

STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and
Additions & New
Secondary Dwelling

19 Burne Avenue,
Dee Why

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Statement of Environmental Effects

New Secondary Dwelling

19 Burne Avenue, Dee Why

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February 2024

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1 Introduction

This Statement has been prepared as part of the documentation associated with a Development Application proposing a new secondary dwelling at 19 Burne Avenue, Dee Why.

The architect has responded to the client brief to provide a site specific design which appropriately acknowledges and responds to the constraints and opportunities associated with the environmental characteristics of the site. The works to the primary dwelling will improve the amenity of the home for the occupants while maintaining appropriate levels of amenity for surrounding neighbours. The proposed secondary dwelling will utilise an unused part of the site to provide additional rental accommodation opportunities in the area.

The unusual part of this application relates to the positioning of the secondary dwelling on the access handle for both No. 17 & 19 Burne Street. No. 21 has its own access handle to Burne Street. The existing circumstance however is that all 3 dwellings utilise the one existing driveway which is not located within the area shown on survey as being the access handle. Where the access handles on survey adjoin Burne Street it is not reasonably able to provide new crossovers and driveways, as shown below:



Image 1: Existing access context

It is understood that there is a right-of-carriageway easement for the existing driveway and for the surveyed access handles. The surveyed access handles are effectively redundant. To create a driveway in the location of the access handles it would require the removal of trees and rock outcrops to facilitate.

In addition to the Statement of Environmental Effects and Architectural Plans prepared by Viva Collectif, the application is also accompanied by the following:

- Survey Plan
- Stormwater Management Plans
- Aboricultural Impact Assessment
- BASIX
- Waste Management Plan
- Geotechnical Report

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

- Environmental Planning and Assessment Act, 1979;
- State Environmental Planning Policy (Housing) 2021;
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan 2011

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed works are compatible with the desired future character and zone objectives for the locality.
- The proposed works will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements

2 Site Analysis

2.1 Site Description and Location

The subject property is known as Lot 2, DP 209386, No. 19 Burne Avenue, Dee Why. The site is a rear lot in a battle-axe subdivision arrangement with access via Burne Avenue. An aerial location is provided below.



Figure 1: Site Location (Source: Six Maps)

The site has a total area of 1035m² with the access handle included. The existing development comprises a single dwelling. It is delimited by 11 Burne Avenue at the South of the site, at East by residential house 17 Burne Avenue, at West by a residential house 26 Burne Avenue, and finally at North by 21 Burne Avenue, Dee Why

The topography of the site rises steeply up from Burne Avenue to the subject site. The topography in the primary dwelling location includes more mildly sloping topography. A geotechnical report is provided.

Significant trees have been identified on the survey with an arborist report providing details of the trees to be removed or protected during construction.

The site is not heritage listed or located within a heritage conservation area or within the vicinity of any heritage items

3 Description of Proposed Development

3.1 Details of the Proposed Development

This application proposes alterations and additions to the existing primary dwelling and a new secondary dwelling. The works are detailed on the architectural plans provided by Romina Rojo Studio and specifically include:

Primary Dwelling Works

Ground Floor:

- New driveway to access new garage. An additional carport is also proposed.
- New dining room, entry porch, WIR and ensuite to BED4 and pantry.
- New deck areas and swimming pool

Mid Ground Floor:

- New games/media room with access to a terrace above the new garage.

First Floor:

- New master suite with WIR, Ensuite with separate W/C. This bedroom will access a terrace.

Secondary Dwelling

The secondary dwelling is proposed to part 2 storey with the main living area on the ground floor and a single bedroom located on the lower ground floor. Terraces areas are proposed at each level with the larger terrace located off the ground floor level.

This application is supported with stormwater management plans, geotechnical report, arborist report and BASIX certificates for both the primary and secondary dwellings.

The arborist report details the trees to be removed or protected during construction.

4 State Environmental Planning Policy (Housing) 2021

4.1 Secondary Dwellings

Part 1 of the Housing SEPP relates to secondary dwellings:

Division 1 - Preliminary

50 – Application of Part

This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.

Response:

The land is zoned R2 Low Density Residential.

Division 2 – Secondary dwellings permitted with consent

52 Development may be carried out with consent

- (1) Development to which this Part applies may be carried out with consent.*
- (2) Development consent must not be granted for development to which this Part applies unless—*
 - (a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and*
 - (b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and*
 - (c) the total floor area of the secondary dwelling is—*
 - (i) no more than 60m², or*
 - (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.*

Response:

The proposed secondary dwelling conforms with the 60m² maximum floor area and will result in the site only having a primary and secondary dwelling.

53 Non-discretionary development standards—the Act, s 4.15

(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—

(a) for a detached secondary dwelling—a minimum site area of 450m²,

(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.

Response:

The site area is 1035m². No reduction in existing levels of off-street parking proposed.

