

STATEMENT OF ENVIRONMENTAL EFFECTS

CHANGE OF USE OF EXISTING 'STUDIO' TO SECONDARY DWELLING

**1178 BARRENJOEY ROAD
PALM BEACH**

MARCH 2019



statement of environmental effects

Submission to

NORTHERN BEACHES COUNCIL

**CHANGE OF USE OF EXISTING STUDIO
TO SECONDARY DWELLING**

1178 BARRENJOEY ROAD PALM BEACH

Prepared on behalf of

LEON WAGNER

Ishara Warakagoda

BA (AUW) MPlan (WSU) MPlA

Senior Town Planner

Pierre Le Bas

BA(Geog)(UNE) LLB(Hons1) GradCertLegP(UTS) MTCP(Syd)

Director & Legal Counsel



Town Planners

Suite 2301

Quattro Building 2

Level 3

4 Daydream Street

WARRIEWOOD NSW 2102

Phone: 02 9979 4922

Fax: 02 9979 4811

March 2019

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www.turnbullplanning.com.au

info@turnbullplanning.com.au

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This statement has been prepared in consideration of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the provisions relating to expert evidence. The opinions in the statement represent the professional opinions of the authors, based on an assessment of the facts and circumstances as have been cited in the document.



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1.0 INTRODUCTION

This document has been prepared in order to provide information and an assessment in respect of a development application (the 'development application') seeking consent for change of use of a studio to a secondary dwelling, at property No 1178 Barrenjoey Road Palm Beach ('the site').

Consideration has been given to the environmental merits of the proposed development having regard to the following relevantly applicable principal pieces of legislation, statutory planning instruments and subordinate documents:

- *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 2014* ('PDCP').

2.0 SITE LOCATION AND DESCRIPTION

2.1 Location

The site is located on a quiet, private road accessed from Barrenjoey Road, Palm Beach.

The site enjoys good transport linkages with Palm Beach, Manly, Dee Why and Sydney City. The surrounding area consists of a low-density residential neighbourhood and includes generous public open space, local restaurants and local shopping facilities.

A locality map is provided at **Annexure 1**.

An aerial photograph is provided at **Annexure 2**.

2.2 The Site

The site comprises two lots, legally described as Lot 1 in DP 105986 and Lot 1 in DP 1084184. The building relevant to the proposed secondary dwelling, is located on Lot 1 in DP 1084184.

The site is 1593.00 sqm in area.



The land slopes downwards from the rear of the property towards the front boundary. Currently, the site is occupied by a dwelling house with a studio.

Photographs of the site and the surrounding streetscape are provided at **Annexure 3**.

3.0 DEVELOPMENT PROPOSAL

The development proposal involves a change of use of an existing studio to a detached secondary dwelling and internal and external minor alterations and additions involving the existing studio.

A kitchen and laundry are proposed internally. As for external alterations, privacy screens and a gate at the front of the building are proposed as part of the development application.

Architectural plans prepared by Blue Sky Building Design, accompany the development application.

4.0 DEVELOPMENT HISTORY

In 2005, a s96 EPAA (now s4.55) modification application (DA N0266/05) was lodged with the Pittwater Council, for the demolition of an existing garage and construction of a studio in its place.

The Council granted development consent to the application on 07 July 2007. Subsequently a construction certificate and occupation certificate for the development were obtained by the owner.

5.0 STATUTORY PLANNING FRAMEWORK

5.1 Pittwater Local Environment Plan 2014

5.1.1 General

Pittwater Local Environmental Plan 2014 (PLEP), being the relevantly applicable local environmental plan, commenced on 26 April 2014.

5.1.2 Aims

The aim of PLEP is, among other things, to promote economically, environmentally and socially sustainable development in the former local government area of Pittwater (and now part of the Northern Beaches local government area) and to ensure that development is consistent with the desired character of Pittwater's localities.



5.1.3 Zoning

The site is zoned E4 Environmental Living under PLEP.

Secondary dwellings are nominately permissible with development consent, on land zoned E4.

A zoning map extract depicting the site, is provided at **Annexure 4**.

5.1.4 PLEP Zone Objectives

The E4 zone objectives under PLEP are as follows (refer land use table, E4 zone, item 1):

- 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 development proposal is consistent with such of the zone objectives as are of relevance to the subject-matter of the proposal.

5.1.5 Secondary Dwellings

The expression 'secondary dwelling' is defined in the Dictionary to PLEP 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 as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.



Secondary dwellings are a type of **residential accommodation**—see the definition of that term in the Dictionary.

Thus, a secondary dwelling must, among other things, be self-contained and established in conjunction with a principal dwelling.

Further, as mentioned above, the total area of a secondary dwelling must not exceed 60 sqm or 25 per cent of the total floor area of the principal dwelling: see clause 5.4(9), PLEP.

