

Statement of Environmental Effects



GARTNERTROVATO Architects
Pty Ltd

ABN 51 673 668 317
ACN 115 186 206

Suite 47
90 Mona Vale Road
Mona Vale
NSW, 2103

PO Box 1122
Mona Vale
NSW, 1660

P +612 9979 4411
F +612 9979 4422
E gta@g-t.com.au

Alterations & Additions to an Existing Dwelling @

33 Pacific Road, Palm Beach

Prepared for G & E Fowler

project no	2033
date	February 2021
issue	A

1.0 INTRODUCTION

This Statement of Environmental Effects is a report that forms part of an application for development consent submitted to the Northern Beaches Council for: -

- Alterations & Additions to an existing Dwelling

The location of the proposal is 33 Pacific Road, Palm Beach and contains a weatherboard cottage.

The site has a total area of 979m² of land. The legal description is Lot 414, DP 19651.

2.0 THE SITE & DESIGN RESPONSE

The site is long and narrow, tapering to the rear with a 16m width at the street down to a 9m width at the rear over an average length 75m. The site is extremely steep in parts with long and cross falls as follows:

- Overall the site is falling from RL88 at the streetfront boundary to RL70 at the rear for average slope 24%.
- The site slope under the building footprint is 30% along the SE side boundary falling from RL87.2 to RL81.54 over 18.8m.
- The site falls diagonally under the building footprint from SW to NE in the long direction and NW to SE in the cross direction

The site also enjoys water views to the Pacific Ocean to the NE from all levels of the existing dwelling.

The site is shown on the aerial image below indicated by the yellow star.



Figure 1. Aerial view of the location of the site.

The proposal retains the existing driveway crossing as the site falls steeply away from the street. This serves to retain the existing landscape screening at street level within the road reserve, consistent with adjoining properties.

The proposal seeks to “update” the character of the house to a contemporary beach house, and improve the accommodation for occupants and vehicles off street. The key elements of the proposal are:

- A new double garage at a new upper level, with an entry to the dwelling clearly visible from the street
- Alterations within the mid floor level and extension toward the NE rear of the property
- Alterations within the lower floor level and addition of a swimming pool

The additions have been carefully located to the site to preserve privacy to the adjoining neighbour to the SE by retaining the existing 2.5m setback to the mid level walls and placing the upper floor addition on the far NW side of the site. The existing screen to the rear deck of the adjoining property will provide adequate privacy and minimise bulk and scale.

The neighbours on the opposite side of Pacific Road are in dwellings that are substantially elevated above the roadway, and as such the proposal will not impact upon their views.

The neighbour to the NW has a long driveway adjoining the subject site dwelling and as such will have no impacts upon privacy, views, bulk and scale or overshadowing.

The proposed alterations and additions sit comfortably within the adjoining sites to minimise any amenity impacts.

On a steeply sloping block of land, the proposal has been designed to comply with the maximum 8.5m building height.

This report refers to the following accompanying documents: -

- Architectural Drawings **DA01-DA16 issue A**, Project No.2033
- Survey
- Geotechnical Report
- BASIX certificate

This report examines the issues of compliance with Council codes and applicable SEPP’s, analyses the potential environmental impacts of the development and summarises the design opportunities that the proposal provides. The report will demonstrate how the proposal succeeds the test of compliance with the relevant SEPP, LEP, DCP and statutory policies that apply to the site and is appropriate for granting of consent on the merits of the application and design.

