

Statement of Environmental Effects

PROPOSED DEVELOPMENT: CONSTRUCTION OF A
SECONDARY DWELLING

78 SEAVIEW AVENUE, NEWPORT NSW 2106 – LOT 56, SECTION 1, DP
6248

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INTRODUCTION

Summary

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application seeking consent for the construction of a secondary dwelling at 78 Seaview Avenue, Newport. The area in question is on land described as lot 56 Section 1 DP 6248 (the site).

The proposed development is subject to assessment under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The following SEE will consider the potential impacts of the proposed development, having regard to the matters for consideration under Section 4.15 (1) of the EP&A Act.

The following SEE will also address relevant matters under the *Pittwater Local Environmental Plan 2014* (PLEP) and the *Pittwater 21 Development Control Plan 2014* (PDCP). In preparation of this SEE the following documents have been considered:

- Plans of the proposed development prepared by Jemma Jahnsen;
- *Environmental Planning and Assessment Act 1979* (EP&A Act);
- *Pittwater Local Environmental Plan* (PLEP);
- *Pittwater 21 Development Control Plan* (PDCP);
- BASIX Certificate prepared by Efficient Living Pty Ltd;
- Geotechnical Investigation prepared by White Geotechnical Group Pty Ltd;
- Arboricultural Impact Assessment prepared by Complete Arborcare; and
- Stormwater Drainage Plans and Certification by Taylor Consulting.

Site Description



The site comprises land described as Lot 65 Section 1 DP 6248, 78 Seaview Avenue Newport. The site has an area of approximately 557.4m².

The site is located on the north-western side of Seaview Avenue, approximately 50 metres south of the intersection between Seaview Avenue, Neptune Road and Howell Close. The site has street frontages to both Seaview Avenue and Grandview Drive. A Site locality map is provided at Figure 1.

The land surrounding the site comprises residential development. Land adjoining the northern and southern (side) boundaries of the site, in addition to the land located on the western and eastern (opposite) sides of Seaview Avenue and Grandview Drive, comprise single-storey and two-storey residential dwellings. Vehicle access to the site is provided via Grandview Avenue.

An existing multi-storey timber cladding dwelling presently occupies the site. Existing vegetation runs contiguous with the southern boundary of No. 76 Seaview Avenue.

The land within the site maintains a north-eastern aspect, with the land sloping away from the secondary frontage of Grandview Drive towards the north-eastern corner of the subject site.

The site is not bushfire or flood prone.

The site does not contain a heritage item, is not located within the vicinity of a heritage item and is not located within a heritage conservation area.

The site is identified within the Class 5 Acid Sulphate Soils Area under the provisions of the PLEP.

The site is noted as a H1 Geotechnical Hazard under the provisions of the HELP. Subsequently, a Geotechnical Investigation has been prepared by White Geotechnical Group Pty Ltd and submitted with this Development Application.

The site is currently serviced by essential services including reticulated water, sewer, electricity and telephone service.

The Proposed Development

The proposed development is for the construction of a detached secondary dwelling.

The proposed secondary dwelling will incorporate a lightweight weatherboard cladding colorbond skillion roof. The proposed secondary dwelling will be 8.64 metres wide by 10.24 metres deep, with a total internal floor area of 58.8m².

The proposed secondary dwelling will comprise two bedrooms, a bathroom, a laundry, a kitchen, a living area, a deck and an outdoor shower.

The proposal necessitates the removal of three trees, one of which contains a height of less than 5 metres and not subject to assessment. Two trees contain overall heights greater than 5 metres and are identified as Cabbage Tree Palms. As a consequence, an Arboricultural Impact Assessment has been submitted with this Development Application recommending the removal of two trees and replacement planting to maintain biodiversity within the area.

Additional landscaping is also proposed as part of this Development Application to minimise the bulk and scale of the built form. In turn, the amenity and solar access to neighbouring properties will be maintained. This includes, but is not limited to, the following:

- New landscaped pathways running contiguous to the southern side boundary; and
- New landscaped private open space to the rear of the principle dwelling.

