



DM Planning

## Statement of Environmental Effects

Alterations and additions to a dwelling house



**61 Wyadra Avenue, North Manly**

Report prepared for  
Barry and Kate Molony

**July 2022**



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## 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Barry and Kate Molony to accompany a Development Application (DA) for alterations and additions to a dwelling house at 61 Wyadra Avenue, North Manly.

This SEE has been prepared and is submitted to Northern Beaches Council ('Council') pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

This SEE describes the site, its surroundings and describes how the proposal addresses and satisfies the objectives and standards the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan 2011 and the heads of consideration listed in Section 4.15 of the EP&A Act.

This SEE demonstrates that the proposal is consistent with the relevant provisions of the:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Warringah Local Environment Plan 2011 ('WLEP 2011')*
- *Warringah Development Control Plan 2011 ('WDCP 2011')*

This SEE concludes that the proposal is satisfactory when assessed against all relevant requirements. It will make a positive contribution to the locality and will result in improved amenity for the occupants, with no detrimental environmental or amenity impacts.

We recommend that Council approve the development application subject to the content and findings outlined in this SEE.



## 2 The site, locality and background

### 2.1 Site description

The site is located within the Northern Beaches Local Government Area (LGA).

The site is legally described as Lot 60, DP 21576 and is known as 61 Wyadra Avenue, North Manly. The site is rectangular and has an area of 576m<sup>2</sup>. It is located on the northern side of Wyadra Road. It has a street frontage of 15.3m, a southern (rear) boundary of 15.255m, a western boundary of 37.47m and an eastern boundary of 38.125m. The site slopes from south to north, with a fall of approximately 6.5m. There are several trees on the site.

The site is currently occupied by a two-storey weatherboard dwelling house with a tile roof. There is carport within the front setback. Vehicular Access to the site is via a steep driveway from Wyadra Ave as shown in Figure 3 below.

The site is not identified as a Heritage Item nor is it within a Heritage Conservation Zone.

The location of the site is shown at Figures 1 and 2.

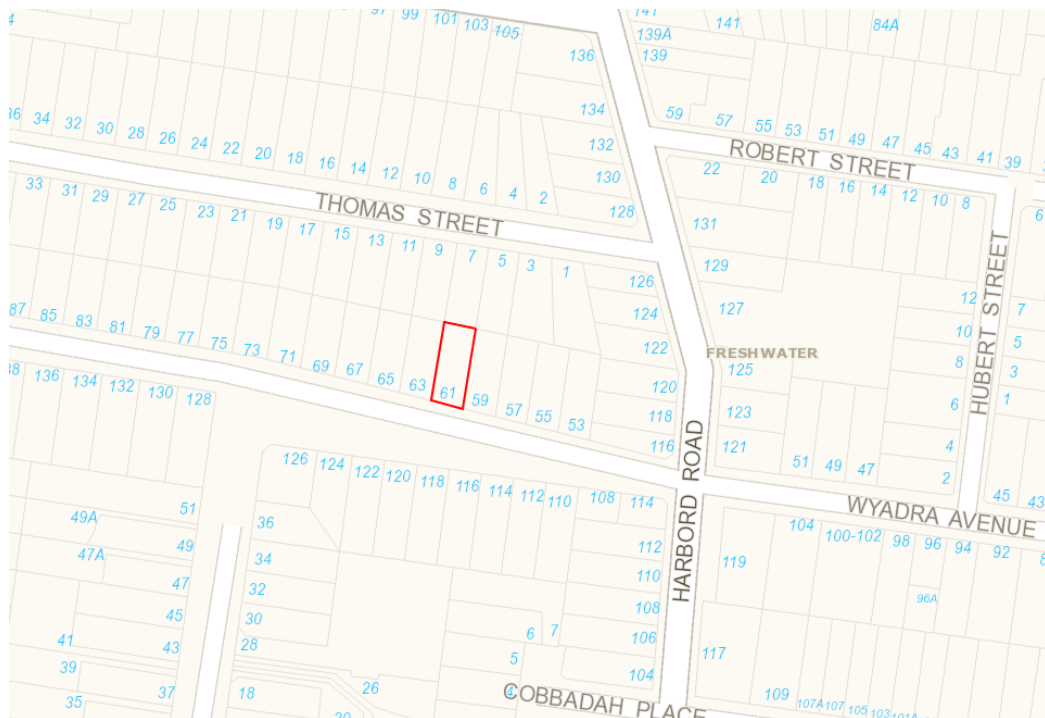


Figure 1. Location of the site (Source: Northern Beaches Council website)



Figure 2. Aerial view of the site and its surroundings (Source: SIX Maps)



Figure 3. Existing driveway and dwelling house at 61 Wyadra Ave



Figure 4. Existing driveway viewed from front porch



Figure 5. The proposed carport location



## 2.2 Surrounding locality

Surrounding development consists of a detached dwellings on medium sized lots. The land on the northern side of Wyadra Avenue slopes away steeply from the street resulting in various examples of built elements on the street frontage.

