

NORTHERN BEACHES COUNCIL

STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION FOR DWELLING HOUSE AND ASSOCIATED WORKS

5 BARRINGBAR STREET NORTH BALGOWLAH NSW 2093

Prepared by Platinum Planning Solutions

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SITE DETAILS

Address	5 Burringbar Street North Balgowlah NSW 2093
Lot/Section/Plan	Lot 4 on DP54546
Local Authority	Northern Beaches Council
Local Environmental Plan	Warringah Local Environmental Plan 2011
Development Control Plan	Warringah Development Control Plan 2011
Zone	R2 Low Density Residential
Overlays	Local Aboriginal Land Council (Metropolitan), Height of Building (8.5m), Landslide Risk Land (Area A - Slope <5), Minimum Lot Size (600m ²)

DEVELOPMENT PROPOSAL DETAILS

Proposal Summary	Dwelling house and associated works
Assessment Controls	Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011
Applicant	Metricon Homes Pty Ltd

REVISION DETAILS

Version	1.0
Date	14/05/2020

1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Platinum Planning Solutions on behalf of Metricon Homes Pty Ltd (the applicant) to accompany a development application to Northern Beaches Council over land located at 5 Burringbar Street North Balgowlah (the subject site).

The development application seeks development consent for a dwelling house and associated works as per the attached plans package. This SEE provides the following:

- A description of the subject site and surrounding development;
- Detailed description of the proposed development;
- Assessment of the proposed development in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979;
- Assessment of planning considerations related to the proposed development.

The proposal is seen to be a desirable outcome for the subject site and will not impact on the amenity of the surrounding area. This Statement of Environmental Effects is to be read in conjunction with the attached plans and supporting documents.

2.0 SITE DESCRIPTION AND CONTEXT

2.1 Subject Site

The subject site is located at 5 Burringbar Street North Balgowlah and is formally described as Lot 4 on DP546546. The subject site has an overall site area of 480.6m² and currently contains a dwelling house which is proposed to be demolished under a separate application. The site has a primary frontage to Burringbar Street of approximately 13.26m, with vehicular access to be provided to the subject site and dwelling from a driveway and vehicular crossover proposed to Burringbar Street. The site is part of an existing established residential area with a variety of low to medium rise dwellings. To the rear of the site is dense vegetation and the Burnt Bridge Creek. The location of the subject site is indicated below in Figures 1 and 2.



Figure 1: Subject Site Location



Figure 2: Subject Site Location

3.0 PROPOSED DEVELOPMENT

The proposed development is for a highly articulated double storey dwelling house and associated ancillary works as per the attached plans package.



Figure 3: Illustration of front elevation of proposed dwelling house

4.0 TOWN PLANNING ASSESSMENT

4.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (the Act) is the statutory planning instrument in New South Wales in which Council must use to assess development applications. In determining a development application, Council must take into consideration the following matters under Section 4.15 of the Act:

- a. *the provisions of:*
 - i. *any environmental planning instrument, and*
 - ii. *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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - iii. *any development control plan, and*
 - iv. *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - v. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - vi. *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- b. *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. *the suitability of the site for the development,*
- d. *any submissions made in accordance with this Act or the regulations,*
- e. *the public interest.*

This Statement of Environmental Effects addresses the relevant provisions of the following planning instruments:

- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

A detailed Section 4.15 assessment is provided as part of this overall Statement of Environmental Effects and in Section 4.4 of this report.

4.2 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan 2011 (LEP) is the principle local planning instrument that applies to the site.

4.2.1 Zoning & permissibility

The subject site is zoned as R2 Low Density Residential under the LEP. The objectives of the zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The proposed dwelling house is permissible with consent in the zone. The proposal meets the prescribed intent of the zone and is seen as a desirable outcome for the subject site and will not adversely affect the amenity of the surrounding area.

4.2.2 Height of buildings (Clause 4.3)

The proposed dwelling house has a building height of 7.935m and therefore complies with the allowable maximum building height of 8.5m for the subject site under Clause 4.3 of the LEP.

4.2.3 Floor space ratio (Clause 4.4)

No floor space ratio is prescribed for the subject site, therefore Clause 4.4 is not applicable.

4.2.4 Architectural roof features (Clause 5.6)

Architectural roof features requirements were not adopted under the LEP, therefore Clause 5.6 is not applicable.