5 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

5.1 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan 2011 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

5.1.1 Zoning and Permissibility

As previously noted the site is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011.

Dwelling Houses are permissible with consent in the zone. The specific objectives of the zone are identified 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 application relates to alterations and additions to the existing dwelling and a new secondary dwelling. Accordingly, there is no statutory impediment to the granting of consent.

5.1.2 Height of Buildings

Pursuant to clause 4.3 WLEP the height of any building on the land shall not exceed 8.5m above existing ground level. The stated objectives of this clause are as follows:

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

The section drawings provided demonstrate consistency with the 8.5m height of buildings development standard with regard to the primary dwelling. The secondary dwelling will site well below the standard. Section of the primary dwelling is provided below:

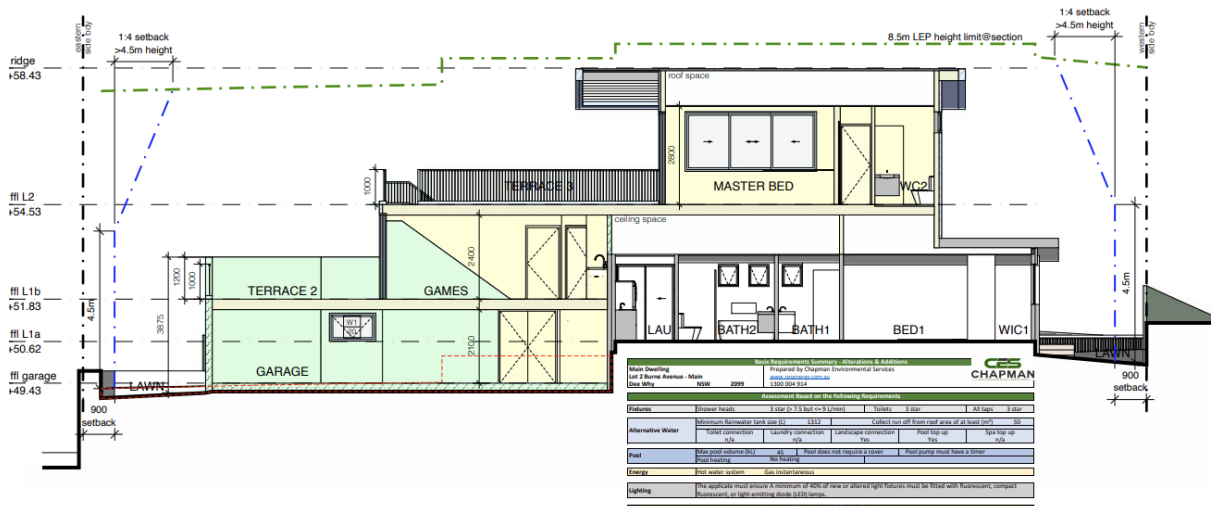


Image 2: Section showing compliance with the 8.5m development standard

5.1.3 Development on sloping land

The site is located within Area B on the landslip risk map. As such, a geotechnical report has been provided with this application. The report concludes that providing the works are carried accordingly with this report, and good engineering and building construction practice on hillside construction is maintained the proposed development is suitable for the site.

5.2 Warringah Development Control Plan 2011

The following relevant DCP controls have been addressed with respect to consideration of the proposed subdivision application.

5.2.1 DCP Compliance Table

A table demonstrating compliance with the relevant provisions of the Warringah DCP 2011 is detailed as follows:

Control	Requirement	Proposed	Compliance
Wall Heights B1	7.2m	<p>Minor non-compliance with the 7.2m wall height however the bulk and the primary dwelling complies.</p> <p>The works represent a highly articulated façade with varying setback and materiality which ensures that the wall facades are broken up which will reduce any visual impacts. The first floor addition is relatively modest in scale. The resultant wall height does not contribute to any unreasonable amenity impacts with regards to views, overshadowing or privacy.</p>	No - minor non-compliance
Side Boundary Setback DCP Control B5	Development is to maintain a 900mm minimum setback from side boundaries. Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	<p>The works to the primary and secondary dwelling are compliant with the 900mm side setback control.</p> <p>There are minor encroachments with regard to the pool deck and swimming pool however does not give rise to</p>	<p>No - to pool deck and swimming pool</p> <p>Complies to dwelling and secondary dwelling</p>

Control	Requirement	Proposed	Compliance
		unreasonable privacy impacts.	
B3 Side Boundary Envelope	Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 4m	<p>The bulk of the dwelling will comply with the control however a small section of the upper level terrace will encroach.</p> <p>The terrace will be an open structure which minimises its visual impact. It is associated with the master suite and will not be the primary entertaining area of the home which will mitigate visual privacy concerns. The site is elevated above the dwellings to the east and will overlook onto the roofs of these homes.</p> <p>The minor non-compliance is considered reasonable in this instance.</p>	No – minor encroachment.
Front Boundary Setback DCP Control B7	Development is to maintain a front setback of 6.5 metres.	Complies to both primary and secondary dwellings.	Yes
Rear Boundary Setback DCP Control B9	Development is to maintain a minimum rear boundary setback of 6 metres.	The irregular geometry of the site and existing location of the primary dwelling constrains the ability to provide reasonable alterations and	No – Variation sought on merit