Adjoining the site to the west at 63 Wyadra Ave is a dwelling house (Figure 6). To the west of that, the dwelling at 69 Wyadra Ave, contains a double carport on the street frontage (Figure 7).

Adjoining the site to the east at 59 Wyadra Ave is a two-storey dwelling house with a 1.8m high front fence (Figure 8).



Figure 6. 63 Wyadra Ave to the left and subject site to the right



Figure 7. Double garage on nil setback at 69 Wyadra Ave



Figure 8. Front view of 59 Wyadra Road





Figure 9. Front fence at 59 Wyadra Avenue

## 2.3 Background

Council's website lists the following approval issued for the site:

- On 16.11.1990, Building Approval BA4001/4306 was issued by Warringah Council.
- On 24.3. 1997, Building Approval BA5003/4629 was issued by Warringah Council.
- On 4.8.2021, Complying Development Certificate CDC2021/0784 for alterations and Additions to a dwelling house, was issued by Private Certifier.



### 3 The proposal

The development application seeks consent for alterations and additions to a dwelling house comprising of:

- Demolition of the existing carport and part of the driveway slab
- Construction of a single space carport, bin store, covered walkway and front pergola
- Construction of an elevated concrete driveway
- Landscaping works within the front setback
- Removal of one tree from the road reserve (Cabbage Tree Palm)

The proposal is detailed in the accompanying architectural plans prepared by Nikki Mote Architect, dated 01.07.2022, numbered AR DA 1, DA 1-01, DA 1-02, DA 3-00, DA 4-00, DA 5-00 and DA 5-01.

Detailed driveway design and sections have been prepared by a structural engineer.

The proposed external finishes comprise of concrete driveway and carport slab, metal roof sheeting, fibre-cement sheet cladding, vertical timber batons, timber pergola and masonry rendered sub-floor walls.



1. RS-01  
Roof sheeting



2. TB-01  
Vertical timber battens  
to screens & balustrades



3. FC-01  
Fibre-cement cladding &  
ceiling soffits



4. RM-01  
Render to new masonry  
subfloor walls (to match  
existing house subfloor walls)



## 4 Environmental planning assessment

### 4.1 Environmental Planning and Assessment Act 1979

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment.

This section of the report provides the planning assessment against the key statutory environmental planning instruments and Development Control Plan relevant to the development. The following detailed assessment of the proposal is provided, and which is based on the heads of consideration contained in section 4.15 of the EP&A Act.

#### 4.15(1) Matters for consideration—general

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

Relevant Provision	Comment
(a) <i>the provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	<ul style="list-style-type: none"> <li>The relevant state environmental planning instruments are addressed at Section 4.2.</li> <li>The relevant provisions of Warringah Local Environmental Plan 2011 (WLEP) are addressed at Section 4.2.</li> </ul>
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	N/A
(iii) <i>any development control plan, and</i>	The relevant provisions of Warringah Development Control Plan 2011 (WDCP) are addressed at Section 4.3.
(iia) <i>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, and</i>	N/A
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	The requirements of the EP&A Regulations are satisfied. Applicable regulation considerations including demolition, fire safety, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA



Relevant Provision	Comment
	appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection may be addressed by appropriate consent conditions.
(v) <i>(Repealed)</i>	
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	<p><b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p><b>Social Impact</b> The proposed development will have a positive impact on the locality considering the residential character of the proposal.</p> <p><b>Economic Impact</b> The proposed development will have a positive economic impact on the locality considering the nature of the existing and proposed land use.</p>
(c) <i>the suitability of the site for the development,</i>	The proposed development is suitable for the site as demonstrated throughout this report.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	Any submissions made on this subject development application will be duly considered. In addition, the Council will consider any public submissions relating to the proposal during its assessment.
(e) <i>the public interest.</i>	The proposal is in the public interest as it allows for appropriate and positive development on an existing residential site.

Table 1: Section 4.15(1) assessment



## 4.2 State Planning Policy Controls Overview

The proposal has been designed having regard to the objectives and standards of the relevant planning instruments and policies that apply to the site. Under the provisions of the EP&A Act, the key applicable State Environmental Policies are:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*

The application of the above plans and policies is discussed in detail in the following sections of this SEE.

### 4.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Under clause 4.6(1) (a) of State Environmental Planning Policy (Resilience and Hazards) 2021, consideration has been given as to whether the land is contaminated. The site has been used for residential purposes for an extended period of time and there is no history to suggest that the site is contaminated. The application does not require further consideration under clause 4.6(1) (b) and (c) of this policy.



