners Pty Ltd
Proposed Roof Plan	5171-19 sheet 11 issue A	11.11.2019	Lyle Marshall & Partners Pty Ltd
Proposed Elevations Sheet 1	5171-19 sheet 12 issue A	11.11.2019	Lyle Marshall & Partners Pty Ltd
Proposed Elevations Sheet 2	5171-19 sheet 13 issue A	11.11.2019	Lyle Marshall & Partners Pty Ltd
Proposed Sections	5171-19 sheet 14 issue A	11.11.2019	Lyle Marshall & Partners Pty Ltd
Proposed Demolition Plan	5171-19 sheet 15 issue A	11.11.2019	Lyle Marshall & Partners Pty Ltd
Proposed Landscape Calculations Plan	5171-19 sheet 16 issue A	11.11.2019	Lyle Marshall & Partners Pty Ltd

This Statement is divided into six sections. The sections include a locality and site analysis, a description of the proposal, an environmental planning assessment, conclusion and recommendations.

2. Site Analysis and Context

2.1. The Locality

The subject site is located within the Local Government Area (LGA) of Northern Beaches Council. The subject site is located in the former Pittwater Council area and is approximately 8.0km from Dee Why Town Centre.

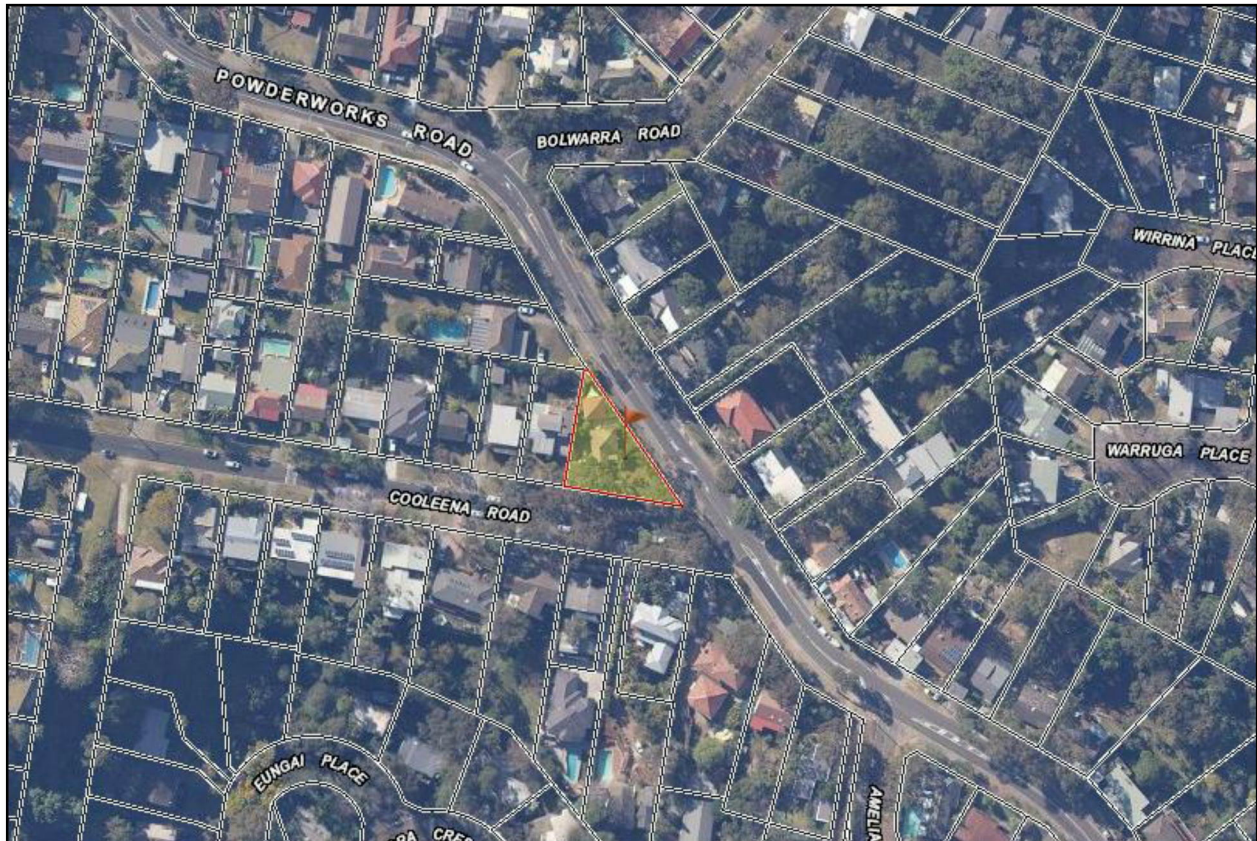


Figure 1. Aerial View- 2 Cooleena Road Elanora Heights NSW 2101 (Source: Six Maps 2019)

2.2. Site Description

The subject site is located on the northern side of Cooleena Road within the Environmental Living area of Elanora Heights. The site being triangular in shape is located along the intersection between Cooleena and Powderworks Road. The site comprises of a main frontage to Cooleena Road and a secondary street frontage to Powderworks Road. The site has a legal description of lot 1, DP 566102 and is commonly identified as 2 Cooleena Road Elanora Heights.

The site presents a primary frontage onto Cooleena Road of 36.83m, a secondary frontage of 52.41m onto Powderworks Road, and an overall site area of 713.9sqm. The site observes a gradual crossfall toward Cooleena Road (south).

