

STATEMENT OF MODIFICATION

SECTION 96 (1A) APPLICATION 15/6 /2018
Modification-Minimal Enviromental Impact

REFERENCE -ORIGINAL DEVELOPMENT CONSENT

DA NO N0272/16 FOR DEMOLITION OF EXISTING DWELLING AND
CONSTRUCTION OF NEW DWELLING AND SWIMMING POOL.

ADDRESS ; 967 BARRENJOEY RD PALM BEACH.

Prepared for SMJ Investments Pty Ltd
By Blue Sky Building Designs

SUMMARY AND RECOMMENDATION

This S96 application seeks variation to the abovementioned consent in respect of two aspects;

1. Reorientation of the approved proposed new pool .

2. Provision of additional waterfront equipment storage capacity

These proposed minor variations to the consent have the following **key design metric outcomes** compared to the approved scheme –

- i) Landscaped Area **increases** to 577 sqm (**ratio 79%**) from 532 sqm (ratio 73%) mainly due to a large reduction in relation to proposed pool deck/patio area.
- ii) Dwelling Floor Area **reduced** to 150 sqm from 160 sqm due to a reduction in the width of the living room to accommodate the reoriented pool. A related change is proposed where the western facing verandah roof, beyond the Foreshore Building Line will also be reduced in width and overhang profile .
- iii) Total Built Upon area **reduced** to 150 sqm from 195 sqm
- iv) Pool /deck /patio area built more than 1 meter above natural ground, beyond the Foreshore Building Line - **no change**

The two proposed minor variations sought in this application have **the following expected environmental impact** relative to the approved scheme-

- i) The **visual impact** of the development as viewed **from Pittwater will be significantly reduced** as the reorientation of the pool to an east /west axis reduces the size of the western elevation profile of the pool/deck structure .
- ii) Due to i) above a significant naturally sloping landscaped corridor replaces the northern section of the approved pool /deck structure **enhancing the natural waterfront landscape and amenity context**
- iii) The proposed re orientation of the pool and the significant deep planted landscape buffer to the northern boundary satisfies Councils Condition of Consent in relation to relocation of the proposed pool and as such affords **less risk of loss of amenity** or impact by the pool on the neighbors to the north.
- iv) The proposed reduced size of the living room and verandah **will reduce development bulk** as viewed from Pittwater and will marginally reduce bulk and shadowing effects as viewed from the neighbors on the southern boundary.
- v) The proposed additional waterfront storage capacity will result in **minimal visual impact** from Pittwater as
 - together with excavation associated with pool foundations most of the storage will be utilizing the void behind the boatshed
 - will have a garden roof which will be mainly incorporated within the approved site levels and landscaping plan.
 - will be sited behind Mean High Watermark with western elevation profile broadly consistent with the already approved retaining wall works at the waterfront
 - will be mitigated by proposed and already approved landscaping detail at the waterfront.
 - will result increased public and neighbor amenity as stand alone slipway motor winch will be relocated into the enclosed waterfront storage facilities
- vi) The proposed variations overall **are neutral** with the approved scheme with regard **to the extent of cut and fill site works** required and their impact on the environment .

In conclusion approval of the two sought Section 96 variations is recommended as they will ; ;

- result in **overall superior outcomes** relative to the approved scheme in relation to neighbor and public amenity
- deliver outcomes **which remain consistent** with the desired planning and development objectives of Northern Beaches Council for the Pittwater area.

FURTHER DETAIL REGARDING THE PROPOSED VARIATIONS

The following is attached to this submission for reference-

A. The original Statement of Environmental Effects dated 21/4/2016 which was attached to the DA application .

B. Development Consent Conditions C from Northern Beaches Council ref DA No NO272/16

C. Extracts of the Council Approved Stamped Plans (as relevant) for reference.

The reasons for the proposed variations are discussed below ;

1. Re orientation of the new proposed pool.

Contributing factors are -

(i) Consistent with Condition B21 of the Consent (attached) ,the proposed variation provides a substantial landscape (and neighbor amenity) set back buffer from the northern boundary.

(ii) Engineering and building advice indicates that the old pool should be demolished to provide for efficient building of foundations for the new approved pool.

Permission from Crown Lands to demolish the old pool has been repeatedly requested (Condition B3 of Consent –attached) however Crown Lands to date have been unforthcoming as to when they would grant such approval.

As noted in the Development Application (and subsequently also to Crown Lands) the site is in a landslip zone , and there is evidence of continued down slope movement .

The proposed reorientation of the pool and its amended design allow development (and stabilization) of the site to proceed independent of Crown Lands timing of their approval (or otherwise)to the demolition of the old pool.

(iii) The natural contours of the site display significant fall in natural ground level northward from the southern boundary as well as a fall westward on the shorter northern boundary, especially beyond the Foreshore Building Line.

Factors (i) to (iii) above combine to support an improved pool placement on an east/ west axis tied to a natural “ridge line “ closer to the southern boundary. Engineering and building investigation (subsequent to receiving Development Consent) confirms that because of the site contours the proposed reorientation will not result in any material change to the extent of site cut and fill activities required to build the varied scheme.

2. Additional waterfront equipment storage capacity

The existing boatshed (partially located on Crown land) is very small (approx. 4m * 2.5m) compared to boathouses typically found along the waterfront of Pittwater (4.5m *5m).

It is inadequate for the storage of dinghies , boating equipment , kayaks etc.

Additionally there is a slipway and stand alone winch motor which is unsightly and generally detracts from public amenity. Aesthetically the winch should be relocated into the boatshed, but that will further reduce its storage capacity.

The proposed pool reorientation in **1** , if approved , will require foundation work (wholly within the site –not on Crown lands) , in the vicinity behind the existing boatshed .

Approval is therefore sought to allow provision of additional waterfront storage capacity

- utilizing void areas behind the mean high water mark and boatshed,
- generally adhering to approved landscape plan and current site contour profile near the waterfront,

to be efficiently executed as part of the proposed pool foundation works.

It is proposed the boatshed will undergo structural maintenance (it is displaying cracked asbestos sheeting for example) but will not be altered in design and such no consents are sought in relation to the boatshed. .