

**AMENDED 17/2/2020 (shown in red)**  
**STATEMENT OF ENVIRONMENTAL EFFECTS**

**PROPOSED NEW 2 STOREY DWELLING  
AT**

**34 WHALE BEACH ROAD, AVALON 2107**

**LOT 90 DP 17189**

*Prepared By JJ Drafting*

January 2020

## **1) Introduction**

This Statement of Environmental Effects accompanies documents prepared by JJ Drafting, job number 692a.19, drawing numbers DA.01 to DA.15 dated Nov 2019 to detail the proposed New 2 storey principal dwelling at 34 Whale Beach Road, Avalon 2107.

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 acceptable and 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 2000*
- # *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**

The subject allotment is described as 34 Whale Beach Road, Avalon 2107. Within the Development control plan 21, this allotment is in the Avalon Beach Locality.

- This corner site has an area of 544sqm. The allotment is predominantly of a rectangular in shape, apart from the rear northern boundary which consists of an angled shape.
- Located in R2 Low Density Residential.
- The site is not listed as heritage or in a conservation area.
- It is not located in a bushfire area.
- It is located in Class 5 Acid Sulfate Soil Area.
- The property is a corner block and addresses Alexander Road to the East and Whale Beach Road to the South.
- The site is currently developed with a primary secondary dwelling. The primary dwelling is a single storey weatherboard dwelling with a tiled gable roof and a lean-to garage with a flat roof located to the rear of the site and addressing Alexander Rd. Off- street parking for 1 vehicle is provided within the attached garage at the rear of the dwelling.
- The secondary dwelling is a single storey weatherboard with a metal hipped roof, located at the front of the site addressing Whale Beach Rd. Off street parking for 1 vehicle is provided for the secondary dwelling on a raised concrete slab which is located to the rear of the dwelling. There is an existing concrete parking platform which currently serves the secondary dwelling.
- Vehicle access is provided via two concrete crossovers off Alexander Road located to the East boundary.
- The site falls from North East front corner ( Alexander Rd) down to South West front corner (Whale Beach Rd) of approx. 1.5m.

- Vegetation consists of mixed endemic and introduced species with medium to large trees to the South and East of the block. Small to medium sized shrubs to the front yard. Lawn areas are located to the front and rear of the site.
- Front, side and rear setbacks vary throughout the streetscape and that of adjoining dwellings.

### **3) The Proposal**

#### **Description**

As detailed within the accompanying plans, the proposal seeks consent for the demolition of the existing primary dwelling and rebuilding a new 2 storey brick dwelling as well as enclosing the raised parking area to form a garage with a home office above.

The proposed new works are as follows:

#### **PROPOSED NEW 2 STOREY PRINCIPAL DWELLING**

- \* Existing single storey dwelling to be demolished.
- \* The proposed new split levelled 2 storey dwelling to be sited further from the northern boundary to allow for a private open space area and to provide a greater rear setback.
- \* A greater front setback (Alexander RD) from the secondary road has also been provided.
- \* The floor level of the new dwelling is lower than the pre- existing single storey dwelling to provide a lesser bulk to the street and to provide a better compliance to the required controls setout in the Pittwater DCP.
- \* A new concrete layback, crossover and concrete driveway has been provided. Existing concrete layback and Crossover to be made good as per councils' guidelines
- \* Provide a new low timber retaining wall (800mm) to the East side of dwelling with a return along the northern rear side of the building with a varied height, allowing for the building to step down and creating a levelled lawn area off the main indoor living room.

#### **Ground Floor Plan Level – refer to DA.03**

The proposed new 2 storey dwelling has been designed as a split level to provide a better compliance with councils controls.

- Level 1 -RL 21.89  
Double Garage  
Entry area with batten style entry portico  
Laundry and a bathroom
- Level 2 – RL 20.98  
Living, dining, stair and kitchen areas

#### **First Floor Plan Level - refer to DA.04**

- Level 3 – RL 23.73  
Stair, Family room, study and 2 bedrooms
- Level 4 - RL 24.64  
2 bedrooms, bathroom, ensuite and walk in robe.

### **Externally and design**

# Provide a rectangular outdoor living area in what is essentially the rear yard which is to serve as an extension to the indoor living areas within. The outdoor area will contain a retaining wall to 2 sides as shown on plans.

# Provisions for an outdoor clothes line located on the westside boundary.

# The construction of the new 2 storey dwelling will consist of face brick walls in dark tone colour, walls to form parapet which are to conceal a colorbond flat roof behind.

