

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING, A GARAGE AND A SWIMMING POOL AT 28 PACIFIC ROAD PALM BEACH

LOT 420 DP 19651

Prepared by *JJDrafting*

JANUARY 2021

1) Introduction

This Statement of Environmental Effects accompanies documents prepared by JJDrafting, Job Number 827/20, Drawing numbers DA 1 – DA 24 dated August 2020 to detail proposed Alterations and Additions to an existing dwelling, a garage and a swimming pool at 28 Pacific Road palm Beach.

This statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of support by Council.

In preparation of this document, consideration has been given to the following:

- # *The Environmental Planning and Assessment Act 1979 as amended*
- # *The Environmental Planning and assessment regulation*
- # *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- # *Pittwater Local Environmental Plan 2014*
- # *Pittwater 21 Development Control plan 2014*

2) Site Characteristics and Description

This allotment has an area of 904.4sqm and is found in a locality typically characterised by both timber and masonry dwellings, with two and three storeys.

Within the Development Control Plan 21, this allotment is in the Palm Beach Locality.

The site addresses Pacific Rd to the north.

Views are afforded spanning from north east to north west looking out towards Palm beach, the ocean and the lighthouse.



On this allotment sits a two and three split level timber and masonry dwelling with a mixture of a flat and curved roof.

Vehicle access is provided via an existing driveway from Pacific Road up to a detached narrow double carport.

Pedestrian access is via steps incorporated within the existing driveway and an inclinator.



Existing natural vegetation and introduced species of trees and shrubs surrounds the property with lawn areas located to the front, rear and side of the dwelling.

The site falls from the rear boundary down towards the front boundary of the of approximately 13.16m.

Front, side and rear vary throughout the streetscape and that of adjoining dwellings.

The subject site is located in a landslip area, geo tech report attached with this Development application.

The site is not listed as being in a bushfire prone area or located in a heritage or conservation area.

The site is not listed as being located in a biodiversity area.



3) The Proposal

Description

As detailed within accompanied plans, the proposal seeks approval for alterations and additions, a garage and a swimming pool to an existing dwelling.

The new works will comprise the following:

Garage Level

An existing small double carport located at the front boundary and slightly projecting over the front boundary be demolished and new double garage be built at a further distance from the front boundary. By excavating into the land and pushing it further will allow for better use of parking and storage area.

A new pedestrian stair has been provided to access the house from this level.

Existing inclinator on the north west side boundary to be relocated to allow for the new proposed garage addition.

There will be no changes to the existing driveway or driveway levels. No change to the concrete layback or crossover.

Lower Ground floor level

Existing curved entry porch to be removed and replaced with a wider and rectangular shape entry portico with a terrace above.

It is proposed that a new entry area and portico be added to this level.

A new internal stair provided.

Eastern side wall of the bedroom to be moved out to create a slight curve and increase the area of the bedroom.

Existing openings to the north east of the rooms to be widened.

A new swimming pool retreat area and pool has been provided. Access is via a new established levelled lawn area so that this area can be better utilised.

A new retaining wall provide to the eastern side boundary to allow for the new levelled lawn area and better access to the existing house via a new entry.

Ground floor level

An addition is proposed to this level to the west and east side of the dwelling.

west side addition consists of a new bedroom, side entrance from the new inclinotor location and a new laundry area.

East side addition – consists of a new butlers pantry and portion of the new kitchen.

Existing kitchen to form a dining area.

New kitchen to be relocated to portion of the sub floor void area below the bedrooms above. Bedroom above to be removed to create a high ceiling in the new kitchen area.

Existing stair leading up to the next level above to be widened and redirected.

existing lift to be removed and area to form part of the new redirected stair

off the kitchen area to the south east side is an area that has been levelled

Existing front balcony has been squared off to one side.

Existing laundry/bathroom to be redesigned to form a bathroom only and laundry relocated to the existing covered paved area to the side and slightly extended towards the back

Curved roof above the front balcony to be removed and replaced with a continuation of the existing flat roof.

First floor Level

Existing bed 2 to be removed to form part of the kitchen creating a higher ceiling.

Bedroom 3 to be widened within the hallway

A new hallway has been created by reducing the bathroom

existing bathroom and ensuite to form a larger bathroom

existing lift removed to form a new void

Portion of Main bedroom 1 to be extended and to form bedroom 2

Portion of the main bed 1 and balcony to form a walk in robe and new main bedroom

Addition to the north west side is proposed directly above the lower level addition. The addition will consist of the main bedroom and new ensuite.

existing rear timber deck to be provide with a new flat roof above.

The construction of the proposed addition will match that of the existing dwelling with Colorbond Roof and timber frame walls.

The proposed additions and alterations will not affect the streetscape or neighbouring properties.

Considerations has been given to bulk and form.

4) ZONING AND DEVELOPMENT CONTROLS

4.1) Pittwater Local Environmental Plan 2014

The site is zoned E4 Environmental Living under the provisions of the PLEP 2014. The proposed alterations and additions to the existing dwelling are permissible with the consent of council.