The development proposal satisfies the essential elements and features, and otherwise comes within the 'four corners' of, the definition of a 'secondary dwelling' in PLEP.

5.1.6 Height of Buildings

Clause 4.3 of PLEP controls the height of buildings.

The objectives of clause 4.3 are as follows (refer clause 4.3(1), PLEP):

- To ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality.
- To ensure that buildings are compatible with the height and scale of surrounding and nearby development.
- To minimise any overshadowing of neighbouring properties.
- To allow for the reasonable sharing of views.
- To encourage buildings that are designed to respond sensitively to the natural topography.
- To minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

By virtue of PLEP Height of Buildings Map (tile HOB 014), the maximum permissible height of a building on the site is 8.5 metres.

There are no proposed changes to the height of the existing studio.

There will be no incidental overshadowing impacts to neighbouring properties, and views and vistas will be preserved from neighbouring properties.



The development proposed is consistent with the objectives of Clause 4.3 of PLEP.

All of the above notwithstanding, the development complies with clause 4.3(2FA) of the PLEP, requiring that secondary dwellings in an E4 zone, not exceed 5.5m in height.

A Height of Buildings Map extract from PLEP is provided at **Annexure 5**.

5.1.7 Heritage Conservation

Adjacent to the rear boundary of the subject site is a local heritage item: "Villa d'Este" (house) in Palm Beach. Accordingly, clause 5.10 (Heritage conservation) of PLEP applies to the development proposal.

The objectives of clause 5.10 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.

The proposal is consistent with the objectives of Clause 5.10 of PLEP. The proposed minor works will have no impact on the heritage value of the neighbouring local heritage item: Villa d'Este.

Further, the site has not been identified as a potential Aboriginal Place or as containing an Aboriginal Object and is not listed within the NSW Atlas of Aboriginal Places.

The proposed development will not have any impact on the conservation of any known Aboriginal places or objects.

A Heritage Map extract (from PLEP) is provided at **Annexure 6**.



5.1.8 Acid Sulfate Soils

The site is identified as being within 'Class 5' on the Acid Sulfate Soils Map.

Clause 7.1 of PLEP relates to development on acid sulfate soils. The objective of the clause is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage. The proposed development does involve the carrying out of earth works. The proposed development does not involve the disturbance of 'more than one tonne of soil'. Therefore, a specialist report is not required.

Accordingly, an acid sulfate soils management plan (refer clause 7.1 (6), PLEP) has not been prepared given the present circumstances.

5.1.9 Earthworks

The proposed minor alterations to the building, do not involve any excavation works whatsoever. We have considered clause 7.2 of the PLEP as part of the development proposal, and conclude that the proposal is entirely consistent with the desired outcomes of the clause.

5.1.10 Biodiversity

The site is within a biodiversity area (refer Biodiversity Map).

Accordingly, clause 7.6 ('Biodiversity') of PLEP applies to the development proposal.

The objectives of clause 7.6 are as follows (refer clause 7.6 (1), PLEP):

- protecting native fauna and flora, and
- protecting the ecological processes necessary for their continued existence, and
- encouraging the conservation and recovery of native fauna and flora and their habitats.

The proposal will not, in our opinion, have any significant adverse impact on existing flora and fauna nor disturb the biodiversity structure, function and composition of the site.

The rear of the site is heavily vegetated and bush turkeys are noted to be nesting in the precinct. As a



measure to protect the ecological processes necessary for their continued existence, private open space is provided at the front of the dwelling, which already contains an impervious area.

A Biodiversity Map extract is provided at **Annexure 7**.

5.1.11 Flood Planning

The driveway area of the site is identified as a low flood risk precinct; further, the west southwest corner of the site is also identified as a medium and low flood risk precinct.

The proposed privacy screens are not located in the flood affected area; further, the current location of the building will not be affected by flood water.

The development will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties and will not adversely affect the environment or cause erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

In our opinion, the proposed development is consistent with such of Clause 7.3 of PLEP as is of relevance.

A Pittwater Flood Risk Planning Map extract is provided at **Annexure 8**.

5.1.12 Geotechnical Hazard

The site is identified as Geotechnical Hazard H1 on the Geotechnical Hazard Map forming part of PLEP.

The proposed development complies with the objectives of clause 7.7 'Geotechnical Hazard' of PLEP.

A Geotechnical Map extract is provided at **Annexure 9**.

5.1.13 Essential Services

The site currently enjoys the services of water, electricity, sewerage and stormwater drainage, as well as suitable vehicular access. The proposed development will not affect existing provisioning.



5.2 Pittwater 21 Development Control Plan 2014

5.2.1 Purpose

Pittwater 21 Development Control Plan 2014 (PDCP) applies to development on the site.