4.2.5 Heritage conservation (Clause 5.10)

The site is not identified as a heritage item, and is not located within a heritage conservation area, therefore Clause 5.10 of the LEP is not applicable.

4.2.6 Acid sulfate soils (Clause 6.1)

The subject site is not affected by acid sulfate soils, therefore Clause 6.1 of the LEP is not applicable.

4.2.7 Earthworks (Clause 6.2)

There is a small amount of cut and fill proposed to suite the proposed dwelling house, with the proposed earthworks not having a detrimental impact on the surrounding land. Appropriate measures will be put in place to ensure there will be no negative impacts. The proposed earthworks therefore comply with Clause 6.2 of the LEP.

4.2.9 Flood planning (Clause 6.3)

Refer to attached Flood Study Report.

4.2.10 Development on sloping land (Clause 6.4)

The subject site is identified as Area A (Slope <5) under the Landslip Risk Maps of the LEP. It is to be noted that the proposal has been designed to suite the existing site constraints with a small amount of cut and fill proposed for a suitable building platform. The proposal will have minimal risk in relation to landslides, and will not cause significant detrimental impacts due to stormwater runoff or surface flow conditions. Therefore, the proposal complies with Clause 6.4 of the LEP.

4.3 Warringah Development Control Plan 2011

The Warringah Development Control Plan 2011 (DCP) is the planning instrument that provides comprehensive development controls for the local area. The relevant matters to be considered under the DCP for the proposed development are outlined below.

4.3.1 Built Form Controls (Part B)

Control / Objective	Compliance	Comments
B1 Wall Heights	Complies	There are no walls exceeding 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building.
B2 Number of Storeys	N/A	The subject land is not identified on the DCP Map Number of Storeys, therefore Clause B2 of the DCP is not applicable. Additionally, the proposed dwelling house has a building height of 7.935m and therefore complies with the allowable maximum building height of 8.5m for the subject site under Clause 4.3 of the LEP.
B3 Side Boundary Envelope	Complies with intent – variation requested	The proposed dwelling house is within the building envelope plane presented on Section B3 of the DCP with the exception of the eaves/awnings of the second storey component and a small portion of the building located at the rear of the allotment. The site topography limits the building height plane of 45 degrees at the rear of the allotment resulting in non-compliant parts of the structure, however the building is wholly located within the applicable setbacks for the subject site. The proposed non-compliance will not result in any adverse amenity impacts on adjoining dwellings due to the design of the dwelling house and lot topography. Due to the unique topography of the site, the minor variation is therefore considered appropriate and a good outcome for the subject site.
B4 Site Coverage	N/A	The subject land is not identified on the DCP Map Site Coverage, therefore Clause B4 of the DCP is not applicable.
B5 Side Boundary Setbacks	Complies	The proposed dwelling house complies with the applicable side setbacks of 0.9m and therefore complies with Clause B5 of the DCP.
B6 Merit Assessment of Side Boundary Setbacks	N/A	The subject land is not identified on the DCP Map Side Boundary Setbacks as 'Merit Assessment', therefore Clause B6 of the DCP is not applicable.
B7 Front Boundary Setbacks	Complies with intent – variation requested	The proposed dwelling house is setback from the front boundary at 5.7m and therefore does not comply with the minimum 6.5m front setback requirement of the DCP. The front setback encroachment is proposed in order to enhance buffer in regards to established vegetation at the rear of the allotment, to avoid excessive overland

