

**Statement of Environmental Effects**  
**85 Palmgrove Rd, Avalon Beach NSW 2107**  
**LOT: 383 DP: 16902**

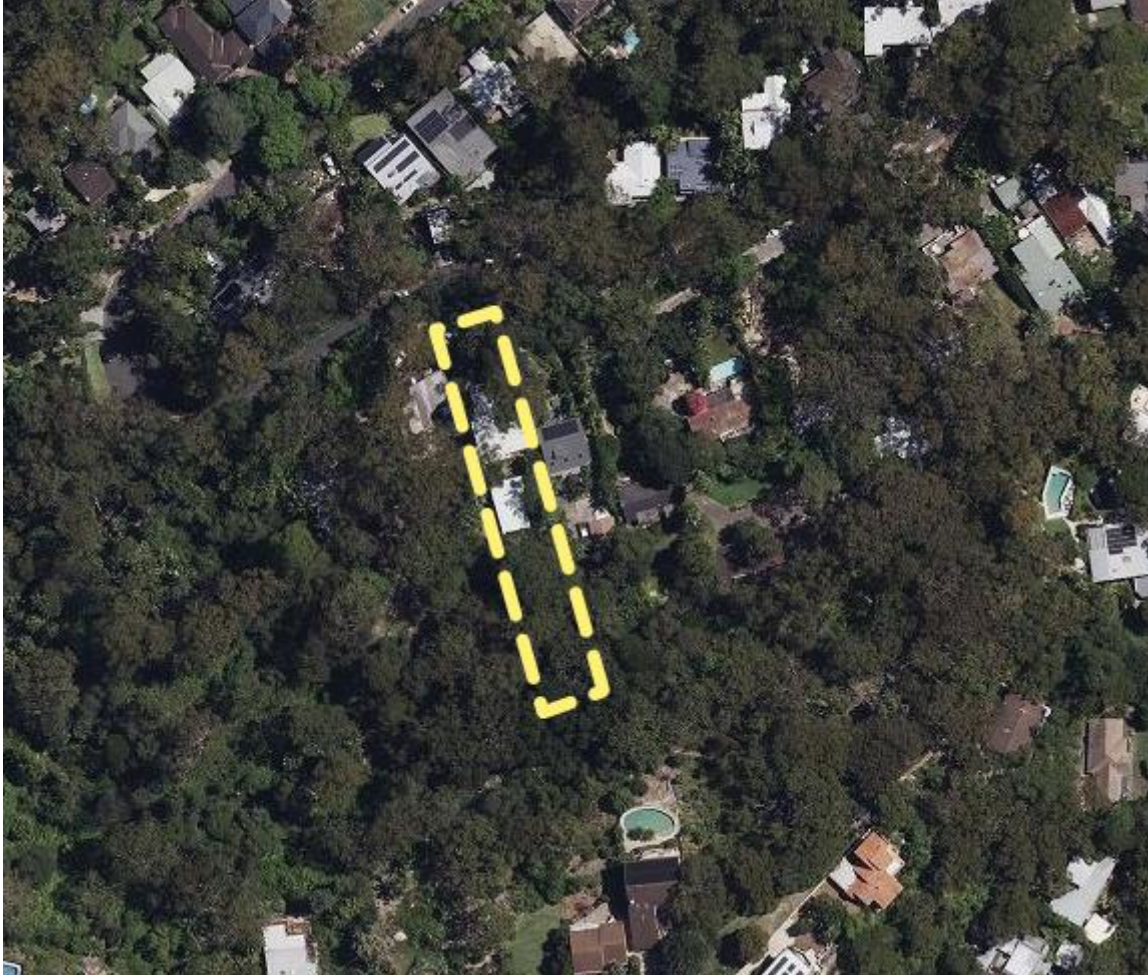


Figure 1: Aerial View of Site

Date: 29/10/2024

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Author	Checked By	Revision	Revision Date	Notes
CC	SY	1	29/10/2024	SEE completed for 4.55 (1A) modification

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## 1. Introduction

This Statement of Environmental Effects (SoEE) has been prepared by SY Planning on behalf of Drafting Help and accompanies a Section 4.55 (1A) modification to DA2023/1745 for the Alterations and additions to a dwelling house including a swimming pool and carport at 85 Palmgrove Rd, Avalon Beach NSW 2107.