4.2) State Environmental Planning Policy (Building Sustainable Index: BASIX) 2004

The proposal will require a BASIX certificate with this application.

4.3) Palm Beach Locality (D12)

Desired future character

It is proposed that the alterations and additions to the existing dwelling are consistent with the desired future character, the streetscape and the surrounding properties.

The proposed development respects the scale and form of other new and existing developments in the vicinity and therefore compliments the locality.

The proposal will be surrounded by existing canopy trees. The visual impact of the built form is secondary to landscaping and vegetation.

The proposal is of 'human scale' and is surrounded by existing vegetation.

The setbacks are compatible with the existing surrounding developments.

The proposal will not have any significant or adverse impact on the neighbouring properties.

4.4) Development Standards and the Effects of the Proposal

a) Landscaped area – Environmentally Sensitive land (D12.10)

Site area is 904.4sqm

Minimum Landscape area requirement -----60% -----542.64sqm

Existing Landscape area -----75.97%-----687.12sqm

Proposed new landscape area-----60.67%-----548.72sqm - COMPLIES

Existing hard surface area -----217.28sqm

Hard surface to remain -----355.68sqm

There will be an increase in hard surface by 138.4sqm – an OSD will be required refer to stormwater concept plan.

b) Building Height (PLEP 4.3)

Maximum building control is 8.5m

(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the [Height of Buildings Map](#) may exceed a height of 8.5 metres, but not be more than 10.0 metres if:

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the [Height of Buildings Map](#) is minor, and
- (b) the objectives of this clause are achieved, and
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.

The building height to the proposed additions VARIES. Majority of the building complies with the 8.5m building height however only a very small portion of the building, north west front corner exceeds this height. Given that the existing topography has a slope greater than 16.7deg (varies between **18deg – 20deg.**) the building height as per clause above is allowable to be no higher than 10m. *REFER TO DA 25.*

a) the portion of the building above the 8.5m is MINOR – REFER to drawing DA 25

b) The objectives of this clause are achieved for the following reasons.

The building height and bulk of the addition is consistent with the desired character of the locality.

the proposed addition is compatible with the height and scale of the surrounding development.

There will be NO effect upon adjoining properties in overshadowing

there will be no effect upon view sharing due to the proposed addition or the small portion of building height that exceeds the 8.5m

the proposal has been designed to follow the topography of the site and responds sensitively to the natural topography.

The proposed additions will not have an adverse effect or impact on the natural environment, heritage conservation areas or any heritage item

The proposed additions COMPLY with the building height control.

C) Side and Rear Building Lines (D12.6).

SIDE SETBACK

The required side setback control is 1.0m to one side and 2.5m to the other.

It is difficult to strictly adhere to the required side setback due to the site constraint and the irregular shape of the allotment as well as the existing structures on the site.

New garage level

north west – varies between – 1.65m -3.4m -----COMPLIES

South east – varies between ---4.9m – 9.0m -----COMPLIES

Lower ground floor level and cabana and pool

north west – varies between – 1.85m -2.6m -----COMPLIES

South east pool – varies between ---6.6m – 9.5m -----COMPLIES

South east – existing house remains – no change

Ground floor level

north west addition – varies between – 1.85m – 4.7m -----COMPLIES

South east addition – varies between ---2.15m – 6.1m -----COMPLIES

South east to existing house no change

First floor level

north west addition – varies between – 1.97m – 4.7m -----COMPLIES

South east to existing house no change varies between ---4.9m – 9.0m -----COMPLIES

REAR BUILDING LINE

The required rear setback control is 6.5m

There will be no change to the rear setback to the existing building/ deck -. The new roof above the existing deck complies with the rear setback which it varies between – 8.4m – 9.4m.

d) Front building line (D12.5)

Front setback control is 6.5m

Due to pre existing structures and the topography of the site it is difficult to adhere strongly to the front setback.

Currently there is an existing small double carport located to the front and slightly over the front boundary. The proposed new double garage has been setback further from the front boundary to allow for better access. However the proposed new garage is unable to meet the required setback as it would mean excavating further into the land. The new garage location has been designed to allow for better carparking and storage area within and recycling area to the right side. The garage has also been designed to provide a larger front setback than its existing carport structure.

A new pool which is located above the new garage as part of the tiled terrace also slightly contravenes the front setback. The proposed new pool is unable to be located to the rear of the site due to a very large and substantial tree located in the rear yard. The living areas are located on the middle level and hence would not visually overlook the pool if located at the back of the site.

It is requested that this slight non compliance be supported as it will not affect adjoining properties.

GARAGE SETBACK ---- varies between – 4.5m – 7.6m ----partially compliant

POOL SETBACK-----varies between - 4.5m – 7.6m

e) Building envelope (D12.11)

The required control is to maintain the development within a building height envelope which provides a height at the side boundary of 3.5m with an angle projection of 45degrees.

Majority of the proposed additions **complies** with this control. However due to pre-existing structures and the topography of the site it is difficult to adhere strongly to this control.