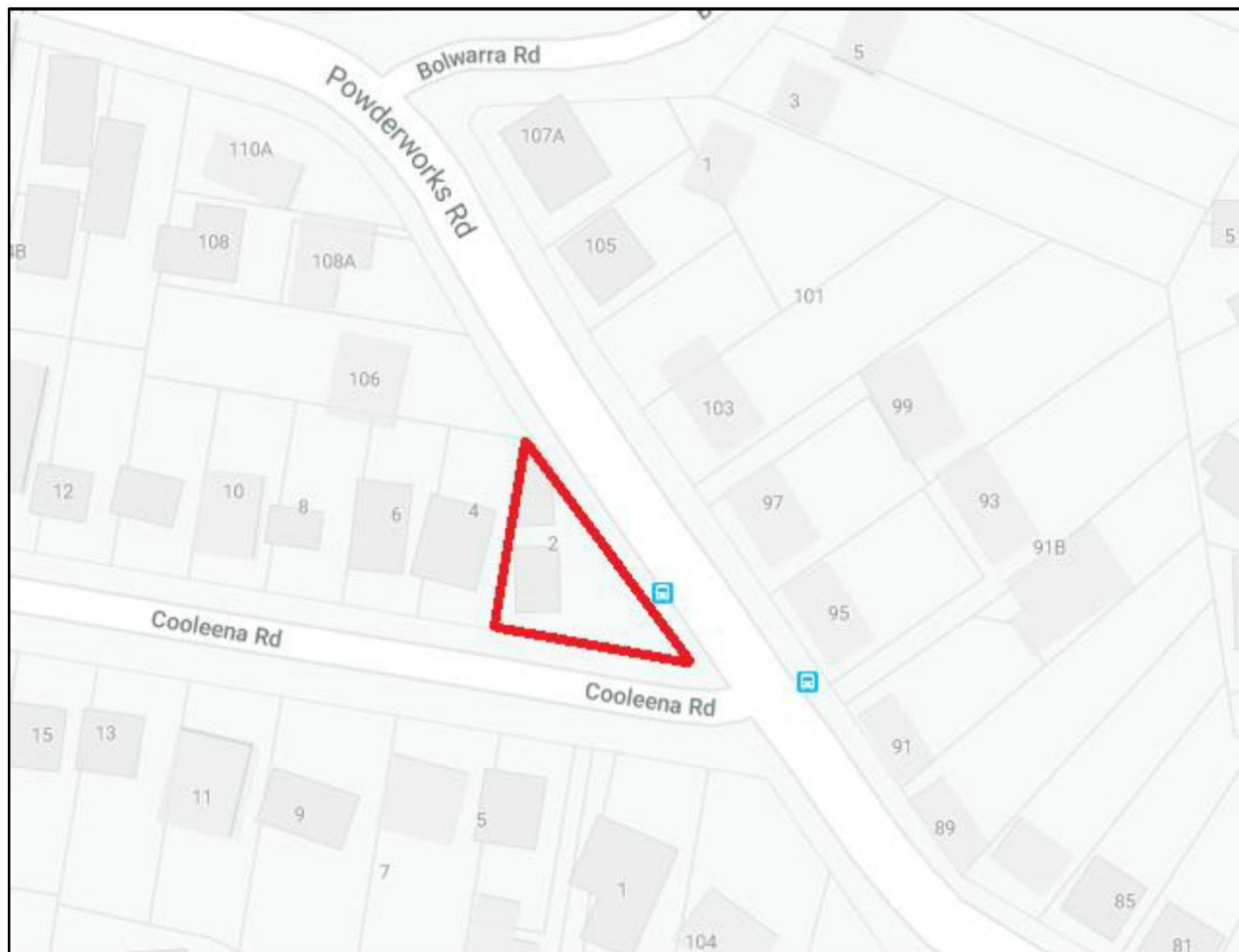


Figure 2. Site locality- 2 Cooleena Road Elanora Heights NSW 2101 (Source: Google 2019)

The site is located within the E4 Environmental Living Zone and accommodates an existing single storey clad dwelling and a detached clad garage with vehicular access located along Powerworks Road. Landscaping on site is characterised by a