

STATEMENT OF ENVIRONMENTAL EFFECTS

112 ILLUKA ROAD, PALM BEACH

LOT 10 SEC B, D.P. 12979

DEVELOPMENT APPLICATION FOR
CONSTRUCTION OF NEW IN GROUND SWIMMING POOL,
BASEMENT STORAGE & MINOR ALTERATIONS &
ADDITIONS TO EXISTING HOUSE

Prepared for

NORTHERN BEACHES COUNCIL
(DEVELOPMENT APPLICATION)

JULY 2022

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6. SUMMARY

1. INTRODUCTION

The development application concerns the construction of new in ground swimming pool; basement storage room; plus minor alterations and additions to the existing dwelling at 112 Iluka Rd Palm Beach.

This Statement of Environmental Effects document should be read in conjunction with the following documents submitted with the proposal:

- A100 – Title, Site Plan/Analysis & Landscape
- A200 – Floorplans
- A300 – Elevations
- Survey
- BASIX Certificate
- Geotechnical & Hydrogeological Investigation Report
- Preliminary Groundwater Quality Screening Report
- Acid Sulphate Soil Screening Report
- Notification Plans
- Site Waste Management Plan

2. SITE

Site Details & Description

Address: 112 ILLUKA ROAD, PALM BEACH NSW 2108

Lot: 10 Sec B: DP: 12979

Area: 670.2 m² Zone: E4 Environmental Living

Acid Sulphate Soils: Class 1 (Pittwater Side), 3 (middle of property) & 5 (Iluka Rd side)

The site at 112 Iluka Rd Palm Beach occupies 670.2 M2 of land fronting the Pittwater foreshore along its Western boundary. Existing structures include a 2 storey masonry and timber dwelling, and a separate double storey structure at the front of property, with garage/gym on ground and studio above. A small pergola entry structure occupies the north east corner of the property.

A single storey dwelling and detached boatshed adjoin the property to its north (No 114), and a contemporary residence has been developed to the south (No 110). In terms of architectural character, there is no dominant style of development in the locality, with a predominance of 2 storey dwellings, many having replaced the original pattern of timber cottages with substantial additions.

The block is a large and long rectangular shaped block with a wide street frontage of 13.7m and a depth of 53.34m on the north and on the longer south side 57.3m. The main living and bedrooms are located at the rear of the property. A site survey plan with further detail has been prepared by Adam Clerke Surveyors and is included in this submission. The land is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

3. PROPOSED DEVELOPMENT

Proposal Description

The proposal is for excavation in the existing lawn courtyard between the existing house and garage/studio structures and construction of a new in ground swimming pool and basement storage area/laundry. A small ground floor stairwell addition allows access to the basement.

The existing dwelling is to be extended at the front south east corner bedroom and a new hallway linking the house to the pool area is proposed in the previous bathroom. The existing internal laundry, bathroom and ensuite are reconfigured to make way for hallway access and allow a new butlers pantry and powder room configuration.. The proposed development falls under the category of Local Development.



View of Proposal from existing Entry Gate/Path



View of Proposed Pool Area with existing garage/studio at front



View of Proposed Pool Area with landscaping and hedging to screen 114 Iluka Rd



View of Proposed Pool Area with existing garage/gym area

4.0 OUTLINE OF ENVIRONMENTAL IMPACTS

4.1 Streetscape

This proposal is wholly behind the approved existing garage/ studio structure and will have minimal to no impact on the streetscape with minimal impact on adjoining properties.

4.2 Bulk and Scale

The proposed works, being mainly within the ground, will add minimal bulk to the existing structures. A small 650mm ground level addition to the front south east corner bedroom as well as 1845mm ground floor stairwell addition on the north east corner of main house, are the main above ground bulk additions. Being single storey and within the envelope of the existing, the scale and bulk impact is minimal.

The proposed lightweight pergola structure framing the proposed pool area links the two main structures on the property and provides a finer scale and human proportion to the dwelling.

4.3 Height

The proposal is within the 8.5m height plane and results in no adverse impacts to any adjoining properties in terms of overshadowing or bulk from height.

4.4 Setback & Envelope

The front building line of main dwelling is compliant with council controls being greater than 6500mm from boundary.

The proposed ground floor additions are sited 1140mm from the south boundary, compliant with the required side setbacks, and 2160mm from the north boundary. This is a minor non-compliance by 340mm from the required 2.5m setback, however given it is within and behind the existing setback line of main bulk of house, the impacts are viewed as minimal on neighbouring properties.