This Statement has been prepared to support compliance with clauses 99 and 100 of the Environmental Planning and Assessment Regulation 2021 and includes an assessment of the following:

- (a) the expected impacts of the proposed modification,
- (b) how the modified development, if approved, would be substantially the same as the approved development.

## 2. Overview of Planning Provisions

Basic Details	
Address	85 Palmgrove Rd, Avalon Beach NSW 2107
Real Property Description	LOT: 383 DP: 16902
Current Use	Existing dwelling house
Land Size	705m <sup>2</sup>
Zoning	C4: Environmental Living
Local Government Area	Northern Beaches Council
Local Environmental Plan	Pittwater Local Environmental Plan 2014
Development Control Plan	Pittwater 21 Development Control Plan
Applicable LEP Development Standards	<ul style="list-style-type: none"> <li>Clause 2.3: Zone objectives and Land Use Table</li> <li>Clause 4.3: Height of Buildings</li> <li>Clause 7.1: Acid Sulfate Soils</li> <li>Clause 7.6: Biodiversity</li> </ul>
Applicable State Environmental Planning Policies	<ul style="list-style-type: none"> <li>None</li> </ul>

Table 1: Overview of Planning Provisions

### 3. Site History

The table below outlines the relevant approvals applicable to the site.

Application Number	Description
DA2023/1745	Alterations and additions to a dwelling house including a swimming pool and carport.  Approved 19/01/2024

### 4. Site Description and Surrounding Context

The subject site, known as 85 Palmgrove Rd, Avalon Beach NSW 2107 (LOT: 383 DP: 16902) is located within the C4: Environmental Living zone under the Pittwater Local Environmental Plan 2014. The site is a standard lot with existing vehicular access via Palmgrove Road. The site is currently improved by an existing dwelling house. Immediate surrounding land uses are predominantly comprised of low density residential dwellings. A Dial Before You Dig Search suggests that essential services such as telecommunications, electricity, reticulated water and sewer are available to the site.

