



STATEMENT OF ENVIRONMENTAL EFFECTS

DATE:
JUNE 2021
This
Statement of
Environmental
Effects
accompanies
a
Development
Application by
P A Byrne
Constructions
on behalf of
the property
owners

Shawn and
Siobhan
Tranter
11 Hilltop
Road Avalon,
NSW, 2107

TABLE OF CONTENTS

1.0	INTRODUCTION	2
2.0	SITE LOCATION AND DESCRIPTION	3
3.0	DEVELOPMENT PROPOSAL	4
4.0	ZONING AND DEVELOPMENT CONTROLS.....	5
5.0	PITTWATER 21 DEVELOPMENT CONTROL PLAN 2014 CONTROLS	9
	SECTION A BILGOLA LOCALITY.....	9
	SECTION B CONTROLS.....	9
	SECTION C Development type controls.....	12
	SECTION D Locality Specific Development Controls.....	16
6.0	CONCLUSION	19

1.0 INTRODUCTION

This Statement of environmental effects accompanies a Development Application by P A Byrne Constructions on behalf of the property owners Shawn and Siobhan Tranter.

The proposal seeks approval to demolish existing house and self-contained flat to rebuild new three level dwelling with a pool and self-contained flat on the ground floor.

Consideration has been given to the environmental merit of the proposal as well as consideration to the following controls:

- Environmental Planning and Assessment Act 1979
- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan 2014
- State Environmental Planning Policy (Building sustainability Index, BASIX)

2.0 SITE LOCATION AND DESCRIPTION

The site is identified as Lot B in DP 396339 and is known as 11 Hilltop Road, Clareville, NSW, 2107.

The property has an area of 733.5 square metres.

The land slopes upwards at approximately 13 degrees from the eastern side of the Hilltop roadway for the entire depth of the site.

Access to the property is via a concrete driveway.

Currently the site contains a two storey dwelling with a self-contained flat on the ground floor

The surrounding area consists of low density residential development and public open space.

Photographs of existing site and surrounding streetscape can be found at **(ANNEXURE 1 and 2)**

3.0 DEVELOPMENT PROPOSAL

The proposal seeks for the demolition of current dwelling and the construction of a new 3 level residence and pool including the following'

1. New entry to ground floor front elevation.
2. Ground floor including Entry, two car garage and self-contained flat.
3. First floor including Lounge, Dining, Kitchen, Balcony, Patio , WC, Laundry and study.
4. Back outside area consisting of Pool and Pergola structure
5. Top floor including 3 bedrooms, bathroom, TV room, ensuite and Walk in robe.

The proposed works will result in generally maintaining the existing setbacks as the new building will be contained in the previous building envelope with the exception of front balcony cantilever, rear of house and pool/pool pergola.

4.0 ZONING AND DEVELOPMENT CONTROLS

The proposed development is identified as development permissible with the consent of the council under the provisions of the Environmental Planning and Assessment Act 1979 and the Pittwater Local Environmental Plan 2014.

The following is an assessment of the proposal against the relevant provisions of the ACT and all the relevant planning policies of the Council.

Pittwater Local Environmental Plan 2014

The subject land is zoned E4- Environmental Living under the provisions of the Pittwater Local Environmental Plan 2014.

The construction of a dwelling upon land zoned E4- Environmental living is permissible with consent of the council.

Clause 4.3 Height of Buildings

- (1) 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,
 - (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
 - (c) to minimise any overshadowing of neighbouring properties,
 - (d) to allow for the reasonable sharing of views,
 - (e) to encourage buildings that are designed to respond sensitively to the natural topography,
 - (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

Under clause **4.3** of the LEP the subject site is located within the “I” height zone and as such is subject to a Maximum building height of 8.5m.

Clause 4.6 Exemption to Development Standards

Clause 4.6 states:

- (1) The objectives of this clause are as follows.*
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

and:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered written request from the applicant that seeks to justify the contravention of the development standard by demonstrating :*
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and*
 - (b) That there are sufficient environmental planning grounds to justify contravening the development standard.*

The proposed Application seeks exemption to development standards to the front boundary setback.

Variation to front boundary setback

The application seeks a variation to the boundary setback on the southern front corner.

