

STATEMENT OF ENVIRONMENTAL EFFECTS

ALTERATIONS AND ADDITIONS TO DWELLING HOUSE AND USE OF EXISTING TENNIS COURT

**13 MINKARA ROAD
BAYVIEW**

JUNE 2019

statement of environmental effects

Submission to

NORTHERN BEACHES COUNCIL

**ALTERATIONS AND ADDITIONS TO
DWELLING HOUSE AND USE OF EXISTING
TENNIS COURT**

13 MINKARA AVENUE BAYVIEW

Prepared on behalf of

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This statement has been prepared in consideration of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the provisions relating to expert evidence. The opinions in the statement represent the professional opinions of the authors, based on an assessment of the facts and circumstances as have been cited in the document.



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1.0 INTRODUCTION

This document has been prepared in order to provide information and an assessment in respect of a development application (the 'development application') seeking consent for the following:

- the construction of a new storage shed;
- the construction of a new carport adjacent to the existing office building;
- the construction of a new awning behind the existing main residential building; and
- completion of an existing partially erected tennis court and the prospective use of the existing tennis court.

These proposed developments (jointly and severally 'the development') are wholly ancillary to the purpose of the existing development on the land known as No 13 Minkara Road, Bayview (the 'site').

Consideration has been given to the environmental merit of the proposal having due regard to the following relevantly applicable legislation, statutory planning instruments and subordinate documents:

- *Environmental Planning and Assessment Act 1979* ('EPAA');
- *Environmental Planning and Assessment Regulation 2000* ('EPAR');
- *Pittwater Local Environmental Plan 2014* ('PLEP');
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* ('SEPP (BASIX)'); and
- *Pittwater 21 Development Control Plan* ('PDCP').

In our opinion, the development application succeeds on merit and pursuant to the relevant legislation, and is suitable for a grant of development consent.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Location

The location enjoys connection to the main urban centres of Mona Vale and Warriewood via Minkara Road, which links to the Cabbage Tree distributor road and from that to the other main arterial routes of Pittwater Road and Mona Vale Road.

The immediate surrounding area comprises primarily low-density residential development in the form of one- and two-story dwelling houses. The area also provides for some open space suitable for passive recreational uses, such as the Minkara Reserve, located near the front of the site.

A locality map is provided at **Annexure 1**.

An aerial photograph is provided at **Annexure 2**.

2.2 The Site

The property known as 13 Minkara Road Bayview is legally described as Lot 8 in Deposited Plan 238742.

The property is situated on the western side of the Minkara Road. It is accessible through a driveway bordering the neighbouring properties known as number 11 and 17 Minkara Road. Given that, the site enjoys a high level of privacy.

The property has a land size of 20560sqm. Currently, the site is occupied by a single storey dwelling house with 5 bedrooms and 4 bathrooms. There are other ancillary developments such as an office, garage, pool, tennis court and a garden shed located separately to the main dwelling house.

Photographs of the site and the surrounding streetscape are provided at **Annexure 3**.

3.0 DEVELOPMENT PROPOSAL

3.1 The Development

The development proposal involves alterations and additions to an existing dwelling house, including as follows;

- (1) the construction of a new storage shed;

The construction of a new a shed, occupying a total of 260m² of floor area. The new shed is proposed to be located near the northern boundary of the site, in front of the existing half-built tennis court.

The primary use of the proposed shed is for storage. The basement of the shed is proposed to be used solely for storage purposes. The ground floor will include a storage area; garage area; entertainment area, change/massage room, two bathrooms, and deck area overlooking the tennis court.

The development of the shed will involve construction of a driveway extension off the internal driveway, to access the new garage. It will also involve the construction of a gravel footpath extending from the shed towards the main residential building.

- (2) the construction of a new carport adjacent to an existing office building;

The development involves the addition of a roof as an extension from the existing office building.

- (3) the erection of an awning behind the main dwelling house;

The existing awning will be extended over the entire existing paved area at the rear of the dwelling house. It is to be complementary to the existing roof structure.

- (4) completion of existing half-built tennis court and the prospective *use* [sic] of tennis court.

A Building Information Certificate has been issued for the work already carried out concerning the existing half-built tennis court. The proposed prospective works will involve completion of the tennis court, erection of a fence around the court, and use of the tennis court.

The proposed development is wholly ancillary to the development currently on the site, which is that of a dwelling house. This implies that the proposed development has the sole purpose of attending the needs and the lifestyle of the residents/owners of the site.

Architectural plans showing the proposed alterations and additions, and detailing the proposed floor layout, accompany the development application.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 Pittwater Local Environment Plan 2014

4.1.1 General

Pittwater Local Environmental Plan 2014 (PLEP) is the relevantly applicable local environmental plan.

4.1.2 Aims

The aim of PLEP is, among other things, to promote economically, environmentally and socially sustainable development in the former Pittwater local government area (now part of the Northern Beaches local government area) and to ensure that development is consistent with the desired character of Pittwater's localities.

4.1.3 Zoning and Permissibility

The site is Zoned RU2 Rural Landscape under PLEP.

Development for the purpose of a **dwelling house** is nominated permissible, with consent, on land zoned RU2.

The objectives of the UR2 Rural Landscape zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The development proposed is **ancillary** to the purpose for which development is on the site, which is that of a dwelling house.

In our opinion, the proposed development is consistent with the zone objectives as are of relevance.