The following images document the site and surrounds



Figure 2. View of existing dwelling from Pacific Road through the driveway from SW



Figure 3. View into the site down the driveway, current dwelling well below road and visually screened. Far of image showing the dense vegetation screen along the NW side boundary to 35 Pacific

Figure 4. View down the driveway of 35 pacific from the road, existing dwelling (33) is completely screened by landscape in the road reserve





Figure 5. View from Road up to 34 Pacific, no view loss

Figure 6. View from subject site rear deck toward neighbour to SW at 31 Pacific, privacy screen on left of image

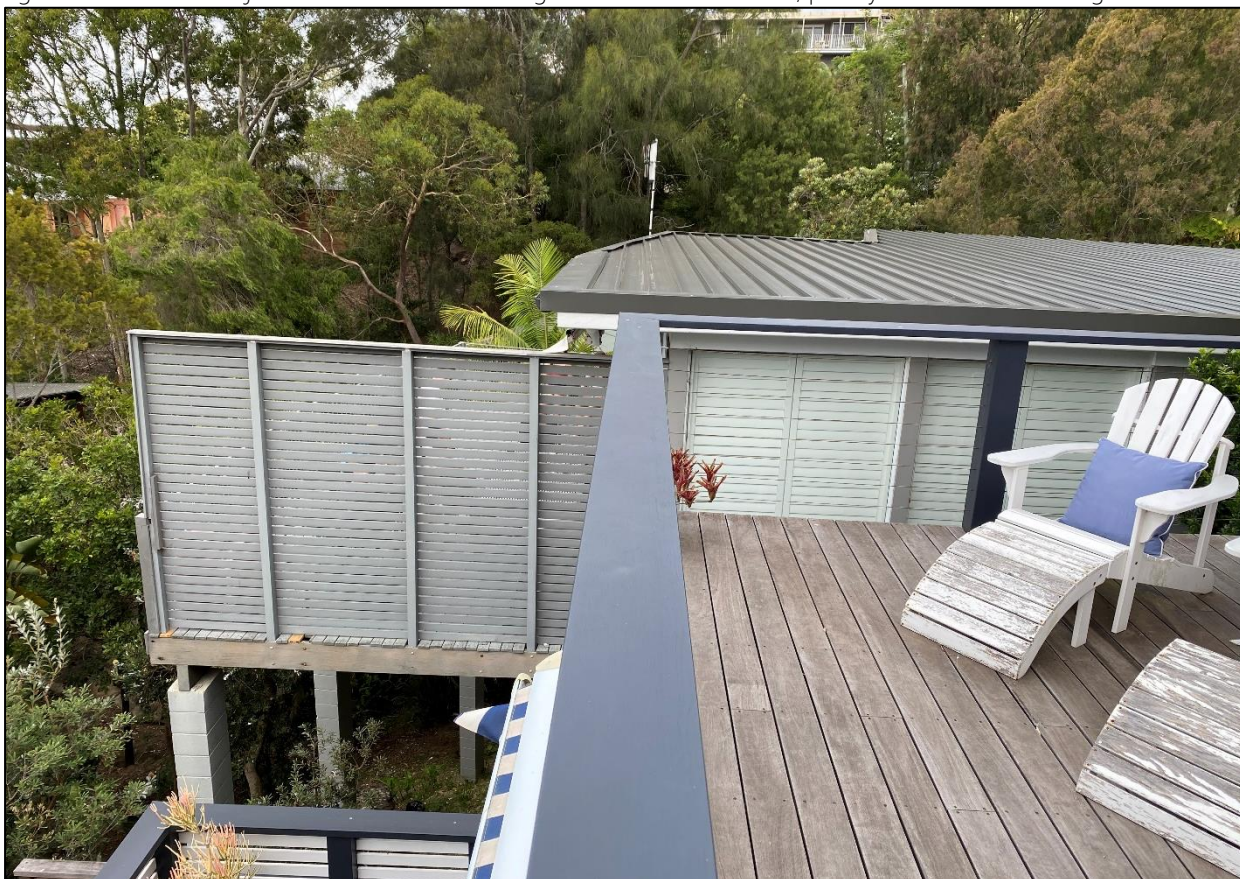




Figure 7. View to SW neighbour from subject site rear yard showing rear alignment and privacy screen

Figure 8. View from subject site lower end of rear yard showing cross fall of site and relative building heights to neighbour





Figure 9. View of 41 Pacific Road with NIL front setback to garage and landscape screen to road reserve

Figure 10. View of 39 Pacific Road with landscape screen in road reserve and front setback reduced



3.0 PLANNING CONTROLS & COMPLIANCE

PITTWATER 21 DEVELOPMENT CONTROL PLAN & PITTWATER LOCAL ENVIRONMENT PLAN 2014

The following responses deal with the clauses relevant to this application and in particular, the Locality Statement relevant to the site.

