

# STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING DWELLING

AT

9 ILYA AVENUE, BAYVIEW



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## 1. INTRODUCTION

This statement of environmental effects supports a development application for alterations and additions to an existing dwelling on LOT 19 DP 27133 at 9 Ilya Avenue, Bayview.



LOCALITY MAP SHOWING SITE AND SURROUNDING AREA (Courtesy Six Maps)



AERIAL VIEW OF SITE (Courtesy Six Maps)

## 2. LOCALITY CONTEXT AND SITE ANALYSIS

### 2.1 THE SITE

The site is located on the south western side of Ilya Avenue. The site is an irregular trapezoid-shaped residential block of 723.9m<sup>2</sup> in area. The site width is 18.29m along the street boundary. The length of the north west boundary is 48.935m and the length of the south east boundary is 46.635m. The existing development on the site is a single detached dwelling of three storeys. The roof is a very low-pitched skillion roof. The site slopes steeply from the street up to the rear boundary. There is no access (vehicular or pedestrian) along the Ilya Avenue street boundary due to the very steep terrain and densely vegetated road reserve. Access to the site is via a right-of-way paved concrete driveway that runs through the rear third of the site. Distant north easterly water views over the Pittwater are enjoyed from the subject site and the adjacent sites. The bulk and scale of the existing development is similar to surrounding development.

### 2.2 THE SURROUNDING LOCALITY

The surrounding neighbourhood is generally zoned E4 (Environmental Living). There is a mixture of architectural styles in the immediate vicinity with no single style dominating the streetscape. Most surrounding development is single detached residential dwellings. Most sites are steeply sloped.

### 2.3 HERITAGE

The existing building has no significant heritage relevance or historical value. The proposal has no impact on any nearby heritage item.

## 3. THE PROPOSAL

The proposal seeks approval for the following :

- Additions to the south west façade (rear) of the dwelling on all three existing floor levels
- Addition of a lift through all three levels
- Construction of a living room within the sub-floor void of Level 1
- Extension of part of the existing Level 3 balcony
- Construction of a new swimming pool in the north east garden

The objectives of the proposed work are as follows:

- To provide universal access throughout the dwelling
- To improve the amenity of the dwelling in terms of relationship of living areas to external recreational spaces on different levels of the very steeply sloping site

## 4. ZONING AND DEVELOPMENT CONTROLS

4.1 In addition to the NSW state and regional planning policies, the following planning instruments are of relevance to the development :

Pittwater Local Environment Plan 2014 (LEP)

Pittwater 21 Development Control Plan (DCP)

## **5. STATE ENVIRONMENTAL PLANNING POLICY 55 : REMEDIATION OF LAND**

Under Clause 7(1)(a) of State Environmental Planning Policy No. 55 Remediation of Land, consideration has been given as to whether the land is contaminated. The site has been used for residential purposes and there is no history to suggest that the site is contaminated. The application does not require further consideration under clause 7(1)(b) and (c) of SEPP.

## **6. STATE ENVIRONMENTAL PLANNING POLICY (BASIX 2004)**

State Environmental Planning Policy (Building Sustainability Index: Basix (compliance is achieved. A Basix Certificate for the proposed work confirms compliance.

## **7. RESPONSE TO PLANNING REQUIREMENTS OF PITTWATER LOCAL ENVIRONMENT PLAN 2014**

### **7.1 AIMS OF THE PLAN (Clause 1.2)**

The proposal is consistent with the applicable Aims of Pittwater LEP in that it

- is economically, environmentally and socially sustainable;
- is consistent with the desired future character of the locality in terms of bulk, scale, density, landscaping and appearance
- provides for the needs of the residents of this dwelling now and in the future
- protects and promotes the health and well-being of current and future residents of this dwelling and surrounding development.

### **7.2 ZONING (Clauses 2.1 – 2.3 and Land Use Table)**

The site is zoned E4 (environmental living). The objectives of the 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 additions will not adversely impact any natural vegetation or any wildlife corridors. The site slopes steeply down to the primary road frontage. Due to the steep slope, there is no vehicle or pedestrian access along the street boundary. All access is via a private right-of-way driveway through the rear (top) third of the site) The north east part of the site and the road reserve between the north east boundary and the road pavement edge are densely vegetated with mature trees and shrubs. The existing dwelling is hardly visible from the public domain due to the steep slope of the land and the dense vegetation along the north east boundary and the road reserve between the north west boundary and the road edge. Due to the dense vegetation and the steep slope, the proposed north east alterations and additions will not be visible from the street and will have minimal impact to surrounding development. The proposed works on the north east façade will not impact the current scale of the building when viewed from the distant Pittwater. The south west additions will not significantly impact the scale of the existing development when viewed from the right of way driveway or from

any surrounding development. No change is proposed to the existing ridgeline or general roofscape of the development.