A zoning map extract from PLEP depicting the site is provided at **Annexure 4**.

4.1.4 Height of Buildings

Clause 4.3 of PLEP ('Height of buildings') is a principal development standard of PLEP. The objectives of clause 4.3 are as follows (refer clause 4.3(1)):

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,
- (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (c) to minimise any overshadowing of neighbouring properties,
- (d) to allow for the reasonable sharing of views,
- (e) to encourage buildings that are designed to respond sensitively to the natural topography,
- (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

By virtue of PLEP Height of Buildings Map (tile HOB 011), the maximum permissible height of a building on the site is 8.5 metres.

The height of the proposed development, including all of its components, does not exceed

8.5 metres. Furthermore, the proposed development is, in our opinion, consistent with the objectives of the height of buildings development standard. Please refer also to the architectural drawings accompanying the development application for more specific details.

A height of buildings map extract from PLEP, depicting the site, is provided at **Annexure 5**.

4.1.5 Acid Sulfate Soils

The site is identified as being within 'Class 5' on the Acid Sulfate Soils Map.

Clause 7.1 of PLEP relates to development on acid sulfate soils. The objective of the clause is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage.

The proposed development involves the carrying out of earthworks. The earthworks involve the disturbance of no more than one tonne of soil (the trigger for an ASSMP). The 'water table' will not be affected by the proposed works.

Given the above, an acid sulfate soils management plan (ASSMP) (refer clause 7.1 (6), PLEP) has been not prepared in the present circumstances. The geotechnical report which forms part of this application discusses further impacts related to proposed excavation.

Annexure 6 provides an extract from the relevant Acid Sulfate Soils map.

4.1.6 Flood Planning

Various areas of the site are identified as a low to high flood risk precincts.

The proposed carport behind the existing office is in a medium to low flood risk precinct. The carport will not adversely affect flood behaviour resulting in detrimental increases in the

potential flood affectation of other development or properties and will not adversely affect the environment or cause erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

A flood report accompanies this application and supports the proposed development.

A Pittwater Flood Risk Planning Map extract is provided at **Annexure 9**.

4.1.7 Biodiversity Protection

The site is partially (eastern boundary) identified as biodiversity affected on the Biodiversity Map. However, proposed work is not proposed to be carried out in the area identified as biodiversity affected. The development has been designed and sited to minimise disturbance to the surrounding native fauna and flora. Therefore, the proposal will not, in our opinion, have any adverse impact on existing flora and fauna nor disturb the biodiversity structure, function and composition of the site.

An extract from the Biodiversity Map is provided at **Annexure 8**.

4.1.8 Earthworks

The proposed development involves earthworks, in respect to the proposed new storage shed. The earthworks do not involve the disturbance of more than one tonne of soil.

Clause 7.2 of PLEP has been considered as part of the development application.

A geotechnical risk assessment report accompanies the development application. The report addresses any effects of the earthworks required as a result of the proposed development. The assessment supports the development.

4.1.9 Essential Services

The site currently enjoys the services of water, electricity, sewerage and stormwater drainage as well as vehicular access.

4.2 SEPP (Building Sustainability Index: BASIX) 2004

SEPP (BASIX) encourages the sustainable development of dwelling-type development.

The development proposal involves the carrying out of alterations and additions to an existing dwelling house, which is therefore a BASIX affected building (see, in that regard, the definition of 'BASIX affected building' in SEPP (BASIX)) and thus a type of BASIX affected development. Accordingly, the provisions of SEPP (BASIX), as well as the BASIX provisions of the EPAA and EPAR, apply to the proposed development.

A BASIX certificate, less than three months old as we understand it, accompanies the development application.

4.3 Pittwater 21 Development Control Plan

4.3.1 Objectives

Pittwater 21 Development Control Plan (PDCP) applies to development on the site.

The purpose of PDCP is to provide, inter alia, best practice standards for development.

The controls contained in PDCP, to the extent to which they are relevantly applicable to the proposed development, are considered and discussed below.

4.3.2 Locality

The site is located in the Ingleside Locality. The proposed alterations and additions are consistent with the desired low-density residential nature of the area with no proposed changes to building height. The natural

environment has been preserved to the maximum possible extent.

The proposed alterations and additions are not visible from Minkara Road. Therefore, the proposed development will not have any adverse impact on the public domain.

In our opinion, the proposed development is generally consistent with the outcomes of clause D6.1 of PDCP.

4.3.3 Bushfire Prone Land

The site is in a bushfire prone land: Vegetation Buffer.

A bushfire hazard assessment report prepared by Matthew Toghil of Bushfire Consultancy Australia accompanies the development application. The report concludes, that provided the proposed development is constructed in accordance with the recommendations of the report, the development satisfies the objectives and performance requirements of the Building Code of Australia, Planning for Bushfire Protection 2006 and Australian Standard AS3959, 2009. Please refer to the bushfire report for further details.

Annexure 9 provides an extract from the relevant Bushfire Hazard map.

4.3.4 Flood Risk

The site is within a High to Low Flood Risk Planning Precinct.

The proposed development has been designed so as to satisfy the performance criteria set out in clause 1.1 of Part B3.11 ('Flood Prone Land') of PDCP.

A Flood Assessment report prepared by Stellen Consulting forms part of this application. The report includes flood impacts on the proposed development and recommendations to mitigate

the flood effects. Please refer to the flood report for further information.

