

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR PROPOSED ALTERATIONS AND ADDITIONS TO  
AN EXISTING DUPLEX DWELLING**

**LOCATED AT**

**2/40 SERPENTINE CRESCENT, NORTH BALGOWLAH**

**FOR**

**GABRIEL PERERA**



**Prepared  
September 2020**

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## **1.0 Introduction**

This Statement of Environmental Effects accompanies architectural plans prepared by Brianna Emily Design, Drawings No. DA00A – DA15, dated 11 September 2020 detailing the construction of additions and alterations to the existing first floor dwelling within the two storey duplex at **2/40 Serpentine Crescent, North Balgowlah**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

## **2.0 Property Description**

The subject allotment is described as 2/40 Serpentine Crescent, North Balgowlah, being Lot 2 within Strata Plan 62628 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is it located within a conservation area.

The site is identified as Area A Landslip Risk.

No other hazards affect the site.

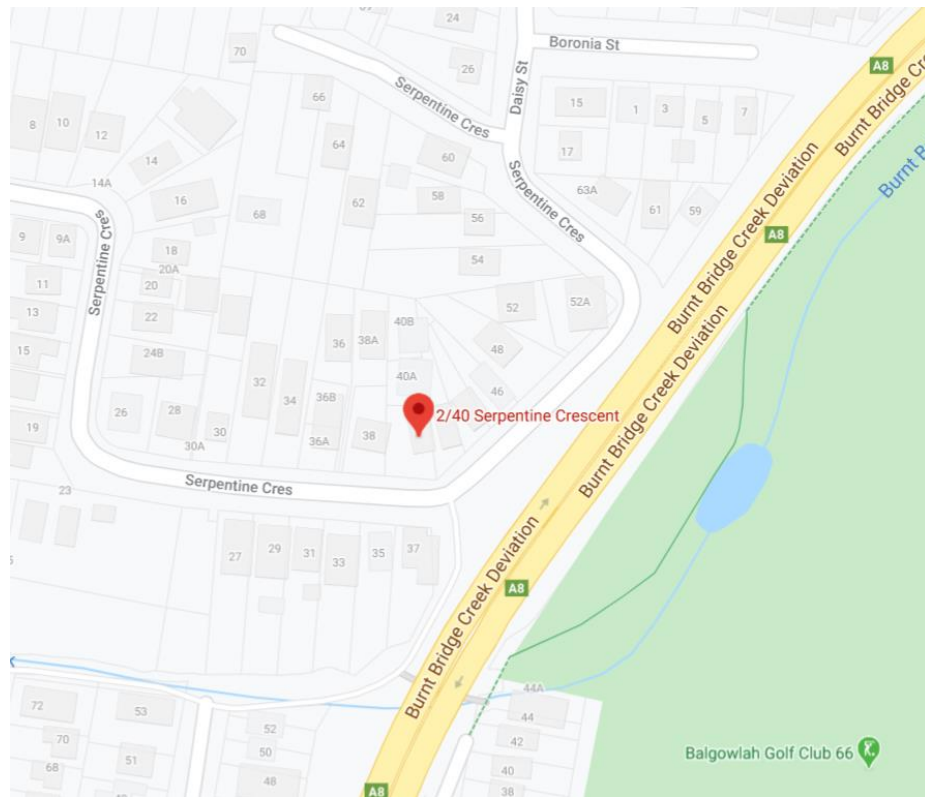
## **3.0 Site Description**

The property is located on the northern side of Serpentine Crescent. The site is irregular in shape, with a street frontage to 22.20m, eastern and western side boundaries of 31.555m and 30.015m, and a northern rear boundary of 17.765m. The land has a total site area of 610.93m<sup>2</sup>.

The property has a fall to the south, with stormwater currently directed to the street gutter. A drainage easement affects the north-eastern portion of the site and is discussed further within this submission.

The site is currently developed with a two storey rendered brick duplex development with a tile roof.

The details of the site are as indicated on the survey plan prepared by C.M.S Surveyors Pty Ltd, Ref No. 14107Adetail, dated 3 December 2015 & 27 May 2020, which accompanies the DA submission.



