

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING AT 20 CAPRI CLOSE, AVALON BEACH

LOT 12 DP 248075

Prepared by JJDrafting

January 2019

1) Introduction

This Statement of Environmental Effects accompanies documents prepared by JJDrafting, Job Number 672/18, Drawing numbers DA 1 – DA 17 dated October 2018 to detail proposed Alterations and Additions to an existing dwelling at 20 Capri Close Avalon.

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 corner allotment has an area of 803.4sqm and is found in a locality typically characterised by both timber and brick dwellings, with one and two storeys. Within the Development Control Plan 21, this allotment is in the Avalon Beach Locality.

The site addresses Capri close to the south and west with a curved front boundary.

On this allotment sits a two storey brick dwelling with a hip roof. An inground pool is located along the curved front boundary approximately in the south west location.

Vehicle access is provided via an existing shared driveway along the eastern side boundary to an attached double carport as well as a double garage located below the dwelling.

Vegetation surrounds the property with lawn areas mainly located to the rear of the dwelling.

Views over waters of Pittwater, ie: Longnose Point and Morning Bay are afforded towards west.

The site falls from the north side boundary down towards the front boundary of approximately 3.5m

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 application.

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

3) The Proposal

Description

As detailed within accompanied plans, the proposal seeks approval for alterations and

additions to an existing dwelling.

The new works will comprise the following:

First floor level

- # External stair to existing deck to be removed and deck made good to void. A new external stair to be provided along the south wall of the dwelling adjacent to the living room area.
- # Existing brick piers to be removed and 2 replaced with timber posts.
- # Existing west side dutch gable roof to be extended to form a gable.
- # Head of existing openings on the west wall of the living/ dining area to be raised and new doors installed.
- # existing door and window – south wall to form one opening, sill to window to be removed.
- # Sill to south window to stairwell to be lowered.
- # Bedroom 4 to form new kitchen -2 walls to be removed.
- # existing kitchen to form living area, walls to be removed.
- # portion of bedroom 4 window to be bricked up and extended opening out towards the existing window in the sitting room.
- # Existing fireplace to be relocated to the into the living area.
- # North window in sitting area to be bricked up.
- # Bedroom 3 to be resized.
- # existing bathroom and separate toilet to form an ensuite. Existing ensuite to be reduced and to form part of the new ensuite area.
- # New bathroom to be created within the space of the existing bedroom 3.
- # Window to new bathroom to be resized
- # Sill to existing window on east wall of the ensuite to be lowered.
- # East facing opening to master bedroom to be reduced.
- # Other minor internal alterations.

Ground Floor Level

- # Existing bathroom extended towards the south within enclosing a hallway.
- # Existing laundry extended out towards the garage.
- # Wall between foyer and laundry to be relocated.
- # Front entry stair to be relocated, redesigned and widened.

Existing Carport

- # roof to existing carport to be removed and replaced with a flat roof with a roof garden

Carport to be partially enclosed with a new slatted wall fixed between existing brick piers on the south wall.

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

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 does require a BASIX certificate with this application

4.3) Avalon Beach Locality (D1)

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.

Existing vegetation has remained, as works are contained within the building footprint. With the inclusion of a new flat roof garden to the existing carport, view from the street towards the carport will become softer, allowing for additional landscaping that will harmonise and blend within the surrounding streetscape.

The setbacks are compatible with the existing surrounding developments.

4.4) Development Standards and the Effects of the Proposal

a) Landscaped area – Environmentally Sensitive Land (D1.14)

Site area is 803.4sqm

Minimum Landscape area requirement -----60% -----482.04sqm

Existing Landscape area -----46%-----369.59sqm

Proposed new landscape area-----46%-----369.59sqm

NO CHANGE

Existing hard surface area -----433.81sqm

Hard surface to remain -----433.81sqm-----NO CHANGE

b) Building Height (4.3)

Maximum building control is 8.5m

The proposed roof addition to the west contravenes the building height, having a height of 9.0m which follows the existing and established roof ridge on the existing dwelling.