Pittwater LEP 2014

Clause 2.2 Land Zoning Map

E4 Environmental Living

Zone Objectives

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for residential development of a low density and scale integrated with the landform and landscape.
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

The proposed development is permissible within the zone

Clause 4.3 Height of Buildings

Pursuant to clause 4.3 PLEP 2014 the height of a building on any land is not to exceed 8.5 metres.

The proposed principle dwelling has a maximum height of 8.15 metres to the living room roof, which although not the highest roof, is the highest part above natural ground. The architectural drawings document 3 separate sections to indicate the varying heights of the parts of the dwelling, all of which are below 8.5m. The proposal complies.

Pittwater 21 DCP

B3.1 Landslip Hazard

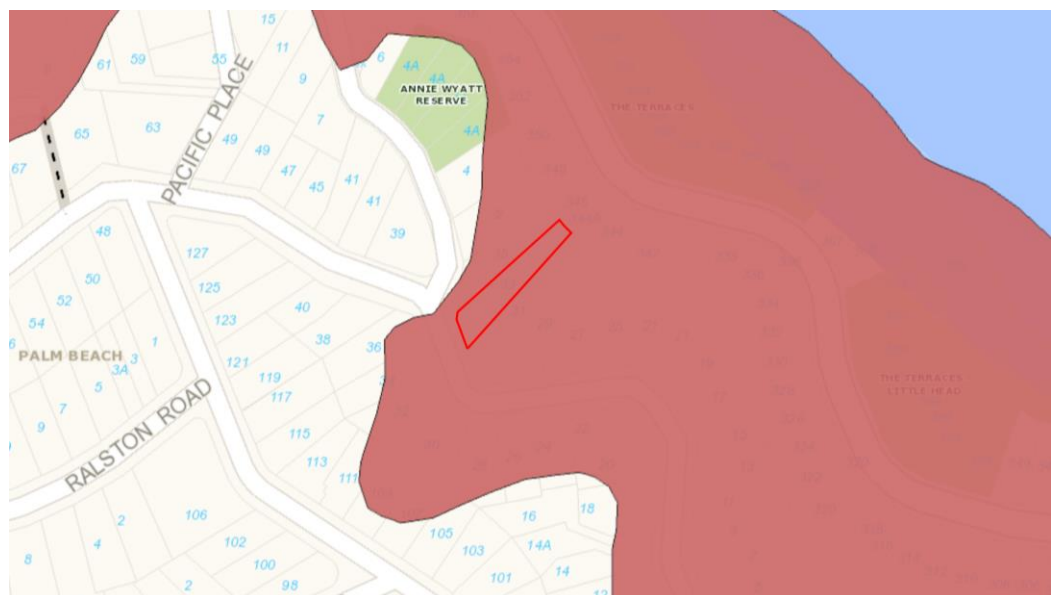
Outcomes *Protection of People*

Protection of the Natural Environment

Protection of public and private infrastructure and assets

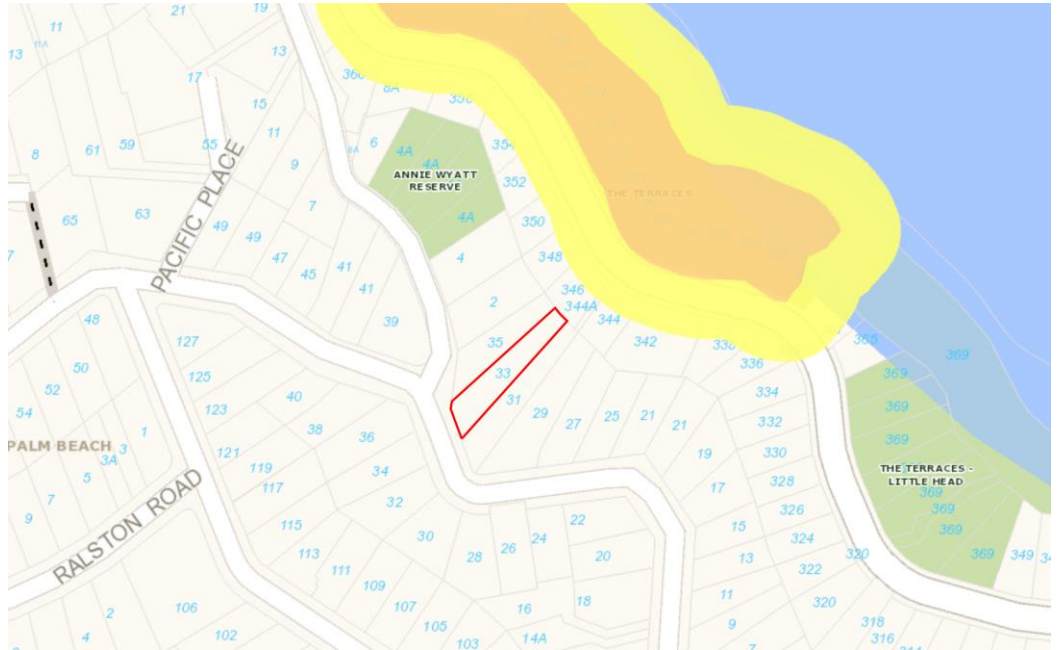
Controls

The NBC Mapping extract below indicates the site within risk. A geotechnical report is submitted with the application to confirm compliance with the Geotechnical Risk Management Policy for Pittwater



B3.2 Bushfire Hazard

Outcomes	<i>Protection of People</i> <i>Protection of the Natural Environment</i> <i>Protection of public and private infrastructure and assets</i>
Controls	The NBC Mapping extract below indicates the site is not within a bushfire hazard area.



B5.5 Rainwater Tanks

Outcomes	<i>Water conservation and reduction in mains water demand. (En, Ec)</i> <i>Development is compatible with Water Sensitive Urban Design principles. (En)</i>
Controls	All development creating an additional hard (impervious) roof area of greater than 50m ² must provide a rainwater tank for non-potable use connected to external taps for the purpose of landscape watering and car washing and a functional water reuse system including, water supply for toilet flushing and other uses as permissible under the current Code of Practice for Plumbing and Drainage.

