

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT**

**DA2018/2015**

**PROPOSED ADDITION OF NEW ELEVATED WALKWAY TO CONNECT  
GARAGE LIFT WITH HOUSE**

**163 RIVERVIEW ROAD, AVALON BEACH**

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## **1.0 INTRODUCTION**

This statement of environmental effects has been prepared in order to provide a planning assessment as well as detailed information in respect of an application (the 'application') under section 4.55(1A) of the Environmental Planning and Assessment Act 1979 ('EPAA') for modification (the 'modification(s)') of Development Consent DA 2018/2015 (the 'development consent' or 'consent'), relating to the land known as No 163 Riverview Road, Avalon Beach (the 'site'), in the form of changes to the approved plans associated with the consent as respects the addition of an elevated steel walkway connecting the Garage and House.

The modification sought (the 'proposal') are for the purpose of:

- addition of a steel elevated walkway connecting the Garage and House, and
- deletion of inclinator and walkway from the house east toward the street, and
- deletion of paving from stairs to garage lift door, and

The purpose of the modification is to improve the access connection from the house to the garage & street as an enhancement for the residents, particularly elderly or disabled, which allows the deletion of other elements, such as part of the inclinator, walkways and paving, to increase the landscaping while at the same time enhancing the site's amenities.

The modification, if granted, would take the form of an amendment to, relevantly, Condition 1 of the consent so as to reflect the amended plans as well as the imposition of any other conditions, or changes to other conditions of consent, considered appropriate by Northern Beaches Council ('Council'), to the extent permitted by law.

The following matters are required to be addressed by the consent authority in its assessment of the proposal under the EPAA:

1. Whether the proposed modification is of minimal environmental impact (refer s4.55 (1A)(a)).
2. Whether the development is substantially the same as that which has been consented to (refer s4.55 (1A)(b) EPAA).
3. The nature of any submissions relating to the modification request.

In our opinion, the development remains substantially the same notwithstanding the modification sought. In that regard, an undertaking is given to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved (refer section 4.55(1A)(b), EPAA).

We submit that the proposed amendments to the approved plans would not, of themselves, create any significant environmental impacts and that the consent authority can be satisfied (that means 'reasonably satisfied') that the proposed modification is of minimal environmental impact.

Submissions, if any be made, are for the consent authority to consider and determine.

In preparing the application, consideration has been given to the environmental merit of the proposal as well as in relation to the following legislation, statutory planning instruments and subordinate policies:

- Environmental Planning and Assessment Act 1979 ('EPAA');
- Environmental Planning and Assessment Regulation 2000 ('EPAR');
- Pittwater Local Environmental Plan 2014 ('PLEP');
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ('SEPP (BASIX)'); and
- Pittwater 21 Development Control Plan ('PDCP').

The matters in for the consent authority to consider include, most relevantly, the following:

- the provisions of the relevant environmental planning instrument, namely, PLEP;
- the provisions of any relevantly applicable development control plan, namely, PDCP;
- the effect and expected impacts of the modification; and
- the public interest.

We have reviewed the material in relation to the modification sought, giving due consideration to the relevantly applicable planning controls and the matters for consideration. In our opinion—and we so submit—the application for modification of the consent is worthy of approval and succeeds on the merits.

## **2.0 SITE LOCATION AND DESCRIPTION**

### **2.1 Location**

- The site is a sloping, rectangular, waterfront site located on the lower, western-facing side of Riverview Road in the Avalon locality.
- The site is only a short driving distance from Avalon Beach Village.
- The surrounding area comprises a low-density residential neighbourhood.
- The area has been settled and used for residential development for a considerable period of time.
- A location plan is provided at Annexure 1.
- An aerial photograph is provided at Annexure 2.
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### **2.2 The Site**

- The site is legally described as Lot 100 in Deposited Plan 1250837 and has an area of approximately 1010 sqm.
- The land slopes steeply from the front of site towards the rear boundary of the site adjoining the waterfront.
- Currently, the site is occupied by a multi-level brick veneer dwelling house with a detached double carport to which there is level access from Riverview Road, and workshop underneath.
- The site has a desirable west-northwest aspect, enjoys stunning views over Pittwater, and is naturally landscaped which assists in ensuring privacy from adjoining properties.
- The site currently has the benefit of a substantial deepwater jetty and pontoon. Photographs of the relevant part of the site for this application are in Annexure 3.