7.3 PRINCIPAL DEVELOPMENT STANDARDS: MIN LOT SIZE (LEP Clause 4.1)

The minimum lot size is 700m<sup>2</sup>. The site has an area of 723.9m<sup>2</sup>.

7.4 PRINCIPAL DEVELOPMENT STANDARDS: HEIGHT OF BUILDINGS (LEP 4.3)

In terms of Clause 4.3(2), the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. A maximum building height of 8.5m applies to this site in accordance with the Height of Buildings Map. The following definitions in the dictionary of Pittwater LEP are relevant: *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; *ground level (existing)* means the existing level of a site at any point. The proposed new work does not exceed the allowable building height of 8.5m at any point.

7.5 PRINCIPAL DEVELOPMENT STANDARDS: FLOOR SPACE RATIO (LEP 4.4)

According to Pittwater LEP floor space ratio map, this site is not subject to a floor space ratio requirement.

7.6 ACID SULPHATE SOILS (LEP 7.1)

The site classification on the Acid Sulphate Soils Map is Class 5. Due to the elevation of the site relative to AHD, there is no impact on any development with respect to acid sulphate soils.

7.7 EARTHWORKS (7.2)

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The proposed excavation is associated with the construction of the new lift in the centre of the front façade of the existing dwelling and with construction of a new living room within the existing subfloor void on the lowest level of the dwelling. The proposed excavation will not impact any surrounding development.

7.8 FLOOD PLANNING (LEP 7.3)

The site is not in a flood risk zone.

7.9 BIODIVERSITY (LEP 7.6)

The site is noted on the Biodiversity Map. The site is not habitat for any significant fauna and is not connected to any ecologically significant habitat. The site does not have any ecologically significant flora. The proposal will not cause any adverse impact to any significant ecological habitat or vegetation.

7.10 GEOTECHNICAL HAZARDS (LEP 7.7)

The site is noted on the Geotechnical Hazard Map as H1. A geotechnical report has been prepared for the proposed works. It is considered that the development is designed, sited and will be managed (during construction) to avoid any geotechnical risk or significant adverse impact on any development and/or land surrounding the subject site.

7.11 NUMERIC COMPLIANCE TABLE : LEP



	STANDARD	EXISTING	PROPOSED
ZONING	E4	1 dwelling	No change
SITE AREA	Min 700m <sup>2</sup>	723.9m <sup>2</sup>	No change
HEIGHT OF BUILDING	8.5m	8.5m	Max height of proposed new work = 7.83m
ACID SULPHATE SOILS	Class 5		
LANDSLIP RISK	H1		

## 8. RESPONSE TO RELEVANT PLANNING REQUIREMENTS OF PITTWATER 21 DEVELOPMENT CONTROL PLAN

- 8.1 CHURCH POINT AND BAYVIEW LOCALITY (DCP A4.4)  
The proposal achieves the desired character of the locality as described in Clause A4.4. There is no significant change to the existing form, bulk and materiality of the existing dwelling on the site.
- 8.2 GENERAL CONTROLS : LANDSLIP HAZARD (DCP B3.1)  
The proposal complies with the requirements of the Geotechnical Risk Management Policy for Pittwater. See the report prepared by the geotechnical engineer in respect of the proposed works.
- 8.3 GENERAL CONTROLS : BUSHFIRE PRONE HAZARD (DCP B3.2)  
The development is not on bushfire prone land.
- 8.4 GENERAL CONTROLS : FLORA AND FAUNA HABITAT ENHANCEMENT CATEGORY 2 AND WILDLIFE CORRIDOR (DCP B4.4)  
The development does not require the removal of any significant trees or any native bushland. The proposed additions and proposed new swimming pool do not impact any native vegetation. No changes are proposed to any existing boundary fences therefore no impact is proposed to any existing fauna movement patterns on or across the site.
- 8.5 GENERAL CONTROLS : STORMWATER MANAGEMENT (DCP B5.15)  
The development is compliant in terms of the development control. The proposal results in a minor decrease to impervious surface area and will not change the existing stormwater management. All new work is to drain into the existing stormwater system which drains towards the street on the downslope side of the site.
- 8.6 GENERAL CONTROLS : SITE WORKS MANAGEMENT (DCP B8)  
The proposed construction works shall be carried out in accordance with the requirements of this control. Proposed excavation will not impact adjacent development. Waste is to be minimized during construction. The works shall be protected by site fencing for the duration of the construction work.
- 8.7 DEVELOPMENT TYPE CONTROLS : LANDSCAPING (DCP C1.1)  
No change is proposed to the existing established landscaping in the rear garden or along the primary street frontage. The existing dense vegetation at the rear and the front of the site includes a high percentage of native plant species. The density of the greenery assists in reducing landslip on the steep slope both on the site and on the

