

Statement of Environmental Effects



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S4.55 amendment to DA2022/0084

Construct a new dwelling and swimming pool &
a secondary dwelling above garage @

73 Marine Parade, Avalon

Prepared For L Courtney & M Lynch

project no 2105

date September 2023

issue B

1.0 INTRODUCTION

This Statement of Environmental Effects is a report that forms part of an application for a s4.55 1(A) amendment to approval DA2022/0084: -

- Demolish existing dwelling and build a new 3 storey dwelling, a new garage with granny flat above
- New in-ground swimming pool

The location of the proposal is 73 Marine Parade, Avalon which currently contains a single dwelling on Lot 114, DP 8394. The site has two zonings, E4 to the land fronting the roadway and E2 to the portion of the land from the cliff face to the ocean front rock shelf with the boundary as the High-Water Mark to the Pacific Ocean.

The total site area is 1,878m² on title. The usable area of the E4 zone is 1,260m². The latter area is used for all calculations relating to LEP and DCP controls.

Development Consent was granted 30 August 2022.

The proposed amendments are characterised as follows:

- Increase size of the granny flat within the building footprint.
- Minor changes to the house entry and granny flat entry points
- Minor changes to side setbacks
- Minor reduction in overall height of the uppermost roof
- Addition of a store room at garage level and garden store undercroft
- Minor window changes in general reducing window sizes

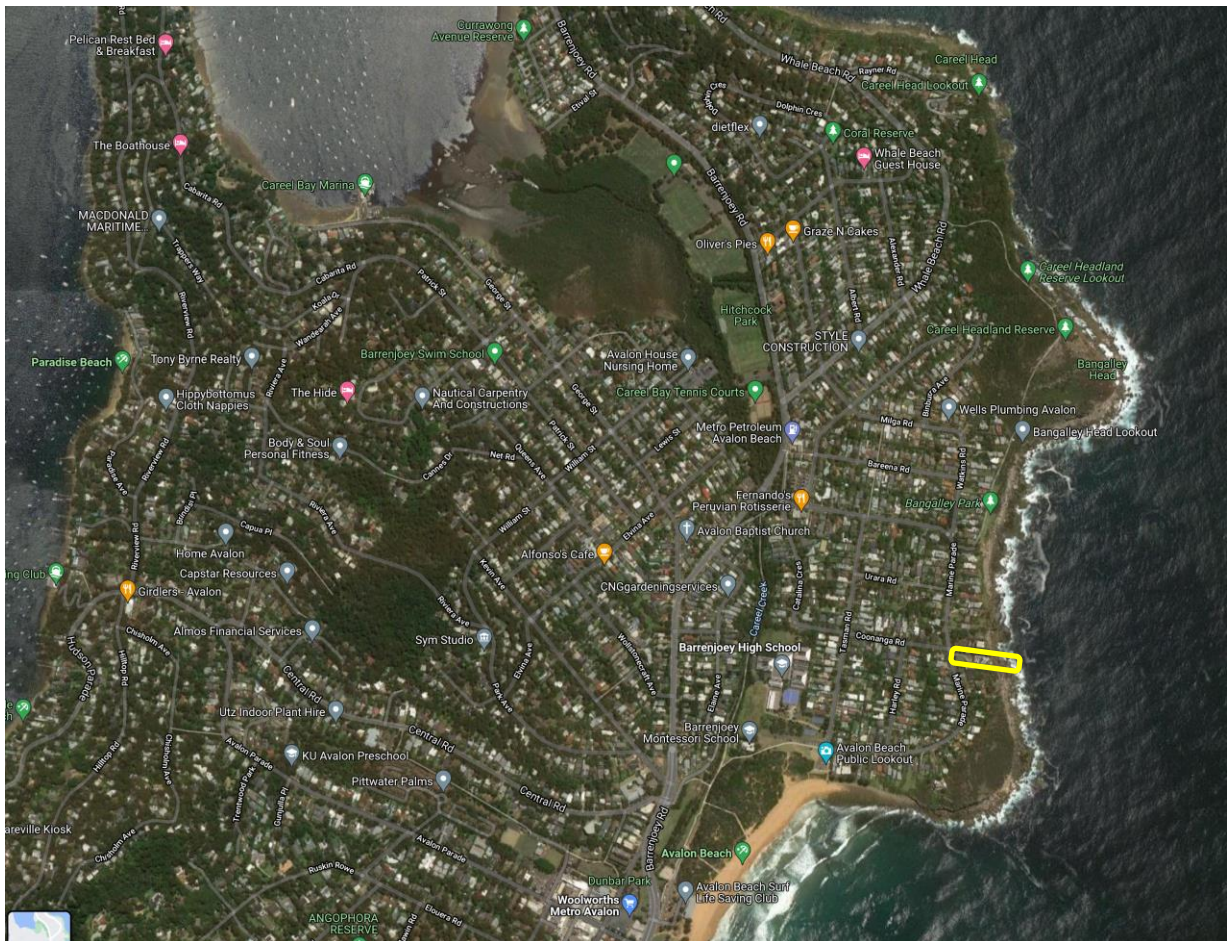


Figure 1. Aerial view of the location of the site (site outline in yellow).