The additional impervious area is limited to the new lower deck and new swimming pool. This area is 42.94m². **There is no requirement for Rainwater Tanks for this application as there is no requirement for 0-50m² of additional impervious area.**

There is also no requirement for Rainwater Tanks within the BASIX certificate.

The roof drainage to the existing house, and new additions will be connected to the existing stormwater system of an absorption/dispersal trench in the rear yard.

The proposal complies.

B5.15 Stormwater

Outcomes	<i>Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;</i> <i>Minimise the risk to public health and safety;</i> <i>Reduce the risk to life and property from any flooding and groundwater damage;</i> <i>Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.</i> <i>Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle</i>
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Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources
Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.

Controls	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy Table 7, section 9.3 of the above Policy provides that for additional impervious areas of 0-50m², no On-Site Detention is required. The proposal results in an impervious area increase of 42.94m², therefore no OSD is required. The proposal complies.
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B6.1 Access Driveways

B6.2 Internal Driveways

B6.3 Off-Street Vehicle Parking Requirements

Outcomes	<i>To ensure safe and convenient access and parking is provided.</i> <i>Pedestrian Safety</i>
Controls	The proposal seeks to retain the existing driveway crossover for a new double width driveway within the property, elevated above the steeply sloping land, in order to screen the new double garage within the 6.5m front building line setback The new driveway will be partly within the road reserve to service the new garage that provides 2 off-street car spaces, noting that the current dwelling only caters for a single off-street space within the property. The elevated driveway will comply with required levels and gradients. The proposal complies.