The purpose of PDCP is to provide best practice standards for developments.

The controls contained in PDCP, to the extent to which they are relevantly applicable to the proposed development, will now be considered and discussed.

5.2.2 Localities

The subject dwelling is located in the Palm Beach locality. The change of use and minor alterations and additions to the building, are consistent with the desired low-density residential nature of the precinct. The locality supports the establishment of secondary dwellings in conjunction with principal dwellings to encourage additional opportunities for more compact and affordable housing. There will be virtually no impacts from an amenity or from an environmental perspective, caused by the proposal.

5.2.3 Heritage Conservation

Refer to section 5.1.7 (Heritage conservation) of this document.

5.2.4 Flood Prone Land

Pursuant to control B3.11 of PDCP, some parts of the site are classified as low to medium flood affected area.

The proposal satisfies the prescriptive controls for the relevant land use category in the applicable Flood Risk Precinct. Refer to section 5.1.11 (Flood Planning) of this document for further information.

5.2.5 Natural Resources

The proposed privacy screen will not have any detrimental effect on wildlife corridors or local native flora and fauna, as it is to be erected on the already developed part of the site. The immediate rear area is to be kept undisturbed. Even though private open space area at the rear is preferred, as a measure to



preserve local native flora and fauna and habitat, it is proposed to provide private open space at the front of the dwelling. The development therefore will not have an adverse impact on wildlife corridors or local native flora and fauna and relevant habitat.

5.2.6 Stormwater Management

The development proposal does not result in additional hard (impervious) surfaces. The existing stormwater drainage system is to remain in place.

5.2.7 Access Parking and Traffic

The site currently enjoys safe and convenient access to both the principal and the proposed secondary dwelling, via an existing concrete driveway. No changes are proposed to the existing access driveway.

The off street parking requirement (Part B6.3 of PDCP) is two spaces per dwelling (not being a secondary dwelling) with two bedrooms or more.

In the case of a secondary dwelling, a minimum of one car space is required, in addition to the parking requirement in respect of the principal dwelling.

The principal dwelling includes a garage providing three car parking spaces. A sperate parking space is provided on the hard-impervious area at the front of the proposed secondary dwelling. The location of the proposed additional parking space for the proposed secondary dwelling is shown on the architectural plans accompanying the development application.

The proposed development is consistent with the relevant development controls of Part B6 of PDCP.

5.2.8 Landscaping

The site enjoys existing landscaping and is consistent with the controls specified in Part C1.1 of PDCP.

5.2.9 Safety and Security

Pursuant to Part C1.2 of PDCP, the desired outcomes for safety and security of the development, where relevant, are as follows:

- On-going safety and security of the Pittwater community.



- Opportunities for vandalism are minimised.
- Inform applicants of Council's requirements for crime and safety management for new development.
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements.
- Improve community safety and reduce the fear of crime in the Pittwater LGA.

Windows and the glass door at the front entrance allow visitors approaching to be seen without compromising security. These measures allow for casual surveillance of the public domain.

5.2.10 View Sharing

The proposal will not materially affect the views from any neighbouring properties. The existing design of the building is such that all existing views from adjoining properties will be maintained (refer Part C1.3 of PDCP).

5.2.11 Acoustic and Visual Privacy

The proposed secondary dwelling is located away from the street and neighbouring properties, thus assisting in maintaining acoustic and visual privacy for all parties.

The topography and the existing vegetation on the western boundary help to ensure that the proposed development does not result in privacy impacts to nearby neighbours. Furthermore, the existing building includes highlight windows on the west elevation in order to prevent direct overlooking of neighboring property.

Please refer to photographs in **Annexure 3** for confirmation.

5.2.12 Solar Access

Windows and the glass door to the northern facade of the secondary dwelling provide appropriate access to sunlight to the living spaces (refer Part C1.4, PDCP). The main private open space area at the front of the secondary dwelling will receive a minimum of



three hours of sunlight between 9am and 3pm on June 21.

5.2.13 Private Open Space

The topography of the site would require extensive excavation, tree removal and disturbance to local native flora and fauna and their habitat if private open space were to be provided at the rear of the proposed secondary dwelling. Therefore, the principal area of private open space is to be provided at the front of the existing building. The provision of private open space in this location will minimise environmental impact and yet receive sufficient sunlight.

The principal private open space is 32.5sqm in area.

Occupiers will also be able to share the private open space for the primary dwelling (refer Part C1.7, PDCP). The private open space for the secondary dwelling is enclosed by privacy screens. The topography and the existing vegetation on the site will limit overlooking.

The area at the front of the secondary dwelling will provide a suitable location for clothes drying.

Please refer to the plans accompanying the development application.

