

Statement of Environmental Effects

Demolition of all existing improvements and
construction of a dual occupancy
(attached) including strata title subdivision
at 34 Government Road, Beacon Hill 2100

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1. Introduction

The development proposal entails the demolition of all existing improvements and construction of a dual occupancy (attached) including Strata subdivision at 34 Government Road, Beacon Hill 2100.

The proposed is permissible under Part 2 Dual occupancies and semi-detached dwellings in Zone R2, Chapter 6 Low and mid rise housing of the State Environmental Planning Policy (Housing) 2021.

The main body of this report will review the key planning considerations for a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979 and recommends approval.

2. Site Details

2.1. Location

The subject site is a corner allotment found on the south western corner of Mills Place and Government Road and is legally identified as Lot 3 in DP 26944, known as 34 Government Road, Beacon Hill 2100.

The site is regular in shape with a total surface area of 578.2 sq.m and a road frontage of 35.61 metres to Mills Place, 11.27 metres to Government Road and along with a splayed corner of 5.145 metres.

At the site stands a 2-storey dwelling that was built in the mid 1970's from face brickwork and tiled roof construction. Other improvements consist of existing retaining walls and fences.

The land fall is from west to east towards Government Road, where the ground level changes from RL 138 to RL 131.

Vehicle access to the existing dwelling house is provided by a driveway from Mills Place to 2 single car garages. The new development proposal is to rely on this existing driveway and access point.

A location plan of the site is provided below.



Location Plan



Aerial View

The site is situated within an established low-density residential area and is zoned as R2 Low Density.

Adjoining and surrounding development is generally characterised by one, two and three storey dwelling houses of varying age, scale and design within a landscape setting.

Mills Reserve and Sydney Water infrastructure is found to the west and to the southern directions of the subject site.



Image of the existing dwelling to be demolished



Image of the rear yard space



Image of the existing dwelling and introduced landscaping to be removed

2.2. Zoning

The site is located within the R2 Low Density Residential zone pursuant to Warringah Local Environmental Plan 2011.

A zoning map is provided below.



Zoning Map

3. Development Proposal

The Development Application proposes the following works to the residential property:

- Demolition of all existing structures and improvements,
- Construction of a new attached dual occupancy development with attached double tandem garages. The dwellings comprise of the following features:

Dwelling 1 (left side)-

- Lower ground floor contains tandem garage kitchen, living, dining bathroom and laundry. Outdoor patio.
- Upper ground level contains 3 bedrooms, bathroom, ensuite, TV room and balcony.

Dwelling 2 (right side)-

- Lower ground floor contains tandem garage, gym and sauna.
 - Upper ground level contains kitchen, living, dining bathroom and laundry and 2 bedrooms.
 - First floor contains master bedroom, TV room, ensuite and balcony.
- Removal of the existing introduced landscaping (found in the front setback of the primary frontage) that consist of fruit trees.
 - Strata title subdivision of the dual occupancy into separate titles.

The relevant architectural plans, survey plan and other supporting documents accompany the Development Application.

4. Matters of Consideration

4.1. Section 4.15(1)(A)(I) – any environmental planning instruments

State Environmental Planning Policy (Housing) 2021

Part 12 Dual occupancies and semi-detached dwellings in Zone R2

Chapter 6 Low and mid rise housing

We note the aim of this chapter is to encourage the development of low and mid rise housing in areas that are well located regarding goods, services and public transport.

Part 2 Dual occupancies and semi-detached dwellings

Clause 166 of Part 2 provides that development for the purposes of dual occupancies and semi-detached dwellings is permitted with development consent in Zone R2 Low Density Residential on land to which this part applies under Clause 164.

Comment:

This clause applies to the proposed development, being development for the purpose of a dual occupancy in the R2 Low Density Residential Zone.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land of the SEPP requires a consent authority to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development.

The subject land is not a site of possible contamination and therefore no further assessment of contamination is required.

The reason we say this is because subject site has been used for residential purposes for a significant period of time with no prior land uses.

State Environmental Planning Policy (Biodiversity and Conservation) 2021**Chapter 2- Vegetation in non-rural areas**

The application has been assessed against the requirements of Chapter 2 of SEPP (Biodiversity and Conservation) 2022.

This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application does not propose the removal of any existing significant trees.

The proposal will warrant the removal of fruit trees that are categorised as being small to accommodate the proposed works and are found to the Government Road yard space.

These fruit trees are not considered significant, and the removal may be offset by replacement planting across the site.

We note the existing large street tree found at the secondary frontage to Mills Place is unaffected by the proposed works and is to be protected during the course of construction.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Clause 2.48 – electricity infrastructure

Comment:

The subject land is not in the vicinity of major electricity infrastructure that would trigger the concurrence of the electricity supply authority. This is in our opinion to the Council's discretion.