Control / Objective	Compliance	Comments
		flow encroachment, to enhance the building envelope compliance and to align with adjoining properties front verandas. Additionally, the proposed front setback encroachment is solely for the portico and opened balcony, and the proposed dwelling house has its building line setback at 7.2m from front boundary. Based on the above points, the variation to the DCP control is considered appropriate and should be fully supported.
B8 Merit Assessment of Front Boundary Setbacks	N/A	The subject land is not identified on the DCP Map Front Boundary Setbacks as 'Merit Assessment', therefore Clause B8 of the DCP is not applicable.
B9 Rear Boundary Setbacks	Complies	The proposed dwelling house is setback at approximately 10m from rear boundary and therefore complies with the applicable rear setbacks of 6m as per Clause B9 of the DCP.
B10 Merit Assessment of Rear Boundary Setbacks	N/A	The subject land is not identified on the DCP Map Rear Boundary Setbacks as 'Merit Assessment', therefore Clause B10 of the DCP is not applicable.
B11 Foreshore Building Setback	N/A	The subject land is not identified on the DCP Map Special Setbacks, therefore Clause B11 of the DCP is not applicable.
B12 National Parks Setback	N/A	The subject land is not identified on the DCP Map Special Setbacks, therefore Clause B12 of the DCP is not applicable.
B13 Coastal Cliffs Setback	N/A	The subject land is not in proximity with coastal cliffs, therefore Clause B13 of the DCP is not applicable.
B14 Main Roads Setback	N/A	The subject land is not identified on the DCP Map Main Road Setbacks, therefore Clause B14 of the DCP is not applicable.

4.3.2 Siting Factors (Part C)

Control / Objective	Compliance	Comments
C1 Subdivision	N/A	No subdivision is proposed as part of this development application.
C2 Traffic, Access and Safety	Complies	The access driveway and pedestrian access will be clearly separated and distinguished.
C3 Parking Facilities		Two car parking spaces are provided on site as a tender garage and therefore meet the DCP requirements for a dwelling house on Appendix 1 (Car Parking Requirements). Additionally, the proposed tender garage meets the maximum opening dimension of 6 metres or 50% of the building width.
C3(A) Bicycle Parking and End of Trip Facilities	N/A	Not applicable for a dwelling house.

Control / Objective	Compliance	Comments
C4 Stormwater	Complies	The stormwater collected by the impervious surfaces will be retained via on-site detention measures, on-site absorption measures and by rain water tank, and its excess will be directed to a lawful point of discharge via on-site detention measures and rain water tank. Appropriate measures will be put in place to ensure there will be no negative impacts on environment, on stormwater infrastructure and on adjoining properties in relation to stormwater and associated drainage. Additionally, the adjoining allotment (3 Burringbar Street) has a specific stormwater infrastructure easement which will be used to discharge the stormwater exceedance.
C5 Erosion and Sedimentation	Complies	Appropriate erosion and sedimentation controls will be in place which can be conditioned on the DA as considered appropriate.
C6 Building over or adjacent to Constructed Council Drainage Easements	Complies	The proposed development is adjacent to a public drainage system, and it is to comply with Council's Water Management Policy and Building Over or Adjacent to Constructed Council Drainage Systems and Easements technical specifications.
C7 Excavation and Landfill	Complies	The proposed development embraces the existing site topography, having the building platform settled accordingly with the natural slope on the land. There is a small amount of cut and fill proposed (1m maximum proposed cut and fill) to suite the proposed dwelling house, with the proposed earthworks not having a detrimental impact on the surrounding land. Appropriate measures will be put in place to ensure there will be no negative impacts on adjoining properties in relation to earthworks, stormwater and drainage. Noting the minor amount of earthworks proposed, this is considered appropriate and will not negatively impact any adjoining properties or ecosystems.
C8 Demolition and Construction	Complies	Waste will be managed appropriately as per the Waste Management Plan provided with the application, and compliance with the appropriate waste management procedures and requirements can be conditioned on the DA as considered appropriate.
C9 Waste Management	Complies	Waste will be managed appropriately and compliance with the appropriate waste management procedures and requirements can be conditioned on the DA as considered appropriate.