### **3.0 RELEVANT DEVELOPMENT HISTORY**

#### **3.1 Development Consent DA 2018/2015**

Council granted consent (relevantly, Development Consent DA 2018/2015) for the carrying out of alterations and additions to the existing dwelling house on the site, by Notice of Determination dated 5 June 2019.

#### **3.2 Description of the Approved Development**

The development the subject of the consent included the following:

- demolition of the existing roof and construction of a new 'butterfly' roof;
- new external balconies;
- installation of two internal lifts and an external inclinator;
- internal reconfiguration;
- swimming pool and associated decking;
- concrete slab for improved external access from the driveway, external stairs and associated landscaping.

There were no specific conditions relating to the Garage Lift, the landscaping adjacent or the House entry, which are the purpose of this request.

### **4.0 DESCRIPTION AND DETAILS OF THE MODIFICATION**

The application is being made to Northern Beaches Council ('Council'), being the relevant consent authority.

The modification sought (the 'proposal') is to add an elevated steel walkway to connect the Garage Lift (lower lift stop) to the House Entry (Level 4).

The purpose of the modification is to provide access from the house to the garage & street as an enhancement for the residents, particularly elderly or disabled, and allows the deletion of other elements, such as part of the inclinator, walkways and paving, to increase the landscaping while at the same time enhancing the site's amenities.

Specifically, the changes involve:

- add an elevated steel walkway to connect the Garage Lift (lower lift stop) to the House Entry (Level 4).

This will allow;

- deleting approx 7.5m eastern section of inclinator along the northern boundary,
- deleting the timber walkway to access the east inclinator stop,
- deleting paving to originally access the Garage Lift facing north,

The changes referred to above are show in detail in the architectural plans accompanying the application.

The development to which the consent as sought to be modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified. In that regard, the modification sought would not change the nature of the approved development and would not render the development different in terms of its essential character.

In the case of the proposal, the purpose of the development consented to will not change in either a qualitative or quantitative sense. Furthermore, the modification of the conditions of consent sought to be modified will continue to achieve the same purpose for which consent was granted. In this regard, the use of the dwelling house and curtilage will remain the same and the floor space and number of occupants will remain the same. In a comparison of the development as currently approved and as proposed to be modified, the development will remain essentially and materially the same.

In short, the development will be substantially the same notwithstanding the modifications that are sought.

## **5.0 STATUTORY PLANNING FRAMEWORK**

### **5.1 Pittwater Local Environmental Plan 2014**

#### **5.1.1 Zoning and Permissibility**

The site is zoned E4 Environmental Living under PLEP.

The proposal relates to the current use of the site as a 'dwelling house', which is a use that is nominately permissible, with consent, in the E4 zone.

In a residential context, the connection from the house to the garage & street, is an enhancement for the residents, particularly elderly or disabled, and allows the deletion of other elements, such as part of the inclinator, walkways and paving, to enhance the landscaping to the north part of the site.

The development the subject of the proposed modification will continue to comply with the objectives of the E4 zone, which are as follows:

- 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.

In our opinion, the proposed modification is consistent with such of the zone objectives as are of relevance. In that regard, the proposal and the resultant development will be low impact and of an appropriate scale, will not have an adverse effect on the special ecological and aesthetic values of the area including the immediate locality, and will not disturb foreshore vegetation and wildlife corridors.

A Zoning Map extract from PLEP depicting the site is provided at Annexure 4.

### **5.1.2 Development Standards**

The proposed modification of consent will not impact on the existing size of the dwelling house nor change the height of the development. In addition, the proposed modification will have no environmental planning implications for any other development standards of relevance to the site.

## **5.2 Coastal Management SEPP**

### **5.2.1 Objectives**

State Environmental Planning Policy (Coastal Management) 2018 ('Coastal Management SEPP') applies to the site.

The primary objective of the Coastal Management SEPP is the management of the coastal environment of New South Wales in an ecologically sustainable manner for the social, cultural and economic wellbeing of the people.

The relevant clauses in the Coastal Management SEPP relating to the development proposal are referred to and discussed below, to the extent to which they are relevant to the proposal.