number of native and exotic tree's, small to medium shrubs and areas of lawn.



Figure 3. Site view from Cooleena Road (Source: Google 2019)



Figure 4. Site view from Intersection between Cooleena Road and Powderworks Road (Source: Google 2019)

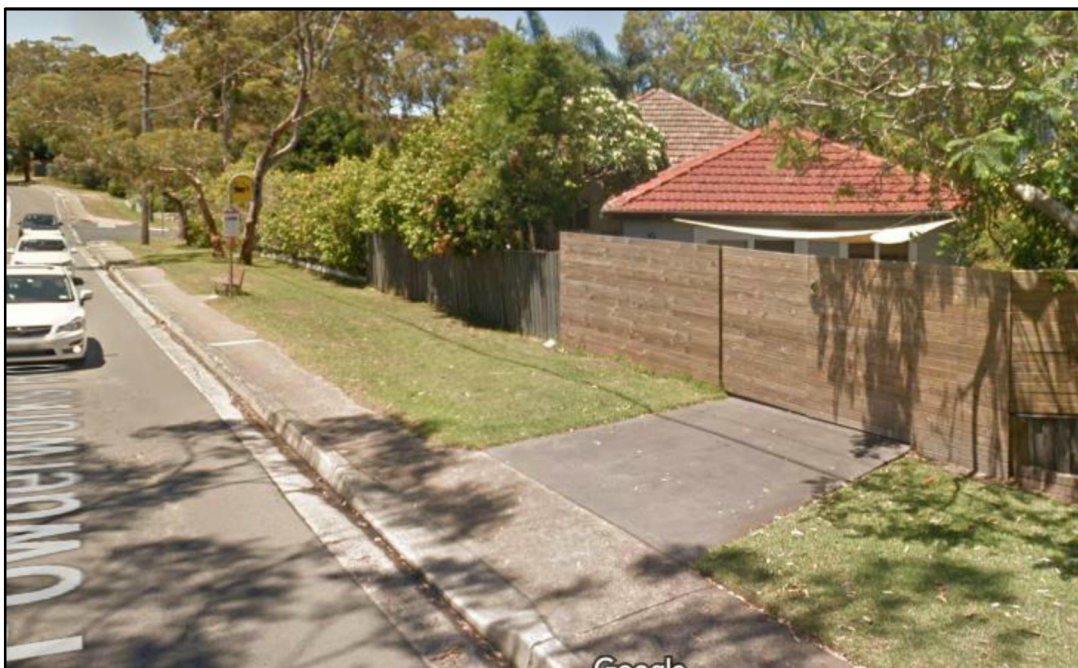


Figure 5. Site locality- Site view from Powderworks Road (Source: Google 2019)

