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## 1. INTRODUCTION

This is a Statement of Environmental Effects (SEE) relating to a development application (DA) for a new swimming pool and spa in the rear garden of a site which is currently developed with a single detached dwelling. A very minor change is also proposed to the existing openings at the rear of the existing dwelling. There is no change to the height, form, shape, bulk or floor space of the existing dwelling house. The open space and layout of the site essentially remains the same other than a small swimming pool and spa replacing a built in trampoline and terraced area which is sparsely landscaped due to challenging site constraints. Perimeter landscaping around the site remains intact.

The SEE contains the following sections:

- **Section 2** examines the characteristics of the subject property;
- **Section 3** details the nature of the surrounding locality;
- **Section 4** provides a detailed description of the proposal;
- **Section 5** discusses the zoning and development controls relating to the land; and
- **Section 6** provides an assessment of the proposal in relation to the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

The development application includes the following:

Completed DA form and checklist with owner's consent

Set of Architectural Plans prepared by Michael Robillard & Associates all dated 12 July 2019, as follows=

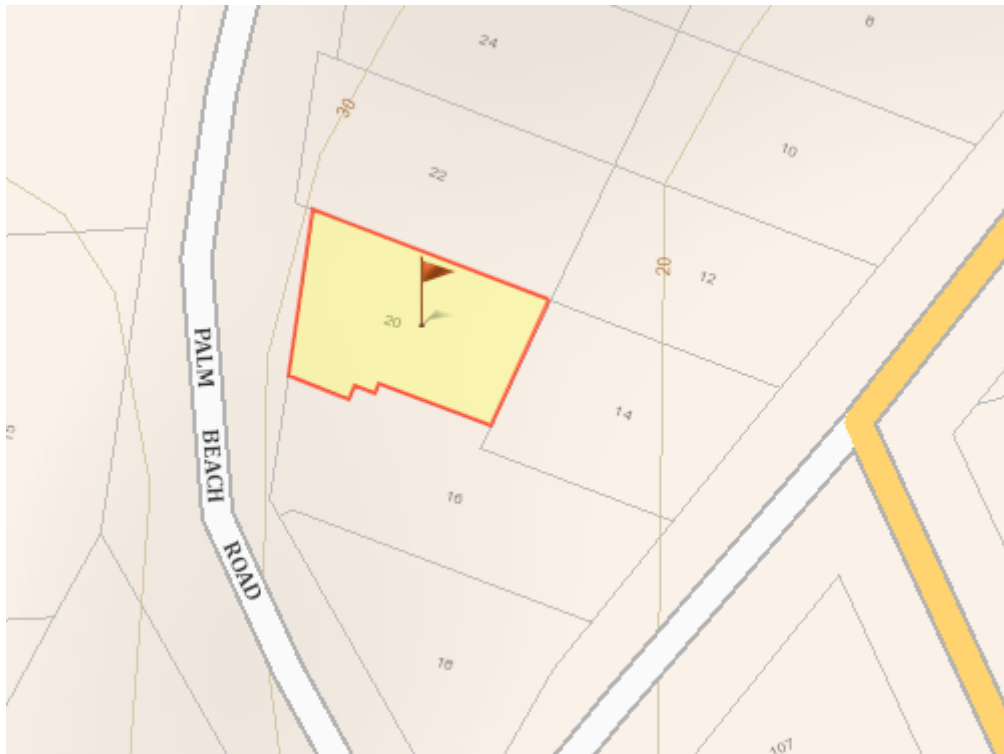
Cover Page	403 WD00
Site Plan	428 WD01
Landscaping existing	428 WD02
Landscaping proposed	428 WD03
Sections	403 WD11
Longitudinal Sections	428 WD12

Arborist Report prepared by Glenyss Laws dated June 2019

Geotechnical Report prepared by Ascent Geotechnical Engineers dated 1 July

## 2. THE SITE

The site is known as 20 Palm Beach Road, Palm Beach and is legally described as Lot A DP 1342891 (see **Figure 1 – Location** and **Figure 2 – Aerial View of Site and Surrounds**).



Source – Six Maps

**Figure 1 - Location**

The land is irregular in shape with frontage to Palm Beach Road. The rear boundary adjoins a site (to the east) which has a frontage to Ocean Road. The site sits on the hill overlooking Palm Beach, however it is not visible from the foreshore given the steep topography, built development and tree coverage to the east of the site. The area of the site is approximately 542.8sqm.