The roof along the western side boundary will consist of a gutter and a stepped roof at a lower level.

# Install 2/ 3,500litre rainwater storage tanks located on the west wall of the dwelling.

# The proposal will require the removal of one 4m high tree within the road verge to allow for a new concrete driveway.

### **GARAGE ADDITION AND HOME OFFICE/GYM**

An existing raised concrete parking platform to be enclosed to form a single garage for the existing secondary dwelling.

A home office/gym with a bathroom is located above the garage with a connecting stair between the garage and the new principal dwelling.

Existing concrete driveway, crossover and layback will remain untouched.

Construction shall be lightweight walls and a colorbond low pitch roof falling towards the west side boundary.

Having regard to the site constraints and the streetscape characteristics for this corner site, the primary design considerations were to accommodate the clients residential needs, and maintaining where possible a compliance to the relevant councils controls.

## **4) Zoning & Development Controls**

### **4.1) Pittwater Local Environmental Plan 2014**

The site is zoned R2 Low Density Residential under the provisions of the PLEP 2014. Demolition and the proposed new 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) Avalon Beach Locality (D1)**

#### **Desired future character**

It is proposed that the New dwelling, garage with a home office/gym 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.

Majority of the vegetation has remained, however as this is a new dwelling, new landscaping has been provided to compliment and reduce any bulk to the streetscape. Apart from one tree being removed on councils verge all other vegetation has remained.

With the introduction of landscaping and lowering majority of the building, the proposal will sit well in the streetscape. The proposal will be surrounded by existing canopy trees and will be second to the natural landscape within the streetscape.

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) Height of Building (LEP 4.3) - refer to DA.06, DA.07, DA.08, DA.09**

The maximum building height control -----8.5m.

The proposed new building height -----6.27m -----COMPLIES

The proposed new principal dwelling and garage/home office and gym **comply** with this control.

#### **4.5) Development Standards and the Effects of the Proposal**

##### **a) Internal Driveways (B6.2) and Off-Street Parking (B6.3) – Access driveways (B6.1)**

The new internal concrete driveway and access driveway will match the existing adjoining driveway to the approved and built secondary dwelling to the subject site. The existing driveway to the secondary dwelling was approved to councils maximum extra low profile which has been now removed. It is however requested that this new driveway be supported to the old profile as it will continue at the same level without affecting pedestrian walkway access and not creating a height difference of 355mm, this would become a trip hazard. A retaining wall would have to be provided on councils verge. Refer to DA 09.

it complies with the Australian Standard AS2890 Part 1 - Off Street Car Parking.

- 2 off street parking for the new principal dwelling ----- COMPLIES
- 1 existing off street parking for existing secondary dwelling-----COMPLIES

##### **b) View Sharing (C1.3)**

Neighbours views will not be affected by the proposed new dwelling and garage/home office and gym.

The adjoining properties will retain their outlook. -----COMPLIES

##### **C) Solar Access (C1.4)**

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

All adjoining properties will receive a minimum of 3 hours natural solar access upon their outdoor living areas. -----COMPLIES

##### **d) Visual Privacy (C1.5)**

The proposed new dwelling, garage and home office/gym will not affect adjoining dwellings.

All windows on the west side of the new build will be high windows with a sill height of 1.5m above floor level.

Windows to the west and south side of the home office/gym will have a sill height of 1.6m above floor level.

**e) Private Open Space (1.7) DA 01**

Control is dwellings to have a min. 80sqm of open private space at ground level with no dimensions less than 3m in any direction, have a min. principal area of 16sqm with a min. dimensions of 4m in any direction and grade no steeper than 1:20.

The proposed new dwelling will have an area of private open space – 82.7sqm ---COMPLIES  
Access is directly from the open plan living area within. It has an eastern, northern and western orientation and therefore will receive sufficient amount of natural solar access

**f) Character as Viewed from a Public Space (DCP D1.1)**

Clause D1.1 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:

# Existing vegetation to the front of the property (on councils land) has largely remained untouched  
New vegetation has been introduced to the front boundary addressing Alexander Road to screen the visual impact of the built form. The proposal gives the appearance of being secondary to the landscaping and vegetation. -----COMPLIES

# The proposal, even though 2 storeys in height, will be at height that will not dominate the streetscape. The height of the new dwelling is slightly higher than the existing dwelling by 1.1m.  
Portion of the new build has been lowered to reduce any bulk to the street.