road reserve between the street boundary and the road edge. The proposed alterations and additions will not impact any significant mature trees. The existing tree canopy, which is to remain undisturbed by the proposed development, serves to conceal the existing and proposed development from the public domain and from surrounding development.

- 8.8 DEVELOPMENT TYPE CONTROLS : VIEW SHARING (DCP C1.3)  
The proposal is considerate of views that adjacent development currently enjoys towards the Pittwater. The distant water views from No's 7, 9 and 11 Ilya Avenue are expansive towards the north, north east and east. The proposed development does not adversely impact existing views enjoyed by the adjacent dwellings. The ridgeline of the existing dwelling remains as existing so there is no impact to upslope developments or to the public domain in respect of views.
- 8.9 DEVELOPMENT TYPE CONTROLS : SOLAR ACCESS (DCP C1.4)  
The proposal is compliant in respect of solar access. This is clearly illustrated in the shadow projection diagrams for 9am, 12pm and 3pm during the winter solstice.
- 8.10 DEVELOPMENT TYPE CONTROLS : VISUAL PRIVACY (DCP C1.5)  
The proposal maintains the existing level of visual privacy between the existing dwelling on the subject site and surrounding development. The proposed windows (W1 and W2) in the south east addition on Level 3 (top level) are high level windows. No other windows are proposed along the sides of the dwelling. The existing privacy screen on the eastern end of the Level 3 balcony is to be altered so that the north east edge becomes a vertical edge rather than angled. All existing mature perimeter screen planting is to remain.
- 8.11 DEVELOPMENT TYPE CONTROLS : ACOUSTIC PRIVACY (DCP C1.6)  
The proposal maintains the existing level of acoustic privacy between the existing dwelling on the subject site and surrounding development. Despite the alterations and additions, no change is proposed to the general arrangement and location of indoor and outdoor living areas on the land. The filtration plant for the proposed swimming pool is to be located within the enclosed deck surrounding the pool to avoid adverse acoustic impact to surrounding development.
- 8.12 DEVELOPMENT TYPE CONTROLS : PRIVATE OPEN SPACE (DCP C1.6)  
The proposal improves the amenity of the existing private open space for this dwelling. The rear garden shall have a level lawn directly connected to the additional living area. This will allow for an outdoor space of more than 16m<sup>2</sup> that is protected from the southerly winds. Part of the existing Level 3 balcony is to be increased in width to allow for greater functionality and safety. The construction of a living room, deck and pool at the garden level on Level 1 achieves an improved connection between the dwelling and the north east garden.
- 8.13 DEVELOPMENT TYPE CONTROLS : ADAPTABLE HOUSING AND ACCESSIBILITY (DCP C1.9)  
Inclusion of the proposed lift through all three levels of the dwelling provides universal access to all levels of the dwelling. This ensures that mobility challenged occupants or visitors to this home have safe and equitable access to all parts of the dwelling.
- 8.14 DEVELOPMENT TYPE CONTROLS : BUILDING FACADES (DCP C1.10)  
The aesthetic treatment of the proposed new work is to match the exterior fabric of the existing development. The materiality and expression of the existing building is

consistent with residential norms in the locality and blends sympathetically into the mature landscape of the site and the surrounding area.

