



27 MILHAM CRESCENT FORESTVILLE



STATEMENT OF ENVIRONMENTAL EFFECTS FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING

Report prepared for
Action Plans
October 2019

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1.0 Introduction

1.1 This is a statement of environmental effects for alterations and additions to the existing dwelling at 27 Milham Crescent Forestville.

The report describes how the application addresses and satisfies the objectives and standards of the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan 2000 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

1.2 This statement of environmental effects has been prepared with reference to the following:

- ◆ Survey prepared by C.M.S Surveyors
- ◆ Site visit
- ◆ DA Plans and BASIX Certificate prepared by Action Plans
- ◆ Geotechnical Report prepared by Ascent Geotech
- ◆ Arborist Report prepared by Hugh the Arborist
- ◆ Bushfire Report prepared by Bushfire Planning & Design
- ◆ Waste Management Plan
- ◆ Service Protection Report prepared by MGP

1.3 The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and streetscape and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

2.0 The site and its locality

- 2.1 The site is located on the southern side of Milham Crescent at its intersection with Ferguson Street. The site is legally described as Lot 21 DP 605792.
- 2.2 It is an irregular shaped lot with boundaries of 21.9 metres (north), 25.81 metres (south), 29.42 metres (east) and 29.68 metres (west). The lot has an area of 701.9m².
- 2.3 The site is currently occupied by a two-storey sandstone dwelling with a metal roof. The property is set within a residential lot which falls steeply from the south to the north, towards Milham Crescent.
- 2.4 The site is surrounded by detached residential dwellings in all directions and is in close proximity to the retail and public transport services on Warringah Road. The Garigal National Park is located approximately 80 metres to the north. The rear of the site adjoins heritage item I139 Former Chadwick House and garden at 82 Arthur Street.