2.0 THE SITE, BACKGROUND & DESIGN RESPONSE

The proposal seeks amendments to the approval DA2022/0084 dated 30 August 2022.

The amendments are all extremely minor, with a detailed list of the amendments and the potential impacts shown below in point form.

As the proposed amendments are primarily internal redesign of the house layout, there are negligible impacts and no change to the compliance with the PLEP or PDCP, and any changes are noted in **bold text** in the tables below in this Statement of Environmental Effects. The s4.55 relies on the original application in terms of compliance.

The key aspects of the s4.55 are:

- No change to the footprint of the dwelling as approved
- Minor reduction to the height of the dwelling as approved
- Increase to the size of the secondary dwelling within the approved footprint, compliant with the relevant PLEP clause
- Minimal change to the side building setbacks, remaining significantly greater than minimum controls

This report refers to the following accompanying documents: -

- Architectural Drawings **DA01-DA08 issue C**, Project No.2105

As there are no external changes, no change to stormwater BASIX or estuarine levels, this s4.55 application is **not accompanied by the following reports**, and relies upon the original reports submitted.

- Survey
- BASIX certificate

S4.55 Amendments - Detail

The changes sought to the approval are numbered below corresponding to the numbers on plans:

1. **North side boundary setback.** Reduced from 3790mm to 3700mm at the lower entry and secondary dwelling. Reason: to account for wall construction of BCA 2022 requiring waterproofing. There is no measurable impact from this change.
2. **Revise the design of the upper roof** from 3 separate levels to 2 levels. The lower western section remains the same, the upper central and eastern sections are joined as one roof and are lowered by 400mm from the approved RL53.80 to RL53.40. There is a minor increase in the lift shaft from RL53.50 to RL53.65 to account for changes in lift manufacture. The lower roof is the element that interacts with views from neighbouring houses and it has no change. The upper roof is lowered and as such has no increased impacts.
3. **South side boundary setback.** Reduced from 3500mm to 3400mm in the centre of the dwelling. Reason: to account for wall construction of BCA 2022 requiring waterproofing. There is no measurable impact from this change.
4. **Dwelling Entry and external stair at Garage Level.** The entry is relocated to the north side setback at the approved excavated level. There is no change to the façade. The retaining walls are revised to step the boundary retaining and reduce excavation. There is no measurable impact from this change.
5. **Store Room.** A store room is added to the dwelling in the centre of the dwelling underground. There are no impacts to the neighbours and the additional excavation is minimal in an area already excavated for the stair and lift access. A letter from the Geotech engineer accompanies the s4.55 to endorse the proposal.
6. **Secondary Dwelling Entry and external stair at Garage Level.** The entry stair is relocated slightly to the west, in the same setback to the south boundary. The dwelling entry is recessed into the façade. The change results in reduced excavation to the south side boundary adjoining the neighbour. There is no measurable impact from this change.

7. **Increase the size of the Secondary Dwelling.** The proposal seeks to increase the area of the secondary dwelling from 54m² to 72.4m² to accommodate a second bedroom. The change is entirely internal as the increased area occurs in what was previously undercroft area. The secondary dwelling front and side setbacks do not change. The use of rooms adjoining the south side boundary does not change but the room facing the north boundary is now a bedroom rather than living room. As such the change improves privacy to the northern neighbour.

The increased floor area is entirely compliant with the PLEP clause 5.4 (9), whereby the size of a secondary dwelling is restricted to the greater of either 60m² or 25% of the total floor area of the principal dwelling. The area of the principal dwelling is unchanged at 345.24m² and the proposed secondary dwelling of 72.40m² equates to 21% of the principal dwelling and complies with the LEP.