2.3. Existing Built Form and Surrounding Locality

The general vicinity of the site is characterised by residential dwellings and a range of detached outbuildings, of a variety of architectural styles. The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a consistent setback to the public domain. It is not uncommon for sites within this area to have newly developed secondary dwellings on site. The surrounding properties comprise a range of original style dwellings with an emergence of modern dwellings and additions. The surrounding dwellings comprise a mix of single and two storey dwellings.

Along the secondary street Frontage is a bus stop (Stop ID: 2101119). The works will have minimal impacts on the bus stop and its location. Moreover, a number of electricity poles are also available along the Council verge to both frontages, however the proposal will have minimal impacts on there location.

2.4. Site History

Development Consent N0368/05 for *'Demolition of the existing single garage and laundry and construction of a detached double garage'* was approved on the 03/09/2005.

3. The Proposal

3.1 Description

The proposal seeks consent for 'Alterations and Additions to the Existing Dwelling including Construction of a New Garage and Driveway, and Conversion of Existing Garage into a Detached Secondary Dwelling'. The proposed works to the premise are identified on the submitted drawings and are detailed as follows:

Demolition

- Minor earthworks and demolition works facilitating the proposed development;
- Removal of two exotic trees to allow for construction of single garage;
- Minor internal demolition works along western façade of existing dwelling;

Construction

- Construction of an internal concrete driveway and crossover from Cooleena Road leading to proposed single garage;
- Construction of a clad and metal roofed single garage along western façade of the existing dwelling;
- Alteration and addition works to the existing dwelling including construction of a new bathroom, covered deck area along western façade of dwelling, and reduction in size of bedroom one to allow for direct access to proposed garage;
- Conversion of exiting double garage into a detached secondary dwelling including: bathroom/laundry, kitchenette/living area, and one (1) bedroom;
- Ancillary landscape works;

4. Planning Controls

The following planning instruments are applicable to the proposed development

- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- State Environmental Planning Policy (Infrastructure) 2007;
- Pittwater Local Environmental Plan 2014;
- Pittwater 21 Development Control Plan;

The relevant provisions and controls of the above Instruments and Plans are summarised in the following sections of this Statement of Environmental Effects.

5. S4.15 Evaluation of the EP&A Act, 1979

5.1 S4.15 (1)(a) of the EP&A ACT 1979

(i) Section 4.15(1)(a)(i)

The provisions of any Environmental Planning Instrument

State Environmental Planning Policy No 55 – Remediation of Land

The purpose of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) is to ensure that land which is contaminated is identified and appropriately remediated so as to be suitable for the proposed development.

Clause 7 of SEPP 55 states:

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

SEPP No. 55 requires the consent authority to consider the likelihood of site contamination prior to the determination of a development application. Based on available records, the site has historically been

used for retail purposes, with no known potentially contaminating uses. The site is almost completely covered in concrete and contains no visible indications of contaminants.

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Historical records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.

The Vegetation SEPP applies to clearing of:

- (a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
- (b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).

The objectives of the SEPP are to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 5(1) of the SEPP as the site is within both Northern Beaches Council and the E4-Environmental Living zone.

Pursuant to Clause 8(1) of the SEPP, clearing does not require authority under the policy as it is a type of clearing that is authorised under Section 600 of the Local Land Services Act 2013 (specifically, that associated with a development consent issued under Part 4 of the Environmental Planning and Assessment Act 1979).

Two exotic trees will require removal to facilitate for the proposed works. No native species will be removed as part of this application. Works will avoid the structure root zones and the tree protection zones of significant trees located within vicinity of the proposed works.

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

A BASIX Certificate is required to be lodged for any development application in NSW for a new home or for any alteration and addition of \$50,000 or more to an existing home or for a pool with a volume greater than 40,000L.

