

## **Statement of Modification / Statement of Environmental Effects (SEE)**

**Date:** October 6, 2020

**Owners:** Mr & Mrs. Hutchinson

**Subject Property:** 18 Yachtsmans Paradise, Newport  
Lot 1, D.P. 537303

### **1. Proposed Modification to approved Development Application DA2019/1498**

This Statement of Modification / statement of environmental effects addresses the proposed amendments of the approved development application.

1. It is proposed to amend the location of the approved Carport & Covered Porch of DA2019/1498.
2. The original location of the Carport & Porch was due to an Easement across the front of the subject site forcing the Carport to be positioned in front of the Residence Entry. The proposed alterations to the location of the Carport and Porch on the site is due to the removal of the 1.830m Wide Easement. The Easement having been removed from site as per "Cancellation of Easement D51162" authorized by Sydney Water Corporation. Dated 17.06.2020. The proposed amendment forms a more favorable location for the Carport and allows a more appropriate entrance to the Residence Entry Foyer.
3. It is proposed to remove the existing Driveway and where the existing Driveway is removed it is proposed to form a new Entry Pathway and to add new gardens
4. It is proposed to form a new concrete Driveway which is to connect to the existing Vehicular Crossing & to adjust a retaining wall & adjust ground levels as required for new Carport location & the proposed new concrete Driveway.
5. The Site ratios for the proposed Section 4.55 have been adjusted on plans.  
DA2019/1498 approved ratios:  
Site Coverage: 377m<sup>2</sup> / 39.7%,  
Landscaped area: 60.3%  
Proposed Section 4.55 ratios are to be:  
Site Coverage: 377m<sup>2</sup> / 40%,  
Landscaped area: 60%  
The minor changes to Impervious & Landscaped area comply with Council with the aims and objectives of DCP and the Local Environmental plan  
(See Statement & compliance table below)
6. A new Basix Certificate has been generated due to eaves changes to W4 & D10 and minor changes to W17 & W18 reducing the size of the windows

We believe the alterations and additions have been designed to meet the aims and objectives of the above policies and are compatible with the surrounding development and street-scape.

### **2. Planning Controls**

This Statement of Modification / statement of environmental effects addresses the compliance measures of the proposed works against the aims and objectives of the following policies:

Pittwater Local Environmental Plan 2014  
Pittwater 21 Development Control Plan

We believe the alterations and additions have been designed to meet the aims and objectives of the above policies and are compatible with the surrounding development and street-scape.

### 3. Site suitability

The site is Zoned E4, Environmental living and is in the Newport locality.

#### Objectives of zone

- 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 site is located on the northern side of Yachtsmans Paradise. The subject site is an irregular shaped block with an area of 943sqm and a frontage of approx. 9mtrs. The site slopes from front to back. Erected on the property is a 2-story single dwelling house and inground pool.

The proposal is to renovate the home, change the style of the house to be more in keeping with the local area and to maximize the outlook from the home to the waterway.

This will be achieved in the form of a new Entry Porch, Double Carport and a new Entry over the existing porch. A new Kitchen, Pantry and Laundry will be located in the existing Garage area to gain views of the waterway; and new Covered Verandah / Entertaining area to rear of residence and Covered Verandah to the side of residence.

Demolition of the existing First Floor and entire roof over the residence is also proposed which will then be replaced by a new First Floor addition forming a Sitting area, Master Suite with Reading area, Ensuite and Walk in Robe; two new Bedrooms with an Ensuite each; new Stairwell and Void over ground floor; New Covered Verandah on three sides of the First Floor overlooking the waterway.

We believe the alterations and additions have been designed to be compatible with the surrounding development, they enhance the streetscape when viewed from Yachtsmans Paradise and they also enhance the look of the dwelling when viewed from the water way and parkland at the rear of the property.

### 4. Present and previous uses

The subject site and adjoining properties are currently used as residential dwellings.

This will remain unchanged for the subject site.

We are not aware of any previous potentially contaminating activity within the subject site.

No testing or assessment has been completed for contamination on the subject site.