4.3.3 Design (Part D)

Control / Objective	Compliance	Comments
D1 Landscaped Open Space and Bushland Settings	Complies	The development is to be complimented by landscaping which reflects the scale and form of the development. Additionally, the proposed landscape area is to be greater than 40% of the subject site as per DCP Map Landscaped Open Space and Bushland Setting, and therefore complies with Clause D1 of the DCP.
D2 Private Open Space	Complies	A minimum of 60m ² of private open space is to be provided at ground level, directly accessible from the main living area, with no dimensions less than 5 metres. The proposed private open spaces and principal living areas of the proposed dwelling and adjacent dwellings are protected from direct or unreasonable overlooking by retaining existing vegetation screening, using the slope and appropriate layouts, and other features to improve visual amenity and not affect adjoining dwellings privacy and amenity. Additionally, Solar access to the principal living areas and main private open space of the proposed dwelling will be provided and the proposal will not negatively impact on solar access to the adjoining dwellings.
D3 Noise	Complies	The proposed dwelling house will not have any adverse acoustic impacts and the dwelling has been designed to minimise acoustic impacts on adjoining dwellings.
D4 Electromagnetic Radiation	N/A	Not applicable for the proposed dwelling house.
D6 Access to Sunlight	Complies	The proposed dwelling house is designed in such a way that allows solar access to habitable areas, recreational space and solar collectors on the site and on neighbouring sites. Please refer to the attached shadow diagrams for more details regarding solar access impacts to adjoining properties.
D7 Views	Complies	The proposed dwelling has been designed to allow for the reasonable sharing of views.
D8 Privacy	Complies	The dwelling house has been designed to optimise privacy for occupants of the dwelling house as well as adjoining properties. Direct views from the upper level of the dwelling are minimised to prevent overlooking to the private open space of adjoining dwelling houses by the placement of windows and increased sill heights from finished floor level to windows and future vegetation screening.
D9 Building Bulk	Complies	The proposed dwelling house is of a high quality design with a number of architectural features with

Control / Objective	Compliance	Comments
		are seen to meet the existing streetscape. The proposal is compatible with the built form of the surrounding area in terms of height, bulk and scale.
D10 Building Colors and Materials	Complies	External colours and materials are to be in neutral tones which harmonise with the natural environment and minimises the visual prominence of the development while enhancing the visual quality and identity of the streetscape.
D11 Roofs	Complies	The roof on the proposed dwelling house is of a size and nature expected for a dwelling house. The roof incorporates a number of architectural features and breaks to make it visually interesting. Eaves are provided for shading.
D12 Glare and Reflection	Complies	The proposed materials and colours chosen for the dwelling house will reduce any glare and reflection impacts on the surrounding locality.
D13 Front Fences and Front Walls	N/A	No front fence proposed.
D14 Site Facilities	Complies	The subject site will be provided with suitable areas for the relevant site facilities, with the appropriate screening and landscaping measures implemented.
D15 Side and Rear Fences	Complies	Side and rear boundary fencing will not exceed 1.8 metres in height and will be located on the ground level (existing) of the property boundary, and will not be raised by retaining walls or the like. The fencing will allow for casual surveillance and incorporate the applicable CPTED principles, with the fencing being compatible with the surrounding area.
D16 Swimming Pools and Spa Pools	N/A	No swimming pool or spa proposed.
D17 Tennis Courts	N/A	No tennis court proposed.
D18 Accessibility and Adaptability	Complies	Appropriate access will be provided to the dwelling house.
D19 Site Consolidation in R3 and IN1 Zone	N/A	Not within an R3 or IN1 Zone.
D20 Safety and Security	Complies	The proposed dwelling house and associated works addresses the required and applicable CPTED principles including surveillance, access control, territorial reinforcement and space management.
D21 Provision and Location of Utility Services	Complies	Access to utility services is readily available for the subject site, and they will be located appropriately.
D22 Conservation of Energy and Water	Complies	Appropriate measures will be in place to ensure the conservation of energy and water. Refer to attached BASIX Certificate for further details.
D23 Signs	N/A	N/A no signs proposed.

4.3.4 The Natural Environment (Part E)

Control / Objective	Compliance	Comments
E1 Preservation of Trees or Bushland Vegetation	Complies	Refer to attached Arborist Report.
E2 Prescribed Vegetation	Complies	The subject site consists of Native Vegetation to the rear of the site, however this will not be impacted by the proposed development. Refer to attached Arborist Report.
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	N/A	The subject site is not identified as land known for potential habitat for threatened species
E4 Wildlife Corridors	N/A	The subject site is not identified as being within a Wildlife Corridor.
E5 Native Vegetation	Complies	The rear of the subject site contains native vegetation which will be retained in full. The proposed dwelling house will not adversely affect any native vegetation.
E6 Retaining unique environmental features	Complies	The proposed dwelling house has been designed to complement the environmental character of the surrounding area by retaining bushland at the rear of the allotment adjacent to the Burnt Bridge Creek Reserve.
E7 Development on land adjoin public open spaces	Complies	The subject site adjoins public open space and the proposed dwelling house has been designed to complement the landscape character of the surrounding area. The proposal will not adversely impact on views to and from public open space when taking into consideration the existing built form of the locality and the fact that there has previously been a dwelling house on the subject site.
E8 Waterways and Riparian Lands	N/A	The subject site is not identified as being within Waterways and Riparian Land areas.
E9 Coastline Hazard	N/A	The subject site is not identified as a Coastline Hazard area.
E10 Landslip Risk	Complies	The subject site is identified as Landslide Risk Land – Area A – Slope <5 under the LEP. The proposed dwelling house has been designed to suit the site conditions and topography.
E11 Flood Prone Land	Complies	The rear of the site is affected by Medium Flood Risk and Low Flood Risk. The proposed dwelling house has been sited to be mostly clear of the flood affected area and the portion that is within the flood affected area has been designed to enhance flood capacity on the site. Refer to attached Flood Study Report for further details.