- 8.15 **DEVELOPMENT TYPE CONTROLS : SWIMMING POOL SAFETY (DCP C1.17)**  
The proposed swimming pool is to be safety compliant in respect of the Swimming Pools Act 1992, the Regulations and the Australian Standard AS1926.1-2007. The safety fencing arrangement is clearly shown on the plans.
- 8.16 **LOCALITY SPECIFIC DEVELOPMENT CONTROLS : CHARACTER AS VIEWED FROM A PUBLIC PLACE (DCP D4.1)**  
The proposal is not visible from the public domain. The site is accessed via a private access road. The lower boundary does have frontage to Ilya Avenue but due to the steep topography, the development (existing and proposed) is not visible from the street.
- 8.17 **LOCALITY SPECIFIC DEVELOPMENT CONTROLS : SCENIC PROTECTION - GENERAL (DCP D4.2)**  
The proposal does not affect the existing roofline or the bulk of the building when viewed from any waterway, road or public reserve. The proposed new work is predominantly within the existing development envelope with the exception of a new living room at the front of the building on the upslope side of the existing dwelling and the proposed swimming pool associated with the lowest level of the existing dwelling.
- 8.18 **LOCALITY SPECIFIC DEVELOPMENT CONTROLS : BUILDING COLOURS AND MATERIALS (DCP D4.3)**  
The proposed additions will match the existing building materials and the existing muted colour palette.
- 8.19 **LOCALITY SPECIFIC DEVELOPMENT CONTROLS : FRONT BUILDING LINE (DCP D4.5)**  
The entry to the existing development is via a shared private access road which is a right-of-way through the southern third of the site. This arrangement is due to the steep topography of the land. There is no access to the site along the primary road frontage to Ilya Avenue. The front building line to No 11 is 5m. The front building line to No 7 is 10m. The proposed front building line to the Level 3 balcony extension is 10.1m. The setback from the east corner of the proposed swimming pool to the front boundary is 2.6m. It is considered that the proposal achieves the desired outcome of the planning control since the proposed pool will not be visible from the street due to the existing dense vegetation both within the site and between the front boundary line and the edge of the road. In addition to the dense vegetation screening the proposed works from public view, the topography of the land on the road reserve (between the front boundary line and the road edge) is so steep that it is not suitable for pedestrian use.
- 8.20 **LOCALITY SPECIFIC DEVELOPMENT CONTROLS : SIDE AND REAR BUILDING LINE (DCP D4.6)**  
The existing development has a 0.9m side building line setback to the south east boundary and north west side boundaries. The proposed additions maintain this building line relative to the south east boundary. The building line setback to the north west side boundary is less than 2.5m for the existing development. The proposed new works have a 6.0m setback to the north west boundary. The setback to the rear boundary from the proposed Level 3 addition is 18.7m.
- 8.21 **LOCALITY SPECIFIC DEVELOPMENT CONTROLS : BUILDING ENVELOPE (DCP D4.8)**  
The eastern corner of the existing Level 3 balcony breaches the building envelope control marginally. The proposed extension of this balcony extends the minor breach



of the numeric control. There is a slope in excess of 18 degrees over the site length and in the area of the existing building footprint. The planning control provides for variations to the building envelope on such steeply sloping sites.

**8.22 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : LANDSCAPED AREA - GENERAL (DCP D4.9)**

The usable site area is 610.57m<sup>2</sup>. 60% of 610.57m<sup>2</sup> = 366.34m<sup>2</sup>. 6% of 610.57m<sup>2</sup> = 36.63m<sup>2</sup> (allowable inclusion of open terrace area in landscaped area calculation). Minimum total soft landscaped area required = 329.71m<sup>2</sup> (inclusive of pathways less than 1.0m in width). Proposed total soft landscaped area = 329.90m<sup>2</sup>. Numeric compliance with this control is achieved. The desired outcomes of the control are achieved.

**8.23 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : LANDSCAPED AREA – ENVIRONMENTALLY SENSITIVE LAND (DCP D4.10)**

As above : The usable site area is 610.57m<sup>2</sup>. 60% of 610.57m<sup>2</sup> = 366.34m<sup>2</sup>. 6% of 610.57m<sup>2</sup> = 36.63m<sup>2</sup> (allowable inclusion of open terrace area in landscaped area calculation). Minimum total soft landscaped area required = 329.71m<sup>2</sup> (inclusive of pathways less than 1.0m in width). Proposed total soft landscaped area = 329.90m<sup>2</sup>. Numeric compliance with this control is achieved. The desired outcomes of the control are achieved.

**8.24 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : FENCES GENERAL (DCP D4.11)**

No changes are proposed to any existing fences and no new fences are proposed.

**8.25 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : FENCES – FLORA AND FAUNA CONSERVATION AREAS (DCP D4.12)**

No changes are proposed to any existing fences and no new fences are proposed.

**8.26 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : CONSTRUCTION, RETAINING WALLS, TERRACING AND UNDERCROFT AREAS (DCP D4.13)**

The proposal achieves the objective of this control. The existing balconies on the north façade (on the downslope side of the dwelling) are concrete slab on steel columns. The extension to the Level 3 balcony maintains this type of construction with a light touch to the ground. The proposed terrace at Level 1 requires minimal excavation (600mm maximum) and will be constructed as a timber deck. The proposed swimming pool is partly excavated into the site at the south end and, due to the slope of the land, projects above ground level at the north end. The north end of the pool is to be clad in timber decking.