Figure 1. The site and it's immediate surrounds

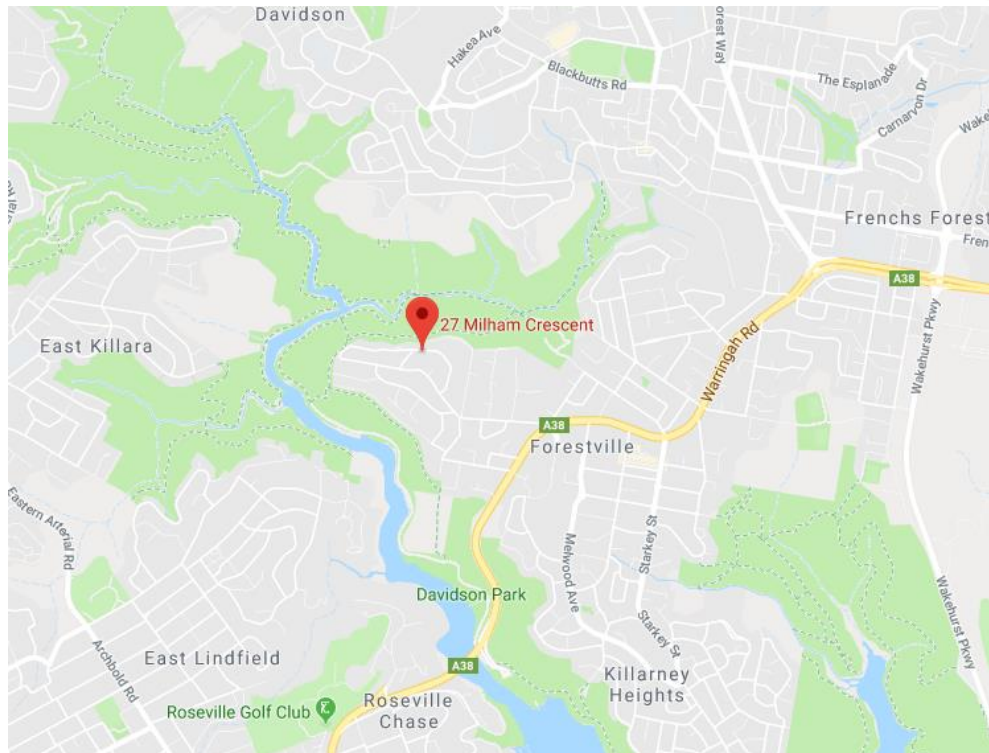


Figure 2. The site within the locality

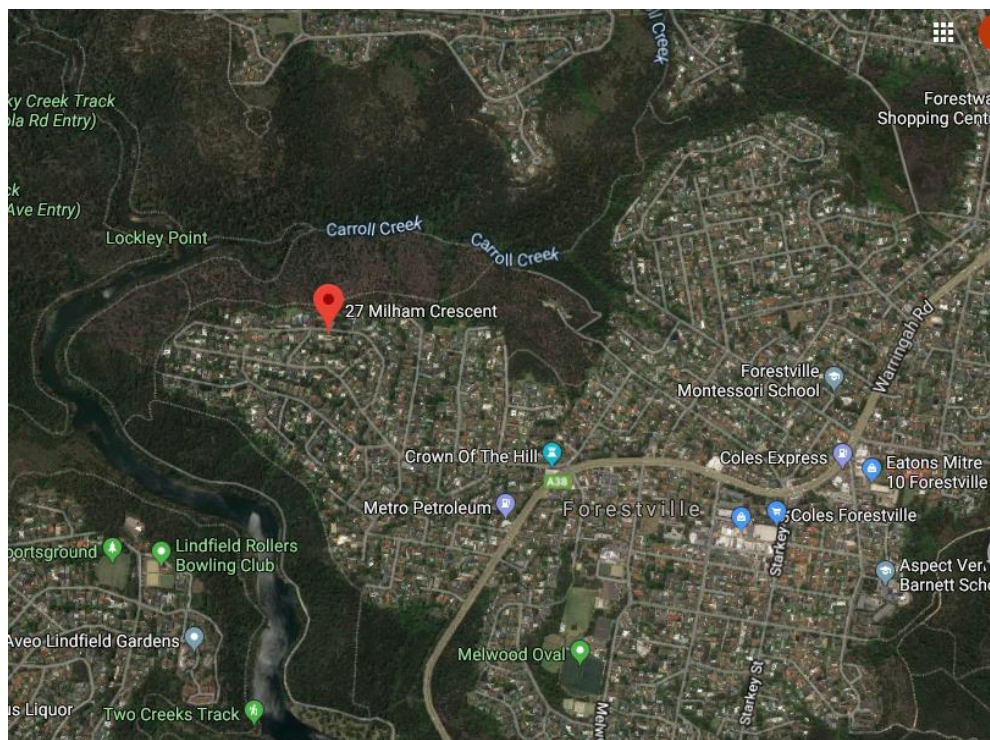


Figure 3. Aerial photograph of the site within the locality

3. Site Photos



Figure 4. The existing dwelling, view from Milham Crescent

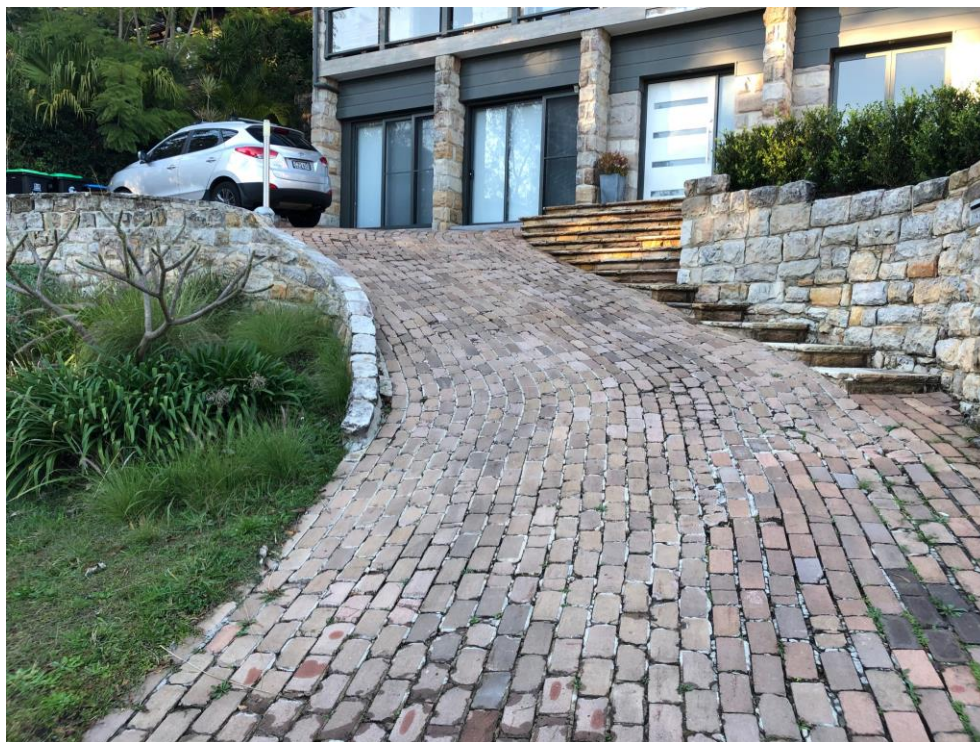


Figure 5. The existing paved driveway and parking area, view from Milham Crescent



Figure 6. View from the dwelling, looking north



Figure 7. The existing sandstone wall and location of the proposed garage



Figure 8. The existing lawn, access stairs and driveway

4. Proposed Development

4.1 The proposed development is for alterations and additions, including a new double garage, patio and landscaping at the street frontage of the subject site.

4.2 The proposed alterations and additions remain consistent with the streetscape and the locality. The proposal is compliant with Council controls, ensures privacy, solar access and views are maintained for both neighbours and the subject site.

4.3 The development will be made up as follows:

Ground Floor and Site

- Demolish the existing access stairs and paved driveway on the property frontage
- Construct a new paved patio, access stairs and planter boxes
- Construct a new internal stair from the proposed garage to the existing rumpus room

New Garage Floor

- Construct a new driveway from Milham Crescent
- Excavate to create a new double garage, bin storage area and internal stair from the proposed garage to the existing rumpus room.

5. Statutory Framework

5.1 State Environmental Planning Policies

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of the standard instrument LEP relating to the preservation of trees and vegetation.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development does not propose the removal of any vegetation and existing landscaping within the front setback will be enhanced as detailed in the attached plans.

Proposed excavation works are located within the TPZ of 2 trees on the adjoining property to the east. An arborist assessment is included with the application which concludes that the 2 trees under consideration will be acceptably impacted subject to appropriate construction methods and protection as detailed in the report under separate cover.

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

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

5.2 Warringah Local Environment Plan 2011

Zoning

The site is zoned R2 pursuant to the provisions of the Warringah Local Environment Plan 2011. The proposed development is a permissible use in the R2 zone which permits dwelling houses with development consent.