A BASIX Certificate will accompany this application should the cost of works exceed \$50,000.

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Division 2: Secondary dwellings

Clause 19: Definition

Development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,*
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.*

Note: The standard instrument defines secondary dwelling as follows:

"secondary dwelling" means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*

Comment:

The proposed Secondary Dwelling is consistent with the definition of a 'Secondary Dwelling' as it appears within the Pittwater LEP 2014.

Clause 20: Land to which this Division applies:

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or	Consistent. The site is located within the E4 Environmental Living, as such, the proposed use is permissible with consent under Pittwater LEP

(d) Zone R4 High Density Residential, or (e) Zone R5 Large Lot Residential.	2014.
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Clause 21: Development to which this Division applies

Requirement	Comment
This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.	Consistent. The development involves the construction of a secondary dwelling, as defined by the Standard Instrument. Therefore, this Division applies.

Clause 22: Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The subject site currently has one (1) dwelling. The proposed Secondary Dwelling, would result in two (2) dwellings on the site - being the principle dwelling and the secondary dwelling. The proposed development remains consistent with this requirement.
(3) A consent authority must not consent to development to which this Division applies unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and (b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	The proposed Secondary Dwelling will result in a maximum floor area of 39.3sqm and is therefore compliance with (3)(b) under this policy.
(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds: (a) site area if: (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or (ii) the site area is at least 450 square metres. (b) parking if no additional parking is to be provided on the site.	The proposed Secondary Dwelling is detached from the principle dwelling; the site area exceeds 450sqm.; and, one (1) additional parking space is proposed within this application however, will be ancillary to the primary dwelling only.

Note: A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Clause 24: No subdivision

Requirement	Comment
A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	Consistent. This application does not propose any subdivision of the existing allotment.

Conclusion

The proposed Secondary Dwelling is appropriate and consistent with the relevant controls under SEPP (ARH) 2009 and Pittwater LEP 2014, and is therefore acceptable.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Referral to the relevant electricity authority could not be made prior to the lodgment of the development application.

Pittwater Local Environmental Plan 2014

The subject site is zoned E4 – Environmental Living and being identified as “Dwelling house” and “Secondary Dwelling” in Pittwater LEP 2014, the proposed development is a permissible form of development with Council’s consent. The proposed development satisfies the objectives of the zone