### **5.2.2 Coastal Environment Area**

The site is identified as being within the coastal environmental area under the Coastal Management SEPP. The provisions of clause 13(1) of the Coastal Management SEPP are as follows:

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

(b) coastal environmental values and natural coastal processes,

(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(f) Aboriginal cultural heritage, practices and places,

(g) the use of the surf zone.

The proposal will not create adverse impacts on the biophysical, hydrological and ecological environment nor to the natural coastal process.

The proposal complies with clause 13(1) of the Coastal Management SEPP as the proposal is designed and sited to avoid any adverse impact of the kind referred to in such of the provisions in the subclause as are of relevance to the subject-matter of the proposal.

A Coastal Environment Area Map extract depicting the site is provided at Annexure 5.

### **5.2.3 Coastal Use Area**

The site is identified as being within the coastal use area under the Coastal Management SEPP.

The provisions of clause 14(1) of the Coastal Management SEPP are as follows:

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (ii) overshadowing, wind funneling and the loss of views from public places to foreshores,
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
- (iv) Aboriginal cultural heritage, practices and places,
- (v) cultural and built environment heritage, and

(b) is satisfied that:

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and



(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The proposal will not impact existing access to the Pittwater foreshore and is not otherwise likely to cause an adverse impact on any of the matters specified in clause 14(1)(a) of the Coastal Management SEPP.

In addition, we are of the opinion that Council can be reasonably satisfied as to the matters specified in clause 14(1)(b) of the SEPP.

Finally, in preparing the application, regard has been had to the surrounding coastal and built environment. In that regard, we are of the opinion that the bulk, scale and size of the development are appropriate having regard to the need to protect and respect the surrounding coastal and built environment.

The proposal will not result in any material changes to existing views and thus will not, in our opinion, cause any significant view loss.

The proposal will not have any impact on the conservation of any known Aboriginal cultural heritage, practices and places because the site has not been identified as a potential Aboriginal Place or as containing an Aboriginal Object and is not listed in Schedule 5 to PLEP or within the NSW Atlas of Aboriginal Places.

The proposal will not affect heritage items located in the vicinity.

In our opinion, the proposal is consistent with such of the provisions of clause 14 of the Coastal Management SEPP as are of relevance to the subject-matter of the proposal.

A Coastal Use Area Map extract depicting the site is provided at Annexure 6.

### **5.3 Pittwater 21 Development Control Plan**

#### **5.3.1 General**

Pittwater 21 Development Control Plan ('PDCP') applies to development on the subject land.

The proposal is consistent with the aims and objectives referred to in the development control plan. In that regard, the proposal responds to the distinctive characteristics and qualities of the site and will not result in any significant environmental impacts nor alterations to the desired future character of the area.

The present application for modification is for minor amendments (de minimis, for all intents and purposes) to an existing development consent.

The proposal is relevant only to a select subset of the controls in PDCP, specifically, those pertaining to landscaping and excavation works.

### **5.3.2 Landscaped Area**

Control D1.14 of PDCP requires the total landscaped area on land zoned E4 Environmental Living to be 60% of the site area.

The originally approved landscape area is 565 sqm at 60%.

The approved modification to increase the swimming pool area from 27.5 sqm to 32 sqm reduced landscaped area by 4.5sqm to 59.5%.

The modification development we seek for approval will result in an improvement of landscaped area by virtue of;

- deleting approx 7.5m eastern section of inclinator along the northern boundary,
- deleting approx 3sqm of timber walkway to access the east inclinator stop,
- deleting approx 3sqm paving to originally access the Garage Lift facing north,
- deletion of approx 1.5sqm Garbage Bin area off walkway adjacent the house.

Thus, will be approximately equal to that 'mandated' by the control.

The elevated walkway to connect the Garage Lift (lower lift stop) to the House Entry (Level 4) does not touch the ground as it's steel beams are fixed to the garage lift on one end and the new approved house structure on the other end.

It does not interfere with adjacent Tree12 or any other landscaping, existing or proposed, and provides no overshadowing to neighbours.

A Pittwater Landscaped Area Map extract depicting the site is provided at Annexure 7.

### **5.3.3 Private Open Space**

The proposed modification will not result in a material change to private open space.