The front setback to Alexander Road has been increased from the existing dwelling of 1.35m to the proposed new dwelling, the required 3.25m.

# Building articulation has been incorporated into the design, with walls addressing Alexander Road having a length no greater than 8m ----- COMPLIES

# 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

**CONTROL - any building façade to a public place must incorporate at least 2 of the following design features**

- entry feature or portico;
- awnings or other features over windows;
- verandahs, balconies or window box treatment to any first floor element;
- recessing or projecting architectural elements;
- open, deep verandahs; or
- verandahs, pergolas or similar features above garage doors

The proposal provides an entry portico feature by the use of a batten screen and incorporating it into an awning to a window, thus creating more interest upon the street elevation.

The wall also has been provided with a slight recess to the entry and bedroom above.-----COMPLIES

**g) Scenic Protection (DCP D1.4)**

The proposal satisfies the requirements of this control in that majority of the existing vegetation is to be retained. The proposed development has been minimised so that there is no visual impact upon the natural environment when viewed from any waterway, road or public reserve.

**h) Building Colours & Materials (DCP D1.5)**

The colours and materials to the proposal will compliment and enhance the visual character within the streetscape. The development will harmonise with the natural environment by the use dark earthy tones. REFER to Schedule of exterior finishes at the end of the SOEE. -----COMPLIES

**i) Front Building Line (DCP D1.8) – refer to DA.01**

Control is minimum front setback –6.5m or established building line whichever is the greater.

Variation -Minimim building setback to a secondary road half the front building line

The site is located on a corner block, main street frontage is Whale Beach Rd and the secondary road is Alexander Road.

The proposed new development on this site is located to the rear of the site behind an existing secondary dwelling. The development has varied front setback as follows:

New 2 storey dwelling addresses Alexander Rd, being the secondary road ---**3.25m**-----COMPLIES

Existing raised parking stand enclosed to form a garage -----2.5m

Existing secondary dwelling setback -----2.45m

It is difficult to adhere to the required setback control for the single garage/home office and gym due to pre- existing structures.

However, given that the councils verge is wider 6.5m from front boundary to the kerb and gutter than the standard verge of approx..3m.

The new enclosed garage with a first floor over will have a similar setback from the wall of the proposal to the kerb and gutter to a property with a standard narrower council verge.

Proposed setback from wall of garage to kerb -----8.9m  
Setback from an average verge -----5.9m

It is requested that this non compliance to the enclosed parking be supported as it is difficult to adhere to. It will not affect the streetscape as the spatial separation between the building and the road is quite extensive. It has designed so that it will not dominate the streetscape and using colours that harmonise with the landscaping. New tree has been provided between the existing and new driveway so that when mature it will screen and bulk to the street.

The front setback to the proposed new single garage is slightly greater than the existing front setback of the secondary dwelling by 50mm, it will not affect adjoining properties in view loss or privacy and or solar loss.

The height of the new build (SINGLE GARAGE and HOME OFFICE/GYM) will be 3.50m above the level of the road (Alexander Rd) In human scale the proposal will not be invasive in height as viewed from the street, it will have an appearance of height as being a single level structure

The new dwelling will also be a height above the road that is predominately very low and is more like a single storey dwelling given the level of site is much lower than the road level.

**j) Side & Rear Building Line (DCP D1.9) – refer to DA.03, DA.04, DA.05, DA.06, DA.07**

**SIDE SETBACK**

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

The proposal has a side setback to the west side boundary -----1.0m and 1.5m -----COMPLIES

The home office/gym has side setback to the west side boundary----1.78m -----COMPLIES

**REAR SETBACK**

Rear setback control is 6.5m

The existing dwelling ----- varied setback 1.0 – 3.0m

Due to the oblique angle of the rear boundary it is difficult to adhere strictly to this control. The new dwelling has been site as close to the side boundary to allow a more distance for the rear setback control.

When view from Alexander Rd. the rear setback to the dwelling at a parallel line is **9.0m—COMPLIES**

**It will not affect the streetscape for this reason**

However with the angle of the rear boundary tapering inward to the site, the building slightly contravenes over the rear setback. It is requested that this slight non compliance be supported as it very difficult to adhere to the strict compliance as mentioned.

Small Portion of dwelling which is located within the rear setback will NOT affect adjoining properties in view loss, privacy loss or solar access. It will be surrounded by existing vegetation from surrounding properties.