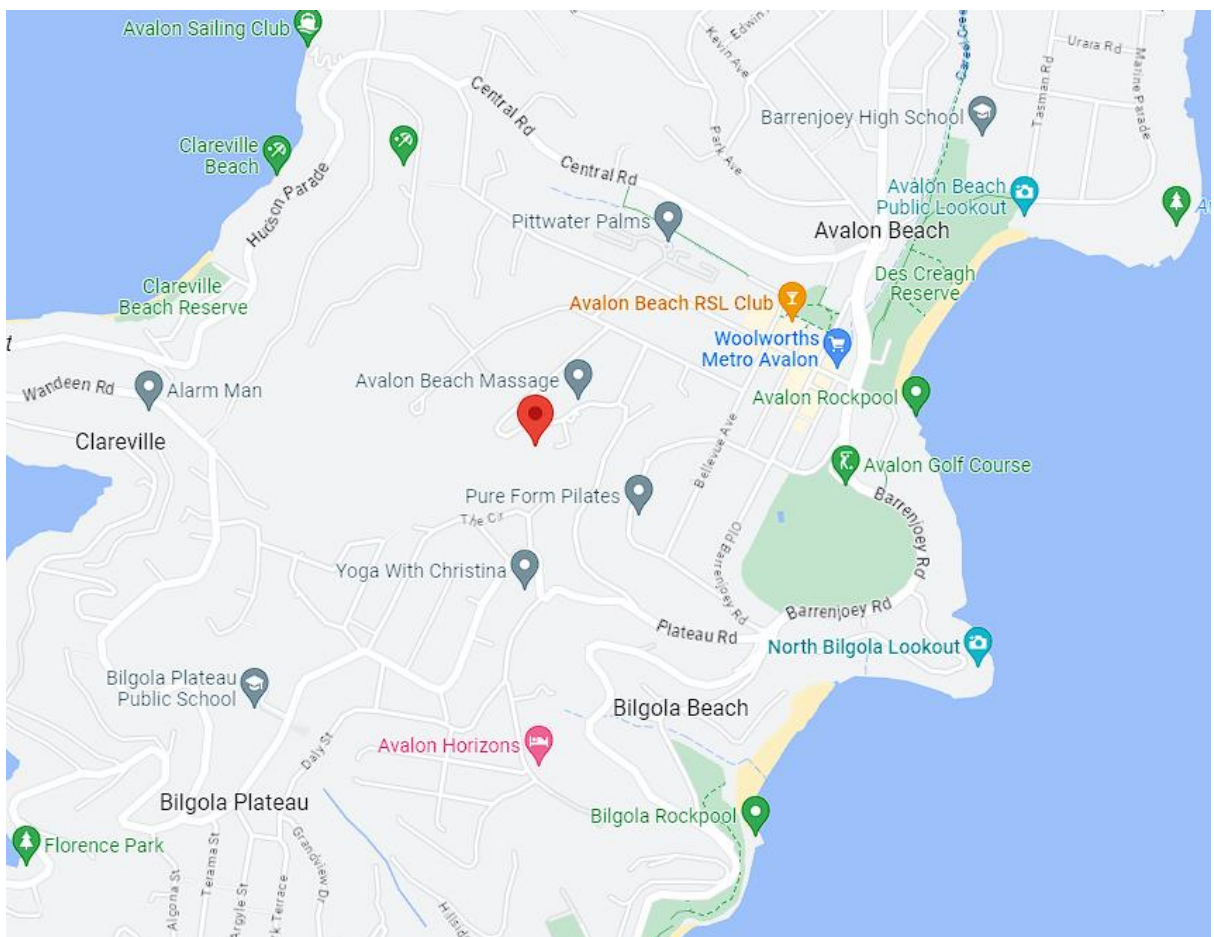


Figure 2: Locality Map of subject site (Source: Google Maps)