REFER TO CLAUSE 4.6 REQUEST TO VARY A DEVELOPMENT STANDARD (at the end of the statement).

C) Setback Requirements (D1.8 and D1.9)

Side setbacks

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

There will be no change to the existing side setback. – COMPLIES

Rear setback control is 6.5m

There will be no change to the rear setback.

Front setback control is 6.5

There will be no change to the front setback to the existing dwelling or the existing double carport. The existing carport has been built within the front setback, the minor alterations to the existing carport will not affect the streetscape as they are contained within the existing building footprint. As this structure is existing the front building setback to this control cannot be adhered to. It is therefore requested that the proposed works to the existing structure be supported as it will not affect adjoining properties. The existing carport structure has a variable front setback between 1.95m – 2.2m.

d) Building Height – Clause 4.3

Building height control is a maximum of 8.5.

Portion of the proposed roof extension to the existing roof slightly contravenes the building height control with a ridge height of 9m which is a continuation of the existing ridge level.

REFER TO CLAUSE 4.6 REQUEST TO VARY A DEVELOPMENT STANDARD (at the end of the statement)

e) Building envelope (D1.11)

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.

The proposed roof extension very slightly contravenes the side building envelope at the north western corner of the building. Due to the topography of the land and the existing location of the building structure, it is difficult to adhere to this control. It is therefore requested that this very slight non- compliance be supported as it will not affect adjoining properties with privacy or solar access.

The new extended roof above the existing balcony follows that of the existing roof with only 900mm being extended and creating an existing dutch gable to a gable roof.

f) Privacy (C1.5)

There will be no loss of privacy due to the proposed additions and alterations.

g) Solar Access (C1.4)

No loss of daylight to habitable rooms in adjacent dwellings will be experienced as a consequence of this proposal.

h) View Sharing (C1.3)

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

The adjoining properties will retain their outlook.

i) Access driveway (B6.1)

The existing crossing, layback and driveway will remain, there will be no change to current off -street parking and driveway.

k) Character as viewed from a public place

Clause D9.1 of 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 carport roof has been replaced with a more natural form to increase the landscaping with a flat garden roof.
- # Existing vegetation has not been reduced.
- # The proposal does not introduce any form of additional bulk to the existing dwelling.
- # 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.

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 building height and side building envelope requirements 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 Avalon Beach Locality Statement.

5.6) The suitability of the site for the development

The subject land is currently zoned 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.

The proposed residential use of the land also sees the economic and orderly use of the land to provide for additional housing within the area, which will be designed and constructed in an environmentally friendly and sustainable manner to the benefit of the wider community.

Conclusion

The proposal which provides for alterations and additions 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, with only very minor encroachments as described earlier.

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 looking north west from Capri Close.



View looking west. Existing carport to be provided with a new flat roof garden.



View looking to the front of the house. Existing stair to be redirected.



View looking at the front of the house. Minor changes to existing windows.



View looking east towards the rear of the dwelling. Existing stair to be relocated and deck made good. Existing roof extended out by 1.0m.



View looking east. New location of external stair along exterior of wall.

Dear Chief Executive Officer

PREMISES AT 20 CAPRI CLOSE, AVALON
PROPOSED ALTERATIONS AND ADDITIONS

CLAUSE 4.6 REQUEST -EXCEPTION TO THE DEVELOPMENT STANDARD (HEIGHT OF BUILDINGS) -PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

This present document is a written variation request submitted under clause 4.6 of Pittwater Local Environmental Plan 2014 in connection with a development application seeking consent for alterations and additions to an existing dwelling.

1. INTRODUCTION

Clause 4.3 of the PLEP controls the height of building. Relevantly, clause 4.3 (2) of PLEP provides that the height of a building on any land is not to exceed the maximum height shown for the land on the height of buildings map, WHICH IS 8.5M.

