

21 February 2019

**PROPOSED DEMOLITION OF AN EXISTING DWELLING
AND CONSTRUCTION OF A NEW DWELLING AT
17 OCEAN ROAD, PALM BEACH NSW**

STATEMENT OF ENVIRONMENTAL EFFECTS

The Site is 17 Ocean Road, Palm Beach, being Lot A in DP405897.

The Zoning is R2 Low Density Residential.

The use is a single dwelling which is permitted under R2 zoning.

The Controls are set out in Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan 2014. The relevant control is D12 Palm Beach Locality.

THE EFFECTS will be as follows:

D12.1 Character as viewed from a public place

The desired outcomes relating to this site are:

- To achieve desired future character of the locality
- To respond and relate to the spatial characteristics of the existing environment
- To enhance the existing streetscape and provide a scale conforming to the height of the natural environment
- Visual impact of the built form to be secondary to landscaping and vegetation
- High quality buildings designed for the natural context and any natural hazards
- Buildings not to dominate the streetscape, giving the appearance of two storeys
- To preserve and enhance views
- To enhance the bushland vista of the area

The controls relating to this site are:

- Buildings must have a street presence and must incorporate at least two of
 - Entry feature
 - Awnings
 - Verandahs or balconies to first floor
 - Recessing or projecting elements

The bulk and scale must be minimized. Garages should be located behind the front building line and be no greater in width than 50% of the lot frontage or 7.5 metres, whichever is the lesser.

Landscaping is to be integrated with the building design.

These controls are generally satisfied by the proposal

- The proposed house has a street presence, with elements stepping back in plan, an articulated roof design and the appearance of being one storey from the road
- The design incorporates wide eaves, stepping building masses, and recessing of the façade

D.12.3 Building Colours and Materials

The desired outcomes are:

- To enhance the visual quality of the streetscape
- To provide attractive building facades which contribute to the streetscape
- Building colours and materials to enhance the visual character of the location and harmonise with the natural environment
- Minimize visual prominence of the development and minimize damage to existing vegetation and habitat.

The controls are:

- External colours shall be dark and earthy tones

The proposed design satisfies the desired outcomes by the use of stepping and receding masses, variation in selection of materials for the façade, use of concrete and painted weatherboards and minimal damage to existing vegetation.

The concrete roof will be painted. Weatherboards will be painted in accordance with the Finishes Schedule.

D12.5 Front Building Line

The desired outcomes are:

- Equitable preservation of views
- Vegetation is retained and enhanced
- Vehicle manoeuvring in a forward direction is facilitated
- Enhance the existing streetscapes
- Improve pedestrian amenity
- Respond to and reinforce the existing urban spatial characteristics

The controls are:

- Setback 10, minimum or established building line to Ocean Road. Council may accept a minimum setback to a secondary street of half the front building line.

Variations may be permitted:

- Considering established building lines

- Where it is difficult to achieve acceptable levels for building
- Where depth of property is less than 20 metres
- Where car parking is provided on steeply sloping sites, nil setbacks may be permitted for car parking structures, with other structures on site satisfying the minimum building line

It is considered that Ocean Road has no established building line. The lot sizes vary greatly and the setbacks relate to the depths of each lot.

The setback of the adjacent building to the south is approximately 13.5m and the setback of the building to the north, across Palm Beach Road, is approximately zero.

The development maintains a variable setback to the Ocean Road frontage of between 10.3m in the north east corner and 14.4m in the south east corner. A minimum setback of 5 metres is maintained to the secondary Palm Beach Road frontage of 5 metres in strict accordance with the secondary street frontage provisions. Such setbacks satisfy the outcomes of the control and are acceptable under the circumstances.

D12.6 Side and Rear Building Line

The desired outcomes are:

- Minimise bulk and scale of the built form
- Equitable preservation and views and vistas from public / private places
- Encourage view sharing
- Privacy, amenity and solar access is provided to occupants and neighbours
- Provide substantial landscaping
- Retain vegetation

The controls are:

- Minimum side boundary setbacks 2.5m to one side 5.0m to the other
- Minimum rear boundary setbacks are 6.5m

For the purpose of apply these controls, and having regard to the established subdivision pattern, the southern and western boundaries of the property are both identified as side boundaries to which the side boundary setback provisions would apply. We note that both these boundaries adjoin the side boundaries of the immediately adjoining properties such that the subject corner allotment has no rear boundary.

In this regard, the proposal maintains a minimum 2.5 metre setback to the southern boundary and a 5.550 metre setback to the western boundary in strict accordance with the side boundary setback control.

That said, were Council to apply the 6.5 metre rear boundary setback control to the western boundary, the minor variation proposed to the single storey wall element would not defeat the objectives of the control in terms of maintaining appropriate

residential amenity, minimising bulk and scale and affording landscape opportunity between properties on this relatively constrained corner allotment. Such variation would succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

D12.8 Building Envelope

The desired outcomes are:

- Enhance existing streetscapes and keep building scale below height of existing trees
- Minimize bulk and scale of the built form
- Preserve views from public / private places
- Ensure reasonable privacy, amenity and solar access for occupants and neighbours

The controls are:

- Buildings are to be sited within an envelope at the boundary 3.5m high and sloping in at 45 degrees

The proposed dwelling satisfies these requirements.

D12.9 Landscaped Area

Desired outcomes are:

- Minimise bulk and scale
- Amenity and solar access to be provided
- Vegetation retained and enhanced
- Conservation of natural vegetation
- Stormwater runoff reduced
- Reserve bushland character

Controls are:

- Total landscaped area shall be 60% of the site area.

Variations permitted are:

- Paths less than 1m wide
- 6% of total site area for impervious landscaping as outdoor recreational areas

Total site area is 878.9 square metres.