**8.27 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : SCENIC PROTECTION CATEGORY 1 AREAS (DCP D4.14)**

The existing mature trees on the site are to remain. The visual impact of the development on the public domain remains largely unchanged. The existing dwelling is not visible from any street due to the established perimeter landscaping, which includes many native trees and tall shrubs. Since the existing dwelling enjoys lovely views out to the Pittwater, it must be assumed that the house can be seen from the Pittwater. The development will have no impact on the existing character of the locality when viewed from the water. The proposed extension of the Level 3 balcony will not change the appearance of the existing development when viewed from the water.

## **9. MATTERS FOR CONSIDERATION UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

### **THE LIKELY IMPACTS OF THE DEVELOPMENT**

These have been addressed above.

### **THE SUITABILITY OF THE SITE FOR DEVELOPMENT**

The site is considered suitable for the proposed development. The existing development on the site is a single dwelling and the site is considered to be suitable for residential development. The zoning and all planning controls provide for such development as is proposed. All requisite services for residential development are available with existing connections to the site. The site has no history of contamination and there are no known hazards evident on the land.

### **THE PUBLIC INTEREST**

The public interest is served by improving the functionality and aesthetics of the existing development on the site whilst ensuring that the additions do not result in an unreasonable loss of residential amenity to adjoining and nearby properties and public spaces.

## **10. CONCLUSION**

The proposed development represents a reasonable response to the constraints and opportunities of the site and to the relevant planning controls, in accordance with the objectives of the *Environmental Planning and Assessment Act 1979*. The proposal achieves the aims and objectives of all relevant development standards and planning controls. The proposal will improve the amenity of the existing development. The change is achieved with respect for solar access, view sharing, visual privacy and acoustic privacy to adjacent development. It is therefore considered that the proposal will increase the amenity for the occupants of this development, adding universal access to all levels of the dwelling with the inclusion of a lift, without adversely impacting surrounding properties and public spaces. The proposed upgrading of the development will be consistent with the existing character of the local area.



## APPENDIX 1 : PHOTOGRAPHIC RECORD



STREET BOUNDARY VIEW FROM ILYA AVENUE

(shows dense vegetation on steeply sloped road reserve – development can't be seen from the street)





VIEW FROM ILYA AVENUE TOWARDS EAST CORNER OF SITE  
(shows dense vegetation on steeply sloping road reserve)



VIEW FROM SHARED ACCESS ROAD FROM ILYA AVENUE LOOKING TOWARDS ENTRY TO No 11 ILYA AVENUE  
(shows right of way from Ilya Avenue towards No 7; No 11 is at right of image, No 9 is middle-left and part of No 7 is visible at extreme left)





VIEW OF ENTRY TO No 9 FROM RIGHT OF WAY SHARED DRIVEWAY



VIEW ALONG SHARED RIGHT OF WAY ACCESS ROAD LOOKING TOWARDS ENTRY TO No 7 ILYA AVENUE





VIEW FROM EXISTING LEVEL 3 LIVING ROOM TOWARDS NORTH EAST  
(shows water views and privacy screen on right side - south east - of balcony)



VIEW FROM EXISTING LEVEL 3 BALCONY DOWN TOWARDS NORTH EAST GARDEN AND STREET  
BOUNDARY  
(shows dense vegetation on the subject site at north east end of site and along south east side boundary)





NORTH WEST VIEW FROM EXISTING LEVEL 3 BALCONY TOWARDS No 7 ILYA AVE



SOUTH EAST VIEW FROM EXISTING LEVEL 3 BALCONY DELIBERATELY LOOKING DOWN TOWARDS BALCONY AT No 11 ILYA AVENUE





VIEW FROM EXISTING LEVEL 1 DECK TOWARDS SOUTH EAST BOUNDARY  
(shows existing structure of Level 3 balcony – concrete deck with supporting steel columns)



VIEW FROM EXISTING LEVEL 2 UNDERCROFT SPACE TOWARDS SOUTH EAST BOUNDARY  
(shows existing topography where lift is proposed)





VIEW FROM EXISTING LEVEL 3 ENTRY VERANDAH TOWARDS SOUTH EAST BOUNDARY



VIEW FROM EXISTING PEDESTRIAN ENTRY GATE TOWARDS ENTRANCE DOOR  
(shows existing topography where new Level 3 living room is proposed)