## 5. Development compliance

The proposed alterations have been designed to generally comply with the numerical requirements and the objectives of council's LEP and DCP controls including building height planes, setbacks, site and landscaping ratios. These are outlined in the compliance table below and on the site plan, floor plans and elevations and sections.

Built Form Standard	Proposed	Compliance with Planning Controls? Y/N	Additional Comments
Site area m <sup>2</sup>	943m <sup>2</sup>	Y	
Housing Density dwelling/m <sup>2</sup>	700m <sup>2</sup>	Y	
Max wall height above natural ground level	6.4m	Y	
Impervious area m <sup>2</sup>	377m <sup>2</sup>	Y	
Maximum building height m	8.5m	Y	
Front building setback 6.5m	2.43 to 8.04m	N	Addressed below
Minimum side boundary setback	.985m	Y	
Building envelope	3.5m @ 45°	Y	
Private open space m <sup>2</sup>	385.5m <sup>2</sup>	Y	
% landscape area	60%	Y	
Maximum cut into ground m	NIL	Y	
Maximum depth of fill m	Nil	Y	
Number of car spaces provided	2	Y	
Where a Clause 4.6 variation is sought, substantive reasons are to be provided justifying why the Built Form Control cannot be complied with and the impact on the general principles of Pittwater Local Environmental Plan 2014			

### **Front setback non-compliance:**

The Minimum front setback shall be from 2.43m to 8.04m to the front of the proposed Carport. This does not comply with council's setback of 6.5m outlined in the Development Control Plan. However, we believe the setback non-compliance is reasonable in this case for the following reasons;

- The block is an irregular shape due to being at the end of a cul-de-sac.
- The siting of the existing dwelling on the block is a major contributor to the design.
- The current garage is not functional and cannot properly house 2 cars therefore the owners of the property park in the location of the proposed carport.
- The current garage is in a location that has views to the waterway and which we believe is not the best use of space on a block with these views.
- The carport and verandah contribute in a positive way to the streetscape and help change the character of the dwelling to be more in keeping with other dwellings in the local area.
- The proposed changes to the rear of the existing garage contribute in a positive way to the rear elevation facing the water which is currently 1 large wall without any windows in that section.
- The non-compliant section of carport and verandah is considered minor as they form a combined area of approximately 3 square meters and the setback to both these areas is 6.5m and greater (therefore compliant) for more than half of the verandah area and more than 80% of the carport space.

The minimum side setbacks remain unchanged and comply with councils Development Control Plan. The proposed Site Coverage ratio is to be 40% with proposed landscaped area to be 60% which complies with councils Development Control Plan. The private open space at the rear of the residence is to be 385.5sqm.

Please see site plan, floor plans and elevations for further information.

#### **LEP Part 7.1 – Acid Sulphate Soils and Part 7.3 Flood Planning**

Additional reports have been lodged with the development application that address the compliance measures regarding the proposed development.

#### **LEP Part 7.6 - Biodiversity protection**

The proposed ground floor additions to the front of the residence are for a carport and new Driveway over an existing grass area and new Entry Porch and Entry Pathway where the existing driveway is to be removed and new garden area to be formed.

The proposed ground floor additions to the rear of the residence are for the verandah additions. These additions are also proposed over existing lawn and paved areas and do not require any tree removal or major earthworks.

Having regard for the above, we believe that the proposed development will have maintain terrestrial riparian and aquatic biodiversity and meets the objectives of points 1 – 4 in this part of the LEP.

#### **LEP Part 7.8 – Limited Development on foreshore area**

The proposed ground floor additions closest to the foreshore area are for a 1.2m verandah on the North East elevation of the residence.

This verandah is to be built over existing lawn area and does not require any tree removal or major earthworks.

The verandah provides practical purpose for the owners of the dwelling being able to walk around that side of the dwelling to access laundry and kitchen areas. We also believe that the proposed verandah helps to enhance the character of the dwelling when viewed from a public place (the waterway) as outlined in D10.1 of the DCP.

Having regard for the above, we believe that the proposed development complies with the objectives of councils planning controls and will have a positive impact on the built environment and nil impact on the natural environment.