5.2.14 Setbacks

The development complies with required setbacks. In any case the proposed development does not involve alteration to the existing footprint of the building.

5.2.15 Building Envelope

This control seeks to ensure that new development responds to, reinforces and relates to the spatial characteristics of the existing natural environment in regard to the streetscape, bulk and scale or form and in terms of existing vegetation.

The proposed development is essentially a change of use of an existing studio to a secondary dwelling. No changes to the existing building envelope are proposed.



5.2.16 Landscaped Area

Control D12.10 requires the total landscaped area on land zoned E4 Environmental Living to be 60% of the site area. The proposed development complies with the control.

5.2.17 Colours and Materials

The colours and material of the existing secondary dwelling will remain as exist.

Please refer to **Annexure 3**, photographic palette for further information concerning existing colour and materials of the building.

6.0 KEY ISSUES

6.1 Flood Prone Land

A small part of the site is medium to low flood prone. However, the dwelling the subject of the proposal is not affected by potential flood events. The proposal generally complies with Clause 7.3 of PLEP and control B3.11 of PDCP.

Given the above, a flood planning report has not been prepared as regards the development application.

6.2 Private Open Space

The proposal provides principal private open space at the front of the building. The principal private open space is directly accessible from the living room. The site is a large site and located away from the street.

The topography and the existing vegetation limit overlooking and assist to maintain the privacy for adjoining residential properties. Furthermore, the proposal includes privacy screens to protect the principal private open space. The principal private open space area at the front of the dwelling will achieve the outcomes expected in control D12.10 of PDCP.

The immediate rear of the existing studio is steeply sloped land with tree canopy compromising access to sunlight.

It is observed that bush turkeys are nesting in the area. Given the constraints pertaining to existing local native flora and fauna and their habitat, the principal private open space is proposed away from the more naturally vegetated part of the land.



6.3 Amenity

The dwelling house will provide occupant amenity without causing material environmental impacts to neighbours.

6.4 Heritage conservation

Adjacent to the rear boundary of the subject site is a local heritage item: "Villa d'Este" (house) in Palm Beach.

In our opinion, the proposal will not have any impact on the heritage value of the local heritage item. This is due to the sloped topography, the existing vegetation and the privacy this affords in terms of respective existing built elements. Furthermore the proposed development will not change any existing visual impact (being a change of use), as regards the heritage value of the "Villa d'Este".

7.0 CONCLUSION

This statement of environmental effects addresses the statutory planning regime applicable to the development application and demonstrates that the proposed change of use to a detached secondary dwelling is permissible, compliant with the relevantly applicable development standards and other planning controls, generally consistent with the relevant guidelines in PDCP, and appropriate in all the circumstances.

The heads of consideration contained in section 4.15 of the EPAA have been examined and considered to the extent to which they are applicable to the proposed development. In our opinion, there are no matters which would prevent Council from granting consent to the proposed development, subject to the imposition of appropriate and reasonable conditions.

In our opinion, the development proposal merits support from the consent authority.

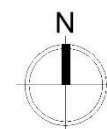
ANNEXURE 1

LOCALITY MAP



LOCALITY MAP

(Courtesy Six Maps)



ANNEXURE 2

AERIAL PHOTOGRAPH



AERIAL PHOTOGRAPH

Courtesy Six Maps



ANNEXURE 3

PHOTOGRAPHIC PALETTE



Photograph 1: Driveway and entrance to property No 1178 Barrenjoey Road



Photograph 2: Looking at the principal dwelling and the existing studio (proposed secondary dwelling) to the right of frame



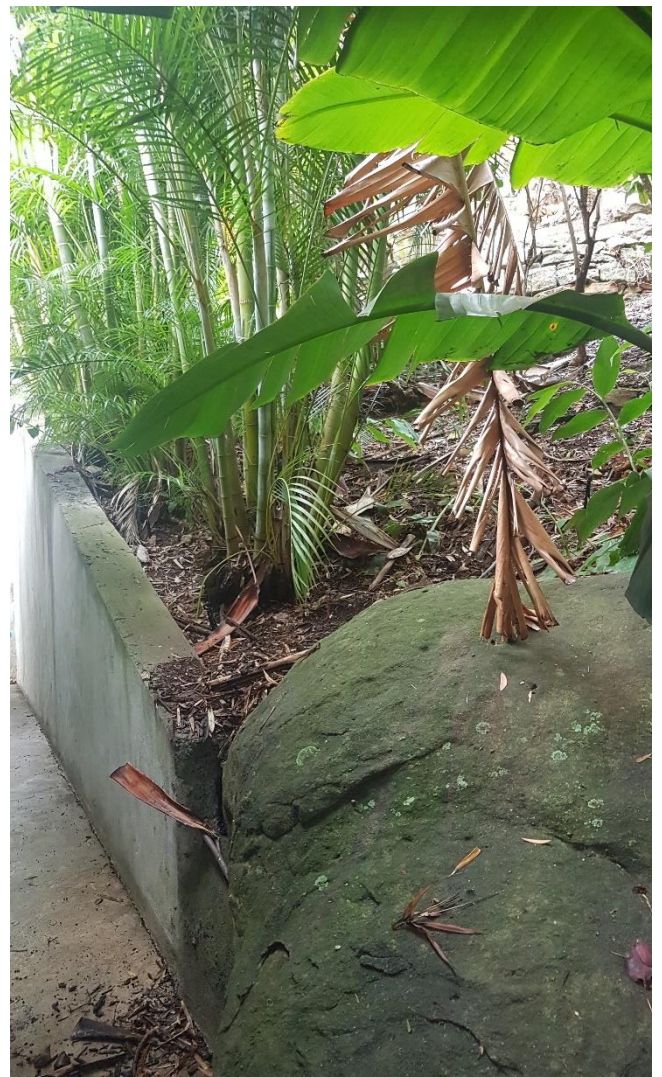
Photograph 3: Existing studio (proposed secondary dwelling)