The proposed new 2 storey dwelling has varied rear setback between – 4.8m – 8.0m. Average 6.4m. The proposal satisfies the desired future character of this locality.

**k) Building Envelope (DCP D1.11) – refer to DA.05, DA.06, DA.07**

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

**OUTCOMES**

- *Enhance the streetscape & promote a building scale & density that is below the height of the trees*
- *Relates to spatial characteristics of the existing natural environment.*
- *Bulk and scale of the built form is minimised.*
- *Preserve views and vistas to and from public /private places*
- *Ensure level of privacy, amenity and solar access to adjoining properties*
- *Vegetation is retained and enhanced to visually reduce the built form.*

The proposed buildings have been designed to largely maintain the correct building envelope. However due to site constraints it is very difficult to adhere to this control. It is requested that council support this variation for this slight non- compliance.

The Architectural style of this building is a modern look with a parapet wall to 3 sides, hiding a colorbond flat roof behind

The 2 storey building is quite low having a height of 6.2m which is 2.3m below the building height. The parapet walls area located on the north, east and south walls.

The main wall which slightly contravenes the side building envelope is the west side wall. The roof has been lowered to provide a better compliance with this control. However to maintain this type of architectural style, measures have been taken to reduce as much possible wall height.

REFER to section DA 07

As shown on DA 06 – height of walls that are above the building envelope which vary from

320mm - home office/gym – 3.0m

450mm - Family room – creating a 2.1m bulkhead – length – 4.1m

**COMPLIES - Bathroom, ensuite, WIR all have a 2.1m high ceiling. Roof has been angled to follow the 45deg building envelope**

800mm - Bedroom 4 – length 4.0m

It complies with this control in that the building is low in scale and is well below the height of existing surrounding trees and vegetation.

The slight non- compliance along the western side boundary will not affect the adjoining property. There is good spatial separation between properties. Side setback to this western side wall varies between 1.0m and 1.5m – which complies with the side setback controls.

Adjoining properties will not be affected by solar loss or privacy and or view losses. The building bulk has been reduced by limiting and reducing the ceiling heights within the structure. The proposal has been provided with landscaping and trees to visually hide any bulk to the streetscape.

Given that the land is well below the street level, the 2 storey building appears to be more of a single storey if measured from the street, the appearance in height of this proposal reflects that of other dwellings in the streetscape.

**l) Landscaped Area – General (DCP D1.13) – refer to DA.09**

Minimum landscape area requirement - 50% -----272sqm

Site area is 544m<sup>2</sup>

Existing Landscape area -----47.82%-----260.13sqm

Proposed new landscape area-----51.18%-----278.42sqm---COMPLIES

Existing hard surface area -----283.87sqm

Hard surface to remain -----265.58sqm

There will be an increase in hard surface by 48.94sqm – REFER to hydraulic engineering drawings for stormwater

**m) Fences (DCP D1.15)**

No changes to the existing fencing

**n) Construction, Retaining Walls, Terracing & Undercroft Areas (DCP D1.17)**

Retaining walls have been kept to a minimum. The proposal requires a retaining wall along the north and east side of the dwelling to create a levelled lawn outdoor entertainment area. The creation of the low retaining walls is to lower the rear portion of the new dwelling to provide a better compliance with councils controls.

No undercroft areas are proposed.

**o) Water Management**

A stormwater plan, prepared by a hydraulic engineer has been submitted with this application.

The proposal has been provided with 2, combination RWT/detention tank each 3.5litre located on the western side boundary setback corridor as required by BASIX certificate. These tanks will also be used to connect toilets in the dwelling and to a garden tap. RWT to be connected into an existing absorption trench as per dwgs.

**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 Development Control Plan 21 and the relevant supporting Council Local plan. 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 Avalon Beach locality and the general principles of Development Control Plan 21

It is considered that the proposal respects the aims and objectives of the DCP, however it is noted that the Environmental Planning and Assessments Amendment Act 2012 No. 93 (amendment Act) which received assent on 21 November 2012 commenced on 1<sup>st</sup> 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 rear and front secondary setback (to the single garage, home office/gym) and 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 regarding 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 new dwelling and a garage with a home office/gym above 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 well designed having regard to the relevant provisions of the Pittwater Development Control Plan 21

#### **5.6) The suitability of the site for the development**

The subject land is in the low density residential R2 and the proposed development is permissible as category 1 development. The site is considered suitable for the proposed development. The proposal will not provide any detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

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

This is a 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.