The site has a large angled front boundary that is out of parallel with the front of the house making it difficult to set the dwelling back on the steeply sloping site. The southern corner of the balcony and balcony roof cantilever into the building line 2.7m at its furthest point.

It is considered that the proposed setback meets the objectives of the development standards and this flexibility has a better outcome for the development.

Clause 5.4 Controls relating to miscellaneous permissible uses

9. Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

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

The proposed works includes a second dwelling which has a total floor area of 64.25m²

- a) The total floor area for the principal dwelling is 267.8m²
- b) The total floor area for the secondary dwelling is 24%
- c) The proposed second dwelling complies with guidelines.

7.1 Acid sulphate soils

The site is identified on Councils Acid Sulphate Soils Map as being class 5, the report from White Geotechnical Group indicates the water table is many metres down from any proposed works.

The proposed excavation does not involve works that would lower the water table and as such will not result in any acid sulphate soil impacts.

Clause 7.2 Earthworks

The proposed works is to excavate a pool and also expand existing house excavation to take the new dwelling.

A report has been prepared by White Geotechnical Group that addresses proposed excavation works.

The new excavations will be hidden by the finished dwelling and pool. No extra visual impact is expected to neighbouring properties or streetscape.

As there is currently a dwelling excavated into the site it would be considered a very low chance of disturbing any relics.

Clause 7.6 Biodiversity Protection

The site is identified as an area of biodiversity, however the proposal is sited on the existing envelope of the previous dwelling, as such there will be no new adverse environmental impact.

Clause 7.7 Geotechnical Hazards

The site is identified as geotechnical Hazard H1 on the councils geotechnical hazard map. See Geotechnical Risk Analysis and Management prepared by White Geotechnical Group.

Clause 7.10 Essential Services

The proposal will sit on the site of the current dwelling, as such all essential services are already supplied to the site including:

- Access driveway
- Natural gas supply
- Electrical supply
- Telephone and NBN
- Sewer connection

5.0 PITTWATER 21 DEVELOPMENT CONTROL PLAN 2014

SECTION A

A1.7 Considerations before consent is granted

Before granting development consent, Council must be satisfied that the development is consistent with:

1. *Pittwater Local Environmental Plan 2014*; and
2. the desired character of the Locality; and
3. the development controls applicable to the development.

Council will also have regard to the matters for consideration under section 4.15 Evaluation of the *Environmental Planning and Assessment Act 1979*.

Before granting consent for development within a Locality, Council may consider the provisions of a neighbouring Locality to the extent to which it affects the subject site.

A 4.1 Avalon Locality

The subject site is located in Avalon Locality. The Pittwater DCP aim is to retain the informal relaxed causal seaside environment of the area.

SECTION B CONTROLS

The controls relating to this proposal are:

B1 Heritage Controls

B1.4 Aboriginal Heritage significance.

The proposal is to sit on the site where the current dwelling is built.

There is considered very low impact of Aboriginal place of Heritage significance or aboriginal objects by the proposal.

B3 Hazard Controls

B3.1 Landslip Hazard

The subject site is classified as a landslip hazard. A Geotechnical risk assessment report accompanies the development application. The report shows that the proposed works are acceptable.

B4 Controls relating to the natural environment

B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

The proposal is to be sited on the existing house area with no loss of trees. The existing large spotted gums to the front of the property will maintain existing separation of 5.8m
It is considered no impact to Pittwater spotted gum forest.

B4.22 Preservation of Trees and Bushland Vegetation

The proposal is to be sited on the existing house area with no loss of trees.

B5 Water Management

B5.15 Stormwater

A stormwater management plan prepared by Waterdesign Civil Engineers accompanies the DA application.

B6 Access and Parking

B6.1 Access driveways and Works on the Public Road Reserve

Existing driveway is to be used, driveway sections are provided on plans

B6.2 Internal Driveways

Existing driveway is to be used, driveway sections are provided on plans

B6.3 Off-Street Vehicle Parking Requirements

The proposed dwelling includes a double enclosed garage with internal measurements of 7.350m deep x 6.050 wide to accommodate parking for two vehicles, this services the main dwelling

A single parking area at the front of the dwelling is provided for the secondary dwelling.