**Fig 1: Location of Subject Site  
(Source: Google Maps)**



**Fig 2: View of subject site as viewed from Serpentine Crescent, looking north**



**Fig 3: View of the subject site and access driveway to the lots at the rear, looking north**



**Fig 4: View of the existing ground floor level carport, with area at first floor level to be extended to provide and ensuite and walk in robe for the first floor level dwelling**



**Fig 5: View of subject site and neighbouring dwelling at 42 Serpentine Crescent, looking north-west**

#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single detached dwellings and attached dual occupancies, in conjunction with associated ancillary structures such as garages, storage sheds and swimming pools.

The site is within close proximity to the Burnt Bridge Creek Deviation and Balgowlah Golf Course to the south-east.

The site and its surrounds are depicted in the following aerial photograph:



**Fig 6: Aerial view of locality**  
(Source: Google Maps)

## 5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for alterations and additions to the existing first floor dwelling within the two storey duplex development, comprising an extension over the existing carport to provide for a new ensuite with walk in robe.

The external finishes of the new works will comprise weatherboard cladding, with new tile roofing to be provided to the first floor addition.

The new works are discreet and will maintain the articulated streetscape presentation.

The proposed alterations and additions will not necessitate the removal of any significant trees.

The proposed external finishes have been detailed in the DA submission.

The proposal results in the following development indices:

Site Area:	610.93m <sup>2</sup>
Required Landscaped Area:	244.37m <sup>2</sup> or 40%
Existing Landscaped Area:	179.09m <sup>2</sup> or 29.3%
Proposed Landscaped Area:	179.09m <sup>2</sup> or 29.3% (Unchanged)



## 6.0 Zoning and Development Controls

### 6.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

### 6.2 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

Dwelling houses are permissible within the R2 zone under the provisions of the WLEP 2011.

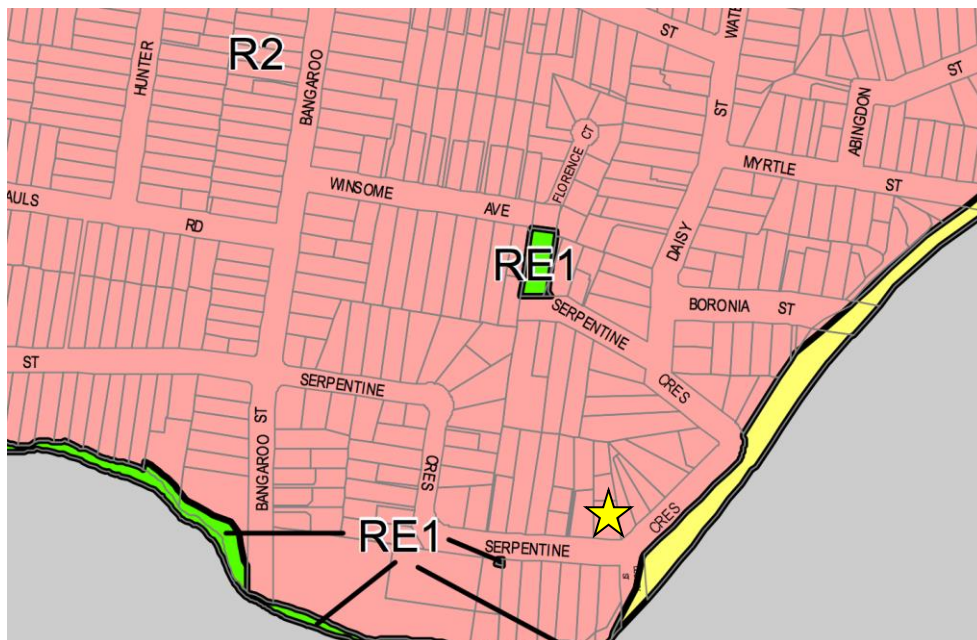


Fig 7: Extract of Warringah Local Environmental Plan 2011

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *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.*

It is considered that the proposed additions and alterations to the dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing style of housing within the locality.

- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on the existing landscaped area or long distance views.

#### **Clause 4.3 – Height of Buildings**

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of North Balgowlah is 8.5m.

The proposed alterations and additions to the existing first floor level of the dwelling provides for a maximum height of 6.915m which complies with this control.

The overall height of the development is unchanged.