Compliance with the envelope control is achieved.

5. ASSESSMENT OF RELEVANT PLANNING CONTROLS

5.1 Pittwater LEP 2014

An assessment against the relevant clauses of the Pittwater LEP 2014 is as follows:

CONTROL or OBJECTIVES	COMPLIANCE
PART 2 – PERMITTED AND PROHIBITED DEVELOPMENT	
Zone E4 Environmental Living Permits dwelling houses and includes residential garaging, carports, swimming pools and other structures - with consent – with low-impact and sympathetic to the ecological, scientific and aesthetic values of the locality. Zone Objectives/Desired Character summary: 1. Provide low-impact residential development in areas with special ecological, scientific and aesthetic values. 2. Ensure residential development does not have adverse effect on those above values. 3. Provide low density residential development and scale integrated with the landform and landscape. 4. Encourage development that retains and enhances vegetation and wildlife corridors.	COMPLIES The proposed development has addressed each of these objectives appropriately as relevant to the site and locality. It will complement the existing adjoining houses and in the locality. It will not negatively impact on the character of the area.
PART 4 - PRINCIPLE DEVELOPMENT STANDARDS	
4.1 Minimum Subdivision lot size Min. allotment – 700m ²	COMPLIES Existing allotment – 670m ²

4.3 Height of buildings Primarily the maximum building height not to exceed the height control on the height of buildings map. The maximum height for this land is 8.5m.	COMPLIES The proposal complies with all objectives and controls of 4.3. There are no negative impacts on views, shadows or privacy resulting from the heights proposed.
PART 5 – MISCELLANEOUS PROVISIONS	
5.10 Heritage conservation & Aboriginal Heritage conservation To conserve the local environmental heritage and items of heritage significance. Council to consider the potential effect of a proposed development on the heritage significance of a heritage item or heritage conservation area.	COMPLIES The dwelling is not located in a heritage conservation area. No heritage assessment is required.
PART 7 ADDITIONAL LOCAL PROVISIONS	
7.1 Acid Sulphate Soils The site is classified Class 1, 3 & 5 but the relevant part of the site for the proposed works is classified on Council's Soil Map as Class 5. Requires geotechnical assessment in relation to any proposed excavations.	COMPLIES Proposed work to comply with Acid Sulphate Soil Screening Report & Groundwater Quality Screening Report Recommendations, prepared by JK Geotechnics, Reference E34989Brpt & E34989-Blet-ASS dated 7 June 2022.
7.2 Earthworks Not to have a detrimental effect on environmental functions and processes, neighbouring uses.	COMPLIES Proposed work to comply with Geotechnical & Hydrogeological Investigation Report recommendations. The proposal is supported by JK Geotechnics, Reference 34989PDrpt dated 3 June 2022. The Geotechnical Investigation considers the existing site conditions and potential impacts on the groundwater within the area as a result of the proposed excavation of the basement level. The report also provides detailed assessment and regulations in relation to the proposed

	excavation ensuring systems together with the dewatering of the site to ensure that the structural integrity of the neighbouring properties is not compromised.
7.8 Limited development on foreshore area The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by protecting native fauna and flora; protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native fauna and flora and their habitats.	COMPLIES The proposed works being at the front of the site, are not within the Foreshore area
7.10 Essential Services Must be satisfied that essential services are available or adequate arrangements have been made.	COMPLIES Site has all required services which will continue to be available for the new dwelling.

SEPP [BASIX] 2004

A BASIX assessment has been carried out and a BASIX certificate has been obtained confirming that the targets for thermal and energy efficiency as well as water conservation have been met. A copy is submitted with the development application.

SEPP NO 55 – REMEDIATION OF LAND

The site in the past has been used exclusively for residential purposes. There is no property history to suggest that any contaminating uses occurred on the site in the past. Council can therefore be satisfied that the land is not contaminated, and remediation of the land is not required. The land is therefore suitable for its continued use for residential purposes. The Geotechnical Investigation considers the subsurface conditions and no concerns is raised in relation to the presence of acid sulphate soils.