## 5 Warringah Local Environmental Plan and Development Control Plan

### 5.1 Numeric controls summary table:

<b>Zone: R2 Low Density</b>			
<b>Site Area: 576.1m<sup>2</sup></b>			
<b>WLEP 2011</b>			
	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
Building Height	8.5m	4m (carport and pergola)	Yes
<b>WDCP 2011</b>			
B1 Wall height	7.2m	3.8m	Yes
B3 Side boundary envelope	4m and 45 degrees at boundary	East elevation – within boundary envelope West elevation – within boundary envelope	Yes Yes
B5 side boundary setbacks	0.9m (east)	2.3m (carport)	Yes
B7 Front boundary setbacks	6.5m	2.2m – 2.7m (carport)	No  (however, objectives satisfied – see discussion in section 5.3 below)
B9 rear boundary setbacks	6m	13.5m (dwelling - no change)	Yes
D1 Landscaped Open Space	40% or 230.44m <sup>2</sup>	44.7% or 257.4m <sup>2</sup>	Yes
Car spaces	2	1	Yes

Table 2: WLEP 2011 and WDCP numerical compliance summary table



## 5.2 Warringah Local Environmental Plan 2011

Warringah Local Environmental Plan 2011 (WLEP) is the primary environmental planning instrument applying to the proposal. The applicable Clauses of the WLEP 2011 are:

- Clause 2.3 – Zone objectives and landuse table
- Clause 4.3 – Height of Buildings
- Clause 6.2 - Earthworks

An assessment of the development application against the above relevant Clauses of the WLEP is provided in the following sections of this SEE.

### **Clause 2.3 – Land Use Zoning and Permissibility**

The site is zoned R2 Low Residential pursuant to the WLEP, as shown in the zoning map excerpt at Figure 10. The provisions of the zone are stated below:

#### **Zone R2 Low Density Residential**

##### **1 Objectives of zone**

- 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.

##### **2 Permitted without consent**

*Home-based child care; Home occupations*

##### **3 Permitted with consent**

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals*

##### **4 Prohibited**

*Any development not specified in item 2 or 3*

**Table 3: Provisions of the WLEP 2011 R2 Low Density Residential Zone**

The proposal is for alterations and additions to a dwelling house and is therefore permissible with consent in the R2 zone. The proposal is consistent with the objectives of the zone.



Figure 10. WLEP Zoning Map excerpt (source: Northern Beaches Council website)

#### **Clause 4.3 – Building Height**

Clause 4.3 of the WLEP establishes a maximum building height for the site of 8.5m. The height of the proposed carport does not exceed 4m (measured from existing ground level to the carport roof) and therefore complies with the maximum building height.

#### **Clause 6.2 Earthworks**

Apart from minor earthworks required for footings, no excavation is proposed. A Geotechnical Report has been prepared by White Geotechnical Group in support of the proposed development. The report concludes that provided good engineering and building practice are followed, no further Geotechnical assessment is recommended for the proposed development.





### 5.3 Warringah Development Control Plan 2011

An assessment of the proposal against the non-numerical provisions of the WDCP is provided below:

Built Form Controls	Requirement	Proposed	Compliance
C2 Traffic, Access and Safety	Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.	The existing driveway crossing, from Wyadra Ave will be widened and reformed.  Detailed engineering driveway plans and sections have been prepared by Burgess, Arnott & Grava Pty Ltd, in support of the proposal.	Yes
C4 Stormwater	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.	It is proposed to direct stormwater from the carport roof to the existing stormwater system.	Yes
C5 Erosion and Sedimentation	All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.	Erosion and sediment control details are shown on the demolition plan.	Yes
C8 Demolition and Construction and C9 Waste Management	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	The proposal will comply with Council's Waste Management Guidelines.	Yes
D2 Private Open Space	60m <sup>2</sup> required for dwellings with 3 or more bedrooms with a minimum dimension of 5m	>60m <sup>2</sup>  The existing open space in the rear yard will be retained.	Yes