#### **Clause 5.9 – Preservation of trees or vegetation**

The proposed works will not see the loss of any significant vegetation.

#### **Clause 6.2 – Earthworks**

The proposal will not require any excavation of the site, and the proposal is therefore considered to be consistent with the provisions of this clause.

#### **Clause 6.4 – Development on sloping land**

The land is noted as being Landslip Area A. The proposal seeks to provide alterations and additions to an existing ground floor dwelling, with no only minimal site disturbance required. The proposal is therefore in keeping with this control.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

### 6.3 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

<b>Part B - Built Form Controls</b>			
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
B1 – Wall heights	Max 7.2m	Max wall height 5.25m	Yes
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope and Side Setback	Building envelope 45 degrees from 4m. Setback 0.9m	Building envelope complies	Yes
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	The proposed works will observe the existing western setback of the carport which is well in excess of the minimum 900mm setback with the current right of carriageway driveway separating the new first floor works from the western boundary.	Yes
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A
B7 – Front Boundary Setbacks	Minimum 6.5m  On corner allotments or sites with a double street frontage, where the minimum front building setback is 6.5 metres to both frontages, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street variations must consider the character	N/A – existing front setback maintained	Yes

	of the secondary street and the predominant setbacks existing to that street.		
B7 – Front boundary exceptions	No requirement identified on map		N/A
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	Min 6m rear setback  On corner allotments where the minimum rear building setback is 6 metres the rear building setback does not apply	The proposed works are located to the south-western corner of the first floor level and will not encroach on the existing rear setback.	Yes
B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A
B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A
<b>Part C – Siting Factors</b>			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Existing crossing and driveway to be retained.	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Existing parking arrangements remain unchanged, with two car spaces to be retained along the western elevation of the dwelling.	N/A

C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	Stormwater will be connected to existing system, which directs overflow to the street gutter.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Proposal accompanied by an Erosion and Sediment Control Plan which details measure to be in place during construction.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A	The site is affected by a private interallotment drainage easement located at the north eastern corner of the site. The works are located to the south western corner of the dwelling and well clear of the existing drainage infrastructure.	N/A
C7 – Excavation and Landfill	Site stability to be maintained	The proposal involves works at the first floor level, with no further site disturbance.	Yes
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage area available	Yes
<b>Part D – Design</b>			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>As the proposal involves works at first floor level, which do not increase the building footprint, the existing landscaped area of 29.3% will be retained.</p> <p>The development within the site will continue to achieve the Objectives of the controls, which are noted as:</p> <p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• To enable planting to maintain and enhance the streetscape.</li> </ul>	Yes – on merit

		<ul style="list-style-type: none"> <li>• To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.</li> <li>• To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.</li> <li>• To enhance privacy between buildings.</li> <li>• To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.</li> <li>• To provide space for service functions, including clothes drying.</li> <li>• To facilitate water management, including on-site detention and infiltration of stormwater.</li> </ul> <p>The proposal will provide for sufficient area for the private open space and recreational requirements of the owners, whilst maintaining good areas of deep soil planting within the front and rear yard area.</p>	
<p>D2 – Private Open Space</p>	<p>Dwelling houses with three or more bedrooms Min 60m<sup>2</sup> with min dimension 5m</p>	<p>The proposal maintains the existing areas of private open space for each dwelling.</p> <p>The development within the site will continue to achieve the Objectives of the controls, which are noted over as:</p>	<p>Yes – on merit</p>

		<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• To ensure that all residential development is provided with functional, well located areas of private open space.</li> <li>• To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.</li> <li>• To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.</li> <li>• To ensure that private open space receives sufficient solar access and privacy.</li> </ul> <p>The private open space is directly accessible from the dwelling. The proposed minor first floor extension will provide improved amenity for the occupants of the subject dwelling whilst retaining a suitable outdoor area for the enjoyment of the occupants. The private open space receives good access to the northern sun.</p>	
D3 - Noise	<p>Mechanical noise is to be attenuated to maintain adjoining unit amenity.</p> <p>Compliance with NSW Industrial Noise Policy Requirements</p>	No new mechanical equipment.	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	<p>Dwellings to be orientated to receive northern sun</p> <p>Appropriate construction to enhance thermal properties and</p>	The rear yard enjoys good access to the northern sun.	Yes