The existing building height of the dwelling is 9m.

The proposed roof extension above the rear deck, which is a continuation of the existing roof will contravene the building height by 500mm.

A variation has been requested.

2. REQUEST TO VARY A DEVELOPMENT STANDARD

It is requested that a variations be sought for the max height (clause 4.3) for the proposed roof addition to the rear of the existing dwelling.

The request is submitted to council in connection with and in support of the development application and is to be read in conjunction with the statement of environmental effects and submitted to council in support of and to inform the development application.

The SEE deals with the impacts of the development proposal in detail and provides details and compliance with the relevant planning controls and objectives.

Clause 4.6 of the PLEP allows Council to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Clause 4.6 of the PLEP requires that a consent authority be satisfied of three matters before granting consent to a development that contravenes a development standard:

- * that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case
- * that the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard and
- * that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for the development within the zone in which the development is proposed to be carried out.

The consent authority's satisfaction as to those matters, must be informed by the objective of providing flexibility in the application of the relevant control to achieve better outcomes for and from the development in question.

The land and environment Court of NSW has provided judicial interpretation and clarification of the matters to be addressed in relation to variations to development standards lodged under the State Environmental Planning Policy 1 – Development Standards

(SEPP 1) through the judgment of Justice Lloyd in “Winten Property Group Ltd v North Sydney Council (2001) 130 LGERA 79 at 89 (‘Winten’)

The ‘Winten test’ was later rephrased by Chief Justice Preston, in the decision of *Wehbe v Pittwater Council* (2007) NSW LEC 827 (‘Wehbe’). These tests and clause 4.6 of the LEP and other standard LEP instruments. Accordingly, this clause 4.6 variation request is set out using the relevant principals established by the court. Another recent one in the NSW Court of Appeal in *Four2Five Pty Ltd v Ashfields Council* (2015) NSWCA 248 has had some very important things to say about the use and construction of clause 4.6.

3. DEVELOPMENT STANDARD TO BE VARIED

The site is Zoned E4 Environmental Living under the PLEP.

This written request is to justify the contravention of the standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed development will be in the public interest as it is consistent with the objectives of the standards and are of relevance to the subject matter of the development application and the objectives for the development within the E4 Environmental Living zone under PLEP in which the development is proposed to be carried out.

The proposed roof addition is an extension of the existing roof. Currently the existing roof contravenes the building height, with an existing building height which varies between 6.9m -9.0m. The proposed roof extension which is to cover an existing deck has only been extended by a 1.0m at the eave and extended by 4.7m at the ridge level. The new roof addition follows the existing ridge level and will not affect adjoining properties, as this is a very minor encroachment.

Due to the topography of the land, and with the site falling towards the street, it is difficult to adhere strictly to the required building height.

4. THE OBJECTIVES OF THE STANDARDS

Clause 4.3 (1) of the PLEP and the objectives of this clause 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 proposed roof extension to the main residence is consistent with the low density character of the precinct

Landscaping of the site has not been reduced due to the proposed addition. All of the existing vegetation will remain on the site.

The scale of the proposed development is consistent with the adjoining residential lots. The proposed development does not result in any privacy issues or impacts to nearby neighbours.

b) to ensure that the buildings are compatible with the height and scale of the surrounding and nearby development.

Development in the area is defined to a greater or lesser extent by residential lots constrained by steeper slopes and dense vegetation.

The proposed roof extension is an addition to the existing roof which is compatible with the surrounding developments in the area.

c) to minimise any overshadowing of neighbouring properties

Neighbours privacy will also **not** be affected.

The proposed roof addition will not affect adjoining properties.

There will be no additional shadow casting due to the proposed addition. All shadow will cast upon the street.

The proposal satisfies this objective.

d) to allow for the reasonable sharing of views.

The proposal will not interrupt view corridors of its neighbours to any significant or material extent.

e) to encourage buildings that are designed to respond sensitively to the natural topography.