Required landscaped area 60% - 527.34sq mts

Proposed landscaped area (excluding recreation area) = 601.24sq mts

For single dwellings zoned R2, up to 6% of the total site area (ie 52.73sq mts) may be provided as paved outdoor recreation areas. The area of the proposed outdoor recreation area is 20.17 being 2.2%.

D12.10 Fences

Controls

Properties fronting Ocean Road (south of Palm Beach Road) may be permitted to construct a fence consistent with adjoining properties to a maximum height of 1.8 metres and to be constructed of brushwood or timber.

It is proposed to construct a fence 1.8m high with see-through timber slats.

D12.11 Scenic Protection Category One Areas

The desired outcomes are:

- Preserve and enhance the visual significance of district and local views
- Maintenance and enhancement of tree canopy
- Colours and materials to recede into vegetation
- Maintain the natural environment of Pittwater as the predominant feature of the landscape
- Preserve and enhance district and local views
- Encourage view sharing through siting of buildings, responsive design and well positioned landscaping
- Design in scale with bushland setting
- Minimize visual impact when viewed from any waterway or public reserve

The controls are:

- Screen planting between structures and boundaries facing waterways, including the provision of canopy trees
- Development to minimize the impact on existing significant vegetation
- Provide native vegetation in cleared areas
- Canopy trees on upper slopes not to be removed
- Use of unobtrusive and non-reflective materials and colours on exterior
- Yard perimeter shrub planting is proposed
- More than 50% of new vegetation will be endemic species
- No canopy trees are to be removed
- Colours and materials will recede into vegetation
- View sharing is preserved through siting and design of proposed dwelling
- Visual impact when viewed from the beach and reserve is minimised by single storey design
- Canopy trees are to be provided
- Flat roof will be planted

The proposed design satisfies these controls as follows:

Clause 4.3 Pittwater LEP Height of Buildings

The desired outcomes are:

- Height and scale of buildings to be consistent with desired character of locality
- Buildings to be compatible with height and scale of nearby development
- Minimize overshadowing of neighbouring properties
- Allow for reasonable view sharing
- Encourage buildings that respond sensitively to the natural topography
- Minimize adverse visual impact of development on the natural environment

The controls are:

- Maximum building height 8.5 metres

The proposed design satisfies the requirements of the control, being approximately 4.5m below the 8.5 metre height limit.

Clause 7.4 Flood plain Risk Management

The site is within a designated flood risk area. The Development Application documents include a report from ACOR Consultants Pty Ltd which assesses the requirements for minimising flood risk. These requirements have been incorporated into the proposed design.

Clause 7.5 Coastal Risk Planning

The site is in a designated Coastal Hazard Wave Inundation zone. The wave risk has been analysed by Horton Coastal Engineering P/L and a report accompanies this application which assesses the risk and recommends methods of minimising Coastline Hazard. These recommendations are incorporated in the proposed design.

Clause 7.1 Acid Sulphate Soils

The site is in a Class 4 Acid Sulphate soil area. Douglas Partners Pty Ltd have carried out an Acid Sulphate Soil Assessment. As noted in Clause 8 of their report, the site soil is not considered to be ASS and an acid sulphate management plan is not required. A copy of the report accompanies this application.

Groundwater Assessment

A geotechnical investigation by Douglas Partners P/L was carried out on the site to assess groundwater subsoil levels.

No free groundwater was observed during drilling at levels to be excavated.

A copy of the report accompanies this application.

C1.4 Solar Access

The desired outcomes are:

- Residential development designed to maximise solar access during mid-winter
- Reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development

The controls are:

- The main private open space of each dwelling and the main private open space of adjoining dwellings to receive a minimum of 3 hours sunlight between 9:00am and 3:00pm on June 21st
- Windows to the principal living area of the proposal and windows to the principal living area of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9:00am and 3:00pm on June 21st (to at least 50% of the glazed area of those windows).

The variations are:

Where the following constraints apply to a site, reasonable solar access to the main private open space and to the windows of the principal living area will be assessed on a merit basis:

- Where the orientation or shape of a lot precludes northerly orientation
- Where there is adverse topography
- Where there is existing vegetation, obstruction, development or fences that overshadow, or
- Where other controls have priority

Subject to a merit assessment, consent may be granted where a proposal does not comply with the standard.

Shadow diagrams have been prepared for 9am, 12 midday and 3pm for the proposed development. These indicate compliance by the subject property in all respects.

In relation to the neighbouring property to the south, the following outcomes are evident:

- The windows in the north wall of the living room adjacent to the common boundary will be unaffected for at least 3 hours a day, as both have sill levels of RL8.27 which is above the level of the top of the shadow cast by the roof of the subject proposal at 12:00 midday.
- In relation to the courtyard between the main dwelling and the secondary dwelling, shadows would be cast over approximately 50% of that area at 12:00 midday, however, the neighbours own vegetation, development and fence overshadow the courtyard to a much greater extent.
- At 9:00am the three verandah roofs overshadow almost the whole courtyard.
- In addition, the neighbours 2 metre high masonry fence overshadows a substantial area of the yard and a 4 metre high hedge on the neighbour's property adds to the overshadowing. Thus, the proposed development has a negligible effect on the neighbour's sunlight.
- At 12:00 midday the same conditions apply, there is a minor addition to overshadowing, but the vast majority of shadows are cast by the neighbour's development and hedges.

- At 3:00pm the neighbours verandah roofs, fence and hedge overshadow the whole courtyard so that the proposed dwelling will have no impact on the shadows.

On this basis, the proposed development complies with the requirements of the DCP, taking into account the permitted variations.

SUMMARY

The proposed development will be a dwelling of modest scale, with minimal effects on neighbouring properties and complying with the requirements of the LEP and DCP.D12.

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