4.3.5 Stormwater Management

Stormwater management plan complying with the requirements of Australian Standard AS3500.3 and Part B5 of PDCP as relevant, and a supporting letter prepared by Stellen Consulting accompany the development application.

Please refer to the stormwater plan and supporting letter for further information.

4.3.6 Access Driveway and Parking

The proposal includes a new internal driveway.

There are no changes proposed to the driveway entrance near Minkara Road.

The driveway gradient is 1:20 (V:H). The proposed internal driveway meets requirements of the relevant development controls of Part B6 of the PDCP.

Please refer to the architectural plans for further details.

The existing dwelling house does provide off-street parking facilities. Off-street parking as required by Part B6.3 of PDCP is two spaces per dwelling (not being a secondary dwelling) with two bedrooms or more. The occupier of the dwelling house currently possesses more than two vehicles and various 'bobcat' type machines. As such off-street parking demand has increased. The proposed development makes provision for further car parking spaces in the proposed shed and carport area.

In our opinion, the proposed development is consistent with the development controls contained in B6.3 of PDCP.

4.3.7 Excavation and Landslip Hazard

As mentioned in section 4.1.8 ('Earthworks') of this document a geotechnical risk assessment report accompanies the development application and addresses the effects of excavation as a result of the carrying out of the proposed development.

Pursuant to the recommendations of the geotechnical risk assessment report, the proposal complies with the requirements of Council's *Geotechnical Risk Management Policy for Pittwater* (2009).

4.3.8 Erosion and Sediment Management

Appropriate erosion and sedimentation prevention measures will be installed on site to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.

4.3.9 Waste Minimisation

Waste generation as a result of construction works will be minimised and disposed of at an appropriate waste facility. Alternatively, or additionally, waste will be recycled and re-used on site to the maximum extent possible.

4.3.10 Site Fencing and Security

Appropriate site protection will be undertaken during the construction stage of the development. Although the proposed development will not be open nor accessible by the general public, provisions will be made so as to ensure the safety of the residents and visitors to the property, as required by Part B8.4 of PDCP.

4.3.11 Landscaping and Landscaped Area

The proposal largely maintains existing canopy trees with a view to ensuring that the tree canopy continues to soften the built form of the development.

Control D6.8 of PDCP requires the total landscaped area on land zoned RU2 Rural Landscape to be 96% of the total site area (minus 400 square metres). The proposal does not comply with the control, and there is a 5% departure from the landscaped area requirements (as defined in the PLEP).

Even though the landscaped area does not meet the requirements specified in control D6.8, the proposal meets the outcomes of the control. The departure does not affect the character of the locality and is in scale with the height of the natural environment. Further, proposed development does not diminish sunlight to neighbouring properties, and it is located away from the biodiversity affected area. In our opinion, the minor non-compliance is acceptable on the merits for the reasons and on the grounds, set out above. It is relevant also that the site is not visible from the public domain.

4.3.12 View Sharing

The development proposal will not materially affect views from any neighbouring properties. The design of the buildings is such that all existing views from adjoining properties will be maintained. Therefore, the proposed development complies with the controls in part C1.3 of the PDCP.

4.3.13 Solar Access

Proposed shed includes windows on the northern, southern, and western elevations. The proposed developments are located away from the dwellings on adjoining properties.

There is no impact on the neighbouring properties in terms of access to sunlight. The proposed new awning at the rear of the dwelling will not adversely impact solar access. The main private open space receives a minimum of 3 hours of sunlight between 9am and 3pm on June 21 (refer Part C1.4 of PDCP). The existing windows on the northern facade will continue to provide sufficient solar access to the dwelling house.

4.3.14 Acoustic and Visual Privacy

The proposed alterations and additions to the existing dwelling house are located away from the street and neighbouring dwelling houses; thus, assisting in maintaining acoustic and visual privacy.

The architectural plans accompanying this application specifies the planting of new trees along the northern boundary, creating a visual and acoustic buffer between the proposed development and the adjoining property.

Furthermore, the proposed building includes highlight windows on the northern elevation and privacy screening to prevent direct overlooking at the neighbouring property from the entertainment area and decking.

4.3.15 Private Open Space

The proposed alterations and additions will result in a significant improvement to the existing private open space in terms of size and usability. Development includes private open space exceeding the minimum 80.0 sqm in area at rear of the existing dwelling 3.0m width as provided for in Part C1.7(a) of PDCP. The private open space is located at the rear with direct access from the living area.

4.3.16 Separately Accessible Structures

The proposed shed is a separately accessible structure that provides a recreational, storage, and garage function for residents. The shed is **not designed for separate habitation** and does not contain any cooking facilities. Since the shed is located at a distance from the nearest bathroom facility, two bathrooms are included. The proposed shed complies with the PDCP control C1.14.

4.3.17 Storage Facilities

It is a requirement of the PDCP in part C1.15 that all dwelling house development is provided with an area for storage, of a minimum of 8 cubic meters for a dwelling, which can be part of a carport or garage. The proposed new storage shed respects this requirement and provides for appropriate storage.

4.3.18 Tennis Court - Ancillary

Part C1.16 specifies controls for the development of the tennis court ancillary to dwelling houses, with the objective for the development to have a minimal adverse impact on the existing landform, natural vegetation or visual quality of the site.

The existing half-built tennis court has been the subject of a building information certificate. The proposal involves completion of the tennis court.