### **5.3.4 Excavation Landslip Hazard and Runoff**

The modifications, the subject of the proposal, are minor in nature and will be undertaken on a sloping site, however there is no additional excavation required.

The proposed modification will not involve the removal of any further trees than that for which consent has already been granted.

Also, the modification will not have an impact on the flow of surface water, as indicated in the original development application.

The scheme will meet the controls contained in Section B3.1, B8.1 and B8.2 of PDCP.

### 5.3.6 Scenic Protection and Coastal Hazard

By virtue of Section D1.4 ('Scenic protection— General') of PDCP, which applies to land in the Avalon Locality mapped as Scenic Protection— General—P21DCP-D01MDCP080a, development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

In our opinion, the proposal will not have any material adverse visual impact on the natural environment when viewed from any waterway, road or public reserve.

## **6.0 KEY ISSUES**

### **6.1 Substantially the Same Development**

The proposed modifications do not render the development different in terms of its essential character. In the present case, the **purpose of the development** as consented to will not change, in either a qualitative or quantitative sense.

The proposed modifications would, when carried out, result in a more feasible and practical connection from House to Garage & street for the residents of the existing dwelling house, particularly elderly or disabled access. In addition, the changes will cause no impact on local amenity.

The proposed modification has no impact on excavation and landscaping and accords with current legislation.

The use ('dwelling house') will remain the same, and the overall built form will remain the same. The modifications as respects adding an elevated walkway to connect the Garage Lift to the House Entry, while intended to enhance the lifestyle and day-to-day needs of residents, will remain responsive and compliant with the relevantly applicable controls of PDCP, as per Development Consent DA2018/2015.

As such, we respectfully submit that the development will be substantially the same notwithstanding the minor modifications sought.

### **6.2 Environmental Impact**

The proposal involves minor changes by adding an elevated walkway to connect the Garage Lift to the House Entry will not adversely affect the visual amenity of the site.

In our opinion, the proposal will have virtually no environmental impacts. As such, we respectfully submit that the proposal is appropriate for consideration under section 4.55(1A) of the EPAA.

### **6.3 Amenity Impacts**

The proposed modifications will be located below street level, will not be visible from the street, and for the most part will not be readily discernible when viewed from the waterfront. As such, the proposal will not have an adverse effect on the visual amenity of the area.

The proposal is consistent with the underlying purpose—in this case, the sole purpose—for which development is being carried out on the site, namely, the purpose of a dwelling house.

The proposed modification is consistent with the relevantly applicable provisions of PLEP and PDCP and will have no environmental impacts on either the site or neighbouring properties.

Finally, the proposal will have no impact on public amenities or the public domain, and will improve the current condition of the site, both aesthetically and functionally

## **7.0 CONCLUSION**

This document addresses the statutory planning regime pertaining to the application and demonstrates that the proposed modification of the consent is compliant with the relevantly applicable development standards and other planning controls, is generally consistent with the relevant guideline controls in PDCP and is appropriate in all the circumstances.

The proposed modification is of minimal environmental impact and the development remains substantially the same. In that regard, an undertaking is given to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved (refer section 4.55(1A)(b), EPAA). In addition, the proposal is consistent with the underlying purpose—in this case, the sole purpose—for which development is being carried out on the site.

The proposed modification is consistent with such of the zone objectives as are of relevance, will not impact on the existing size of the house nor change its height, will have no environmental planning implications for any other development standards of relevance to the site, and will not create adverse impacts on the biophysical, hydrological and ecological environment nor to the natural coastal process.

The proposal will not result in any material changes to existing views and thus will not, in our opinion, cause any significant view loss.

The proposal will not have any impact on the conservation of any known Aboriginal cultural heritage, practices and places because the site has not been identified as a potential Aboriginal Place or as containing an Aboriginal Object and is not listed in Schedule 5 to PLEP or within the NSW Atlas of Aboriginal Places. Finally, the proposal will not affect any heritage items located in the vicinity.