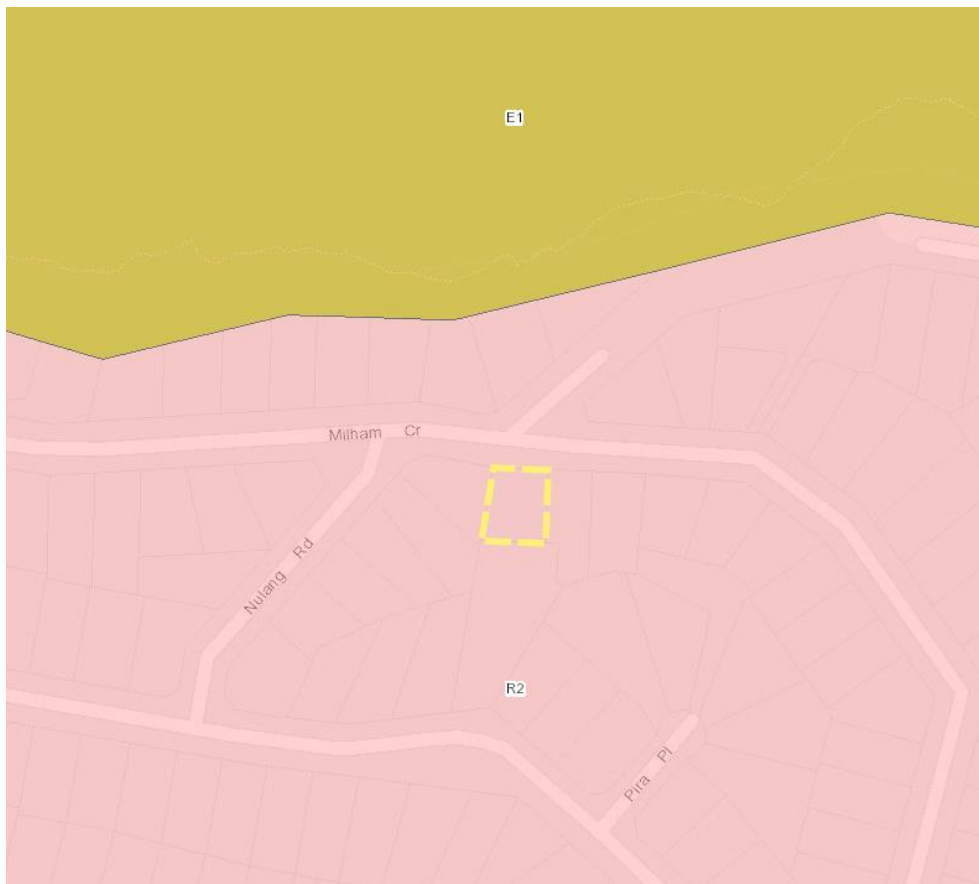


Figure 9. Extract from Warringah LEP zoning map

Demolition

Demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow the construction of the proposed alterations and additions.

Height

The LEP restricts the height of any development on the subject site to 8.5 metres. The existing dwelling has a maximum height of 8.53 metres and no change is proposed.

Heritage

The site is not a heritage item or located within a heritage conservation area. The adjoining property to the south is mapped as heritage item I139 Former Chadwick House and garden at 82 Arthur Street, as such the consent authority must consider *the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.*

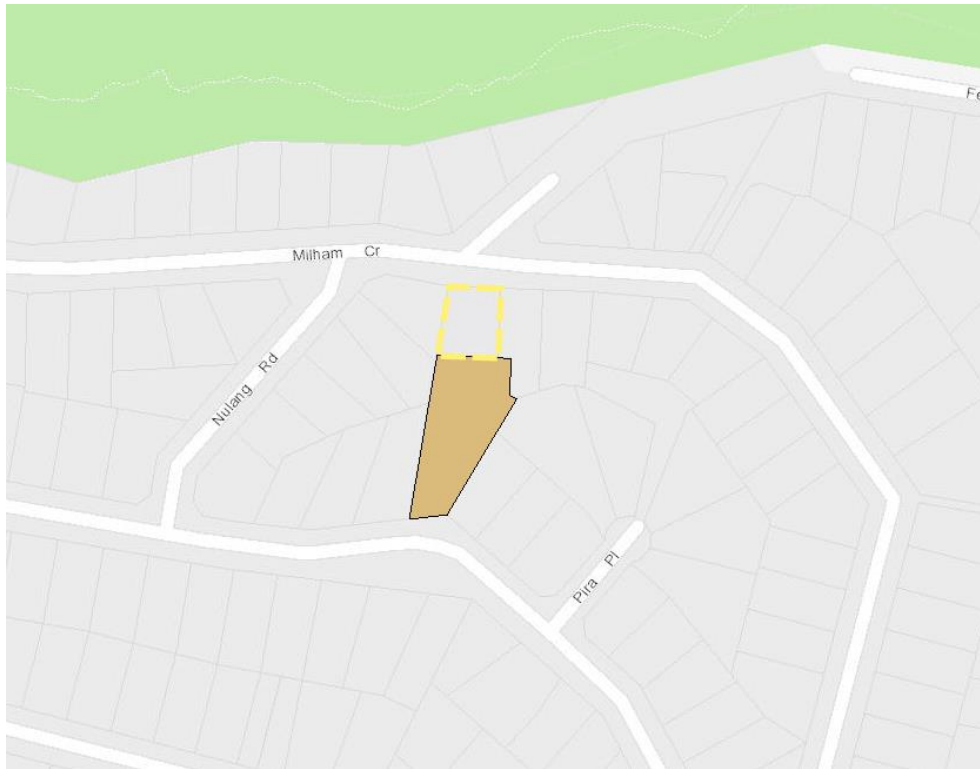


Figure 10. Extract from Warringah LEP heritage map

It is considered the proposed development will have no impact on the heritage significance of the adjoining heritage item, as the proposed works are located in the front yard of the subject site, the furthest possible distance from the adjoining heritage item. The proposed garage and associated works will not be visible from the adjoining heritage item and will maintain the existing outlook from the adjoining heritage item.