C1.1 Landscaping

Outcomes	A built form dominated and complemented by landscaping. Landscaping that reflects the scale and form of development.
Controls	The proposal complies. The existing site is heavily landscaped at the rear with the dwelling occupying only a small footprint at the street front of the site. The works disturb very little of this site with a loss of only 42.94m² landscape for additional impervious area. A landscape plan is not provided. The proposal provides a landscape area of 67% after alterations, additions and a pool and complies with the minimum 60% requirements.

C1.3 View Sharing

Outcomes	Public views and vistas are protected, maintained and where possible, enhanced. Maintain reasonable sharing of views from public places and living areas.
Controls	The proposal has no impact on surrounding views from private domains and no impact on public domain. The proposal complies

C1.4 Solar Access

Outcomes	<i>Residential development is sited and designed to maximise solar access during mid-winter.</i> <i>A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development.</i> <i>Reduce usage and/dependence for artificial lighting.</i>
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Controls	The proposal is accompanied by shadow diagrams. These demonstrate compliance with the controls for maintaining solar access to adjoining properties, specifically from 9am to 12pm to 31 Pacific Road's rear deck and windows to the living area.
	The proposal complies.

C1.5 Visual Privacy

Outcomes	<i>Habitable rooms and outdoor areas shall achieve and maintain visual privacy.</i>
Controls	The proposal has been designed to minimise overlooking into living areas and private open spaces
	There is no loss of visual privacy to the adjoining dwellings as shown by the images with existing privacy screens. The proposal complies.

D12.1 Character As Viewed From A Public Place

Outcomes	<i>To achieve the desired future character of the Locality.</i> <i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built form and natural environment.</i> <i>To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.</i> <i>The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation.</i> <i>High quality buildings designed and built for the natural context and any natural hazards.</i> <i>Buildings do not dominate the streetscape and are at a human scale</i> <i>To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.</i>
Controls	The proposal is not visible from the street scape and is obscured by landscaping within the front setback. The proposal complies

D12.2 Scenic Protection

Outcomes	<i>Achieve the desired future character of the locality</i> <i>Bushland landscape is the predominant feature of Pittwater with the built form being secondary component of the visual catchment</i>
Controls	The proposal satisfies all controls of D12.2.

D12.3 Building Colours, Materials and Construction

Outcomes	<i>The development enhances the visual quality and identity of the streetscape.</i> <i>To provide attractive building facades which establish identity and contribute to the streetscape.</i> <i>To ensure building colours and materials compliments the visual character of its location with the natural landscapes of Pittwater.</i> <i>The colours and materials of the development harmonise with the natural environment.</i> <i>The visual prominence of the development is minimised.</i> <i>Damage to existing native vegetation and habitat is minimised.</i>
Controls	The proposal satisfies all controls of D12.3 with the colours and materials as presented in the colour and finishes schedule.

D12.5 Front Building Line

Outcomes	<i>Achieve the desired future character of the Locality.</i> <i>Equitable preservation of views and vistas to and/or from public/private places. (S)</i> <i>The amenity of residential development adjoining a main road is maintained. (S)</i> <i>Vegetation is retained and enhanced to visually reduce the built form. (En)</i> <i>Vehicle manoeuvring in a forward direction is facilitated. (S)</i> <i>To preserve and enhance the rural and bushland character of the locality. (En, S)</i>
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To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.
To encourage attractive street frontages and improve pedestrian amenity.
To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