The proposed fence around the court would have appropriate colours respecting the requirements of control C1.16 of PDCP. Sufficient landscaping is provided between the tennis court and the northern boundary. The subject site includes more than 2 hectares of site area, and the tennis court is located away from the adjoining neighbours dwelling house; therefore, it is proposed to have night lighting with time

switches in accordance with control C1.16 of PDCP.

Please refer to architectural plans for further information.

4.3.19 Eaves

The proposed shed does not incorporate eaves. The proposed awning at the rear of the dwelling house incorporate eaves with a 300mm width, and the carport includes eaves with more than 450mm width. Even though the proposed alteration and additions to the existing dwelling house does not fully comply with the relevant control, the non compliance does not create any adverse amenity impacts. Therefore, regardless of the non-compliances, the development proposal is in our opinion, acceptable in its current form.

Please also refer to the architectural plans, sections and elevations accompanying the development application, for further details.

4.3.20 Colours and Materials

A colours and materials scheme accompanies the development application.

The proposed colours and materials are consistent with Part D6.3 of PDCP.

4.3.21 Setbacks and Building Line

The relevant side and rear boundary setbacks are 7.5m. The front setback requirement is 20m.

The proposed ancillary developments, except for the partially built tennis court, comply with all setback requirements.

This development proposes completion of the tennis court. The tennis court has been the subject of a building information certificate. The departure from one of the side boundary setbacks is 0.5m. Control D6.6 of PDCP states

that where alterations and additions to existing buildings are proposed, maintenance of existing setbacks less than as specified may be considered where it is shown that the outcomes of this clause are achieved.

The tennis court is already existing, and the proposal will maintain the existing side setback. The completion of the tennis court meets the outcomes of the control D6.6 of PDCP. The minor non-compliance is in our opinion acceptable on the merits for the reasons and on the grounds, set out above.

4.3.22 Building Envelope

Part D6.7 of PDCP seeks to ensure that new development responds to and relates to the spatial characteristics of the existing natural environment with respect to streetscape, bulk, scale and form, and existing vegetation.

The proposed development meets the control given land size.

5.0 KEY ISSUES

5.1 Flood Prone Land

The site is within a High to Low Flood Risk Planning Precinct. However, most of the proposed development sits outside the flood affected area. The proposed car port is located on a medium to low flood affected area.

The flood report which accompanies this application supports the proposed development and states that, in reality, water in this area is free to drain either side of the office and the pooling predicted by the algorithm is unlikely to occur.

5.2 Setbacks

The proposed building elements comply with setback controls except for the tennis court. The tennis court does not comply with one of the side boundary setbacks. However, the tennis court is already extant

and a BIC has issued. The side is maintained and not further reduced. The trivial departure does not prevent the proposal from meeting the outcomes of the relevant PDCP controls.

5.3 Landscaped Area

The proposal does not comply with landscaped area requirement. There is a 5% departure from the required landscaped area. Even though the landscaped area does not meet the requirements specified in control D6.8, the proposal meets the outcomes of the control. The departure does not affect the character of the locality and landscaping is generous.

6.0 CONCLUSION

This document addresses the statutory planning regime applicable to the development application and demonstrates that the proposed development, involving the carrying out of alterations and additions to the existing dwelling house is permissible, mostly compliant with the relevantly applicable development standards and other planning controls, generally consistent with the relevant guideline controls contained in PDCP, and appropriate in all the circumstances.

The proposed development will not dominate the natural environment, being built to a scale that respects the existing precinct. In addition, the proposal will provide occupant amenity without adverse environmental impacts to neighbours.

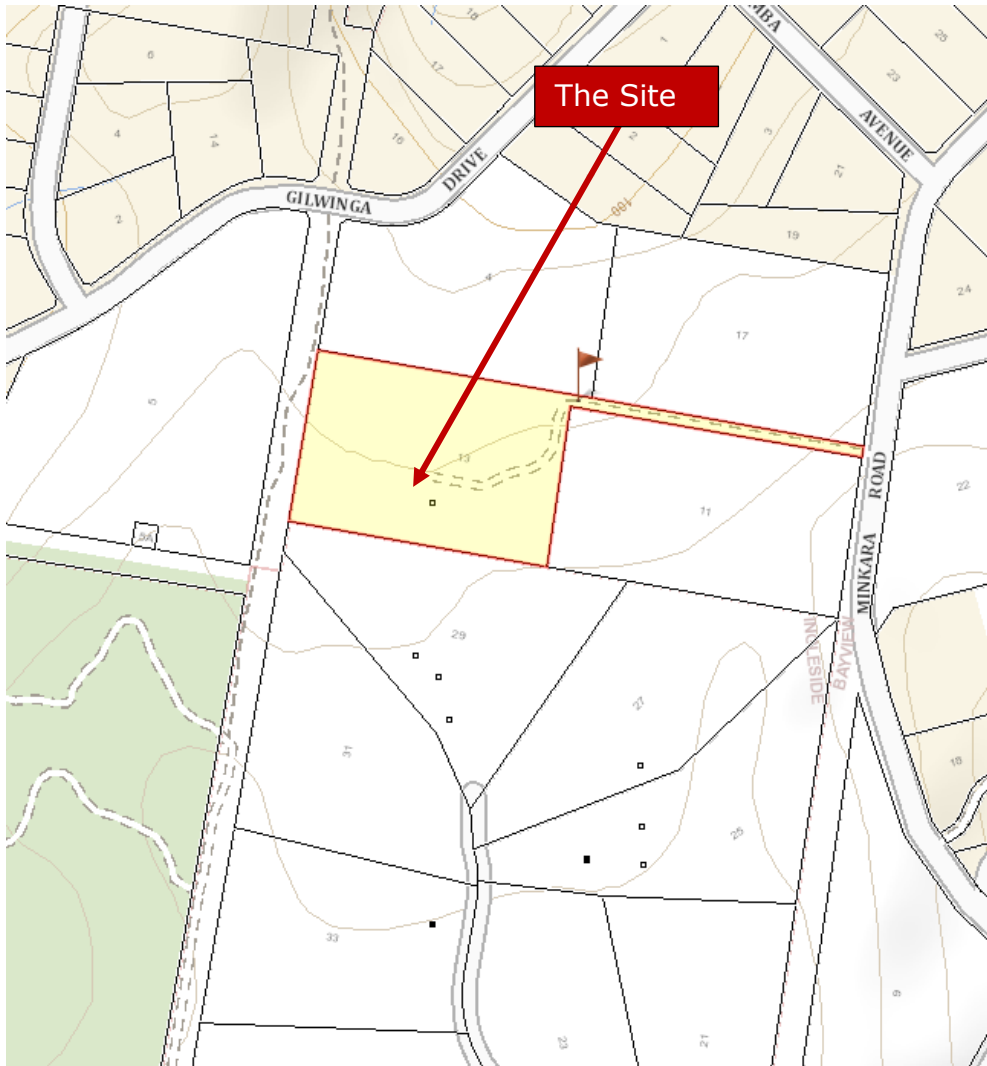
The heads of consideration contained in section 4.15 of the EPAA have been examined and considered to the extent to which they are relevantly applicable to the proposed development and, in our opinion, there are no matters which would prevent Council from granting consent in this instance, subject to the imposition of appropriate and reasonable conditions of consent.