Photograph 4: Existing studio (proposed secondary dwelling) to the left of frame and location of the immediate neighbour (1176 Barrenjoey Road, Palm Beach) to the right of frame



Photograph 5: Rear of the existing studio (proposed secondary dwelling) and existing retaining wall



Photograph 6: Retaining wall and highly vegetated rear area of the existing studio

ANNEXURE 4

ZONING MAP (EXTRACT FROM PLEP)



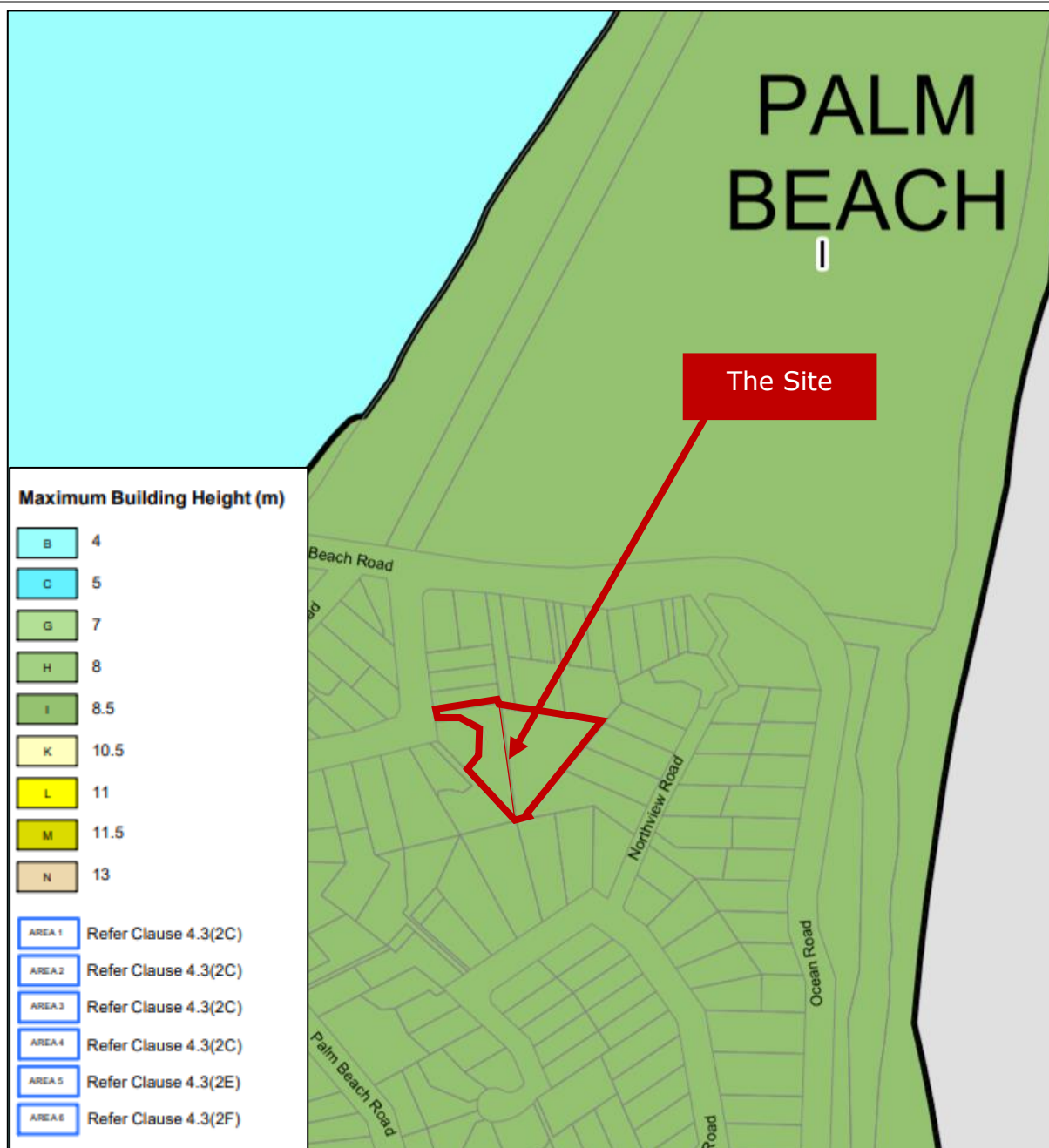
ZONING MAP

Extract From PLEP



ANNEXURE 5

HEIGHT OF BUILDINGS MAP (EXTRACT FROM PLEP)



HEIGHT OF BUILDINGS MAP

Extract From PLEP



ANNEXURE 6

HERITAGE MAP (EXTRACT FROM PLEP)