The existing dwelling is a part one and part two storey brick dwelling with a distinctive curved roof form and terracotta red aluminium framed openings. The roof space incorporates habitable area. Detailing of the garden areas includes the use of feature decorative screen panels which is also incorporated into the entry gates, open metal staircases and landings to reveal the undercroft vegetation and purpose built concrete formed retaining walls. A double garage is incorporated into the front of the dwelling. (see **Figures 3 and 4**).



Source – Six Maps

**Figure 2 – Aerial photo of site**





**Figure 3 – Site viewed from Palm Beach Road**

Source – Ingham Planning



**Figure 4 – Site viewed from Ocean Road (only glimpses through the Ocean Road properties)**

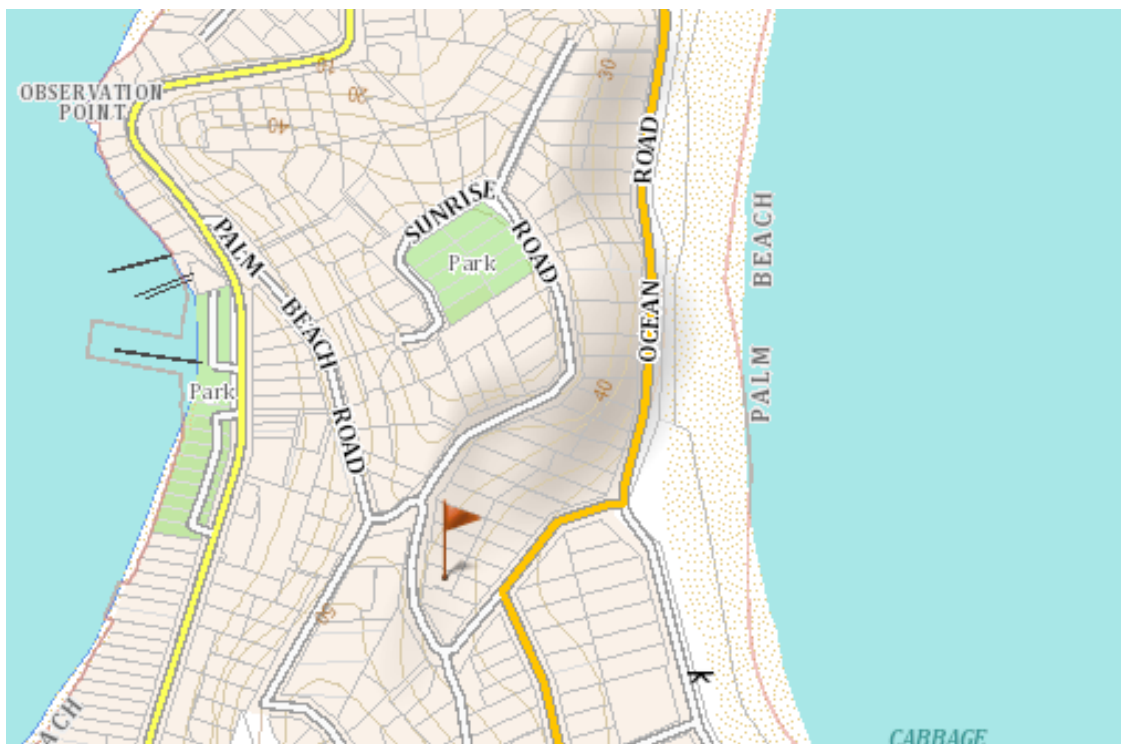
Source – Ingham Planning

# 3

## Surrounding Environment

### 3. SURROUNDING ENVIRONMENT

The site is typical of the locality where there is a combination of recent and older style 1 and 2 storey detached dwellings. Some contemporary developments in the immediate vicinity do not appear to provide 60 % of the site as landscaped areas. Generally landscaping is a combination of indigenous and exotic species with the canopies of some of the taller trees, including Pine trees, Palm Trees and Paperbarks being dominant in the skyline and on the hillsides. The land is located between Palm Beach Road and the Palm Beach foreshore. (see **Figure 5**).