	ventilation/natural cooling Compliance with SEPP (BASIX) requirements		
D6 – Access to sunlight	This control requires that sunlight to at least 50% of private open space to adjoining properties is not to be reduced to less than 2 hours between 9am and 3pm on the winter solstice.	Due to the northerly aspect, the subject site and neighbouring properties will maintain access to at least three hours sunlight between 9.00am – 3.00pm in mid-winter.	Yes
D7 – Views	View sharing to be maintained	The controls require that development should enable the reasonable sharing of views. The works see additions to the existing dwelling, which maintain a modest bulk and scale.  The primary outlook for the surrounding properties is not unreasonably diminished.	Yes
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	The proposed works are considered to maintain appropriate privacy for occupants of the subject site and adjoining properties through the considered placement of window openings.	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	The existing surrounding development comprises a mix of one and two storey dwellings and dual occupancies. The proposed alterations and additions maintain a modest height and scale, similar to that of other dwellings in the vicinity.  The proposal is in keeping with the streetscape and will	Yes



		not visually dominate the street.	
D10 – Building Colours and materials		The proposed colours and finishes are in keeping with the existing dwelling and sympathetic to the Serpentine Crescent streetscape.	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	Other than the minor increase in the roof area for the new first-floor extension, the existing overall roof form remains unchanged.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	New colours and finishes will be provided to the dwelling to ensure that the new works complement the existing dwelling.  No significant glare impacts will result from proposed new works.	Yes
D13 – Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street	Existing fencing remains unchanged.	N/A
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities	No change to garbage storage areas or mailbox	N/A
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	Existing fencing will be retained	N/A
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages,	N/A – no pool proposed	N/A

	pool not to be located in primary frontage. Siting to have regard for neighbouring trees.		
D17 – Tennis Courts	N/A		N/A
D18 - Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A
D20 – Safety and Security	Buildings to enhance the security of the community.  Buildings are to provide for casual surveillance of the street.	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the habitable room windows to the street.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate is provided to support the development	Yes
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.	No signage proposed	N/A

<b>Part E – The Natural Environment</b>			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	No significant protected trees are affected by the works.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site.	Yes
E7 – Development on land adjoining public open space	Not identified on map		Yes
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area A.  Nature of works to excavate >2m requires the submission of a Geotechnical Hazard Assessment.	The proposal does not necessitate any excavation. Accordingly, no further geotechnical investigation is required in this instance.	Yes
E11 – Flood Prone Land	Not identified on map		N/A

## **7.0 Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979**

### **7.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of Warringah Local Environmental Plan 2011. It is considered that the provisions of these environmental planning instruments have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

### **7.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

It is not considered that there are any draft environmental planning instruments applying to the site.

### **7.3 Any development control plan**

The development has been designed to comply with the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 and commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 74BA provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- *giving effect to the aims of any applicable environmental planning instrument*
- *facilitating permissible development*
- *achieving the objectives of the relevant land zones.*

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the landscaped area control provides a reasonable outcome given the proposal maintains suitable landscaped and recreation areas for the enjoyment of the dwelling's occupants.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and will provide a cohesive and sympathetic

addition to the site and which will make a positive contribution to the area.

**7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

No matters of relevance are raised in regard to the proposed development.

**7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),**

No matters of relevance are raised in regard to the proposed development.

**7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.**

It is considered that the proposal, which seeks consent for alterations and additions to the first floor level of an existing dwelling, which have been located and designed to appropriately minimise impacts on the amenity of adjoining properties and are compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of Council's LEP and DCP.

**7.7 The suitability of the site for the development**

The site is considered suitable for the proposed development.

The proposal will provide for additions and alterations to the first floor level of the existing dual occupancy development.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

**7.8 Any submissions made in accordance with this Act or the regulations**

This is matter for Council in the consideration of this proposal.

**7.9 The public interest**

The proposal will not impact upon the environment nor the character of the locality and will mitigate any unreasonable visual impacts on the amenity of adjoining properties and is therefore considered to be within the public interest.

## **8.0 Conclusion**

The proposal provides for alterations and additions to the first floor level within an existing two storey duplex dwelling, which will not have a detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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