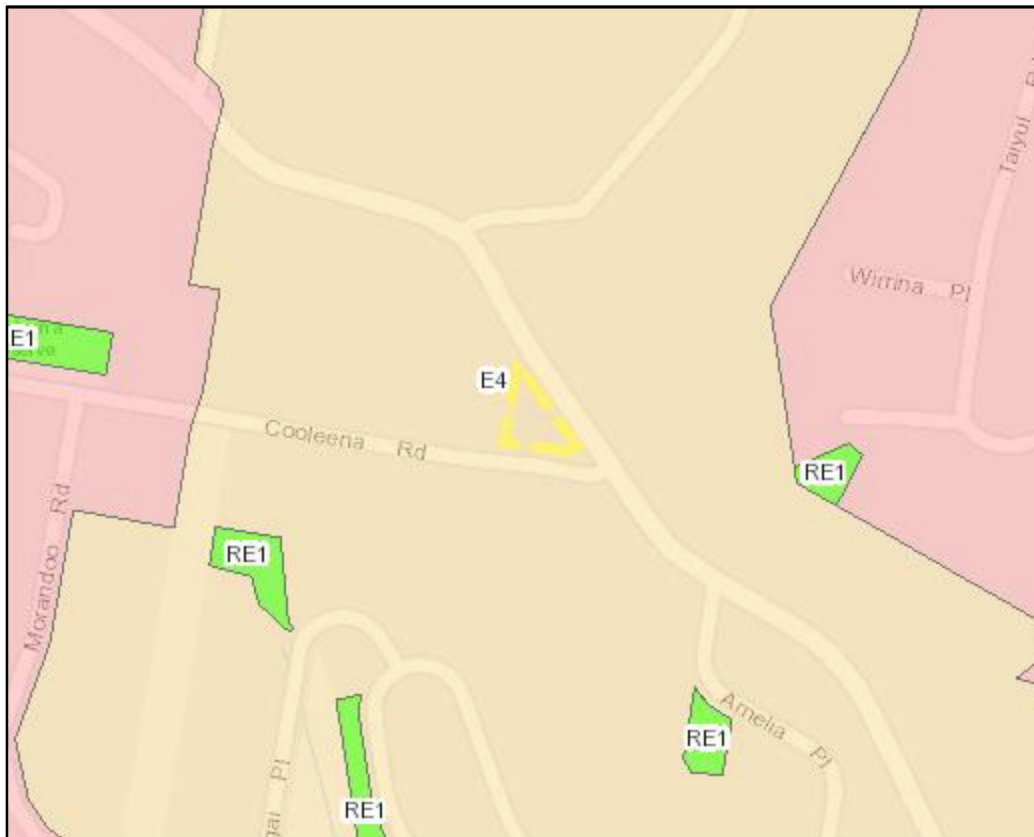


Figure 6. Land Zoning Map with subject site outlined in yellow (Source: Planning Portal 2019)

A summary of the assessment of the proposed development against the applicable LEP provisions is detailed below:

Pittwater Local Environmental Plan 2014			
LEP Clause	Standards	Proposal	Compliance
Part 2 – Permitted or Prohibited Development			
2.3 Zoning and Objectives	Zone E4- Environmental Living The following objectives apply: - 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	The proposal is consistent with the objectives of the E4 Zone.	✓

	<i>landform and landscape.</i> <i>To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.</i>		
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Ancillary earthworks and demolition works proposed.	✓
Part 4 – Principal Development Standards			
4.3 Height of Buildings	8.5m as identified by the Height of Buildings Map	Dwelling: as existing Detached secondary dwelling: as existing – 4.28m Garage: 3.59m	✓
Part 5 – Miscellaneous provisions			
5.4 Controls relating to miscellaneous permissible uses	(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater— (a) 60 square metres, (b) 25% of the total floor area of the principal dwelling.	39.3sqm	✓
5.10 Heritage Conservation	(1) Objectives The objectives of this clause are as follows: (a) to conserve the environmental heritage of Pittwater, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	Site is not a heritage item nor is within the vicinity of any heritage items.	✓
5.11 Bush Fire Hazard Reduction	Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land	Based on Council records site has not been identified as being	✓

	without development consent.	located in a bush fire prone land.	
Part 7 – Additional Local Provisions			
7.1 Acid sulfate soils	(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. Class 5: Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	Although land within a Class 5 Acid Sulfate Soils area, the works are not within 500m of class 1, 2, 3, or 4 Acid sulfate land below 5 AHD. The works do not propose extensive cut, or excavation hence it is unlikely that the water table will be lowered by the proposed works.	✓
7.2 Earthworks	(2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.	Consent is sought for minor earthworks ancillary to the proposed development.	✓
7.3 Flood planning	(2) This clause applies to land at or below the flood planning level. Figure 7. Site in red with respect to flood area in blue (<i>Northern Beaches Mapping 2019</i>). 	Land has not been identified as being below flood planning levels.	✓

7.7 Geotechnical hazards	(2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map. Figure 8. Site in green with respect to Geotechnical Hazard areas in red (<i>Pittwater LEP 2014</i>). 	Land has not been identified as H1 or H2 on the Geotechnical Hazard Map.	
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(ii) Section 4.15(1)(a)(ii)

The provision of 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

Draft Environment SEPP

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating the following seven existing SEPPs:

- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.*

The proposal is not inconsistent with the provisions of this Draft Instrument.

