

10 Nooal Street, Newport Alterations and additions to dwelling house

Statement of Environmental Effects – December 2019



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INTRODUCTION

1. Overview

This Statement of Environmental Effects has been prepared by Mod Urban Pty Ltd to support a development application on behalf of the owners of 10 Nooal Street, Newport and relates to the proposed new alterations and additions to the dwelling house including a first-floor extension. The site is legally described as Lot 481 in DP 535272.

The proposed new alterations and additions are highly compatible with the existing development and use of the site as well as surrounding land uses. The proposal will ensure that the premises do not impact on the amenity of surrounding residential occupiers.

The provisions of the Pittwater LEP 2014 apply to the site, and the proposal is considered to be consistent with its objectives. The site is also located within the Northern Beaches Council area.

This SEE provides an assessment of the proposal against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2000 (as amended).

SITE ANALYSIS

2. The Subject Site

The site is located at 10 Nooal Street, Newport and is legally described as Lot 481 in DP 535272.

2.1 Site Details

- The site is roughly rectangular in shape with an area of 870.3m² and contains a part one and part two storey dwelling house;
- The site also contains a swimming pool;
- It has a primary street frontage to Nooal Street and the site slopes away from the street to the west;
- The building is not a locally listed heritage item and is not located within a conservation area.
- Car parking is located on site adjacent the building within an existing carport.
- Vehicle entry and exist is from Nooal Street.

The site is identified in **Figure 1** of this SEE.



Figure 1: The site (Source: Six Maps)



Figure 2: The subject site Nooal Street frontage



Figure 3: Side elevation to the north and views to Pittwater.



Figure 4: Northern boundary and access to properties at the rear.



Figure 5: Southern boundary of the property.



2.2 Site Surrounds

- Surrounding land uses are predominantly residential uses consisting of one and two storey detached dwelling houses.
- The site affords views onto Pittwater and the local marina.



PROPOSED DEVELOPMENT

3. Overview

The proposal relates to alterations and additions to the dwelling house. The proposed plan and elevations is included at **Appendix B** of this report.

3.1 Built Form

Lower Ground Floor

- New WC and outdoor shower to existing deck.
- Alterations to the façade of the building to provide new facing materials;

Ground Floor

- New garage door to the existing car port;
- Infill existing windows and provision of new windows;
- Internal alterations to create open plan living and dining area, new laundry and bathroom and a guest suite;
- Alterations to the façade of the building to provide new facing materials;

First Floor

- Provision of a first-floor extension to create four bedrooms and bathrooms/ensuites and a terrace at the rear;
- Alterations to the façade of the building to provide new facing materials;

LEGISLATIVE FRAMEWORK

4. Overview

This Part of the SEE assesses and responds to the legislative and policy requirements for the project in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act).

The following current and draft State, Regional and Local planning controls and policies have been considered in the preparation of this application:

State Planning Context

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Local Planning Context

- Pittwater Local Environmental Plan 2014 (PLEP)
- Pittwater Development Control Plan 2014 (PDCP)

This planning framework is considered in detail in the following sections.

4.1 Environmental Planning and Assessment Act 1979

Section 4.15 of the Environmental Planning and Assessment Act 1979, requires that in determining a development application, a consent authority is to take into consideration the following matters as are of relevance to the development:

Section 4.15 Matters for Consideration	Comment
(a) <i>the provisions of:</i> (i) <i>any environmental planning instrument, and</i>	See relevant sections of this report.
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	Nil
(iii) <i>any development control plan, and</i>	The proposal generally satisfies the objectives and controls of the Pittwater DCP 2014. See table below and where necessary key issues section of this report.
(iia) <i>any planning agreement that has been entered into</i>	Not applicable

Section 4.15 Matters for Consideration	Comment
<i>under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</i>	The relevant clauses of the Regulations have been satisfied.
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposal will not result in detrimental social or economic impacts on the locality.
<i>(c) the suitability of the site for the development,</i>	The proposed development is suitable for the site.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	No submissions have been raised at this stage, and the applicant has notified each adjoining neighbor of this proposal.
<i>(e) the public interest.</i>	The proposal is in the public interest as it improves the appearance of the building within the streetscape, and will not impact upon the streetscape character and not result in detrimental amenity impacts to neighbours. The proposal also adds to the variety of residential accommodation in the locality.

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

The aim of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 is to ensure consistency in the implementation of the BASIX scheme through the State.

In accordance with this SEPP, the application is accompanied by a BASIX certificate that confirms the proposal's compliance with key sustainability targets (refer Appendix C).

4.3 Pittwater Local Environmental Plan 2014

Use and Zoning

The Pittwater Local Environmental Plan 2014 was prepared to meet new State Government guidelines for local planning documents.