Having regard for the above, we believe the proposal development is compliant with the aims and objectives of the DCP and the Local Environmental plan. The proposal also contributes in a positive way to both the street scape and when viewed from the waterway and parkland at the rear of the property. It is generally compliant with the numerical requirements and we believe it meets the objectives of councils planning controls. Therefore, council's favorable consideration is sought.

#### **6. Section B6 - Access and Parking**

Existing access to and from the subject site is in the form of a driveway.

This will remain for proposed access to and from the subject site.

The current garage is impractical as it is awkward trying to get cars in and out + it does not fit 2 cars, therefore, the owners of the property park on the driveway area. A carport is proposed as part of this application which will resolve the current issues faced with parking.

Pedestrian amenity, bicycle facilities, public transport facilities and general traffic flow will not be affected by the development.

## **7. Section C – Development Type controls**

### **Part C1.1 Views:**

There are no major changes proposed to the existing landscaping on the site. The proposal is compliant with the landscaped area requirements and therefore we believe it complies with the DCP impact of the proposed development on views from adjoining and nearby properties have been

### **Part C1.3 Views:**

The impact of the proposed development on views from adjoining and nearby properties have been considered and we believe there will be little to no loss of views from adjoining dwellings. The dwellings located across the street on Yachtsmans Paradise are set significantly higher on the hill and we believe views from those properties will be maintained.

### **Part C1.4 Overshadowing:**

Please see shadow diagrams for the effect of overshadowing on the subject site and adjoining properties. We believe the effect of additional shadow cast from the proposed additions will not have any adverse effect on the adjoining properties and are compliant with councils' requirements.

### **Part C1.5 Visual privacy:**

The proposed development has been designed to have minimal effect on the private open space of the subject property and adjoining properties. Placement of windows has also been considered in the design to reduce loss of privacy to directly adjoining properties.

The proposal provides extensive glazing for the owners to enjoy the water views and outlook from the dwelling towards the waterway and parkland. However, this provides a challenge ensuring privacy is maintained for the occupants of the dwelling. Whilst it is expected that a site in this location will have some potential privacy issues as it is generally surrounded by public space (the park to the rear and the waterway) these will be overcome by the use of internal shutters and curtains.

### **Part C1.6 Acoustic privacy:**

Acoustic privacy and placement of outdoor living areas have been considered in the design. The proposed living areas and outdoor entertaining areas have been located away from the adjoining dwelling. This will help to maintain acoustic privacy to the adjoining properties.

Noise projected from the site shall not change as the proposed use of the site will remain as a single dwelling house and location of living areas does not change as part of the proposal..

### **Part C1.7 Private Open Space:**

The proposed living areas and outdoor entertaining areas have been located to open onto the private open space and comply with this part of the DCP.

### **Part C1.12 Waste and Recycling Facilities:**

The proposal will not have any impact on Waste and recycling and comply with this part of the DCP. Existing council waste collection will remain in place for the subject site.

### **Part C1.17 Swimming pool safety:**

The proposed new pool fences and pool warning notices shall all comply with the Australian standards and will comply with this part of the DCP.

## **8. Section D10 Newport Locality**

The proposed alterations and additions have been designed to enhance the character of the dwelling when viewed from both the street and from the parkland and waterway to the rear of the property. Building colours and materials will be sympathetic to the surrounding area and other dwellings located near by ensuring that the proposal provides a positive contribution to the locality, the local area and surrounding development.

## **9. Energy efficiency**

Orientation of the proposed residence is currently south east/ north west and has been considered in the design in terms of window placement and sun/shade control and verandahs.

R2 insulation batts will be used in all external walls, and R4.5 insulation batts above all new ceilings.

Placement of windows has been considered to help with natural ventilation.

New lighting will generally be low voltage to assist with energy efficiency.

All works will also comply with the Basix certificate lodged with the development application.

## **10. Conclusion**

Having regard for all of the above we believe that this development will not have any adverse effect on adjoining properties. It will contribute in a positive way to both the built and natural environment, and it provide a more sympathetic dwelling that is in keeping the local area and streetscape.

It is generally compliant with the aims and objectives of councils relevant planning controls.

Therefore, council's favorable consideration is sought.