The proposed development is shown on plans prepared Jemma Jahnsen dated 11 August 2019 as shown in the table below.

Drawing No.	Sheet Name	Date
SP 01 A	Site Plan	11 August 2019
LP 01 A	Landscape Plan	11 August 2019
FP 01 A	Floor Plan	11 August 2019

EL 01 A	Elevations 01 and 02	11 August 2019
EL 02 A	Elevations 03 and 04	11 August 2019
SE 01 A	Sections	11 August 2019

PLANNING INSTRUMENTS

State Environmental Planning Policy No. 55 – Remediation of Land

The *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)* provides guidelines for the remediation of contaminated land for the purpose of reducing risk or harm to human health for any other aspects of the environment. Clause 7 requires the consent authority to consider whether the land is contaminated prior to granting consent for development. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

The site has been historically used for residential purposes and has not likely experienced any significant contamination. Therefore, a further assessment under *SEPP 55* is not required.

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

A BASIX Certificate for the proposed secondary dwelling has been submitted with this Development Application. The proposal meets all water, energy and thermal standards required by the BASIX.

State Environmental Planning Policy (Vegetation in non-rural areas) 2017

The *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)* aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Clause 9(2) of the *Vegetation SEPP* states that a Development Control Plan may make a declaration in any manner relating to species, size, location and presence of vegetation. Accordingly, Section B4.22 of the PDCP prescribes works that can be undertaken with or without consent to trees and objectives for tree preservation.

The application has been assessed against the requirements of the *Vegetation SEPP* and it has been determined that the proposal would meet the objectives of the *Vegetation SEPP*. This matter is addressed under Section B4.22 of this SEE.

Pittwater Local Environmental Plan 2014

The site is zoned as 'E4 – Environmental Living' under the provisions of the PLEP. An extract of the zoning map can be seen in Figure 2.



Figure 2 – Land Zoning Map

The proposed development is a secondary dwelling. “Secondary Dwellings” are permitted with consent of Council in the E4 Zone.

Clause 2.3(2) of the PLEP states that Council must have regard to the objectives of the zone when determining a Development Application. The objectives of the E4 Zone are:

- *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.*

The proposed development will not have adverse impacts on any ecological, scientific or aesthetical values of the land. The proposed development provides residential development of a low density and scale that is integrated within the current landform and landscape. The proposed development is consistent with the applicable objectives of the E4 Zone.

The below table provides a summary of the relevant development controls prescribed within the PLEP that apply to the site.

Development Control	Control	Proposal
4.3 (2FA) Height of Buildings	5.5m maximum	5.5m
5.4(9) Secondary Dwellings	60m ² or 25% of the total floor area of the principle dwelling	58.8 m ²
7.1 Acid Sulfate Soils	Class 5 Acid Sulfate Soils	The site is shown on the Acid Sulfate Soils Map as containing potential Class 5 land. The proposed works is not likely to lower the water table or disturb adjacent or nearby lands.
7.1 Earthworks	Comply with Clause 7.2(3) of the PLEP	<p>As addressed within the Geotechnical Investigation submitted with this Development Application, the proposal necessitates excavation works with a maximum depth of 3.6 metres in the south west corner of the proposed secondary dwelling. It is noted that this depth of excavation works occur on existing fill material.</p> <p>In assessing the environmental impacts of the proposed earthworks, it is noted as follows:</p> <ul style="list-style-type: none"> • The subject site does not contain a heritage item, is not located within the vicinity of a heritage item and is not within a