8. **Garden Store Room.** A garden store room is added to the dwelling in the undercroft of Bedroom 2. This area was previously a sub-floor space with stone foundations recessed under the bedroom. The proposal seeks the stone foundations to be directly under the bedroom. The change does not reduce landscaped area, nor increase bulk and scale or reduce setbacks. There are no impacts to the neighbours adjoining the north boundary.
9. **Replace tiled roof terrace with turf.** The roof terrace off the main bedroom area was approved as tiled. The proposal seeks to replace the finish with turf. The change will only improve amenity to both the residents and neighbours as the turf will reduce glare and heat to the dwelling and reduce acoustic impacts to the neighbours. The change is a positive impact.
10. **Access to sub floor rainwater tanks – eastern end of site.** There is a minor change to the subfloor area to provide access to the northern side of the rainwater tanks under the rear eastern terrace. The change does not decrease landscape area as the access is below the kitchen to the west of grid 5 on plans. There are no impacts from this change.
11. **Window changes** generally to the façade as detailed below:
- Bedroom 3(south elevation) – taller, narrower window in lieu of wider shorter, less impact of visual privacy
 - Secondary dwelling (south elevation) – marginally increased bathroom window in obscure glass, no impact to neighbour
 - Lift lobby top floor (north elevation) – reduced size of window, obscure glazing, increased privacy
 - Bedroom 4(north elevation) – taller, narrower window in lieu of wider shorter, less impact of visual privacy

The proposed amendments have insignificant change to the appearance of the dwelling as shown below



Figure 2. Original approved image from Marine Parade

Figure 3. Proposed image from Marine Parade



3.0 PLANNING CONTROLS & COMPLIANCE

WARRINGAH LOCAL ENVIRONMENT PLAN 2011 & WARRINGAH DEVELOPMENT CONTROL PLAN

Pittwater LEP 2014

The PLEP is the principal planning instrument applicable to the land, and the relevant provisions of the LEP are assessed for the proposed development below

Zoning E4 Environmental Living &
E2 Environmental Conservation

Zone Objectives

- *To provide for low impact residential development in areas with special ecological, scientific or aesthetic values*
The proposal is a low impact dwelling in a landscaped setting and has no impact on special values of the site
- *To ensure that residential development does not have an adverse effect on those values*
The proposed dwelling has no adverse effect on special values
- *To provide for residential development of a low density and scale integrated with the landform and landscape*
The proposal is low density as a single dwelling and integrated secondary dwelling. The proposal is well integrated to the site, stepping up the slope remaining under the height limit with significant setbacks to enhance landscape screening as well as maintaining native trees in the road reserve and front setback
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors*
The proposal seeks to retain the native trees on site and remove exotic species and replace with those to enhance the wildlife corridor and foreshore vegetation

The part of the site zoned E2 remains untouched and therefore unaffected by the proposal.

Clause 4.3 Height of Buildings

Pursuant to clause 4.3 PLEP 2014 the height of a building on any land is not to exceed 8.5 metres. The stated objectives of such control are as follows:

- (a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
The dwelling is consistent with the height and scale and consistent with the DFC.
- (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
The dwelling is compatible with the scale of nearby dwellings.
- (c) *to minimise any overshadowing of neighbouring properties,*
The proposal has significant setbacks to the southern adjoining site, complies with building envelope and is well under maximum height to minimise overshadowing
- (d) *to allow for the reasonable sharing of views,*
The proposal provides reasonable view sharing to adjoining dwellings
- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*
The proposal has been designed to retain the largest trees on site and to minimise excavation on a sloping site.
- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items*
The proposal is designed to blend within the landscaped setting and below the tree canopy. The proposal is not within the vicinity of any conservation area or heritage item.

The Height of Buildings Map, identifies the site to be within land where the height of buildings is not to exceed 8.5 metres

The proposed works have a maximum height above existing ground level of 8.45 metres at a single point only and generally remains well below the limit.

Clause 5.4 Controls relating to miscellaneous permissible uses

(9) Secondary dwellings on land other than in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever is the greater-

- a) 60 square metres,
- b) 25% of the total floor area of the principal dwelling.

Secondary dwellings are permitted within the E4 zone. Principal dwelling is approximately 345m², 25% of which equals approximately 86.25m², being greater than 60m². The proposed secondary dwelling area 72.40m² and complies. limitation.

The proposal complies with this clause of the LEP.

5.0 CONCLUSION

The proposal to amend the approved DA2022/0084 to construct **a new dwelling, swimming pool and secondary dwelling above garage** at 73 Marine Parade, Avalon as submitted is permissible with the consent of Council. The development is consistent with the provisions of the Pittwater LEP 2014 and responds to the relevant DCP controls and outcomes and provides assessment under the requirements of the Coastal SEPP.

The proposal is in keeping with the Desired Future Character statement for the area. The development will provide a positive contribution to the locality. The proposal will not have any unacceptable adverse environmental effects and conforms to the relevant statutory planning requirements.