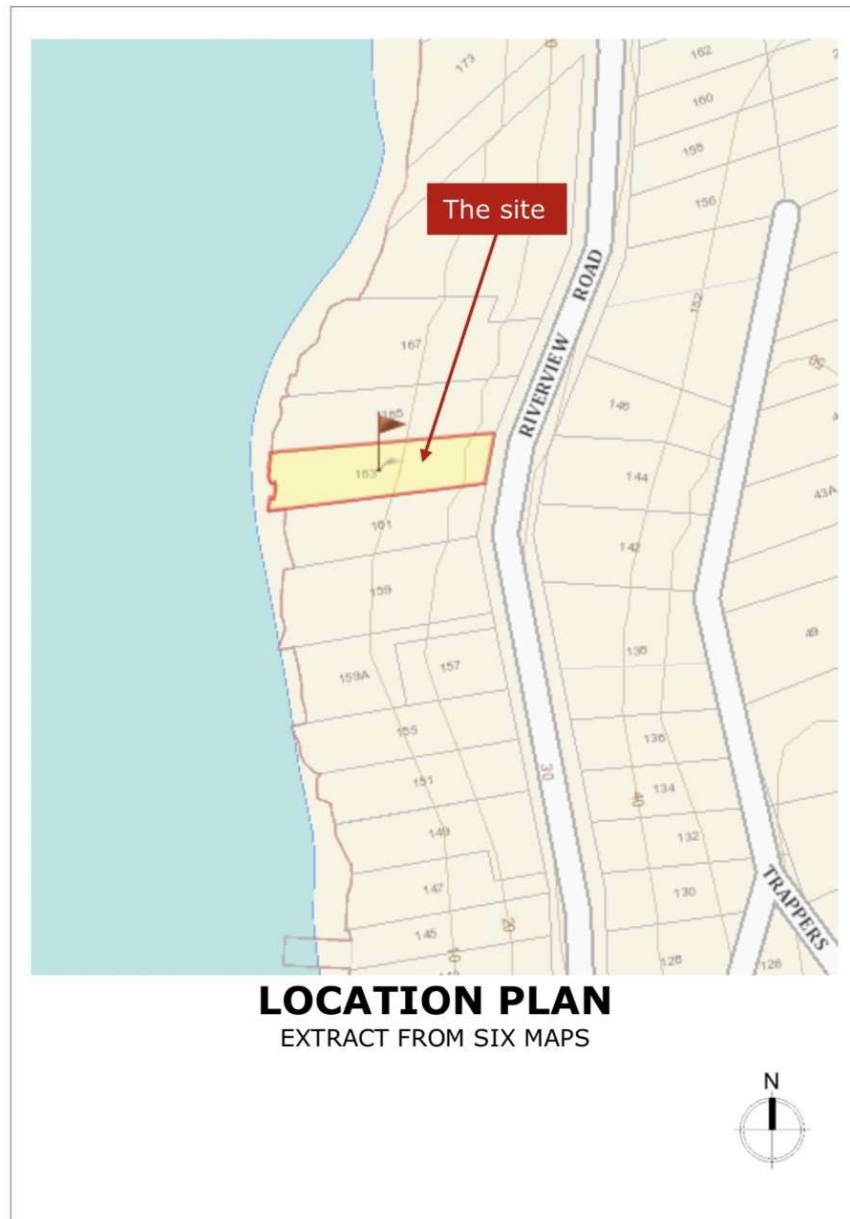
In short, the proposal will have virtually no environmental impacts.

The heads of consideration contained in section 4.55(1A) of the EPAA have been examined and considered to the extent to which they are relevantly applicable to the proposal.

In our opinion, there are no matters which would prevent Council as consent authority from approving the proposed modification in this instance, subject to the imposition of appropriate and reasonable conditions of consent to the extent permitted by law.

In our opinion, the proposed modification merits support from the consent authority and approval.

## ANNEXURE 1 – LOCALITY MAP



## ANNEXURE 2 – AERIAL PHOTOGRAPH





**ANNEXURE 3 – RELEVANT SITE PHOTOS**



**ANNEXURE 4 - ZONING MAP (EXTRACT FROM PLEP)**





**ANNEXURE 5 - COASTAL ENVIRONMENT AREA MAP (EXTRACT FROM COASTAL MANAGEMENT SEPP)**



**ANNEXURE 6 - COASTAL USE AREA MAP (EXTRACT FROM COASTAL MANAGEMENT SEPP)**



**ANNEXURE 7 - PITTWATER LANDSCAPED AREA MAP (EXTRACT FROM PDCP)**