SEPP [COASTAL MANAGEMENT] 2018

The stated Aim of the Policy under Clause 3 is to:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within Clause 3:

The objects set out in Clause 3 of the Coastal Management Act 2016 are:

- a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- m) to support the objects of the Marine Estate Management Act 2016.*

The proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016. The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

Division 3 Coastal environment area

13 Development on land within the coastal environment area

1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- a. the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- b. coastal environmental values and natural coastal processes,*
- c. the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- d. marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- e. existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- f. Aboriginal cultural heritage, practices and places,*
- g. the use of the surf zone.*

2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that

- A. the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- B. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- C. if that impact cannot be minimised—the development will be managed to mitigate that impact.*

3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The proposed construction of a new in ground swimming pool and basement level will be carried out in accordance with the recommendations of the consulting Geotechnical, Groundwater & Dewatering reports and methodologies as prepared by JK Geotechnics. This will ensure that appropriate integrity of the hydrological (surface and groundwater); coastal environmental values and natural coastal processes of the site will be maintained.

All stormwater that is collected on site will be directed to the existing stormwater system, which flows to the Pittwater, either directly from rear of property or from street. The proposed stormwater management system will be designed to comply with Council's Water Management Policy. Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

Division 4 Coastal use area

14 Development on land within the coastal use area

1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

- 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
 - iv. has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The proposed work will not overshadow any of the foreshore area and will not result in the removal of any existing public access along the foreshore. As works are at ground level and basement level, the bulk and scale of the built form is unlikely to result in the unreasonable impact or significant loss of views to the foreshore area.

The site does not contain any heritage items, nor is it within a conservation area. The site has been previously disturbed and it is not anticipated that any items of Aboriginal heritage will be encountered.

Division 5 General

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.

The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

No coastal management programs have been identified.

17 Other development controls not affected

- a) Subject to clause 7, for the avoidance of doubt, nothing in this Part: permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- a) the coastal wetlands and littoral rainforests area,*
- b) the coastal vulnerability area,*
- c) the coastal environment area,*
- d) the coastal use area.*

The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Coastal Management) 2018.

5.2 Pittwater DCP 2014

An assessment against the relevant clauses of the Pittwater DCP 2014 is as follows:

A4.12 Palm Beach Locality

The proposal meets the desired future character objectives of a low scale [maximum of two storeys] integrated into a landscape setting. The new pool and basement, is proposed to be surrounded by lawn and landscaped gardens. The colours and materials of the architecture are designed to be harmonious with the natural environment and surrounds.

B1.2 Heritage Conservation

The dwelling is not located in a heritage conservation area. No heritage assessment is required.

B1.4 Aboriginal Heritage Significance

The site is not in the vicinity of an identified Aboriginal Place or Object

B3.2 Bushfire



The above image indicates the closest distance to the bushfire source.

The property is located within a Bushfire Prone Area, sitting 83.4m West of the bushfire source. The proposed development is a Class 1 detached single dwelling building. The proposal is subject to Section 79BA of the EPA Act 1979.

The land to the North, South and West of the site is level and consists of managed landscaped gardens, reducing the risk of any dry/dense foliage. The affected bushfire risk zoned land to the East of the site is classified as flat land in consideration of the construction provisions of Sections 3 & 9 - Australian Standards

(AS 3959-2009). This area contains managed landscaped gardens beneath a remnant tree canopy. The vegetation in McKay Reserve beyond consists of Ridgetop Forest. This area is the likely path of any bushfire, and is upslope of the property.

Using the RFS Bushfire Attack Assessor Table A3.4 Planning for Bushfire Protection 2006, the bushfire risk to the north east is considered medium level – BAL -12.5 (Level 1) all other aspects are considered low risk. The exceptional circumstances of the site mean the site is less susceptible to bushfire with the main risk occurring from ember attack from a fire burning in McKay Reserve to the north east, or a large scale bushfire burning in Ku-ring-gai National Park on the western side of Pittwater. To prevent ignition of exposed external timber elements of the building, roofing materials shall have a flammability rating of less than 5 as measured under AS1530.2 and effected timber elements shall be fire resistant treated timber species.

In accordance with Table A2.4 Minimum Specifications for Asset Protection Zones (m) for Residential and Rural Residential Subdivision Purposes (for Class 1 and 2 buildings) in FDI 100 Fire Areas the minimum protection zone is recommended at 20 metres North-East and nil for other directions/areas. The width of asset protection zone provided is >80 metres (Barrenjoey road plus managed curtilage on residential land).

B3.6 Contaminated Land

The property appears to have been used solely as a residence and any contamination of the land or soils is not anticipated. An assessment of the site for land contamination is considered to not to be required.