Source – Six Maps

**Figure 5 - Location**

## 4. THE PROPOSAL

The proposal involves the following:

- Minor earthworks to prepare the site for construction of the pool and spa. This is within the perimeter of the existing concrete retaining walls and set back from the property boundaries.
- Installation of a small swimming pool and spa in the areas as identified on the plans.
- As shown in the following photo (See Figure 6), the spa will be set into the area between the lower ground level concrete terrace and sandstone faced garden step and the trampoline.
- As shown in following photo (See Figure 7), the swimming pool will be set into the flat levelled area to the south of the spa and trampoline (to be removed). As shown on the plans, the swimming pool and spa do not extend beyond the eastern edge of the existing trampoline.
- Retention of all perimeter plantings
- Retention of all surrounding significant vegetation. This has been confirmed by an arborists report which forms part of the application.
- Landscaping of the site following the completion of works
- Change to the existing opening on the lower ground floor eastern elevation from a window to a sliding door and screen (to match the existing finishes) and small opening on the southern façade. These works are minor and do not change the form, height, scale or floorspace of the dwelling.

The proposed works are sympathetic to the existing character of the dwelling and the site.





**Figure 6 – Area of proposed Spa (also refer to plans)**



**Figure 7 – Area of Proposed Pool (also refer to plans)**

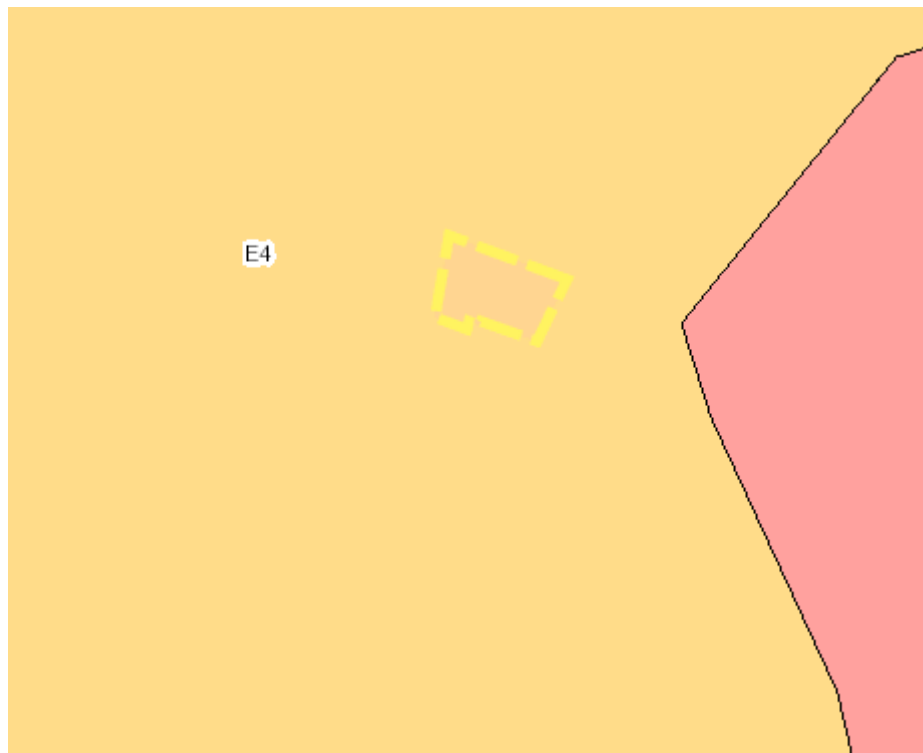
# 5

## Zoning and Development Controls

### 5. ZONING AND DEVELOPMENT CONTROLS

#### 5.1 Zoning

Pursuant to the provisions of Pittwater Local Environmental Plan 2014 ('the LEP') the subject property is zoned E4 Environmental Living (see **Figure 8**). The proposed works are incidental to the use of the site as a 'dwelling house' pursuant to the definition in LEP. Dwelling houses are permitted with consent in the E4 zone.



Source – NSW Planning Portal

**Figure 8 – extract from zoning map of Pittwater LEP**

#### 5.2 Development Controls

The following planning documents are relevant to the assessment of the subject DA:

- State Environmental Planning Policy (Coastal Management);
- State Environmental Planning Policy No. 55 – Remediation of Land SEPP 55
- State Environmental Planning Policy (BASIX) 2004;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Pittwater Local Environmental Plan 2014;
- Pittwater Development Control Plan.

**6. EVALUATION UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT (AMENDMENT) ACT, 1997****6.1 Environmental planning instruments****6.1.1 State Environmental Planning Policy (Coastal Management) (SEPP (Coastal Management))**

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

**14 Development on land within the coastal use area**

(1) (a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
- (iv) Aboriginal cultural heritage, practices and places,
- (v) cultural and built environment heritage, and

(b) is satisfied that:

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment: The above considerations have been taken into account during the preparation of the proposal. Council can be satisfied that the proposal will not negatively impact or alter any of the above processes associated with the coastal use area.