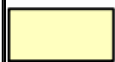
Heritage



Conservation Area - General



Item - General



Item - Archaeological

The Site

PALM BEACH

2270097

2270099

2270091

2270152

A2270496

2270037

C6

2270094

2270098

HERITAGE MAP

Extract From PLEP



PLANNING INTERNATIONAL PTY LTD

TOWN PLANNERS
Suite 2301, Quattro Building 2
Level 3, 4 Daydream Street
WARRIEWOOD NSW 2102
P > 02 9979 4922
F > 02 9979 4811
E > info@turnbullplanning.com.au
W > www.turnbullplanning.com.au
ABN 12 061 186 409

March 2019
Ref: wag. bar117p

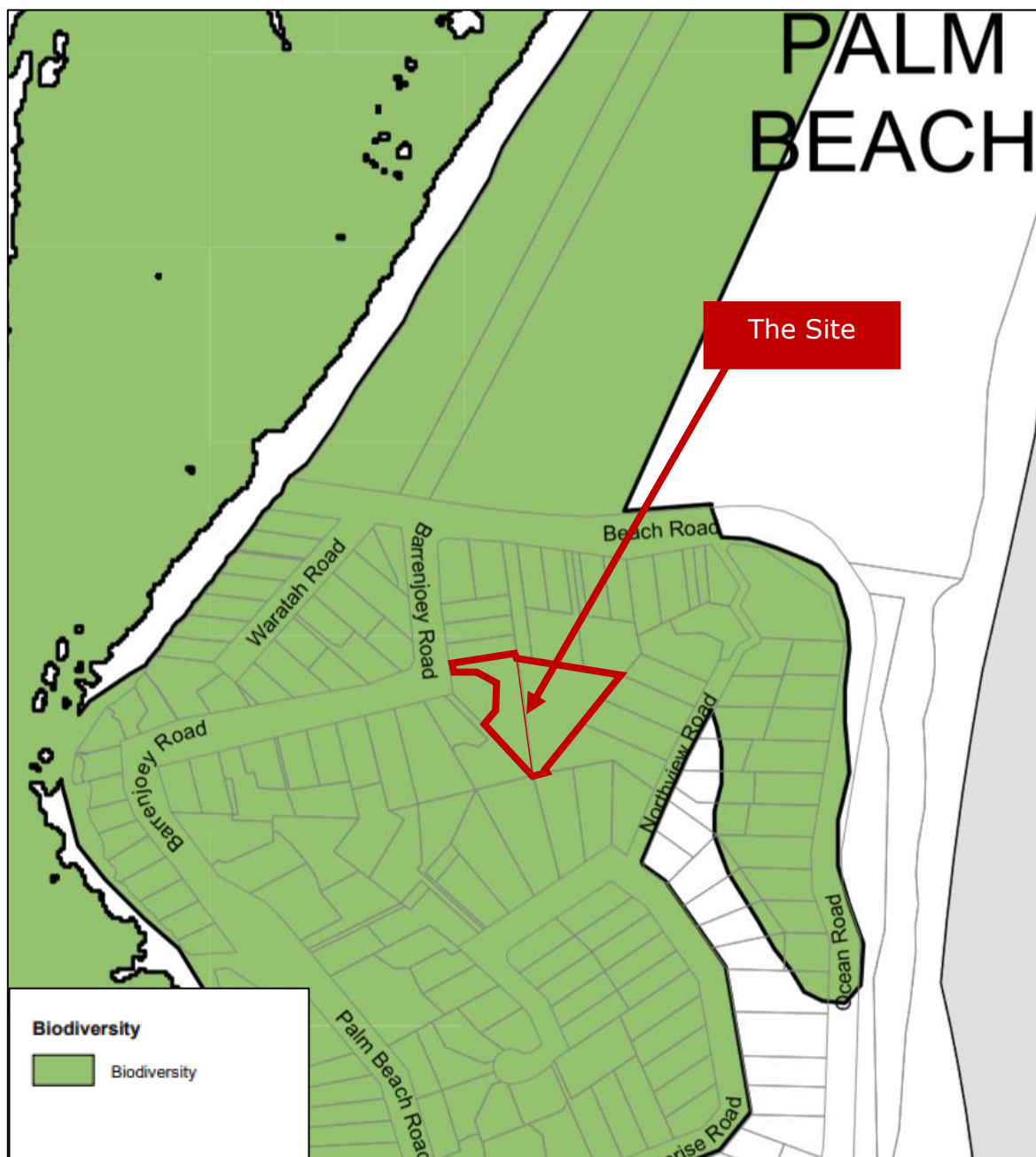
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Annexure 6