In our opinion, the development proposal merits support from the consent authority and the granting of conditional development consent.



ANNEXURE 1

LOCALITY MAP



LOCALITY MAP
Extract from Courtesy Six Maps



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ANNEXURE 2

AERIAL PHOTOGRAPH



AERIAL PHOTOGRAPH

Extract from Courtesy Six Maps



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	DRAWN: IW	13 Minkara Road Bayview



ANNEXURE 3

PHOTOGRAPHIC PALETTE



Photograph 1 – View from the driveway to the North of the property with the tennis court area to the left of frame, the landscaped area to the right of the frame, and the marked-up area where part of the new shed is being proposed, next to the tennis court.



Photograph 2 – View to the North East side of the property showing the existing timber deck and pond, and where the new shed is proposed.



Photograph 3 – View of the area where the new shed is proposed.



Photograph 4 – View from the driveway to the West of the property, and the main dwelling in the background.



Photograph 5 – View to the East of the back of the main dwelling, where a new awning is proposed over the paved area.

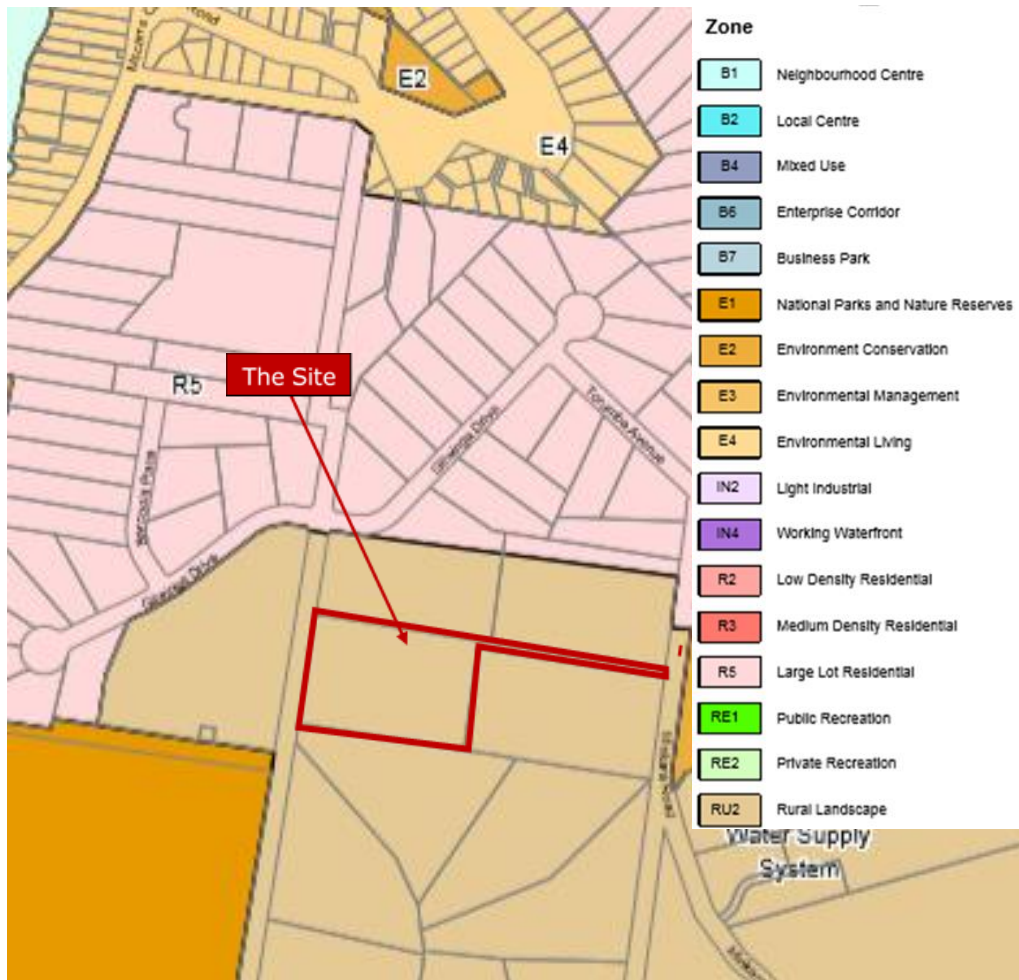


Photograph 6 – View to the East of the back of the main dwelling, where a new roof for a new carport is proposed extending from the existing roofline to the retaining wall, along the length of the dwelling.



ANNEXURE 4

ZONING MAP (EXTRACT FROM PLEP)



ZONING MAP

Extract from PLEP



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Annexure 4

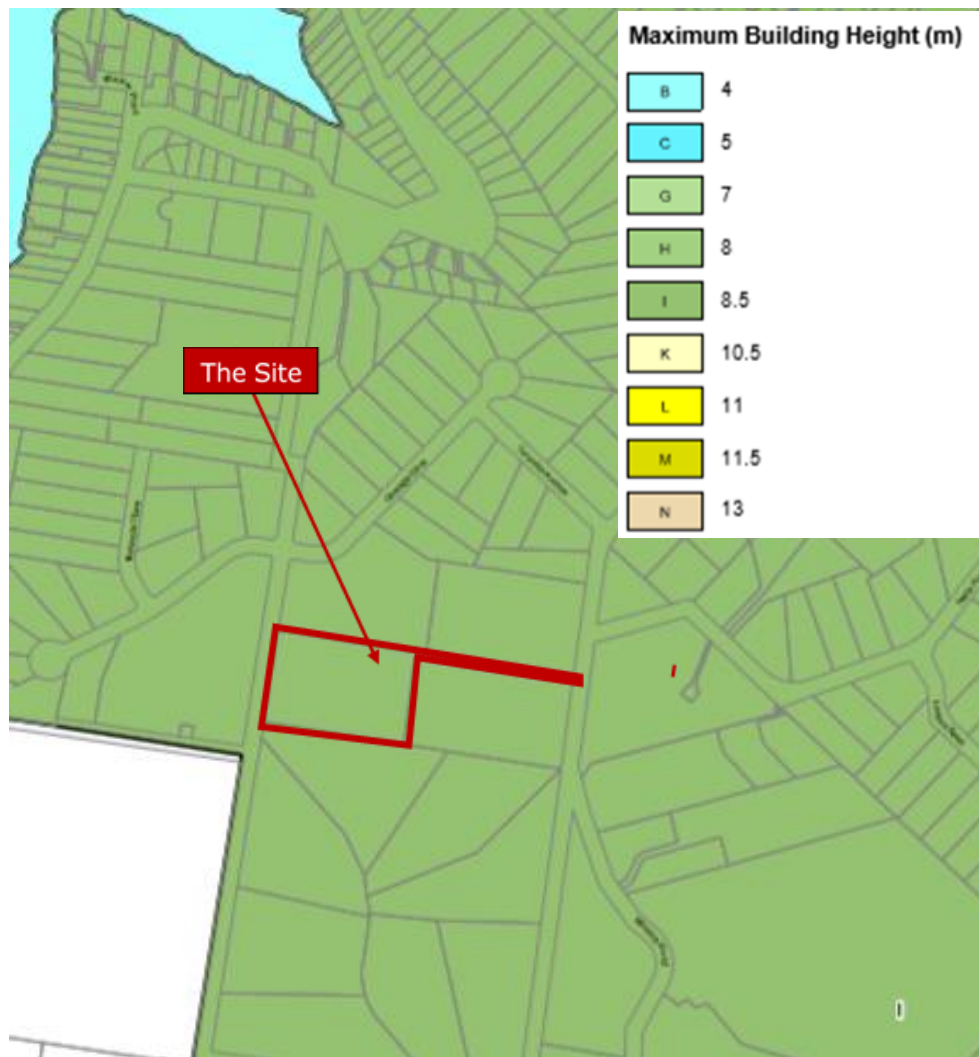
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13 Minkara Road
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ANNEXURE 5

HEIGHT OF BUILDINGS MAP (EXTRACT FROM PLEP)