Acid Sulfate Soils

The site is not located in an area nominated as Acid Sulfate soils.

Earthworks

Earthworks are proposed to excavate the garage below the existing ground level, to a maximum depth of 2.6 metres.

Development on Sloping Land

The site is located in the area nominated the LEP maps as Area B – Flanking Slopes 5 to 25. As such the consent authority must be satisfied that:

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

The attached geotechnical preliminary assessment demonstrates the proposal complies with Council controls.

5.3 Warringah Development Control Plan 2011

The relevant sections of the Warringah DCP 2011 are addressed below.

5.3.1 Part B - Built Form Controls

Wall Heights

A maximum wall height of 7.2 metres is permitted on the site by the DCP. The existing maximum wall height is 9.8 metres and no change is proposed.

Side Building Envelope

The site requires a side boundary envelope of 4m/45°. No changes are proposed to the existing dwellings side boundary envelopes.

Side Boundary Setbacks

Side setbacks of 900mm are permitted on the subject site. The existing side boundary setbacks of the dwelling are 2.871 metres (east) and 5.845 metres (west) and no change is proposed.

The proposed garage has a minimum side boundary setback of 2.526 metres (east), easily compliant with the control.

Front Setback

A front setback of 6.5 metres is required on the site by the DCP. The existing front setback of the dwelling is 8.58 metres and no change is proposed.

The proposed front setback of the garage is 0.19 metres and a variation is sought to permit a garage in the proposed location. It is considered the development is consistent

with the objectives of clause B7 Front Boundary Setbacks, despite the non-compliance as described below.

Objectives

- *To create a sense of openness.*

The proposed garage is located below the natural ground level and will retain the presentation of a sandstone wall to the street. The built form of the dwelling will remain unchanged, retaining the existing landscape and sense of openness in the locality.

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

The relocation of the existing sandstone wall along the property frontage, to create the proposed garage, ensures visual continuity with both the existing sandstone dwelling and the surrounding natural environment.

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

The proposed development will result in a significant improvement to the visual quality of the streetscape which is currently dominated by an unmanaged garden area, dilapidated sandstone wall and large driveway. The proposed development will repair the damaged sandstone wall, reduce the dominance of the driveway and provide additional soft landscaping in the front setback.

- *To achieve reasonable view sharing.*

The development will not impact views.

Rear Setback

A rear building setback of 6 metres is required on the site. The existing rear setback is 22.29 metres and no change is proposed.

5.3.2 Part C - Siting Factors

Traffic Access and safety

A new 4 metre wide driveway crossover is proposed from Millham Crescent as illustrated on the attached driveway plan and long section.

Parking

The DCP requires 2 car parking spaces per dwelling. A new double garage is proposed to provide a compliant 2 parking spaces on site.

The proposed garage does not obscure views of the street and presents as an integrated addition to the existing dwelling. The garage door width is a compliant 5.4 metres wide and has been designed to sit recessively into the repositioned sandstone wall along the street frontage.

Storm water

Stormwater runoff will be directed into Councils existing stormwater system on Milham Crescent.

Excavation and Landfill

Excavation is proposed to a maximum depth of 2.6 metres to create the proposed double garage below the existing ground level.

The attached geotechnical report demonstrates the geological stability of the work and drainage patterns will be unaffected.

Demolition and Construction

The proposed alterations and additions will involve minimal demolition works as detailed in the attached plans. All demolition and construction works will be undertaken as required by Council controls and compliant with any relevant conditions of consent.

Waste Management

Appropriate waste management will be undertaken during the demolition and construction process.

All demolished materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

The proposed garage will provide a new bin storage area, with waste to be collected by Councils regular service.

5.3.3 Part D - Design

Landscaping and Open space and bush land setting

The DCP requires 40% landscaping on the site which is equivalent to 280.6m² for the site area of 701.9m². The existing landscaped area on the site is 240.7m² or 34%.