There will only be small/minor side boundary envelope encroachments to the north western side. The minor encroachments will not affect adjoining properties due to views loss, privacy

or solar access and there it is requested that this slight non compliance be supported for these reasons.

f) Privacy (C1.5)

There will be no loss of privacy due to the proposed additions and alterations. A privacy wall has been provided in the pool area along the north western side boundary

g) Solar Access (C1.4)

No loss of daylight to habitable rooms in adjacent dwellings will be experienced as a consequence of this proposal. All adjoining properties will maintain a minimum of 3hours of solar access

h) View Sharing (C1.3)

Neighbours views will not be affected by the proposed additions and alterations.

The adjoining properties will retain their outlook and view sharing.

i) Access driveway (B6.1)

The existing cross over, layback and driveway will remain. THERE ARE NO CHANGES TO THE EXISTING DRIVEWAY.

j) Character as viewed from a public place (D12.1)

The DCP encourages development to achieve the desired future character of the locality, ensuring that the new development responds to and reinforces the special characteristics of the existing build and natural environment, enhances the existing streetscape and promotes a scale and density that is in keeping with the height of the natural environment, the visual impact of the built form is secondary to landscaping and vegetation. High quality buildings are designed which have regard to the locality's natural context and accommodating any natural hazards. Buildings should not dominate the streetscape and appear at a human scale. Views which reinforce and protect Pittwater's natural context.

Landscaping to be integrated with the building to screen the visual impact of the built form and are to give the appearance of being secondary to the landscaping and vegetation.

The proposal satisfies the relevant objectives in that:

The proposed addition is secondary to landscaping and will be off bulk and scale that will not dominate the streetscape.

Majority of the existing vegetation has remained.

The proposal will not result in any significant loss of either primary or peripheral views from any surrounding dwellings.

The setbacks are compatible with the existing surrounding developments.

k) Incline Passenger lifts and stairways

The existing inclinator has been repositioned. It has been designed so as not involve excessive excavation

There is good special separation between properties and therefore the effects of noise will not affect adjoining dwellings.

Due to site constraints it is difficult to adhere to the required 2m side setback to the inclinator the new relocated inclinator will have a side setback to the car approx..985mm. It

is requested that this slight non compliance be supported as it will not affect adjoining neighbours.

L) Scenic Protection Category One Areas

There will be no effect from the proposal when viewed from any waterways. The proposal is secondary to the landscaping

5) MATTERS FOR CONSIDERATION UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

5.1) The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions

There are no other environmental planning instruments applying to the site.

5.2) Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

It is not considered that there are any draft environmental planning instruments applying to the site.

5.3) Any development control plan

The development has been designed to comply with the requirements of the locality and the general principles of Development Control 21.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessments Amendment Act 2012 No.93 (amendment Act) which received assent on 21 November 2012 commenced on 1st March 2013.

Key amongst the amendments are requirement to interpret DCP's flexibly and to allow reasonable alternative solutions to achieve the objectives of the DCP standards .

The new section 74BA provides that the principal purpose of the DCP's is to provide guidance on:

- * giving effect to the aims of any applicable environmental planning instrument
- * facilitating permissible development
- * achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 79C(3A) which:

- * prevents the consent authority requiring more onerous standards than a DCP provides
- * Requires the consent authority to be flexible and allow reasonable alternative solutions in applying DCP provisions with which a development application does not comply.
- * limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that council applies considered flexibility where the application seeks variations to the numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the side setback of the inclinor, front setback and the side building envelope requirement is a reasonable alternative solution to compliance as the proposal effectively responds to the site constraints.

It is considered that the proposed design respects the desired character objectives of the locality Plan in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

5.4) Any matter prescribed by the regulations that apply to the land to which the development relates

No matters of relevance area raised in regard to the proposed development

5.5) The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for alterations and additions will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Pittwater Development Control Plan 21 and the Locality Statement.

5.6) The suitability of the site for the development

The subject land is currently E4 Environmental living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

The proposal will provide for alterations and additions without having a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

The subject site does not exhibit any significant constraint to the construction of the proposed development.

5.7) Submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

5.8) The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

Conclusion

The proposal which provides for alterations and additions, a double garage and a swimming pool to an existing residence will not have any detrimental impact on the adjoining properties or the locality.

The proposal is in keeping with Council's aim and objectives for the locality.

There will be no effect on local fauna or flora.

In scale, form and finishes, the proposal will have a positive effect on the lifestyle of its inhabitants and the visual amenity of its neighbours. As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.



View from Pacific Road looking south east



Front of house



main entry to house- mid level



Street view



View looking towards the back- south east



view looking south back boundary



View looking back of house – north west.



View looking back of house-east



View looking towards north, existing inclinator to the left, main entry to the right
Carport in the background



View looking towards adjoining 3 storey dwelling – north west



Existing entry area to form a bedroom.



Area to be enclosed to form a new laundry

SCHEDULE OF EXTERIOR FINISHES

28 PACIFIC ROAD PALM BEACH

ROOF COLORBOND ---to match existing

WALLS - --To match existing

WINDOW AND DOOR FRAMES AND TRIMS - To match existing- white

FASCIA - Colour to match existing