Figure 3: Sydney Water Asset Mapping

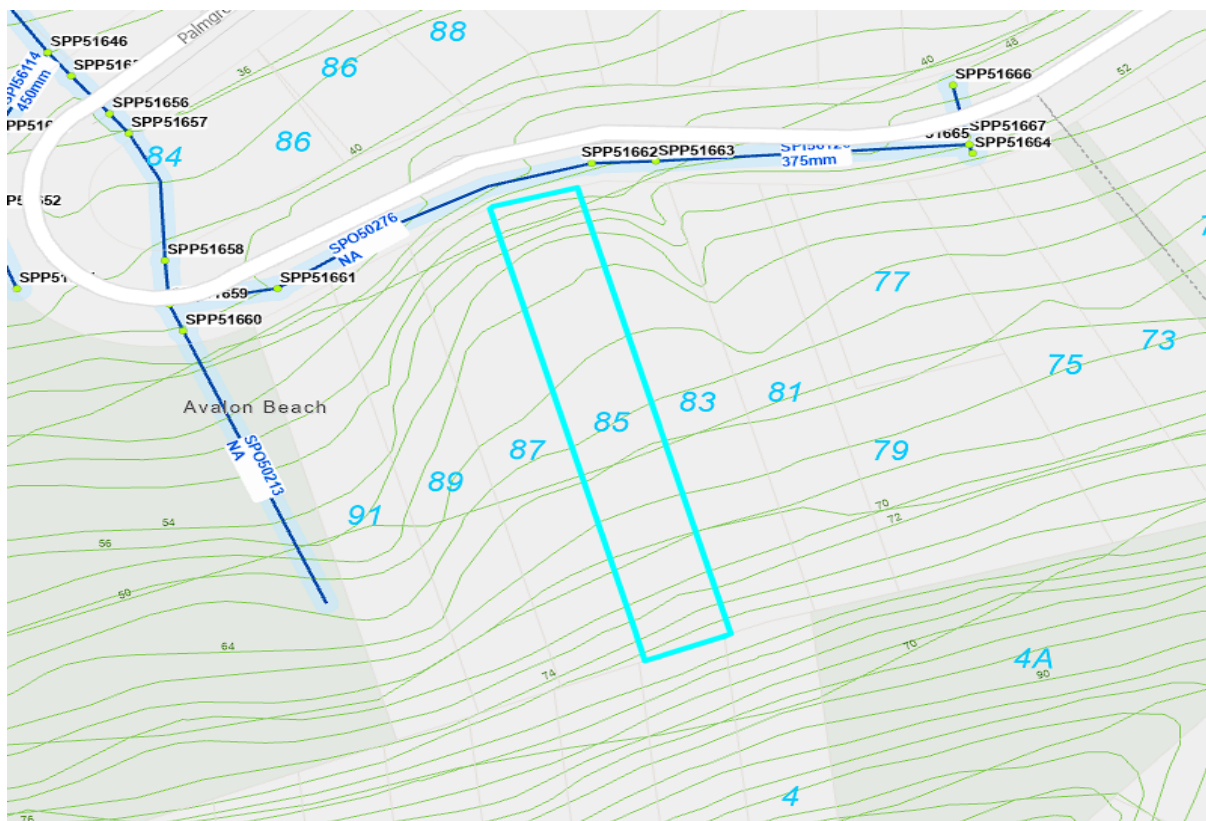


Figure 4: Northern Beaches Council Asset Mapping

## 5. Proposed Development

The proposed modification involves the alterations to existing approved carport and dwelling house. The modification can be summarised below as:

Development Summary		
	Approved	Proposed Modification
<b>Land Use</b>	Dwelling house with ancillary swimming pool and carport	No change
<b>Floor Area</b>		
<b>Dwelling House</b>	Modification proposes: <ul style="list-style-type: none"> <li>• Amended main bathroom layout</li> <li>• Changes to approved Windows 1, 2, 3 &amp; 4.</li> <li>• New access door along the eastern elevation.</li> </ul>	
<b>Carport</b>	Approximately 38m <sup>2</sup>	47m <sup>2</sup>
<b>Building Height</b>	No change resulting from modification	
<b>Setbacks</b>	No change resulting from modification	
<b>Car Parking</b>	1	2

## 6. Section 4.55 (1A) Modification

Under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

s4.55(1A) clause	Provision	Performance	Compliance
(a)	it is satisfied that the proposed modification is of minimal environmental impact, and	The proposed modification involves the minor change in built form of the carport and dwelling house without increasing the gross floor area for the site. As such, it is considered that the development would not alter the environmental impacts of the proposal.	Y
(b)	satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	Given that the proposed modifications do not require a variation to principal development standards and that the development does not include a new use, the development is considered to be substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified.	Y
(c)	it has notified the application in accordance with:	The onus is on the consent authority to suitably notify the application.	N/A

s4.55(1A) clause	Provision	Performance	Compliance
	(i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and		
(d)	it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	The onus is on the consent authority to consider any submissions.	N/A

## 7. Environmental Planning Assessment Overview

The following assessment has been structured in accordance with Section 4.15 of the EP&A Act. The proposed development has been assessed in accordance with the relevant state, regional and local planning policies.

### 5.1 Pittwater Local Environmental Plan 2014 (Applicable Only)

Clause	Comments
Clause 2.3	The alterations and additions to existing dwelling house is permitted with consent under the zone. Given that the development is small in scale and is unlikely to result in significant impacts on the immediate area, it is considered that the development is consistent with the objectives of the zone. <b>Complies</b>
Clause 4.3	The proposed development will not result in change in building height. <b>Complies</b>
Clause 7.1	Given that the proposed development does not involve works that is below 5m AHD, an acid sulfate soils management plan is not required. <b>Complies</b>
Clause 7.6	Given that the proposed development does not involve the clearing of vegetation, it is considered that the development will not adversely impact on the condition, ecological value and significance of the fauna and flora on the land. <b>Complies</b>