Controls	The controls require that <i>'The minimum front building line shall be 6.5m, or established building line, whichever is the greater'</i>. The existing dwelling has a varied front setback, and the proposed alterations and additions do not alter the setback. The setbacks are varied due to the angle of the front to side boundaries. Setbacks are: • Minimum 2.3m oblique from the NW corner of the dwelling (and proposed garage above) to the NW truncated corner of the boundary (left side of front boundary from street) • The setback of this same NW corner to the road surface is 10.8m. This setback is densely landscape screened • The setback to the proposed dwelling on the right side of the front setback is 9.9m to the boundary and 17.1m to the road surface The proposal seeks a variation for existing use and existing location. To support the variation, we submit the following: • The outcomes of this policy are achieved, the vegetation screening in the road reserve is maintained by keeping the existing crossover, and this vegetation screens the proposed upper level garage. • There is no view loss, the location of the garage on the left side of the dwelling as looking from the street will maintain the public views over the crossover and over the lower living room areas on the right side of the dwelling to the Pacific ocean. • Reduced setbacks to garages are consistent in the immediate vicinity of the site, particularly where land slopes steeply away from the road. Locations of similar reduced setbacks are at 39 & 41 Pacific Road (refer Figures 9 & 10). The proposal achieves the objectives of the control, does not change the current setbacks and is well screened with minimal bulk and scale and should be supported for variation.
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D12.6 Side and Rear Building Line

Outcomes	The proposal satisfies all outcomes of D12.6 <i>Achieve the desired future character of the Locality.</i> <i>The bulk and scale of the built form is minimised</i> <i>To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping</i> <i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties</i> <i>Substantial landscaping, a mature tree canopy and an attractive streetscape</i> <i>Flexibility in the siting of buildings and access</i> <i>Vegetation is retained and enhanced to visually reduce the built form</i>
Controls	The controls require that the minimum setback is 2.5m for at least one side and 1m for the other and 6.5m to the rear or foreshore building line. The proposal does not seek to change the existing setbacks, and complies by existing use rights.

D12.8 Building Envelope

Outcomes	The proposal satisfies all outcomes of D1.11 <i>To achieve the desired future character of the Locality. (S)</i> <i>To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.</i> <i>To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.</i>
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Controls	<i>The bulk and scale of the built form is minimised. (En, S)</i>
	<i>Equitable preservation of views and vistas to and/or from public/private places. (S)</i>
	<i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)</i>
	<i>Vegetation is retained and enhanced to visually reduce the built form. (En)</i>
	The controls require that 'Buildings are to be sited within an envelope projected at 45 degrees from a height of 3.5m above natural ground level at the side boundaries....'.

The proposal breaches the building envelope on both side boundaries, due to two primary factors:

- Steeply sloping site in two directions
- Alterations and additions over existing dwelling

The policy provides **Variations** to the envelope for the following reasons:

- *Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis.*
- *Council may consider a variation for the addition of a second storey where the existing dwelling is retained.*

The proposal qualifies for both variations. The breaches are justified as follows:

- The design satisfies the Desired Future Character – the dwelling is low density, two storeys in height stepping down the slope in a landscaped setting with a maximum height well below the local tree canopy
- The proposal is at all times stepped to remain well under the 8.5m maximum height and the modulated forms of roofs, walls and parts of the building produce a low bulk and scale.
- The careful positioning of the additions and retention of the current driveway cross-over, maintain the landscape dominance at the streetscape and screen the built form
- The design retains all view sharing from both public and private domains, and the breach of envelope does not impact on views
- Bulk and scale is minimized even with the envelope breach, as the presentation to the adjoining properties is only two storey with landscape screening
- There is no impact on solar access due to the breach of envelope due to the orientation of the site and surrounding development.
- There is no loss of privacy due to the envelope breach, as the areas of the breach have no windows overlooking private spaces. The breach to the NW side boundary is adjacent the driveway and carport in the front setback of that property at 35 Pacific, and the breach facing SE to 31 Pacific is primarily the upper parts of the walls.
- The property at 31 Pacific retains privacy through the existing privacy screen on their deck (refer Figures 7 & 8)

We submit that the breaches create no unacceptable adverse impacts and due to the steep slope of the site and the alterations on existing parts of the dwelling, the variation should be supported.