Section 2.77 – Development adjacent to a pipeline corridor

Comment:

The subject land is not within the vicinity of a pipeline corridor that would trigger the concurrent of the pipeline operator.

Clause 2.98 – Development adjacent to rail corridors

Comment:

The subject land is not adjacent to a rail corridor.

Clause 2.119 – Development with frontage to classified road

Comment:

The subject land does not have frontage to a classified road, and the road is a local road.

Clause 2.120 – Impact of road noise or vibration on non-road development

Comment:

The land does have an average daily traffic volume of less than 20,000 vehicles per day. As such, clause 2.120 is not applicable to the development application.

Clause 2.122 – Traffic-generating development

Comment:

The development proposal does not generate more than 200 motor vehicles per hour and is not a site with access to a classified road or to a road that connects to a classified road.

State Environmental Planning Policy (Building Sustainability) 2022

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal.

A condition may be imposed to ensure such commitments are fulfilled during the construction of the development.

Warringah Local Environmental Plan 2011

The objectives of the R2 Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

Compliance Analysis

Clause of LEP	Compliance with Requirements
<i>2.6 Subdivision - consent requirements</i>	Yes
<i>2.7 Demolition requires consent</i>	Yes
<i>4.3 Height of buildings- 8.5 metres</i>	Yes
<i>4.6 Exceptions to development standards</i>	N/A
<i>6.2 Earthworks</i>	Yes
<i>6.4 Development on sloping land- Area B flanking slopes t to 25</i>	Yes

Detailed Assessment

Clause	Opinion
6.2 Earthworks	
<p>The objectives of Clause 6.2 Earthworks require development:</p> <p><i>(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and</i></p> <p><i>(b) to allow earthworks of a minor nature without requiring separate development consent.</i></p> <p>In this regard, before granting development consent for earthworks, Council must consider the following matters:</p>	
<i>(a) the likely disruption of, or any</i>	We feel given the nature of the

<i>detrimental effect on, existing drainage patterns and soil stability in the locality</i>	development it is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the immediate vicinity.
<i>(b) the effect of the proposed development on the likely future use or redevelopment of the land</i>	We believe the proposal will not unreasonably limit the likely future use or redevelopment of the land.
<i>(c) the quality of the fill or the soil to be excavated, or both</i>	<p>No fill is to be imported to the site.</p> <p>We note that any top soil needed for redressing is to be used onsite for landscaping purposes where practical. All spoil excavated is to be transported and disposed off site to meet NSW EPA classification requirements.</p> <p>We expect suitable conditions of consent are to be imposed.</p>
<i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties</i>	<p>We note that excavation is proposed for the lower ground level, and this is needed allow for a suitable foundation level to be achieved.</p> <p>Given the topography of the site, we feel this is not considered to result in unreasonable amenity impacts on adjoining properties.</p> <p>We would expect that prescribed conditions of consent are to be imposed to mitigate impacts during the excavation and construction phases.</p>
<i>(e) the source of any fill material and the destination of any excavated material</i>	Refer to discussion at Point (c) above.
<i>(f) the likelihood of disturbing relics</i>	The site is unlikely to contain potential relics, and again standard conditions of consent can be imposed to deal with matters are a preventive measure.
<i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area</i>	The site is not affected by Coastal Environment Area Map or any riparian/watercourse, drinking water catchment or environmentally sensitive areas.
6.4 Development on sloping land	
<i>Under this clause, development consent</i>	We note a Geotechnical Assessment

<i>must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</i>	Report accompanies the development proposal and manages risks and landslide considerations.
<i>(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and</i>	
<i>(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and</i>	All stormwater discharge from the site is to be managed and discharged to Council's existing drainage system.
<i>(c) the development will not impact on or affect the existing subsurface flow conditions.</i>	We do not feel the proposal would impact or detrimentally affect existing subsurface flows.

4.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s)

There are no known draft environmental planning instruments which affect the development proposal.

4.3. Section 4.15(1)(A)(iii) – any development control plan(s)

The proposed changes do not compromise the core objectives of Warringah Development Control Plan 2011.

Compliance Analysis

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1 Wall Height- maximum of 7.2 metres	Yes	Yes
B2 Number of Storeys	Yes (below 8.5 metres)	Yes
B3 Side Boundary Envelope- 4 metres and 45 degrees	Yes	Yes
B5 Side Boundary Setbacks- 900mm minimum	Yes (900mm or 1.65 metres)	Yes
B7 Front Boundary Setbacks-		Yes

6.5 metres minimum	Yes (6.5 metres to primary frontage)	
3.5 metres (secondary)	No (Varies from 3 to 3.5 metres to secondary frontage)	
	Reason- due to the car parking being shown as a double tandem space	
	❖ See Justification	
B9 Rear Boundary Setbacks- 6 metres minimum	Does not apply to corner blocks	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting- Minimum 40%	Yes Site area= 578.2 sq.m Minimum required= 231.3 sq.m Proposed 40% or 232 sq.m	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes

D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D16 Swimming Pools and Spa Pools	N/A	N/A
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	N/A	N/A
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

❖ Justification to vary Control B7 Front Boundary Setbacks of WDCP

The proposal includes a minor variation to the secondary road frontage requirement of 3.5m. It is important to acknowledge the existing secondary front setback, which once the new development is complete, would be consistent with the previous intent and view from the street, i.e. the public's perception would not change noting the existing provisions on the site.