1178 BARRENJOEY ROAD
PALM BEACH

ANNEXURE 7

BIODIVERSITY MAP (EXTRACT FROM PLEP)



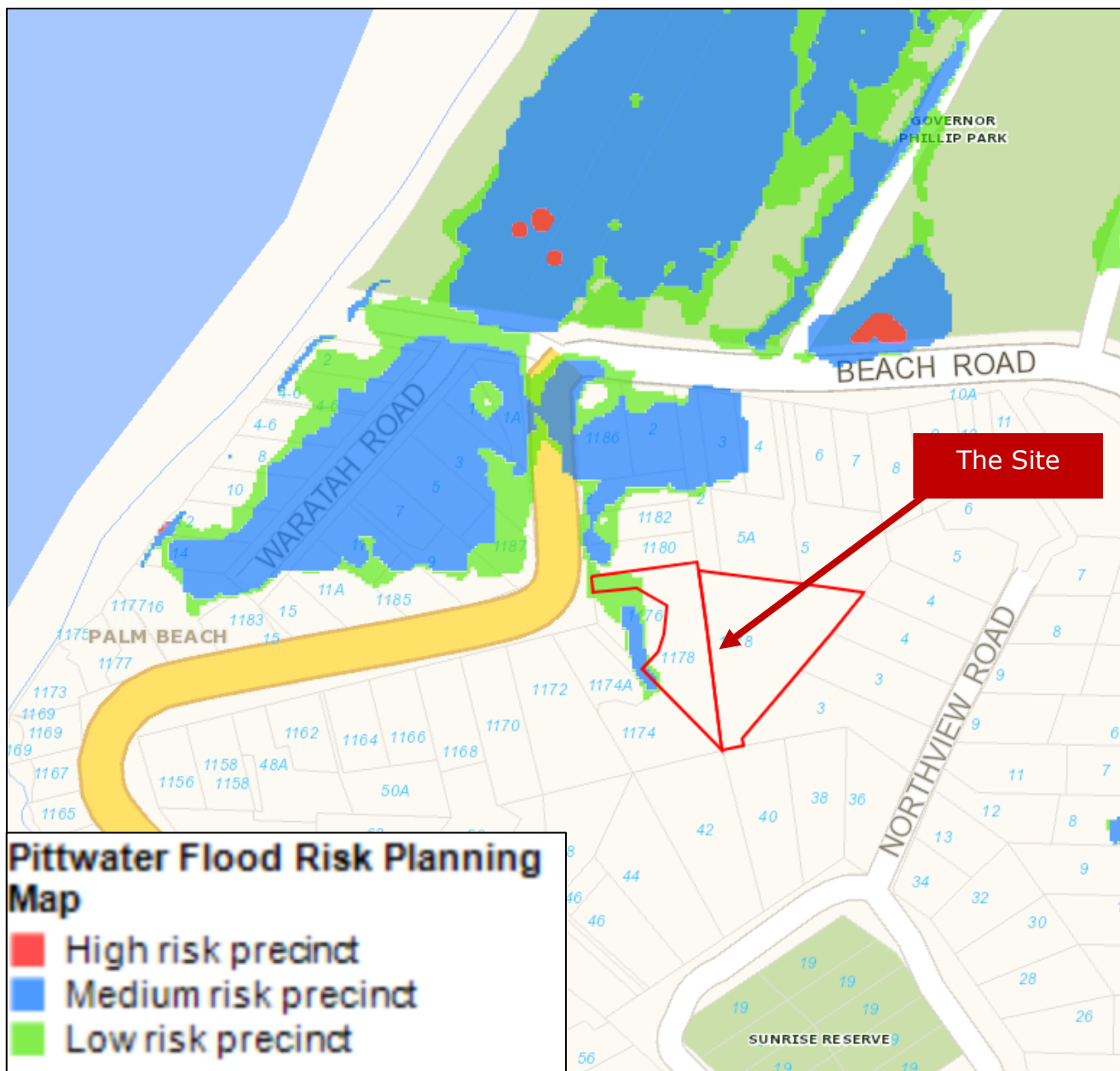
BIODIVERSITY MAP

Extract From PLEP



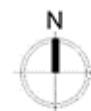
ANNEXURE 8

PITTWATER FLOOD RiSk PLANNING MAP(EXTRACT FROM PDCP)