## **15 Development in coastal zone generally—development not to increase risk of coastal hazards**

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment: The proposal has been designed and located in a way which seeks to improve access and amenity for the property owners while seeking to preserve and maintain the quality of the natural environment. Following a detailed assessment, it is considered that the development satisfies the requirements and objectives of the coastal zone will not result in any unnecessary or unacceptable impact.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

- 6.1.2 State Environmental Planning Policy No. 55 – Remediation of Land SEPP 55  
Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Given the history of residential use of the land, the site is suitable for the proposed works.

- 6.1.3 State Environmental Planning Policy (BASIX) 2004  
A BASIX certificate is provided as part of the application.

- 6.1.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017  
The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Pittwater Local Environmental Plan 2014. The aims of the SEPP are detailed in Clause 3 and note: The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. In this instance, the proposal will not see any loss of any substantial vegetation and is therefore considered to be consistent with the aims of the SEPP.

- 6.1.5 Pittwater Local Environmental Plan 2014

The proposed development is permissible in the E4 zone. The proposal complies with the aims of the LEP and the specific objectives of the E4 zone. In addition to the zoning discussed above the following clauses of the LEP are relevant to this application.

Clause 4.3 Height of Buildings – N/A. No changes are proposed to the existing height or form of the dwelling.

Clause 7.1 Acid Sulfate Soils – the site is identified as containing Class 5 acid sulfate soils. Minimal excavation is proposed to accommodate the spa and pool.

Clause 7.2 Earthworks – minor earthworks are required to facilitate the works however most of the excavation is within the existing retaining walls.

Clause 7.7 -Geotechnical Hazards – A geotechnical assessment has been carried out by Ascent Geotechnical Engineers and the report has found that the site is suitable for the development. A copy of that report forms part of the DA to Council.

## 6.2 Draft environmental planning instruments

No draft instruments are applicable to the proposal.

## 6.3 Development control plans

### 6.3.1 Pittwater 21 DCP

The relevant provisions of this DCP are considered in the following table.

	Compliance with Requirements	Consistency with Amis and Objectives
<b>A Shaping Direction in Pittwater</b>		
<p>A.12 Palm Beach Locality</p> <p>The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the lowlands and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.</p>	Yes	Yes



<p>Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.</p> <p>Future development will maintain a building height limit below the tree canopy and minimise bulk and scale whilst ensuring that future development respects the horizontal massing of the existing built form. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.</p> <p>The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.</p> <p>A balance will be achieved between maintaining the landforms, landscapes and other features of the natural</p>		
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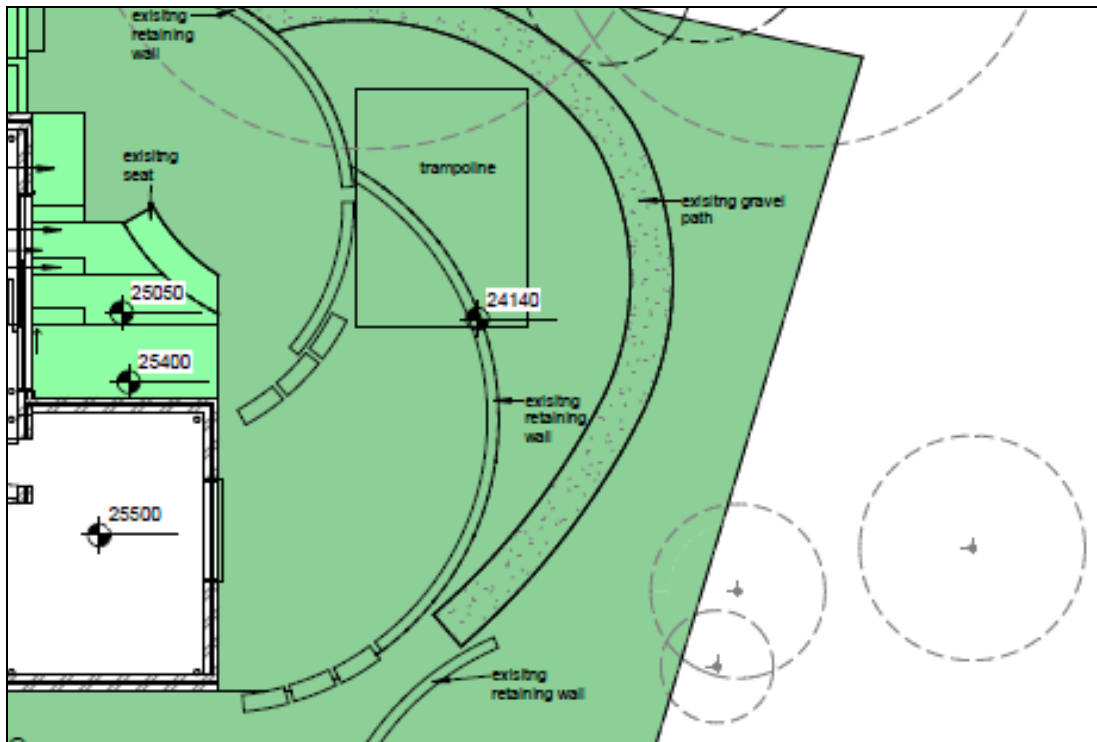
<p>environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.</p> <p>Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.</p> <p>Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.</p> <p>Palm Beach will remain an important link to the offshore communities.</p>		
<b>B General Controls</b>		
<b>B3 Hazard Controls</b>		
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land	Yes	Yes
<b>B4 Controls relating to the Natural Environment</b>		
B4.5 Landscape and Flora	Yes	Yes
B4.22 Preservation of Trees and Bushland	Yes	Yes, see arborist Report
<b>B.8 Site Works Management</b>		
B8.1 Construction and Demolition – Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition – Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition	Yes	Yes