In this regard, it is important to note the EPA Act Cl4.15(3A)(b) which states that flexibility should be applied where reasonable alternative solutions that achieve the objects of those standards.

4.15 Evaluation

*(3A) **Development control plans** If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—*

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

In this regard, a review of the objectives of Control B7 is provided below:

Objectives

- *To create a sense of openness.*

The proposed minor variation does not impact the sense of openness, noting it relates to an area approx. 0.5m in length for the provision of tandem car spaces to the development. The secondary frontage has reasonable setbacks of 3.5m in other areas with adequate landscape and visual aspects maintained. On this basis, the proposed minor variation will create and maintain a sense of openness to the site.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

It is important to acknowledge the existing secondary frontage of the dwelling on the site. The proposal will actually increase the setback to that existing, with the minor variation purely to enable compliant carparking for four (4) spaces (two tandem garages). The garages have been designed to be sympathetic and will not adversely impact the bulk and scale of Mills Place. The design of the proposal will not change how people view the secondary frontage noting the existing non-compliances. The visual continuity is maintained, and new landscaping will be provided to soften and provide new landscape zones for the site. On the basis of the above, this objective is met.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

The proposal in essence provides a better outcome than that existing on the site. The proposal has been integrated with new landscape zones along Mills Place with the minor variation relating to the garages by 0.5m on the ground floor with the upper floors setback to full compliance. On this basis, the proposal will enhance the visual quality of Mills Place and provide better integration from the site to the streetscape and public spaces. On the basis of the above, this objective is met.

- *To achieve reasonable view sharing.*

As noted above, the minor variation relates to the ground floor only, with no impact to views or view corridors. The upper levels have been setback to comply with the minimum 3.5m allowance. On the basis of the above, this objective is met.

Based on the above assessment, the technical non-compliance can be supported on a merit basis noting that the objectives of Control B7 are achieved, therefore Council should be flexible in allowing a reasonable alternative solution (as per CI4.15(3A)(b) of the EPA Act), which has a greater setback to that existing on the site.

4.4. Section 4.15(1)(A)(iia) – any planning agreement

There are no related matters for consideration in terms of a planning agreement which affects the proposal

4.5. Section 4.15(1)(A)(iv) – the regulations

The proposal is viewed sufficient to enable a proper evaluation to be carried out by Council under the planning regulations and under Section 4.15 of the EP & A Act 1979.

4.6. Section 4.15(1)(B) – the likely impacts of the development

The development proposed is viewed to be compatible with current and desired future urban character of the locality.

We note a dual occupancy is a form of low density housing and the architectural design that is cascading down slope and overall presentation to the streetscape would not be antipathetic to the sense of place afforded at Government Road/Mills Place.

The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Local Environmental Plan 2011 and Warringah Development Control Plan sections of this Report.

The proposed development will not have a detrimental social impact on the locality considering the character of the proposal.

The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use which will remain low density in character.

4.7. Section 4.15(1)(C) – the suitability of the site

Based on assessment, the site is considered suitable for the proposal as there is no privacy, solar access constraints and amenity impacts for the adjoining properties.

4.8. Section 4.15(1)(D) – any submission made

Council will review any submissions made during the exhibition process and we welcome the opportunity to comment on any such submissions.

4.9. Section 4.15(1)(e) – the public interest

The proposal is not contrary to the public interest.

5. Conclusion and Recommendation

The main body of this report reviewed key planning considerations for a consent authority under the matters of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposed development is permissible with consent and is considered not to unreasonably impact upon the amenity of the adjoining properties or the Mills Place or Government Road streetscape and landscape setting.

We have identified a slight non-compliance with the secondary road frontage, and this relates to complying with another objective concerning car parking and we say the non compliance will not impact landscaping embellishment or open space requirements.

We do not see the non compliance of 500mm provides a material difference or results in an inappropriate building density and the architectural design is sufficiently articulated and designed to be in harmony with the Mills Place or Government Road streetscape and landscape setting.

Solar access diagrams have been submitted with the application and demonstrate compliance with the solar access controls.

The development provides compliant setbacks to the remaining boundary lines and there are no privacy impacts beyond what is realistic in a low density context.

The front yard spaces are to be embellished and will provide an appropriate low density character and on balance, it is considered that the development will have minimal amenity impacts on the residents of the adjoining and nearby properties.

On this basis, it is recommended that the development proposal be approved subject to conditions.

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