		<p>heritage conservation area. Furthermore, the site does not contain an archaeological item. As a result, the proposed earthworks will result in no impacts on heritage or archaeological items;</p> <ul style="list-style-type: none"> • The subject site is not located in close proximity to waterways, drinking water catchments or environmentally sensitive areas. In turn, the proposed earthworks will not result in adverse impacts to these natural qualities; and • A sediment and erosion control plan has not been submitted with this Development Application. As a result, it is requested that Council approve this Development Application and impose a
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		<p>condition requesting a sediment and erosion control plan to be submitted to a Private Certifier prior to the issuance of a Construction Certification.</p> <p>It is considered that the proposed earthworks comply with the requirements specified within Clause 7.2(3) of the PLEP.</p>
7.7 Geotechnical Hazards	Geotechnical Hazard H1 Class	<p>A Geotechnical Investigation prepared by White Geotechnical Group Pty Ltd has been submitted with this Development Application. The report states that the proposed secondary is suitable for the site.</p>

Pittwater 21 Development Control Plan

Section A4.10 – Localities

The proposed development is consistent with the desired character of the Newport locality. The proposed development fulfils the criteria as it:

- Provides development of a low density;
- Incorporates materials and finishes that are sympathetic of the surrounding natural amenity; and
- Encourages additional opportunities for more compact and affordable housing with minimal environmental impacts.

Section B3.1 – Landslip Hazard

As previously discussed within this SEE, the site is classified as a H1 Geotechnical Hazard under the provisions of the HELP. Subsequently, a Geotechnical Investigation has been prepared by White Geotechnical Group Pty Ltd and submitted with this Development Application. Therefore, the provisions of this clause are deemed to be satisfied.

Section B4.22 – Preservation of Trees and Bushland Vegetation

The proposed development requires the removal of existing vegetation and three trees within the eastern portion of the site. One tree subject to removal has an overall height of less than 5 metres, thus not being subject for assessment. The remaining two trees are identified as Cabbage Tree Palms with an overall height of 5.5 metres. Subsequently, the removal of these two trees require consent from Council pursuant to the *Vegetation SEPP* and the PDCP. Accordingly, an Arboricultural Impact Assessment prepared by Complete Arborcare has been submitted with this Development Application to assess the environmental impacts of the proposed tree removal.

In assessing the environmental impacts of the removal of two Cabbage Tree Palms, it is noted as follows:

- Tree T1 has no known environmental or heritage significance and is of moderate retention value. The proposed secondary dwelling has an encroachment of 100% into the Tree Protection Zone (TPZ), resulting in tree death.
- Tree T2 has no known environmental or heritage significance and is of moderate retention value. The proposed secondary dwelling has a major encroachment of 25% into the TPZ, likely resulting in stem damage and likely death.

It is noted that no feasible alternative designs exist and that the removal of the two Cabbage Tree Palms is necessary for the secondary dwelling to be constructed in its form. As a consequence, the Arboriculture Impact Assessment prepared by Complete Arborcare recommends the following:

- For the proposed secondary dwelling to be undertaken in its current footprint trees T1 and T2 are to be removed; and
- Two trees that will attain a similar height and canopy spread of those lost are to be planted to preserve the biodiversity within the area.

It is requested that Council approves this Development Application and impose a condition requiring the replacement planting of two trees that will attain a similar height and canopy spread of those that are lost. In turn, this will ensure that biodiversity within the area is preserved.

Section B5.7 – Stormwater Management – On-site Stormwater Detention

The proposed development will provide a stormwater management system via combined rainwater and detention tanks located under the front of the secondary dwelling. Stormwater discharged from these tanks will be discharged to Seaview Avenue via pipes running contiguous to the northern side boundary. Stormwater Drainage Plans and Certification prepared by Taylor Consulting have been submitted with this Development Application.

Section B6.3 – Off-Street Vehicle Parking Requirements

The proposal provides 3 off-street parking spaces to account for the existing dwelling and proposed secondary dwelling. These spaces are provided through the existing carport accessible from Grandview Drive, Newport.

Section B8 – Site Works Management

Construction waste will be managed appropriately and stored within designated areas. Where possible, construction waste will be re-used on-site. Waste storage areas will be appropriately covered to minimise public litter. Waste will be recycled or disposed of appropriately off-site.