Draft Remediation of Land SEPP

The Draft Remediation of Land SEPP was exhibited from 31 January 2018 to 13 April 2018. The proposed remediation of land SEPP will:

- *Provide a state-wide planning framework for the remediation of land;*
- *Maintain the objectives and reinforce those aspects of the existing framework that have worked well;*
- *Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;*
- *Clearly list the remediation works that require development consent;*
- *Introduce certification and operational requirements for remediation works that can be undertaken without development consent.*

The proposal is not inconsistent with the provisions of this Draft Instrument.

(iii) Section 4.15(1)(a)(iii)

The provisions of any Development Control Plan

Pittwater 21 Development Control Plan

The proposed development is subject to the provisions of Pittwater 21 Development Control Plan. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP. The proposed development is largely consistent with the numeric and performance-based controls contained in the DCP. Where a non-compliance occurs, a justification has been provided to demonstrate that the proposal achieves the relevant objectives of the DCP.

Pittwater 21 Development Control Plan			
Built Form Controls			
DCP Control	Standards	Proposal	Compliance /Comment
Front building line	6.5m	7.1m	Yes
Rear building line	6.5m	Existing dwelling: 3.5m (as existing) Secondary dwelling: 900mm (as existing)	Yes
Side building line	2.5m 1m	<u>Garage</u> Western side setback: 900mm <u>Secondary dwelling</u> <u>As existing</u>	No, refer to comment (1) The secondary dwelling will be utilizing the floor area of

			the existing double garage. The environmental impacts of the building are considered to have been established and minimal impacts will be generated by the change of use.
Building envelope	3.5m 3.5m	Within Envelope	Yes
Landscaped area	60%	62.75%	Yes

Compliance Assessment

Clause	Compliance with requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.5 Elanora Heights Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.8 Stormwater Management - Water Quality - Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge	Yes	Yes

into Public Drainage System		
B5.12 Stormwater Drainage Systems and Natural Watercourses	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes. Although a new driveway on Cooleena Road is proposed, it is considered to be a better outcome for the locality as Cooleena is considered to be a local road, while Powderworks Road is considered to be a Regional Road which received a higher number of cars.
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space		
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Yes	Yes

C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
D5.1 Character as viewed from a public place (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.2 Scenic protection - General	Yes	Yes
D5.3 Building colours and materials (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.5 Front building line (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.7 Building envelope (Excluding Elanora Heights Village Centre)	Yes	Yes
D5.9 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D5.13 Construction, Retaining walls, terracing and undercroft areas (Excluding Elanora Heights Village Centre)	Yes	Yes

Comments

1. Side setback of garage:

The garage has a 900mm side setback which does not comply with the minimum side setback controls.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying objectives of the Control as follows

- *Achieve the desired future character of the Locality.*

Comment: The garage will facilitate two compliant on-site parking spaces, therefore reducing the demand for street parking. In summary, the development has been found to be consistent with the desired future character of the locality.

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

Comment: No views or vistas will be hindered as a result of the slight extension of such structure.

- *The amenity of residential development adjoining a main road is maintained.*

Comment: Not applicable, as the subject site does not adjoin a main road.

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

Comment: No significant vegetation is required to be removed to facilitate the proposed works. The subject site is sufficiently landscaped, which in turn visually reduces the appearance of the built form.

- *Vehicle manoeuvring in a forward direction is facilitated.*

Comment: Forward movement of vehicles whilst both entering and exiting the garage is possible.

- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment: The garage is single storey in height and of pier and beam construction and therefore the built form will have an acceptable impact on the streetscape. Further, the proposed works do not require the removal of any significant vegetation. Therefore, the scale and density is in keeping with the height of the natural environment.

- *To encourage attractive street frontages and improve pedestrian amenity.*

Comment: As detailed above, the impact of the garage on the streetscape is deemed acceptable, particularly as the streetscape is characterised by parking and garage structures within the front building line. Also, satisfactory pedestrian amenity is maintained.

- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

Comment: Minimal site disturbance is required and it is considered the works respond to, reinforce and sensitively relate to the existing spatial characteristics of the urban environment.

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014. The proposal has also been designed to comply with the National Construction Code 2019 (previously BCA).

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note clause 4.15 (3a) of the Environmental Planning and Assessment Amendment Act 2012 No 203.