HEIGHT OF BUILDINGS MAP

Extract from PLEP



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Annexure 5

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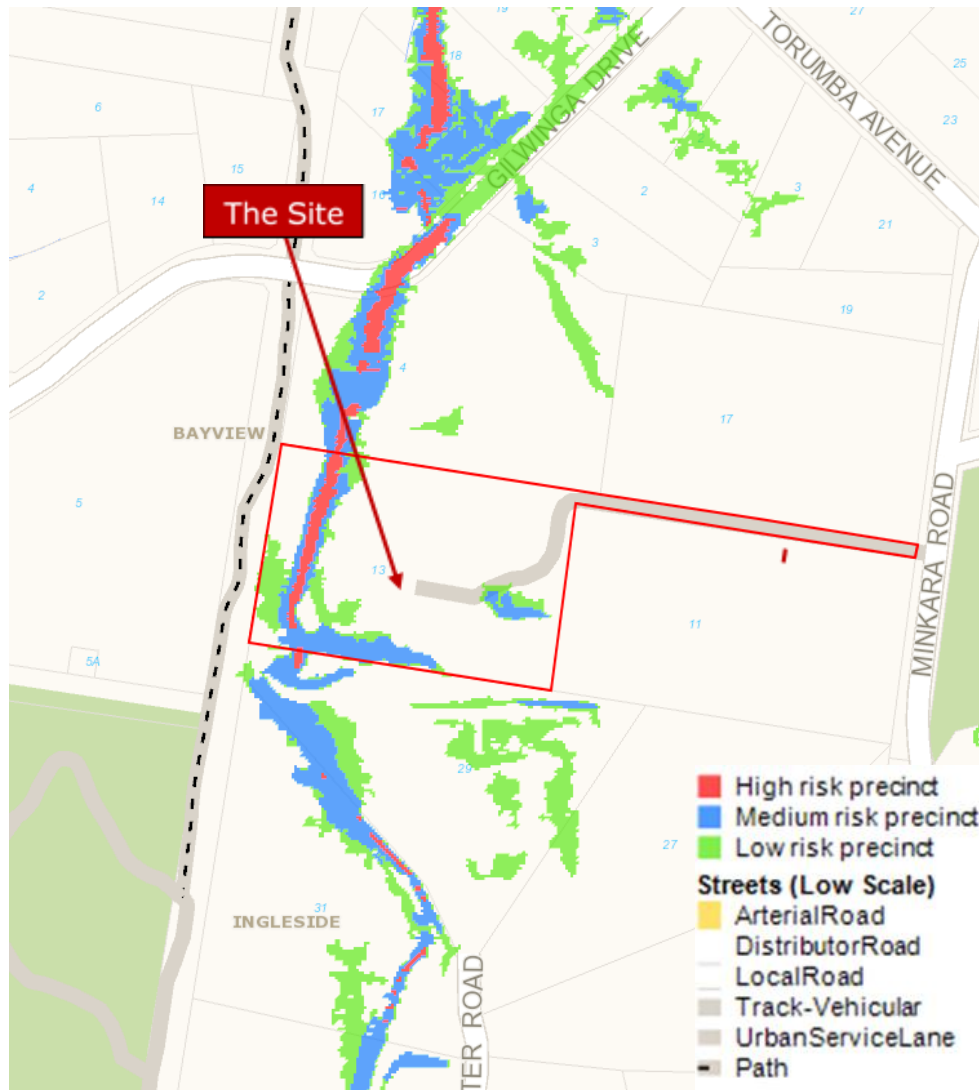
ANNEXURE 6

ACID SULFATE SOILS MAP (EXTRACT FROM PLEP)



ANNEXURE 7

PITTWATER FLOOD RISK PLANNING MAP (EXTRACT FROM PDCP)