Section C1.1 – Landscaping

As discussed within Section B4.22 of this SEE, the proposed development necessitates the removal of two Cabbage Tree Palms with an overall height of 5.5 metres.

It is requested that Council approve this Development Application and impose a condition requiring the replacement planting of two trees that will attain a similar height and canopy spread to those that are lost. In turn, this will ensure that biodiversity within the area is preserved.

Section C1.2 – Safety and Security

The proposed development will not result in any significant safety and security issues. The proposed secondary dwelling will incorporate adequate lighting to prevent and alleviate security issues.

Section C1.3 – View Sharing

The subject site and adjoining properties enjoy views of an eastern aspect towards Newport Beach. The adjoining properties to the south comprise land elevated above that within the

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site. Furthermore, the principle dwelling located in the western portion of the site is elevated well above the proposed secondary dwelling. Therefore, it is considered that the proposal will not result in any unreasonable view loss for neighbouring properties and the existing dwelling located within the site.

Section C1.4 – Solar Access

The development comprises a secondary dwelling proposing a height of one storey. Therefore, there is unlikely to be any significant impact on solar access or overshadowing to the adjacent properties attributed to the proposal.

Section C1.5 – Visual Privacy

The proposed secondary dwelling will be orientated towards Seaview Avenue. Subsequently, there will be no privacy implications to the principle dwelling on the subject site or any adjoining properties.

Section C1.6 – Acoustic Privacy

The proposed development is not likely to result in any significant acoustic privacy issues. Noise generating activities attributed to the proposed development will be consistent to noise levels of the surrounding residential land uses.

Section C1.7 – Private Open Space

The proposed development will provide sufficient landscaped private open space to the rear of the secondary dwelling.

Section C1.11 – Secondary Dwellings and Rural Worker's Dwellings

The proposed development will not result in more than two dwellings on the allotment of land. The proposal comprises two bedrooms and one bathroom, which complies with Council's requirements for secondary dwellings.

Section C1.12 – Waste and Recycling Facilities

Kerbside waste collection will remain as existing.

Section D10.1 – Character as viewed from a public

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The proposed development will incorporate materials and finishes that are consistent with the existing pattern of development along Seaview Avenue. Furthermore, the proposal will maintain soft landscaping throughout the site to assist in providing a visual buffer between the proposed development and Seaview Avenue.

Section D10.3 – Scenic protection – General

The proposal will not result in any adverse impacts on the scenic qualities of the locality. Furthermore, the proposal will allow for suitable areas throughout the site available for future vegetation growth.

Section D10.4 – Building colours and materials

The proposed secondary dwelling will incorporate materials and finishes that are consistent with the existing pattern of development within the locality. Furthermore, the proposed secondary dwelling will incorporate earthy tones, materials and finishes that are sympathetic with the natural environment.

Section D10.7 – Front building line (excluding Newport Commercial Centre)

The front boundary setback (Grandview Drive) will remain unchanged.

Section D10.8 – Side and rear building line (excluding Newport Commercial Centre)

The external walls of the proposed secondary dwelling will provide the following side boundary setbacks:

- Northern side boundary setback of 1 metre; and
- Southern side boundary setback of 2.552 metres.

The secondary dwelling will provide a rear boundary setback of 7.6 metres.

Section D10.11 – Building envelope (excluding Newport Commercial Centre)

The proposal will be confined to the building envelope parameters prescribed within Section D10.11 of the PDCP.

Section D10.13 – Landscaped Area – Environmentally Sensitive Land

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Section D10.13 of the PDCP stipulates that the total landscaped area on land zoned E4 – Environmental Living shall be 60% of the site area. The proposed development will provide a landscaped area of 271.83m² or 49%, which fails to comply with the prescriptive measure.

In support of this minor variation, it is noted that the proposal provides landscaping improvements as part of this Development Application. This includes, but is not limited to, the following:

- New landscaped pathways running contiguous to the southern side boundary; and
- New landscaped private open space to the rear of the principle dwelling.