Waste Management		
B8.4 Construction and Demolition – Site Fencing and Security	Yes	Yes
<b>C Development type Controls</b> <b>C1 Residential Development</b>		
C1.1 Landscaping Landscaped Areas	Requirement 60%, 53% proposed.	Yes, for reasons as discussed below.
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C 1.17 Swimming Pool Safety	Yes	Yes
C1.25 Plant, Equipment Boxes and Stairways	Yes	Yes
D12.1 Character as viewed from a public place	Yes	Yes
D12.3 Building Colours and Materials	Yes	Yes
D12.10 Landscaped Area	Requirement 60%, 53% proposed.	Yes
D12.14 Scenic Protection Category One Areas	Yes	Yes

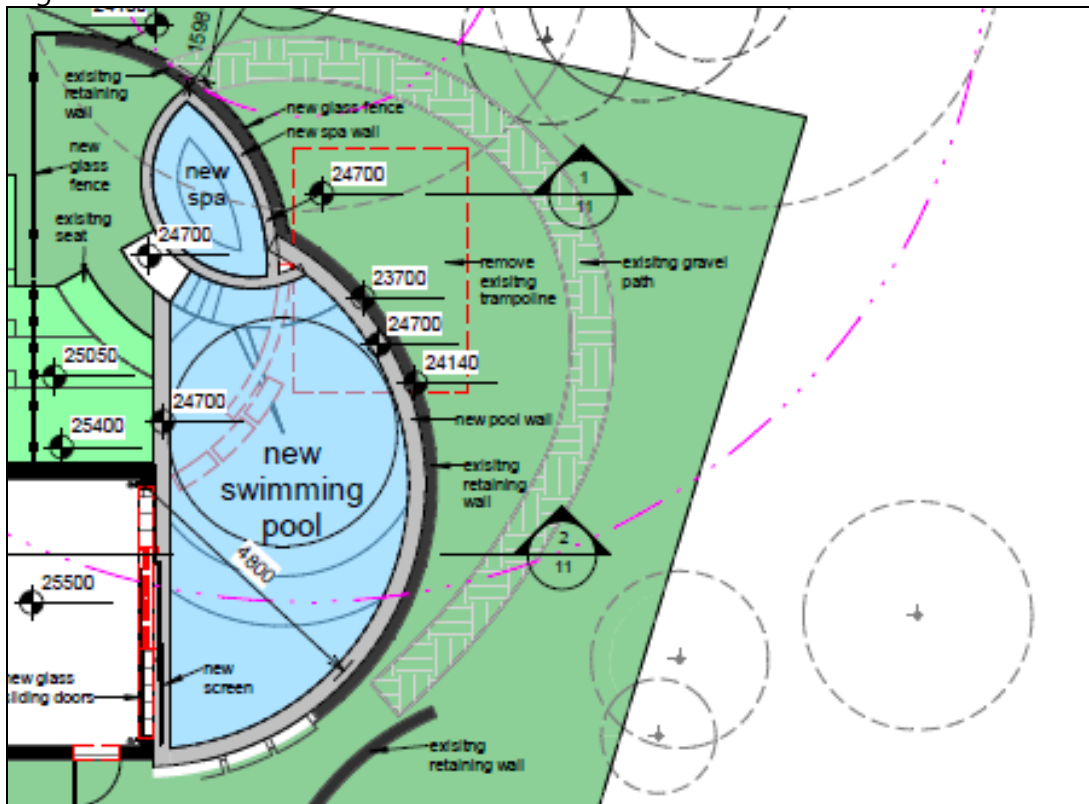
#### Landscaped Area

The site is currently landscaped at the rear with terraced gardens which sit within purpose designed and built concrete retaining walls. As seen in the photos, a trampoline has been built into the back garden and this will be removed. Due to the constraints of this site, much of the terraced garden area which is to be replaced by the pool and spa is spatially vegetated. The perimeter of the garden however is densely planted, and this will be retained and supplemented.

Therefore, while the proposed areas will not meet the minimum landscaped area requirement of 60% (53% proposed), the pool and spa are modest in size and will sit neatly within the existing garden environment and will support the use of the rear garden as private open space for the enjoyment of the owners. The spa and pool can be installed without disturbance to surrounding vegetation and this is supported by an arborist's report. Reference to the plans, practicality the existing and proposed landscape plans Ref 428 WD 02 and 03 show clearly how there will be little disturbance to the garden environment. An extract of these plans is shown below in Figures 9 and 10. Further, the sections show that the overall height of the pool and spa will sit slightly above the edge of the existing retaining wall, which minimises sit disturbances and cannot be seen from outside the site. Given the particular characteristics of this site in terms of the dwelling and garden design, the proposed works have been carefully designed to be sympathetic to this existing character.



**Figure 9-** Shows the existing landscaped areas. The existing trampoline will be removed. Note that the upper levels of the terrace, close to the dwelling are sparsely vegetated.



**Figure 10 –** Shows the proposed spa and pool designed into the existing retaining walls, which retains the integrity of the original design..

#### Preservation of Trees

A report has been prepared by a suitably qualified and experienced arborist in respect to the one neighbouring tree potentially impacted upon by the proposed inground swimming pool and associated landscaping at 20 Palm Beach Rd, Palm Beach. The report concludes that the tree can be retained. An Arboricultural Method Statement was prepared and can be implemented onsite during the works.