The proposal will not affect the existing landscaping on the site.

f) to minimise the adverse visual impact of the development on the natural environment, heritage conservation areas and heritage items.

The development is not a heritage item nor is it located in a heritage conservation area.

The site contains natural vegetation with some introduced species. The proposed roof addition will continue to sit unobtrusively in the streetscape, there will be no effect upon the natural environment.

The objective satisfies this objective.

Conclusion to this

In respect of the height standard which is of a minimal significance with respect to the objectives of the relevant applicable height of building development standard. The gradient of the land and the height of the existing building ridge, all assist in ensuring that a casual observer would have some difficulty in reading a small part of the additional height of the roof extension.

It is concluded that the development will be consistent and will still satisfy relevant height objectives, notwithstanding the numerical departure from the standard contained in clause 4.3 of PLEP.

The development is consistent with all of the abovementioned objectives of the standard.

The proposed development is consistent with such of the aims of the PLEP as are relevance to the development.

5. ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT CLAUSES 4.6 (3)(b)

There are numerous environmental planning grounds for varying the development standard which is the preservation of appropriate residential density and the amenity, maintaining privacy for residents, preserving the natural topography and the biodiversity significance of the locality.

The proposal is consistent with the aims of the PLEP as it constitutes a good environmental planning ground justifying a contravention of the maximum height of buildings development standard contained in clause 4.3 of the PLEP.

Another good environmental planning ground justifying a contravention of the development standard in this instance is that there is no demonstrable public benefit in maintaining the development standard, clause 4.6 (5)(b) in this instance for to do would not result in any material public benefit in this situation.

The maximum height that is achieved in this case is 9.0m which is an extension of the existing roof level is a minor height encroachment of 500mm. ONLY A SMALL PORTION CONTRAVENES THIS HEIGHT

The proposed development will result in an improved outcome for the occupants and for the wider community in that there are likely to be no significant amenity impacts for residents and neighbours.

The proposed development is unlikely to increase the demand on local infrastructure and service and is entirely consistent with such of the zone objectives as are of relevance. The residential environment will remain characterised by a diverse range of low density dwelling styles, whilst not detracting from the consistent natural landscape setting.

This is a written request that the development will achieve the relevant zone objectives notwithstanding the numerical non-compliance with the height standard contained in clause 4.3 of the PLEP.

The above constitute good environmental planning grounds to justify contravening the development standard.

6. CONCLUSION

The proposed roof addition has been designed to follow the established roof to the dwelling, it will not affect adjoining properties.

Amenity to adjoining properties is maintained and no view loss will be experienced by the proposal.

The proposal will not have an adverse effect on any special ecological, scientific or aesthetic values.

It is requested that this non compliance be supported as there would be no practical utility in enforcing strict compliance with the relevantly applicable height of buildings development standard. All of the above constitutes good environmental planning grounds to justify contravening the development standard in this particular instance.

The variation from the development standard will not contravene any overarching State or regional objectives or standards, it will have no effect outside the site's immediate area and raises no issue of significance for State and or regional environmental planning.

Maintaining strict numerical with the 8.5m height of buildings development standard would not result in any public benefit in this instance. To maintain, to strictly enforce and apply the development standard in this instance would prevent the carrying out of an otherwise well designed residential development which is suited to the site.

IN SUMMARY

It is requested that this development justifies the contravention of the height of buildings development standard contained in clause 4.3 of the PLEP by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed development shows it will be in the public interest as it is consistent with such of the objectives of the standard as are of relevance to the subject matter of the development application and the objectives for the development within the E4 Environmental Living zone.

It is sought that this development application may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the PLEP.

Yours Sincerely

Jitka Jankovec c/- JJ DRAFTING

20 CAPRI CLOSE, AVALON

SCHEDULE OF EXTERIOR FINISHES

ROOF to match existing dwelling

WALLS – Brickwork to match existing dwelling

WINDOW AND DOOR FRAMES,EAVES AND TRIMS – White