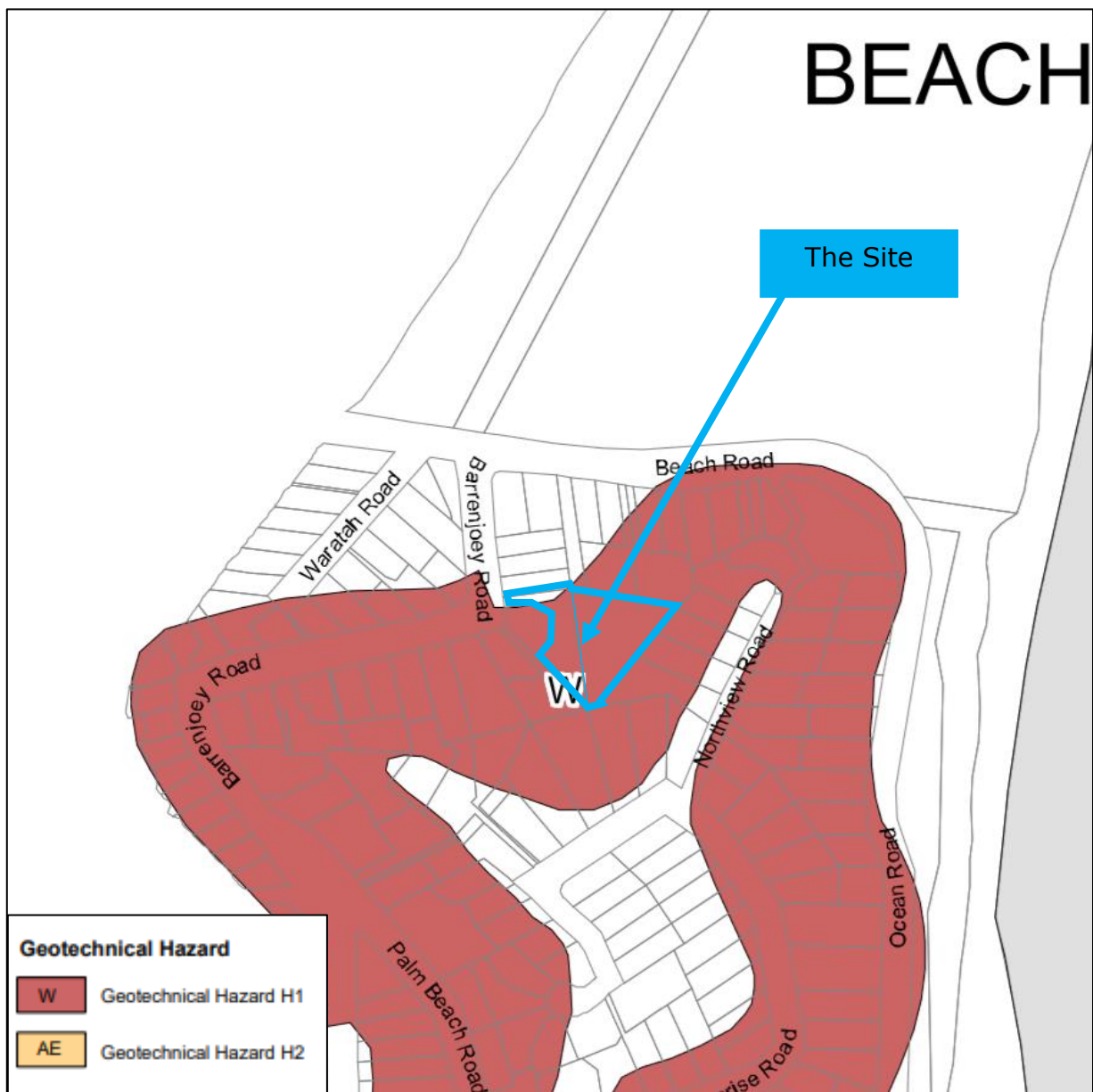
PITTWATER FLOOD RISK PLANNING MAP

Extract From PDCP



ANNEXURE 9

GEOTECHNICAL MAP (EXTRACT FROM PLEP)



GEOTECHNICAL MAP

Extract From PLEP