Clause 4.15 (3a) requires interpreting DCP's flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

Section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:

- *giving effect to the aims of any applicable environmental planning instrument;*
- *facilitating permissible development;*
- *achieving the objectives of the relevant land zones;*

The key of section 4.15(3A) in this instance is to:

- *prevents the consent authority requiring more onerous standards than a DCP provides;*
- *requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply;*
- *limits the consent authority's consideration of the DCP to the development application.*

(iiia) Section 4.15(1)(a)(iiia)

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

There are no known Planning Agreements entered into under Section 7.4 and no draft Planning Agreements are proposed to be entered into under Section 7.4 for this proposed development.

(iv) Section 4.15(1)(a)(iv)

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

No additional regulations required for the proposed development.

(v) (Repealed)

5.2 S4.15 (1)(b) of the EP&A ACT 1979

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

5.2.1 Topography & Scenic Impacts

The proposal is not likely to have an adverse topographic or scenic impact on the locality. Landscaping will be provided in accordance with the landscape plan prepared by Lyle Marshall & Partners Pty Ltd. The proposal does not involve any significant fill or excavation.

5.2.2 Micro-Climate Impacts

The proposed development is unlikely to result in any adverse effects to the micro- climate in the locality.

5.2.3 Water & Air Quality Impacts

The proposed development is considered unlikely to result in any adverse effects on the locality in terms of water and air quality. Appropriate measures are to be undertaken in respect of the stormwater and runoff and accordingly, the proposal is considered acceptable in this regard.

5.2.4 Impact on the Area's Character

The proposal is considered to be acceptable in terms of compatibility with both the existing and desired future character of the area.

5.2.5 Aural and Visual Privacy Impact

As discussed throughout this SEE, the proposal is not likely to result in any adverse visual or acoustic privacy impacts to neighboring properties.

5.2.6 Impact on Views

Given that access to the neighboring properties located to within the vicinity of the subject site could not be attained, a photographic analysis of the views currently enjoyed by this neighboring development could not be provided. A detailed assessment against the four-step assessment established in *Tenacity Consulting v Warringah* [2004] NSWLEC 140: cannot be carried out on pure assumption resulting in potential inaccuracies in the information provided.

5.3 S4.15 (1)(c) of the EP&A ACT 1979

The suitability of the site for the development,

The proposal is permissible with consent from Council and the subject site is located within an established Environmental Living area that is ideal for the proposed development. The site is not identified as flood affected under the LEP, nor is it subject to any other hazards that would suggest that the proposed development is unsuitable at the site. In the absence of any natural or built environmental impacts as detailed above, the development is suitable to the site as proposed.

5.4 S4.15 (1)(d) of the EP&A ACT 1979

Any submissions made in accordance with this Act or the regulations

The consideration of submissions cannot be made at the time of preparing this Statement.

5.5 S4.15 (1)(e) of the EP&A ACT 1979

The Public Interest

The proposed development is of a scale and character that does not present any conflict with the public interest nor does it present an unacceptable precedent for development in the locality. This well



serviced and accessible location is suited to residential accommodation and the development will not have any significant adverse impact on adjoining properties.

The proposal, presenting as a modestly scaled dual occupancy development, satisfies an assessment of those matters under s4.15 (1) (e) of the Environmental Planning and Assessment Act 1979 and is considered to be in the public interest.

6. Conclusion and Recommendations

This statement of environmental effects has detailed the specifics of the site and its context and outlines the proposal for 'Alterations and Additions to the Existing Dwelling including Construction of a New Garage and Driveway, and Conversion of Existing Garage into a Detached Secondary Dwelling'.

The application has been considered in accordance with the matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is permissible with consent from Council and complies with the relevant statutory and local planning controls.

The proposal will only have positive impacts on the natural and built environment and is suitable at the site and in the public interest. After a thorough assessment of the proposed development, it is recommended that consent be granted to the proposed development. We respectfully ask for Northern Beaches Council's favourable consideration of this Development Application.