Built Form Controls	Requirement	Proposed	Compliance
D8 Privacy	<p>1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.</p> <p>2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.</p> <p>3. The effective location of doors windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.</p> <p>4. The windows of one dwelling are to be located so they do not provide direct or close views (i.e. from less than 9 metres away) into the windows of other dwellings.</p>	<p>The proposed carport and associated walkway and front patio will not give rise to any unreasonable or detrimental privacy impacts on the adjoining dwellings.</p> <p>Adequate spatial separation has been provided to maintain reasonable privacy levels between dwellings.</p>	Yes
D6 Access to Sunlight	50% of adjoining dwelling and existing dwelling private open space to have 3 hours sunlight between 9am and 3pm on 21 June	The proposed carport will not result in unreasonable overshadowing impacts to adjoining properties.	Yes
D9 Building Bulk	To minimise the visual impact of the development using good design and innovative architecture	The low scale design, and use of compatible colours and materials contribute to minimising building bulk.	Yes
D10 Building Colours and Materials	The visual impact of new development is to be minimised through the use of appropriate colours, materials and landscaping.	The external colours and materials are consistent with the character of the area, will complement the existing development and make a positive contribution to the streetscape.	Yes
D11 Roofs	Roofs should complement the roof pitch and forms of the existing buildings in the streetscape; incorporate eaves for shading; and not cause excessive glare and reflection.	The proposed flat metal roof has been designed to minimise visual impact in the streetscape.	Yes



Built Form Controls	Requirement	Proposed	Compliance
D13 Front fences and walls	Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.	The timber slats around the perimeter of the carport are widely spaced thereby minimising visual impacts.	Yes
D14 Site facilities	Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places	The proposal incorporates a bin storage area.	Yes
D15 Side and rear fences	Side and rear boundary fences are to be no higher than 1.8m. All fencing materials are to complement the existing neighbourhood.	There is no side fencing proposed.	Yes
E1 Preservation of Trees	<p>Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.</p> <p>Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.</p> <p>Development must also avoid any impact on trees on public land.</p>	<p>The proposal involves the removal of a <i>Livistona australis</i> (Cabbage Palm) from the road reserve.</p> <p>An Arborist report has been prepared by Complete Arborcare in support of the proposal and concludes:</p> <p>Tree T1 must be removed for the proposed driveway crossover to be constructed</p> <p>Tree T2 will not be impacted from the proposed works and is protected from an existing boundary fence.</p> <p>Due to trees T3-T4 having been assessed to display low retention values, no specific protection measures are required.</p>	Yes

Table 4 – WDCP assessment table



## 5.4 Main issues

### B7 Front Boundary Setbacks

The proposed carport will have a 2.2m to 2.7m front setback and therefore does not comply with the required 6.5m front setback applicable under the WDCP.

Given the steep topography at the site and the location of the existing dwelling, there is no alternative location for the proposed carport. The existing carport location is unsuitable due to the excessive steepness and non-compliant gradient of the driveway and access to it.

Despite the non-compliance with the front boundary setback, the proposal is consistent with the objectives of the control as follows:

- *To create a sense of openness.*

Comment:

The carport has been designed to be a low profile, lightweight construction. The use of a flat roof and widely spaced timber battens will maintain a sense of openness. The proposal satisfies this objective.

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

Comment:

There are other examples of reduced front setbacks (69 Wyadra Ave) and high fencing (59 Wyadra Ave) along the northern side of Wyadra Avenue. The proposed carport is consistent with the streetscape's established pattern. The proposal satisfies this objective.

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

Comment:

The encroachment into the front setback is a relatively minor element and does not have any unreasonable impacts on the visual quality of the streetscape or other public spaces nearby. The proposal satisfies this objective.

- *To achieve reasonable view sharing.*

Comment:

The proposed carport complies with the building height, wall height, building envelope and side setback controls. The proposed encroachment into the front setback will not result in any unreasonable impact on views. The proposal satisfies this objective.

As demonstrated above, the proposed development is consistent with the relevant objectives of WDCP.



### **D7 Views**

The clause requires the reasonable sharing of views in accordance with the tenacity planning principle. The proposal will maintain a reasonable sharing of views within the area.

### **D9 Building Bulk**

The objective of this control is to ensure that development is of good design and not visually obtrusive. The proposal demonstrates a well-articulated design response to the site. The proposed carport addition as been designed to incorporate a flat roof form and a variety of materials and colours to reduce perceived building bulk.

Additional landscaping will also reduce the visual bulk of the proposed additions.

Overall, the proposal will exhibit a building bulk appropriate to the relatively to the lot size and is consistent with the streetscape. The proposed development satisfies the requirements of this control.



## 6 Conclusion

This SEE supports a development application for alterations and additions to a dwelling house at 61 Wyadra Avenue, North Manly.

The merits of this application have been identified in this assessment under Section 4.15 of the EP&A Act, WLEP 2011 and WDCP 2011.

The proposed carport will provide an accessible and usable vehicle accommodation, whilst providing a positive contribution to the streetscape. The proposal is consistent with the character of development along the northern side of Wyadra Ave which, due to the slope of the land, contains numerous examples of built elements on the street frontage. There will be no unacceptable amenity impacts on surrounding properties.

The proposal satisfies the objectives of the Council's development controls and consequently is recommended for approval.