The subject site is located in Zone E4 Environmental Living under Pittwater LEP, 2014 and the works and continued use as a residential accommodation is permissible within the zone. The proposal also satisfies the objectives of the zone.

CI 4.3 Height of Buildings

The Pittwater LEP gives provision of a maximum building height on the site of 8.5m. The proposed development results in a maximum building height of 9.235m.

Subsequently the proposal is compliant with Clause 4.3 of the PLEP.

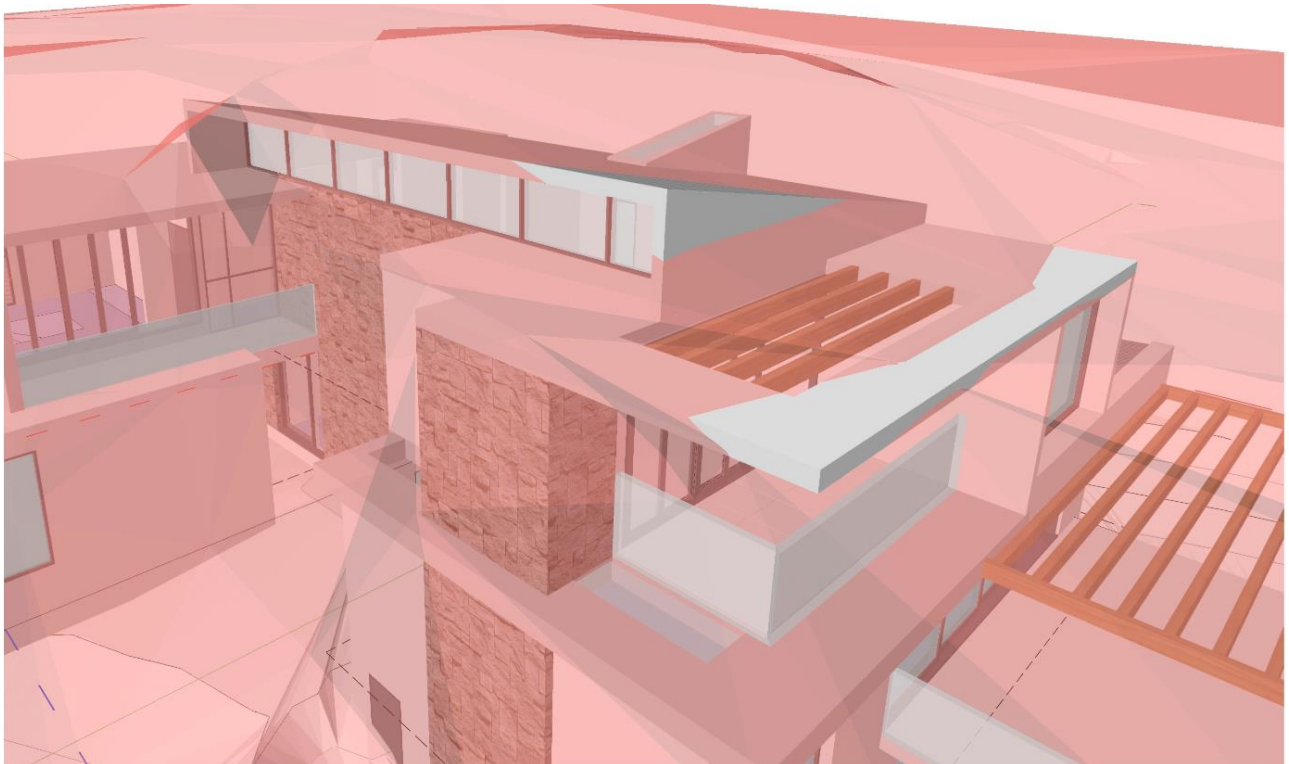


Figure 6: Extent of height non compliance – note minor

CI 4.4 FSR

The Pittwater LEP does not give provision of FSR for the site.

CI 5.10 Heritage

The site is not a heritage item and is not located within a heritage conservation area.

CI 7.1 Acid Sulfate Works

The site is Class 5 acid sulfate soils.

CI 7.10 Essential Services

The site is already connected to all listed essential services.

4.4 Pittwater 21 Development Control Plan 21

The Pittwater 21 Development Control Plan (the DCP) applies to the site.

The Environmental Planning and Assessment Amendment Act 2012, which commenced on 1 March 2013, has clarified the purpose and status of development control plans, being to '*provide guidance*' to proponents and Councils in achieving land use zone objectives and facilitating permissible development under an environmental planning instrument.