D1.14 Landscaped Area – Environmentally Sensitive Land

Outcomes	<i>Achieve the desired future character of the Locality.</i> <i>The bulk and scale of the built form is minimised.</i> <i>A reasonable level of amenity and solar access is provided and maintained.</i> <i>Vegetation is retained and enhanced to visually reduce the built form.</i> <i>Conservation of natural vegetation and biodiversity.</i> <i>Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.</i> <i>Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.</i>
Controls	The site is identified within Area 1 of the Landscaped Area map. The control requires a minimum of 60% of the site shall be landscaped area. The proposed landscape area is 652.80m² (67%). The proposal complies.

The Coastal Management Act 2016 (The Act) applies to the land, as the land is identified on mapping within the SEPP (Coastal Management) 2018 (The SEPP).

The SEPP identifies area within the *Coastal Environment Area Map* in blue, and area within the *Coastal Use Map* in red.

The site is identified only within the *Coastal Use Map* and as such, clauses 8 is not relevant, but clause 9 of the Act is relevant to this application.

Figure 11. Extract of SEPP (Coastal Management) 2018 Map, site located by yellow star



The objectives in the act align with the considerations that must be given by councils in The SEPP, and have been taken into consideration in the design of this application as follows:

Clause 8 is not relevant as the mapping identifies that the site is not within the Coastal Environment Area

Clause 9 Coastal Use Area

- 2) *The management objectives for the coastal use are as follows:*
 - a) *to protect and enhance the scenic, social and cultural values of the coast by ensuring that:*
 - (i) *the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast, and*
 - (ii) *adverse impacts of development on cultural and built environment heritage are avoided or mitigated, and*
 - (iii) *urban design, including water sensitive urban design, is supported and incorporated into development activities, and*
 - (iv) *adequate public open space is provided, including for recreational activities and associated infrastructure, and*
 - (v) *the use of the surf zone is considered*
 - b) *to accommodate both urbanised and natural stretches of coastline*

The proposal is consistent in type, bulk and scale to surrounding development and there are no adverse impacts of the development that makes alterations and additions to an existing structure inconsistent.

The location is not urban nor within a surf zone and these items are not applicable to the assessment. The proposal is within private land and this item is also not applicable. The proposal maintains the natural stretch of the headland coastline. The proposed development achieves the objectives of The Act.

State Environmental Planning Policy (Coastal Management) 2018

The SEPP mapping identifies the site as falling within the area assessable under the Coastal Management SEPP. The site is shown within the *Coastal Use Map* but not within the *Coastal Environment Area Map*.

For the purposes of assessment of this application, the relevant SEPP clauses are 14 and 15. Clause 13 does not apply as the site is not within the *Coastal Environment Area Map*

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 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*

The proposed development is consistent with the character, bulk and scale of the locality with dwellings of similar scale to those adjoining and near the site. The proposal has no impact upon foreshore vegetation. No Aboriginal heritage sites are located within the vicinity of the development and public access to the foreshore is not affected as the works are wholly contained within private land.

The development does not result in any additional overshadowing to the foreshore area or impact upon any views to the foreshore from the public domain across the site from Pacific Road. Council can be satisfied that the proposed alterations and additions to the site achieve compliance with this clause of the SEPP.

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.

A Geotechnical Engineering report has been prepared to accompany the development application. The report considers the location of the site and setback from the headland and cliff, together with the proposed excavations.

5.0 CONCLUSION

The proposal for alterations and additions to an existing dwelling at 33 Pacific Road, Palm Beach as submitted is permissible with the consent of Council. The development is consistent with the provisions of the Pittwater LEP 2014 and responds to the relevant DCP controls and outcomes.

The proposal is in keeping with the Desired Future Character statement for the area. The development will provide a positive contribution to the locality. The proposal will not have any unacceptable adverse environmental effects and conforms to the relevant statutory planning requirements.

The application is therefore suitable for approval.