PITTWATER FLOOD RISK PLANNING MAP

Extract from PLEP



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Annexure 7

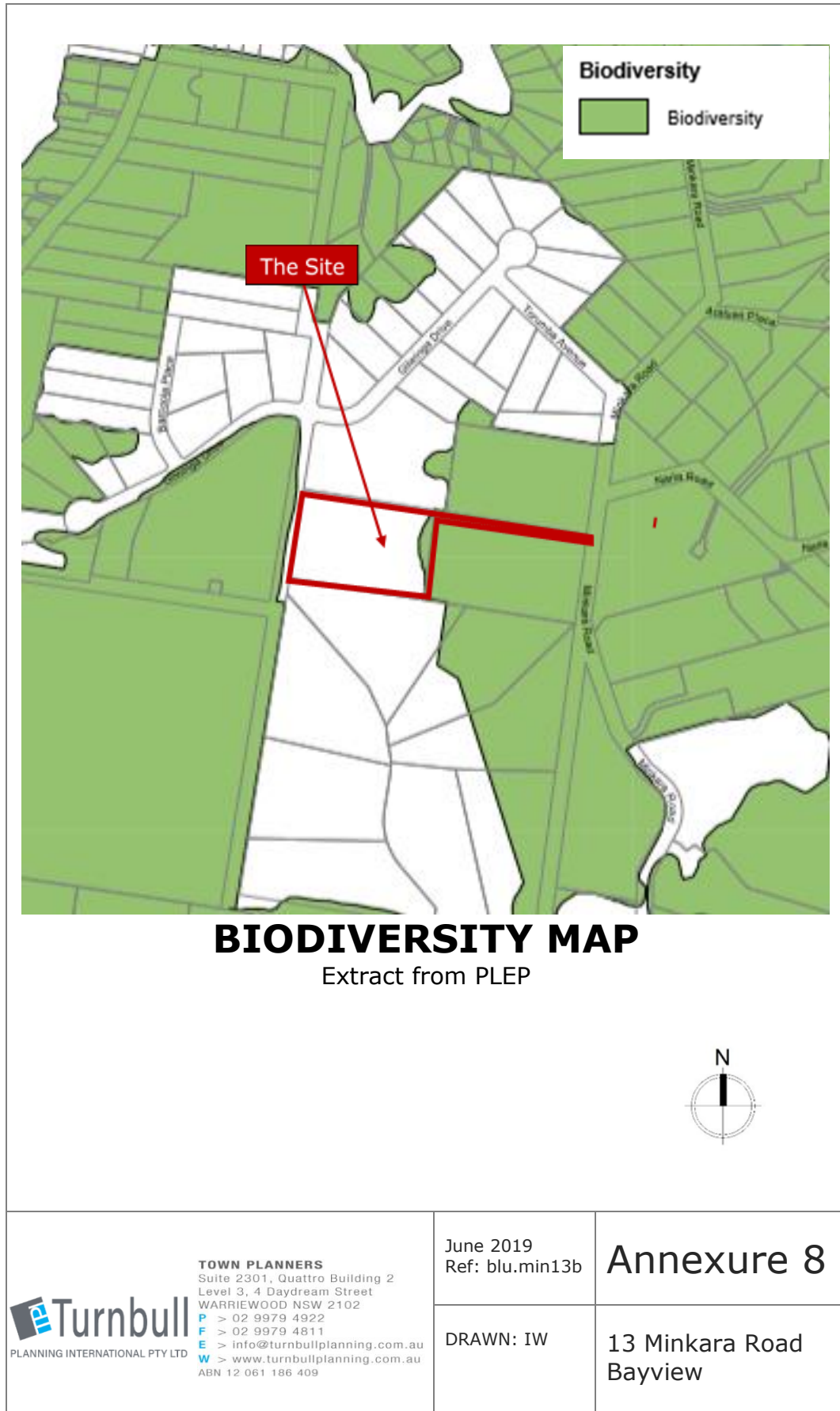
DRAWN: IW

13 Minkara Road
Bayview



ANNEXURE 8

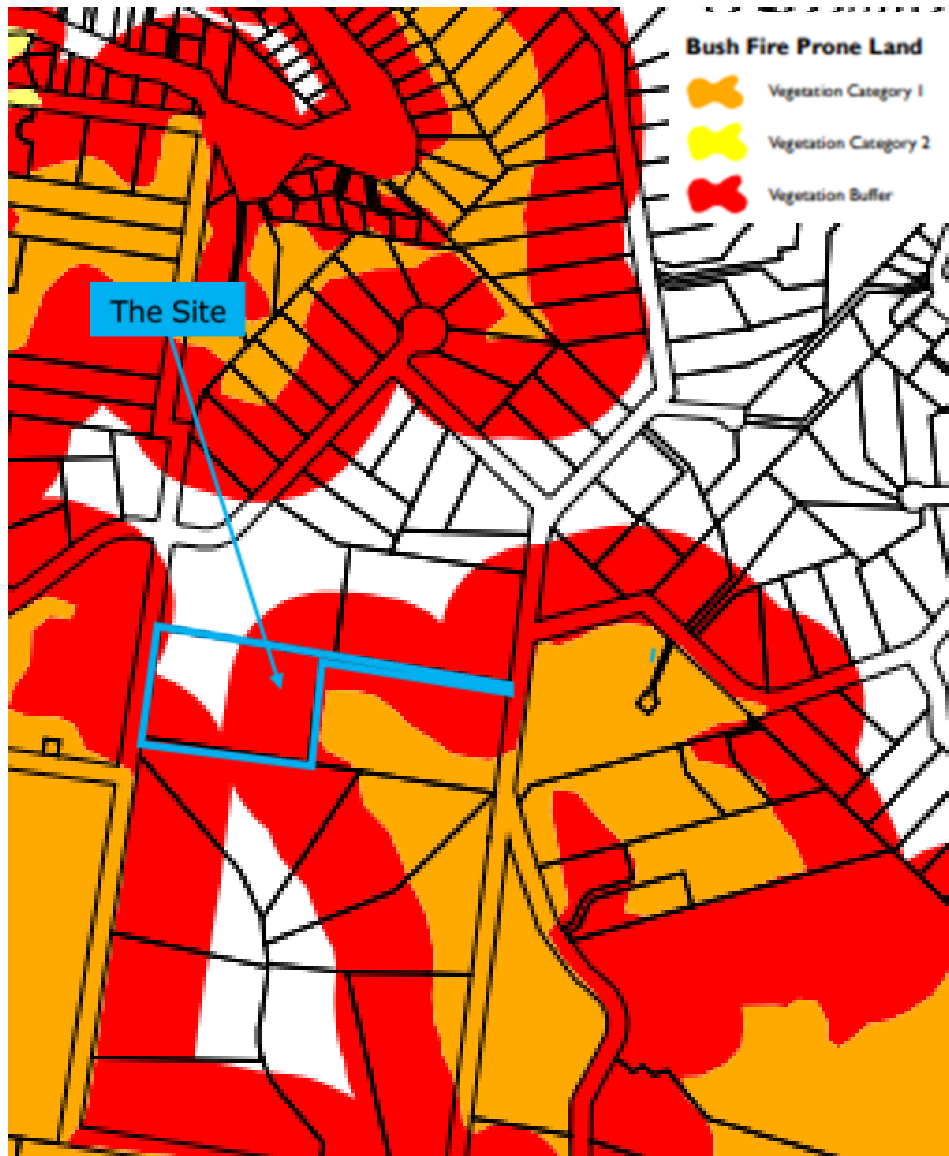
BIODIVERSITY MAP (EXTRACT FROM PLEP)





ANNEXURE 9

BUSH FIRE PRONE LAND MAP (EXTRACT FROM PITTWATER BUSHFIRE LAND MAP 2013)



BUSH FIRE PRONE LAND MAP

Extract from PITTWATER BUSHFIRE LAND MAP 2013



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Annexure 9

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