Furthermore, to assist in the assessment of development applications, the amended legislation states that where a proposal does not comply with DCP controls, the consent authority is to be '*flexible in applying those provisions*' and allow for '*reasonable alternative solutions*' that achieve the objectives of those standards for dealing with that aspect of the development.

It is important to recall these revisions to the status and application of DCPs in development assessment.

Section 4.15, subsection (3A) of the EP&A Act provides the following:

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) *if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*

(b) *if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

(c) *may consider those provisions only in connection with the assessment of that development application.*

The review of the Pittwater Development Control Plan is applicable to the proposed alterations and additions. In light of this we have addressed the following controls in the table below.

Pittwater 21 DCP Control	Compliance Y/N	Comment
A4.10 Newport Locality	Y	The proposal is consistent with the low density character of the area and maintains the visual character of the locality.
B3.6 Contaminated Land and Potentially Contaminated Land	Y	The site is not contaminated and historically been used for residential accommodation.

Pittwater 21 DCP Control	Compliance Y/N	Comment
B3.7 Estuarine Hazard Low Density	Y	The proposal will not result in any estuarine hazards.
B4.5 Landscape and Flora and Fauna Enhancement Land Category 3 Land	Y	The proposal will not result in any impacts on local flora and fauna.
B4.22 Preservation of Trees and Bushland Vegetation	Y	The proposal does not result in the loss of any significant trees.
B5.1 Water Management Plan	Y	No changes to stormwater.
B5.7 Stormwater Management – On site Stormwater Detention	Y	No changes to stormwater.
B5.10 Stormwater Discharge into Public Drainage System	Y	No changes to stormwater.
B6.5 Off Street Vehicle Parking Requirements	Y	The proposal gives provision of off-street parking as per the existing arrangements on site.
B8.1 Construction and Demolition – Excavation and landfill	Y	No excavation is proposed.
B8.2 Construction and Demolition – Erosion and Sediment Management	Y	No erosion of sediment management will be required as a result of construction.
B8.3 Construction and Demolition – Waste Minimisation	Y	Waste will be managed by the appointed builders, who will dispose of waste using a private contractor.
B8.4 Construction and Demolition – Site Fencing and Security	Y	The site will be fenced and secure during construction.
C1.1 Landscaping	Y	The DCP requires that the applicant plant 2 canopy trees in the front setback and 1 in the rear yard. The provision of these trees is omitted as they have the potential to block views of neighbouring properties.
C1.2 Safety and security	Y	The new addition will add to visual surveillance to the street level for the benefit of the occupiers and their neighbours.

Pittwater 21 DCP Control	Compliance Y/N	Comment
C1.3 View Sharing	Y	No loss of view is likely as the occupiers across Nooal Street to the east are more elevated than the development site, and therefore the proposal maintains view sharing.
C1.4 Solar Access	Y	The alterations and additions will improve existing levels of solar access to the site. The extent of overshadowing to neighboring dwellings is considered minimal as demonstrated in the attached shadow diagrams at Appendix B.
C1.5 Visual Privacy	Y	No loss of privacy to habitable rooms of adjoining properties is likely to occur. If required privacy louvres can be erected.
C1.6 Acoustic Privacy	Y	No additional noise is likely to occur to surrounding occupiers.
C1.7 Private Open Space	Y	Good provision of private open space is maintained as a result of the proposal. There will be no loss of private open space.
C1.12 Waste and Recycling Facilities	Y	Bin storage will be as per existing arrangements.
C1.13 Pollution Control	Y	No pollution is likely to occur from the site.
C1.23 Eaves	Y	The proposal has provided eaves to east and west elevations as well as north facing clerestory windows, but not to the south elevation or all of the north elevation. The partial non compliance is considered minimal and will not alter the character of the area.
D10.1 Character as viewed from a public place	Y	The proposal will improve the design and appearance of the site when viewed within the streetscape.
D10.4 Building Colours and materials	Y	The proposed materials will improve the visual appearance of the dwelling and are similar to other dwellings within the locality. The design is proposing white external finishes to match the existing residence, and

Pittwater 21 DCP Control	Compliance Y/N	Comment
		there is substantial precedent for this in the area including: 10,12,14, & 23 Nooal St.
D10.7 Front Building line	Y	No changes are proposed to the front building line.
D10.8 Side Rear Building line	Y	No changes are proposed to the side building line.
D10.13 Landscaped Area – Environmentally Sensitive Land	Y	The site is not environmentally sensitive.
D10.6 Construction, Retaining walls, terracing and undercroft areas	Y	No retaining walls are proposed.
D10.8 Scenic Protection Category One Areas	Y	The proposal does not impact on the scenic quality of Pittwater and its foreshore.
D10.11 Building Envelope	N	The DCP specifies a building envelope control 3.5m up from side boundaries and then pitched at 45°. The existing residence is non-compliant with the building envelope. The proposed design reduces the extent of the non-compliance.
D10.12 Landscaped Area	N	<p>The DCP requires 60% of the site to be landscaped area (including impervious POS upto 6% of site area). The site is 870.3sqm which means 522.18sqm of Landscaped area is required.</p> <p>The existing residence has 398.7sqm. The proposed design has 399.3sqm.</p> <p>The non-compliance is considered minor and compliance is never likely to be achieved without substantial demolition of the existing building footprint.</p>