### **6) Conclusion**

The proposal which provides for a new 2 storey principal dwelling and a single garage enclosure with a home office/gym above will not have any detrimental impact on the adjoining properties or the locality. The proposal is in keeping with Council's aims and objectives for this locality. There will be no effect on local fauna and flora.

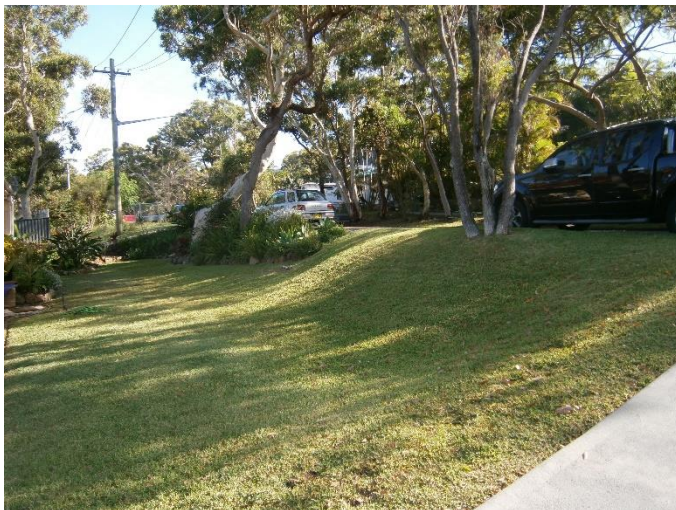
In scale, form and finishes, the proposal will have a positive effect on the lifestyle of its inhabitants and the visual amenity of its neighbours.

As the proposal 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.



**Photo 1**

Looking South from Alexander Road showing dwelling, driveway and crossover to be demolished.



**Photo 2**

Looking North from existing car parking platform showing location of new driveway and subsequent tree to be removed.



**Photo 3**

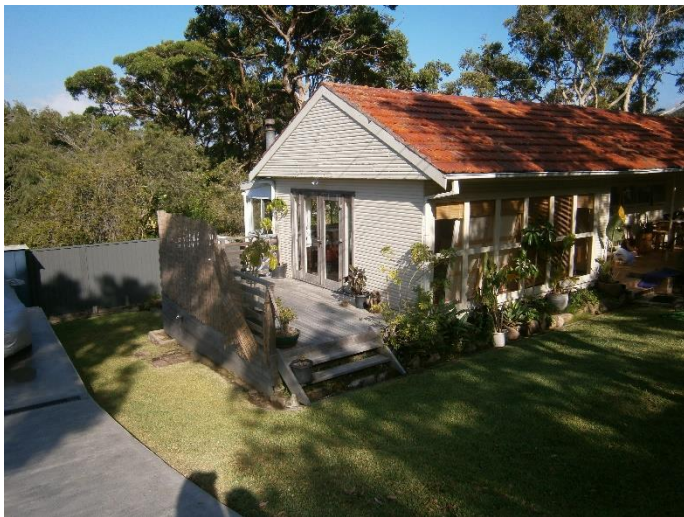
Looking West from Alexander Road showing location of proposed single garage and home office/gym. Also note the dense vegetation in the neighbouring properties behind.





**Photo 4**

Looking West from Alexander Road showing location of proposed levelled lawn area.



**Photo 5**

Looking Northwest from Alexander Road showing location of proposed pedestrian and vehicle entry. Also note the dense vegetation in the neighbouring properties behind.



**Photo 6**

Looking North showing extent of rear boundary.

## **SCHEDULE OF EXTERIOR FINISHES**

### **34 Whale Beach Road, Avalon 2017**

#### **WALLS**

**Primary Dwelling** Selected face brick (medium to dark) – Grey/ Charcoal colour

**Garage/home office/gym** Selected lightweight cladding (medium to dark) – ‘Monument’ colour

**ROOF** Selected colorbond sheeting – ‘Night Sky’

**WINDOW & DOOR FRAMES  
TRIMS** Powder-coated aluminium – ‘Night Sky’  
Black

**GUTTERS** Metal – colorbond – ‘Night Sky’

**NEW DOORS** Painted timber – ‘Night Sky’

**BALUSTRADING** Timber painted ‘Night Sky’

**GARAGE DOOR** Colorbond finish ‘NightSky’

**DRIVEWAY SURFACE** Concrete, float finish

**EXTERNAL TIMBER STAIR** Natural Stain