4.4 Section 4.15 Assessment

In determining a development application, the consent authority must take into consideration a number of matters under Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment is shown in the below table:

Evaluation	Assessment
<p>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:</p> <p>a) the provisions of:</p> <ul style="list-style-type: none"> (i) any environmental planning instrument, and (ii) 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 (iii) any development control plan, and (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), <p>that apply to the land to which the development application relates,</p> <p>b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p>	<p>a) The proposal aligns with the relative matters of the LEP and DCP as per the compliance assessment in this Statement of Environmental Effects. The proposal is seen to generally satisfy the objectives of the relative planning controls and is seen as a desirable outcome for the subject site.</p> <p>b) The proposal will not have any negative impacts on any surrounding dwellings as the proposed siting and design of the dwelling house and associated works is seen to be a desirable outcome. Appropriate sedimentation, waste management and noise controls will be in place which can be conditioned on the DA as considered appropriate. The proposal will not adversely impact any significant environmental aspects of the surrounding area and is seen as a desirable outcome from an economic and</p>

Evaluation	Assessment
c) the suitability of the site for the development,	social perspective as part of on-going investment and development.
d) any submissions made in accordance with this Act or the regulations,	c) The site is located within a residential area which is designed for proposals of this nature. The site has access to the appropriate services required and is accessible from the existing road network. The proposal has been designed to suite the site constraints and is seen to meet the objectives of the relevant planning controls.
e) the public interest.	d) As per the DCP requirements, the development application may be placed on public exhibition to invite submissions, and if applicable Council will assess these accordingly.
	e) The proposal is in the public interest as it satisfies the objectives of the relevant planning controls.

4.5 Other Considerations

4.5.1 Amenity

The proposal will not have any negative amenity impacts on the surrounding area or adjoining dwellings as the proposed siting and design of the dwelling house and associated works is seen to be compatible with the built form of the surrounding area in terms of height, bulk and scale.

4.5.2 Sedimentation Control

Appropriate sedimentation controls will be in place which can be conditioned on the DA as considered appropriate.

4.5.3 Noise and Vibration

The proposal is not expected to cause any adverse acoustic impacts and compliance with the acoustic requirements of the DCP and any other relevant acoustic requirements and construction hours can be conditioned on the DA as considered appropriate.

4.5.4 Landscaping

The proposal incorporates landscaping to the subject site and is seen as a desirable outcome.

4.5.5 Social and Environmental Impact

The proposal will not adversely impact any significant environmental aspects of the surrounding area and is seen to be a desirable outcome from an economic and social perspective as part of on-going investment and development.

4.5.6 Waste Management

Waste will be managed appropriately as per the Waste Management Plan provided with the application, and compliance with the appropriate waste management procedures and requirements can be conditioned on the DA as considered appropriate.

4.5.7 BCA Compliance

The proposed works will be capable of complying with the BCA which will be part of a detailed assessment prior to the issue of a Construction Certificate and can be conditioned on the DA as considered appropriate.

5.0 CONCLUSION

This Statement of Environmental Effects has reviewed the proposed dwelling house and associated works to the subject site. It is considered that the proposed works, which are permissible with consent, are appropriate for the subject site. The proposal is not expected to have any adverse impacts on the surrounding natural or built environment. Ultimately the proposal complies with the intent and design objectives of the relevant planning controls and represents ongoing investment in the area. For these reasons it is seen that the proposed development should receive full development consent subject to reasonable and relevant conditions.