LIKELY IMPACTS OF DEVELOPMENT

5. Overview

The likely environmental impacts of the proposed development that have been assessed include:

- Context and Setting;
- Amenity;
- Social, Environmental and Economic Impacts; and
- Suitability of the Site

5.1 Context and Setting

- The proposed alterations and additions are appropriate setting and this is achieved through high quality design of the proposed alterations. The proposed works will upgrade and revitalise the appearance of the site and provide a good quality addition to the site.
- The proposed alterations to the site are located in an area where minimal impact to surrounding land uses will occur, or to the surrounding streetscape.
- The proposal will provide an appropriate urban form and orientation and creates a natural addition to the building.
- The proposal will also provide a good level of amenity for the occupiers through providing good internal living areas that connect with the existing garden.
- The proposal will not exhibit any significant environmental impacts and will not adversely impact on the amenity of any adjoining sites. Therefore, the proposed works are considered compatible with the site context.
- The development as a whole is intended to fit comfortably within the existing streetscape and the character of the surrounding residential area in terms of scale, bulk and function. The proposed design will positively complement the existing character of the area and is appropriate to the site.
- The proposed design of the development achieves an appropriate built form in that it enhances the public domain, maintains the character of the streetscape, enhances the visual appearance of the building.
- The building footprint will not be increased as a result of the proposal.
- The provision of a mix of façade treatments, colour and articulation contribute to minimising the visual perception of bulk and scale of the buildings.

5.2 Amenity

- The proposed additions to the site will receive good provision of solar access to all habitable living areas.
- The shadow diagrams provided at **Appendix B** demonstrate only minor additional shadow from the proposed works, which results in minor overshadowing of neighbouring properties. No neighbouring habitable rooms will be impacted from the proposal. The proposed impacts are considered negligible.
- The proposal will not minimise privacy or have a visual impact and will maintain the environmental amenity of adjacent development.

- Screening of the first-floor side windows with louvres to the proposed addition will ensure loss of privacy and overlooking is not increased.
- *Tenacity Consulting v Warringah [2004] NSWLEC 140* states that “where an impact on views arises as a result of non compliance with one Senior Commissioner Roseth in *Tenacity Consulting v Warringah* (2004) NSWLEC 140, points out that view sharing as a notion is invoked when a property enjoys existing views and a proposed development would share a view by taking some of it away for its own enjoyment. or more planning controls, even a moderate impact may be considered unreasonable”.
In this case, the impact on views from the first floor addition is negligible owing to the elevated topography of the dwellings on the eastern side of Nooal Street, and therefore the proposal maintains view sharing.
- No sense of enclosure will result from the proposed alterations which are very minimal in scale and are separated by large separation distances to adjoining properties.

5.3 Social, Environmental and Economic

The proposal will enable the continued use of the site as a residential use, consistent with its current use as a dwelling house whilst preserving the visual character of the site.

The proposal will not have any adverse economic or environmental impacts.

5.4 The Suitability of the Site for Development

Located within the E4 Environmental Living Zone, the continued use of the premises and the new additions are consistent with the zone objectives, the provisions of relevant statutory and strategic documents and the surrounding context.

The proposal is of a nature in keeping with the overall function of the site. The premises are in a predominantly residential surrounding and amongst similar uses to that on site.

The proposed development is also compatible with surrounding land uses and will achieve a good level of amenity for adjoining land owners and operators.

Accordingly, the site is considered to be suitable for the development.

5.5 Any Submissions Made in Accordance with the Act

No submissions are apparent at the time of writing.

5.6 The Public Interest

The proposed development will have no adverse impact on the public interest.



CONCLUSION

This SEE provides an assessment of the proposal against the relevant environmental planning framework.

The assessment finds that the proposal is consistent with the objectives and controls of the relevant statutory and policy framework. No adverse environmental, economic or social impacts have been identified as resulting from the proposed development.

No additional significant adverse impacts have been identified as likely to arise from the proposed development which has been favourably assessed against the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

It is therefore considered that the proposal responds to site constraints and provides a suitable outcome. Accordingly, it is requested that Council grant consent to the proposal.



Appendix A – Survey



Appendix B – Plans





Appendix C – BASIX