#### Geotechnical Hazards

A Geotechnical Report has been prepared and forms part of the DA. The report concludes that the proposed works are suitable for the site.

#### **Northern Beaches Section 7.12 Contributions Plan 2019**

As the cost of the development is less than the threshold of \$100,001, the proposal is not subject to a contribution.

#### **6.4 Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F**

There are no planning agreements or draft planning agreements that are of relevance to the proposal.

#### **6.5 Any matter prescribed by the regulations that apply to the land to which the development relates**

There are no regulations of specific relevance to the proposal.

#### **6.6 The likely impacts of that development**

The potential impacts of the proposal have been generally addressed in **Section 6.1** and **Section 6.3** of this report.

#### **6.7 The suitability of the site for the development**

The proposal is minor additions to an existing modest dwelling in the form of a spa and swimming pool in the rear garden area and a small change to openings at the rear of the dwelling to provide better amenity between the inside and outdoor areas of the dwelling. There is no additional floor area proposed and therefore the site is considered suitable for the development.

#### **6.8 Submission made in accordance with this Act or the regulations**

This is a matter for Council to consider however the proposal has been designed to minimise impacts on surrounding development.



## **6.9 The public interest**

The proposal is considered to be in the public interest as it complies with the main provisions and objectives of the LEP and DCP and will maintain the visual quality of the locality through a design which is sensitive to the existing dwelling and its surrounds.

## 7. CONCLUSION

The proposal provides for minor additions to an existing modest dwelling in the form of a spa and swimming pool which are located in the rear garden area. They have been designed to sit sympathetically within this garden space and will not detrimentally affect the amenity of any surrounding neighbour. The changes are complementary to the dwelling and the surrounding locality. The proposal complies with all Council's planning requirements.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

Consistent with the objectives of the relevant EPIs

Consistent with the objects of the Environmental Planning and Assessment Act 1979

Consistent with the zone objectives of the LEP

Consistent with the aims of the LEP

Consistent with the objectives of the DCP

We believe the development provides a quality planning outcome for the site and seek Council's support for the proposal.