B6.6 On-Street Parking Facilities

Parking on site of three spaces are provided as there is limited parking on street due to narrow road and verge area.

B6.7 Transport and Traffic Management

The proposed development is not expected to generate additional pedestrian, cyclist, traffic and transport needs.

The existing road and transport infrastructure are considered adequate for the development.

B8 Site works Management

B8.1 Excavation and landfill

A Geotechnical risk assessment report prepared by White Geotechnical Group accompanies the development application. The report addresses excavation hazards and support requirements.

B8.3 Waste Minimisation

Construction waste will recycled or disposed of at appropriate waste facility.

B8.4 Site Fencing and Security

Appropriate site protection will be undertaken during construction to ensure public safety.

B8.5 Construction and Demolition - Works in the Public Domain

No works are proposed on the public road reserve.

B8.6 Construction and Demolition - Traffic Management Plan

The proposed works has a total volume of 352m² considering excavation of existing dwelling.

A traffic management plan is required before commencement of works

SECTION C

Development type controls

C1.1 Landscaping

Landscaping of the subject property is consistent with the local controls at Clause C1.1 of the PDCP requiring more than 50% of vegetation to be native plant species.

The proposal does not require any removal of trees or vegetation, with the accompanying landscape plan showing the retention of two large spotted gum canopy trees to the front of the property and planting of two new canopy trees to the rear of the site.

Landscape plan shows the planting of native plants to the front and rear of the property.

It is considered that the landscape will ensure that the development does not dominate the street scape of the locality.

C1.2 Safety and Security

The elevated position of the dwelling allows for clear surveillance from the inside to public areas. Glazing at the front entrance allows occupants to see who is at the front door.

C1.3 View Sharing

The development proposes an increase from single storey to double storey at the rear of the property with an increase in height of 1.81m of the roof ridgeline.

A previous DA submission was withdrawn at councils request as concerns over the height and side boundary setbacks would adversely affect the view sharing of the property directly behind the proposal. The new proposed dwelling has been significantly reduced in height (more than 500mm below 8.5m building height) and the top storey on the southern side has been setback 1m from the ground floor to assist in maintaining the bulk of the view to the property behind.

C1.4 Solar Access

Shadow diagrams which accompany this application support the view that there be no overshadowing of adjoining properties.

Distance between neighbouring properties and orientation of the proposal maximises solar access to the dwelling.

C1.5 Visual Privacy

The proposal has incorporated in the design that the private open spaces are located at the front and rear of the property, there is no adverse effect to visual privacy to adjoining properties.

C1.6 Acoustic Privacy

The proposed dwelling incorporates design features that minimise noise transmission.

Bedrooms are located on the top floor away from parking and private open space.

Pool area and private open spaces are located at the front and rear of the property minimising noise to neighbouring properties.

C1.7 Private Open Space

The proposed development includes private open space to the rear that exceeds the minimum 80 square metres in area and 3 metres width. The private open space is orientated to the North East and is directly accessed from the living space.

There is also access to the rear garden space.

The secondary dwelling has access off the living area to a private open space of 58m². This area is at the front of the property but landscaping and the elevation from the street attains desired privacy.

C1.9 Adaptable Housing and Accessibility

Access to the house and secondary dwelling from the roadway is stairs or driveway, with the parking areas giving level easy access to the entrance of the house and the secondary dwelling.

Because of the steep site the primary dwelling requires multiple levels accessed by stairs, otherwise the proposal meets the needs of adaptable housing by providing a secondary dwelling with single level living.

C1.10 Building Facades

The proposal satisfies this control.

C1.11 Secondary Dwellings and Rural Worker's Dwellings

The secondary dwelling is situated on the ground level of the proposed main dwelling, it utilises area next to the garage and minimises the footprint on the site. The use of this area doesn't result in any change to the main dwelling height.

The proposed works includes a second dwelling which has a total floor area of 64.25m²

- The total floor area for the principal dwelling is 267.8m²
- The total floor area for the secondary dwelling is 24% of principal dwelling
- The proposed second dwelling complies with guidelines.