As a result, it is considered that the additional landscaping areas will minimise the bulk and scale of the built form and enhance the bushland character of the locality.

In assessing the environmental impacts of the minor landscaping variation in relation to the desired character of the Newport locality, it is noted that the nearby property at No. 74 Seaview Avenue faced similar implications under DA2018/2013, which comprised the construction of a detached secondary dwelling and carport. Whilst the proposed secondary dwelling and carport provided only 41.98% of the total site area as landscaped area, the application was supported by Council for the following reasons:

- *“The proposal is modest in bulk and scale and appears as single storey when viewed from a public place. Therefore, the proposal is considered to achieve the desired future character of the locality”; and*
- *“No unreasonable amenity impacts are considered likely to arise as a result of this development, given the modest design and bulk and scale of the built form”.*

The proposed development as presented within this Development Application shares similarities to that of DA2018/2013, as it provides for development that is of a single storey and modest in bulk and scale. Furthermore, it is noted that the subject site and No. 74 Seaview Avenue both have a site area of 557.4m², thus both have an appropriate lot size to accommodate for a secondary dwelling without creating unreasonable amenity impacts to the streetscape and adjoining properties.

Under the circumstances presented, it is considered that the proposal in its form is worth of support on merit, as it provides development that is of a low bulk and scale that will result in no unreasonable amenity impacts to the streetscape and adjoining properties. Furthermore, the proposed development is compatible with development in the immediate locality and is considered to achieve the desired future character of the locality.

The proposal meets the desired outcomes of Section D10.13 of the PDCP and is considered acceptable.

Section D10.14 – Fences – General

The proposed development will comprise the construction of a 1.2 metre high fence at the rear and southern side of the secondary dwelling. This fence will separate the principle dwelling from the secondary dwelling, thus minimising any privacy and amenity impacts to the occupants of both dwellings.

Section D10.16 – Construction, retaining walls, terracing and undercroft areas

The proposed development necessitates the construction of four retaining walls to maintain site stability. These are as follows:

- The construction of three 800mm high retaining walls at the front of the secondary dwelling; and
- The construction of a one 2.4m high retaining wall to the rear of the secondary dwelling.

The four proposed retaining walls will utilise materials and finishes that are sympathetic to the natural amenity of the locality.

LIKELY ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

Pursuant to Section 4.15 (1) of the EP&A Act, the below table summarises the environmental, social and economic impacts of the proposed development.

<u>Matter</u>	<u>Impact</u>
Bushfire	The site is not bushfire prone.
Flooding	The site is not flood prone.
Contaminated Land	The site is not classed as contaminated land.
Flora and Fauna	The development comprises the removal of two Cabbage Tree Palms. As stipulated earlier within this SEE and within the Arboriculture Impact Assessment prepared by Complete Arborcare, tree replanting of a similar species and height is recommended.
Environmental Heritage	The subject site does not contain a heritage item, is not located within the vicinity of a heritage item and is not located within a heritage conservation area.

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Aboriginal Heritage	The site contains no know items of Aboriginal significance.
Public Interest	The proposal will not impact the character of the locality or the amenity of the adjoining properties. The proposed development is considered to be in the public's interest.
Economic	The proposal will result in no economic impacts to the locality.

CONCLUSION

The site comprises land described as Lot 65 Section 1 DP 6248, 78 Seaview Avenue Newport. The site is located on the north-western side of Seaview Avenue, approximately 50 metres south of the intersection between Seaview Avenue, Neptune Road and Howell Close. The site has an area of approximately 557.4m².

The proposed development comprises the construction of a secondary dwelling and includes landscaping improvements throughout the site.

The proposed development is of a low bulk and scale, is compatible with the surrounding area and consistent with the desired character of the Newport locality. The proposal will result in no major privacy or amenity impacts to adjoining properties.

The site is suitable for the proposed development and the proposal is consistent with the public interest.

The matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been adequately addressed demonstrating the proposed development is compatible with the surrounding environment.

Subsequently, Development Consent under the commission of Council is requested.