B3.7 Estuarine Hazard

The property is located within the Estuarine Hazard Zone. The Foreshore treatment of the property falls under the 'Sandy Beach' category and therefore is given an Estuarine Planning level of 2.9m to the seaward side of the property and 2.2m to the landward side of the property. The new basement level of 0.70m will be below this level. Both a Groundwater Quality Screening Report and Geotechnical & Hydrogeological Investigation Report have been prepared by JK Geotechnics to assess the proposal in this regard.

B5.10 Stormwater Discharge

A Stormwater Management Plan has been prepared by Glenn Haig & Partners Consultants.

C1 DESIGN CRITERIA FOR RESIDENTIAL DEVELOPMENT

C1.1 Landscaping

The existing vegetation on the property has been maintained and with additional planting the new built form will be recessive and not dominate over the landscape. Existing boundary planting along the north east will

be replaced once excavation, basement and pool are complete. A Landscape Plan is submitted with this proposal.

C1.2 Safety and Security

The proposed works do not have any impacts on safety and security.

C1.3 View Sharing

The proposed works do not have any impacts on view sharing between properties as well as preservation of views and vistas.

C1.4 Solar Access

The proposed works do not have any impacts with solar access requirements.

C1.5 Visual Privacy

Visual privacy is maintained to neighbouring properties to the south and north. The new pool area at ground level is sited in the existing open space area between the two structures.

C1.6 Acoustic Privacy

The proposal complies with these requirements. All pool equipment will be in proposed basement and acoustically isolated.

C1.7 Private Open Space

The proposal complies with the numerical controls. The existing private 122 m² lawn open space area on the western Pittwater frontage is maintained.

C1.17 Swimming Pool Safety

The proposal includes pool fencing and warning notices (resuscitation chart) that shall be manufactured, designed, constructed, located and maintained in accordance with the *Swimming Pools Act 1992*.

D12 Palm Beach Locality

D12.1 Character as viewed from a public space

The proposal is consistent with detached timber framed residential architecture of the locality and presents a built form similar to the existing dwelling on the site.

D12.3 Building colours and materials

The building will have muted earthy palette of colours for the building exterior.

D12.5 Front building line

As works are behind the front garage/studio structure, compliance with the control is achieved.

D12.6 Side and rear building line

The front building line of main dwelling is compliant with council controls being greater than 6500mm from boundary.

The proposed ground floor additions are sited 1140mm from the south boundary, compliant with the required side setbacks, and 2160mm from the north boundary. This is a minor non-compliance by 340mm from the required 2.5m setback, however given it is within and behind the existing setback line of main bulk of house, the impacts are viewed as minimal on neighbouring properties.

D12.8 Building envelope

The existing house is well within the envelope. The proposed basement, pool and ground level additions sit within the required building envelope of 3.5m vertically from boundary and diagonally inwards at 45 degrees refer to elevations in architectural drawings.

D12.10 Landscape Area – Environmentally Sensitive Land

The proposal numerically falls short of the 60% requirement for landscaped area on the site. The proposal does not reduce soft landscape area of the existing site and the outcomes of the control are achieved with the proposal.

Site area existing 670m²

Landscape Area required = 60% [402m²]

Proposed Total Landscaped area = 319m² [47.6%]

Proposed Soft Landscape area = 279m²

Proposed 6% hard landscape area exemption = 40m²

Private Open Space required – min.80m² of site area

Proposed = 122m²

Principal Private Open Space required – min. 16m²

Proposed = 122m²

D12.11 Fences – flora and fauna conservation areas

All fencing shall be compliant with the controls and objectives. North and south side boundary fencing will be as per existing and the southern boundary will have a new timber fence to a maximum height of 1.8m

D12.13 Construction, retaining walls, terracing and undercroft areas

There are no exposed undercroft areas, retaining walls or terraces in the proposal.

D12.14 Scenic Protection

The development has no impact on native vegetation, existing vegetation and the waterways.

6. SUMMARY

The proposed development application seeks consent for the construction of new in ground swimming pool; basement storage room; plus minor alterations and additions to the existing dwelling at 112 Iluka Rd Palm Beach.

- The proposed development is permissible in the zone and is consistent with Council's expectations for the area.
- The proposed development has no discernible adverse impacts upon the environment, the character of the area and the immediate/adjacent properties. The excavation and groundwater issues resulting from the proposal have been investigated, assessed and methodologies are in place to mitigate.
- The proposed design complements the the locality.
- The proposed development complies with the objectives of the Pittwater Local Environmental Plan 2014 and is also consistent with the relevant provisions of the Development Control Plan 2014.

Based on the assessment undertaken, Council's approval of the DA is sought.