The proposed development will increase the landscaped area to 255.6m² or 36%, which although 25m² less than the control, represents a minor variation and an improvement to the current arrangement.

Private open space

The DCP requires a minimum 60m² private open space. An area of 64.15m² of private open space is existing on the property and no change is proposed.

Noise

The development is appropriate and will not result in noise levels inappropriate to a residential area. The site is not located in close proximity to a noise generating activity.

Access to sunlight

At least 50% of the private open space of the subject site and the adjoining dwellings are required to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 by this DCP clause.

No increase to overshadowing of adjoining properties will occur at 9am or 12pm. A minor increase in shadowing will occur in the front yard of the subject site at 9am and 12pm as illustrated on the attached shadow diagrams. Shadowing will increase to No. 25 Milham Crescent of a very small portion of the front yard at 3pm only.

Views

A site inspection of the subject site has been undertaken and it is considered that no views will be impacted as a result of the proposed development. The proposed works are located under the existing ground level.

Privacy

Privacy will be retained for neighbours with ample setbacks and no direct overlooking into any key living areas. The development proposes a new paved area on the street frontage which is screened from neighbours by existing vegetation.

Building Bulk

The proposed alterations and additions do not create inappropriate bulk. The proposed development is located under the existing ground level and remains consistent with the streetscape by utilising and repositioning the sandstone retaining wall.

Building Colours and Materials

The proposed development will be of sandstone and black aluminium construction, in keeping with the existing dwelling and residential locality.

Glare & Reflection

Materials have been chosen to ensure no glare or reflection issues.

Site Facilities

The existing dwelling has appropriate waste, recycling areas and drying facilities.

Safety and Security

An ability to view the street frontage is retained from the existing dwelling and the proposed double lockup garage with internal access is to the benefit of safety and security of residents.

Conservation of Energy and Water

The design has achieved a BASIX Certificate which accompanies the application.

5.3.4 Part E - The Natural Environment

Preservation of Trees or Bushland Vegetation

The development does not propose the removal of any vegetation and existing landscaping within the front setback will be enhanced as detailed in the attached plans.

Proposed excavation works are located within the TPZ of 2 trees on the adjoining property to the east. An arborist assessment is included with the application which concludes trees can be appropriately retained.

Retaining unique Environmental Factors

The development will have no impact on any unique environmental factors in the area.

Landslip Risk

A geotechnical report has been prepared in support of the application in its current form.

6. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Warringah LEP and DCP.

The development is permissible in the zone.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality

6.1. Context and Setting

What is the relationship to the region and local context in terms of:

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed alterations and additions have been designed to compliment the site and its surrounds. The alterations and additions are appropriate and will have negligible impact on adjacent properties.

6.2. Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

The proposed alterations and additions will provide an accessible double garage for onsite car parking. No conflict or issues will arise as a result of the proposed development.

6.3. Public domain

The proposed development will have a positive impact on the public domain as the proposal is consistent with the character and streetscape of the residential area and constructed of materials in keeping with the existing sandstone dwelling.

6.4. Utilities

There will be no impact on the site, which is already serviced.

6.5. Flora and fauna

There will be no impact.

6.6. Waste

There will be no impact.

6.7. Natural hazards

The site is affected by slip. A report has been provided by an expert, with regard to the geotechnical aspects of the site and is supportive of the proposal subject to recommendations. This report accompanies the development application.

6.8. Economic impact in the locality

There will be no impact, other than the possibility of a small amount of employment during construction.

6.9. Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed alterations and additions are highly appropriate to the site, with regard to all of the above factors. The development fits well within the context of the surrounds and is an appropriate scale, well-suited to its residential surrounds.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia. Additionally finishes, building materials and all facilities will be compliant with all relevant Council controls.

6.10. Construction

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures, compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*

- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the alterations and additions proposed.

Any submissions received in accordance with this Act or the regulations

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of an existing residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

7. Conclusions

- 7.1 The proposed development for alterations and additions to the existing dwelling at 27 Milham Crescent Forestville is appropriate considering all State and Council controls.
- 7.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 7.3 Considering all the issues, the fully compliant development is considered worthy of Council's consent.

Sarah McNeilly
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