### 5.3 Pittwater 21 Development Control Plan (Applicable Only)

Section	Comments
Section A: A Shaping Development in Pittwater	
A4 Localities	
A4.1 Avalon Beach Locality	<p>The site is located within the Avalon Beach Area. Given that the proposed modification is minor in scale and does not remove vegetation, it is envisaged that the development will result in a dwelling house that is consistent with the desired character.</p> <p><b>Complies</b></p>
Section B: General Controls	
B3.2 Bushfire Hazard	<p>The proposed modification does not change the bushfire attack level for the development, as such the bushfire assessment report submitted under DA2023/1745 continues to be relevant.</p> <p><b>Complies</b></p>
B4: Controls Relating to the Natural Environment	
B5.15 Stormwater	<p>No changes to stormwater provisions as approved under DA2023/1745.</p> <p><b>Complies</b></p>
<p>B6 Access and Parking</p> <p>No changes to stormwater provisions as approved under DA2023/1745. The modification will also increase the on-site car parking space to 2, which meets the minimum requirement for a dwelling house.</p> <p><b>Complies</b></p>	
B8: Site Works Management	
B8.1 Excavation and Landfill	<p>While the proposed modification includes additional 1.5m wide excavation to increase the carport size. It is argued that the increased excavation is minor in scale and that the recommendations within the approved Geotechnical Report remains relevant.</p> <p><b>Complies</b></p>
B8.3 Waste Minimisation	<p>Excavation wastes are to be removed to an approved waste centre.</p> <p><b>Complies</b></p>
Section C: Development Type Controls	
C1: Design Criteria for Residential Development	
C1.1 Landscaping	<p>The proposed modification does not change existing landscaping provision front of building line.</p> <p><b>Complies</b></p>

C1.2 Safety and Security	The proposed modification does not change the location of the front door, nor does it impact the existing ability of the existing dwelling house for casual surveillance. <b>No Change</b>
C1.3 View Sharing	Given that the proposed modification does not change the building height or setbacks, it is argued that the development will allow the sharing of views for nearby properties. <b>Complies</b>
C1.4 Solar Access	No change to solar access as approved under DA2023/1745. <b>Complies</b>
C1.5 Visual Privacy	The combination of a high window sill height, as well as dense vegetation separating the existing dwelling and adjoining dwelling minimises impacts on the visual privacy resulting from the development. <b>Complies</b>
C1.6 Acoustic Privacy	No changes to acoustic impacts as approved under DA2023/1745. <b>Complies</b>
C1.7 Private Open Space	The development will retain a private open space exceeding 80sqm. <b>Complies</b>
C1.12 Waste and Recycling Facilities	No skip bins, building materials, demolition or excavation waste of any nature will be placed on Council's footpaths, roadways, parks or grass verges. <b>Complies</b>
C1.13 Pollution Control	The modification will retain compliance with all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation. <b>Noted.</b>
C1.15 Storage Facilities	The proposed modification does not impact on the existing storage facility of the dwelling house. <b>No Change</b>
C1.17 Swimming Pool Safety	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures. <b>Complies</b>

C1.23 Eaves	No changes as approved under DA2023/1745. <b>Complies</b>
Section D: Locality Specific Development Controls	
D1: Avalon Beach Locality	
D1.1 Character as viewed from a public Space	Given the location of the site, the development is unlikely to be visible from the public domain. <b>Complies</b>
D1.3 Scenic Protection	Given the location of the site, the development is unlikely to be visible from the public domain. <b>Complies</b>
D1.5 Building Colours and Materials	Proposed modification will utilise materials, colours and finishes that are complimentary to the existing dwelling house. Impacts on streetscape will be negligible. <b>Complies</b>
D1.8 Front building line	The development does not change the existing front building line <b>No Change</b>
D1.9 Side and rear building line	The development does not change the existing side and rear building line <b>No change</b>
D1.11 Building Envelope	Proposed building will comply with the required building envelope. <b>Complies</b>
D1.13 Landscaped Area	The proposed development will retain land scaped area of over 50% <b>Complies</b>

## 8. Conclusion

The modified proposal involves the alterations to existing warehouse and the partial change of use from a warehouse to an office ancillary to approved recreation facility (indoor). Given that the proposed modification retains the level of compliance relevant to the development, it is our position that the proposal is consistent with the objectives and controls of the relevant planning framework and so therefore we recommend this modification is granted.

We trust that the SEE has addressed all the relevant sections as required by the state and local planning provisions and that the proposal is deemed to be compatible, appropriate and fit for purpose for the surrounding area.

Yours Sincerely,

SY Planning Services Pty Ltd