C1.12 Waste and Recycling Facilities

Waste and recycling bin area shown on Landscape plan.

An estimated 75% of the existing house can recycled as per waste management plan

C1.13 Pollution Control

The proposed dwelling has been designed and will be constructed in a proper and efficient manner to prevent air, water and noise pollution.

C1.14 Separately Accessible Structures

Not applicable.

C1.15 Storage Facilities

The proposed garage is 7.350m deep which allows sufficient area to the rear for storage.

The Secondary dwelling has access to storage under the main staircase.

C1.17 Swimming Pool Safety

All pool works to satisfy relevant building codes

C1.20 Undergrounding of Utility Services

Existing overhead Ariel electrical will be moved underground from the boundary to the dwelling.

C1.23 Eaves

The proposed dwelling incorporates eaves into the design, consistent with the controls as outlined in the PDCP.

C1.24 Public Road Reserve - Landscaping and Infrastructure

No pedestrian footpath exists on the road reserve.

No works are proposed on the road reserve.

C1.25 Plant, Equipment Boxes and Lift Over-Run

External air-conditioning units are located on the side of the dwelling where indicated on landscape plans.

SECTION D

Locality Specific Development Controls

D1.1 Character as viewed from a public space

The development incorporates design elements that are compatible with design themes of the locality.

The building façade to the public space incorporates design features such as windows, doors, awnings and deep open decks.

D1.5 Building Colours and Materials

Proposed external colours are consistent with the aim of the PDCP Natural materials and dark low reflectivity colours are dominant.

D1.8 Front Building Line

The proposed new dwelling setback from the front boundary varies 6.5m on the southern corner to 11.6m on the northern corner but from this, the front first floor deck and deck roof cantilever into the building line on the southern corner 3.5m, approximately 13m² (see site plan).

As the proposal is situated on steep site the building has to be built forward as much as possible to minimise large excavations and excess stepping up of the site.

It is considered that despite the sites non-compliance with this requirement that the objectives of the council's DCP are nevertheless met.

D1.9 Side and Rear Building Line

This clause provides for a side boundary setbacks of 2.5 metres to one side and 1.0 metres to the other side.

The proposed dwelling has a setback to the Northern side boundary of 2.785m and 1.0m to the southern side boundary.

The required rear building setback is 6.5 metres, the proposed dwelling has a rear building setback of 14.170m and a rear set back from the pergola of 9.170m.

It is considered that the setbacks comply with the controls.

D1.11 Building Envelope

This Clause provides that buildings must be contained within a building envelope which is projected at 45 degrees from a height of 3.5 metres above the boundary.

The proposed dwelling complies with the building envelope on the northern side boundary.

The southern envelope complies with the exception of small part of front balcony rail.

It is considered that the proposal complies with guidelines.

D3.14 Landscaped area- Environmentally Sensitive Land

This Clause of the DCP requires that a minimum of 60% of the site area be provided as landscape area.

The proposal provides for a landscape area of 54.15%

The controls allow for up to 6% impervious landscaped areas such as the proposed pergola.

The proposed landscaped area is considered as complying with the controls.

D3.16 Fences- Flora and Fauna Conservation Areas

The application does not propose any fencing to the front and side boundaries in the front setback area as to allow the safe and unhindered travel of native animals.

D3.17 Retaining walls, terracing and undercroft areas.

The proposal is situated on a steep site which requires it to be constructed with excavation and stepping up the site. Retaining walls have been kept low as possible with landscape planting used to screen them.

D3.20 Scenic Protection Category one Areas

The development has no significant impact on the visual character of the area as it retains the bushland landscape as the predominant feature of the site.

6.0 CONCLUSION

The proposed development is permissible with the consent of the council under the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Section 79C (1), the Pittwater Local Environmental Plan 2014 and Council's Development Control Plan.

It is considered that this Statement of Environmental Effects has demonstrated that the proposed development satisfies the aims and objectives of the above planning controls. It is considered that the proposal will not impact the amenity of adjoining properties or upon the character of the surrounding area.

In our opinion that this proposal for the construction of a new dwelling on the site 11 Hilltop Road Avalon is worthy of the support of the council.

ANNEXURE 1



ANNEXURE 2