Control	Requirement	Proposed	Compliance
		<p>additions that can comply with the 6m control.</p> <p>Notwithstanding, the new upper level has been centrally located within the existing ground floor footprint to provide increased setbacks from the rear western boundary. While not in strict accordance, the design has endeavoured to provide a reasonable first floor rear setback while achieving cohesion with the exiting ground floor level.</p> <p>The development will seek to increase the recreational areas of the home and will achieve a compliant level of soft landscaping. Reasonable spatial separation with the adjoining rear dwelling will be achieved to maintain a suitable privacy outcome despite the non-compliance.</p>	
Stormwater DCP Control C4	To ensure the appropriate management of stormwater.	A stormwater management plan is provided with this application.	Yes
Excavation and Landfill	Excavation and landfill works must not result in any adverse impact on adjoining land.	Some minor excavation is required with secondary dwelling and swimming pool. A geotechnical report has been provided in that	Yes

Control	Requirement	Proposed	Compliance
DCP Control C7		regard. The excavation is considered suitable with regard to risk provided the recommendations fo the geotechnical report are followed.	
Demolition & Construction DCP Control C8	A demolition and waste management plan must be satisfactorily completed and submitted.	A waste management plan is provided	Yes
Landscaped Open Space D1	40% of the site.	40% of the site is soft landscaping is provided.	Yes
Access to Sunlight DCP Control D6	<p>Pursuant to these provisions development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing:</p> <p>At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.</p>	<p>Shadow diagrams have been prepared and are submitted with the application documentation.</p> <p>The additional shadows cast by the primary dwelling and secondary dwelling will not result in more than 50% of private open space of adjoining dwellings being overshadowed. The proposed is compliant with this control.</p>	Yes
Privacy	Ensure the siting and design of buildings provides a high level of visual and acoustic	The proposed development will not significantly impact upon the visual and	Yes

Control	Requirement	Proposed	Compliance
DCP Control D8	privacy for occupants and neighbours.	<p>acoustic privacy of adjoining properties.</p> <p>The context of surrounding development results in the subject site being elevated above the dwellings to the east. The secondary dwelling will not have an unreasonable impact on the visual privacy of surrounding dwelling.</p> <p>The alterations and additions to the primary dwelling have been designed to minimise privacy impacts. Larger windows and terraces have been orientated to the east to maximise the view corridor. The dwelling at 17 Burne Ave sits well below the subject site and will largely overlook onto their roof.</p>	
Building Bulk DCP Control D9	<p>Encourage good design and innovative architecture to improve the urban environment.</p> <p>Minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</p>	<p>The design of the primary and secondary dwelling works provides for a height and scale that is comparable to that established in the locality and the vicinity of the site. The proposal has been architecturally designed and utilises a range of materials and finishes which break up the massing.</p> <p>The first floor additions to the primary dwelling is</p>	Yes

Control	Requirement	Proposed	Compliance
		<p>modest in comparison to the footprint of the existing ground floor and will present a highly articulated form.</p> <p>The secondary dwelling works with the topography of the site and will minimise its bulk and scale.</p>	
Building Colours and Materials DCP Control D10	<p>Ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.</p> <p>The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend in to the natural landscape.</p>	<p>The proposed materials and finishes are indicated on the plans.</p> <p>The materials and finishes are consistent with the style of surrounding development.</p>	Yes
Roofs DCP Control D11	<p>Roofs are to be designed to complement the local skyline.</p>	<p>The proposed roof design compliments the local skyline.</p>	Yes
Glare and Reflection DCP Control D12	<p>Ensure that development will not result in overspill or glare from artificial illumination or sun reflection.</p>	<p>The proposed window glazing and roof finishes will not give rise to any unacceptable glare or reflection.</p>	Yes

Control	Requirement	Proposed	Compliance
D16 Swimming Pools and Spa Pools	Pools are not to be located in the front building setback.	The pool is not located within the front setback	Yes
Preservation of Trees or Bushland Vegetation DCP Policy E1	To protect and enhance the urban forest of the Northern Beaches. To effectively manage the risks that come with an established urban forest through professional management of trees.	An arborist report is provided	Yes
E10 Landslip Risk	A preliminary assessment of site conditions prepared in accordance with the Checklist for Council's assessment of site conditions must be carried out for development. The preliminary assessment must be prepared by a suitably qualified geotechnical engineer/ engineering geologist and must be submitted with the development application.	A geotechnical report is provided with this application.	Yes

5.3 State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the proposed alterations and additions and aims to encourage sustainable residential development.

A BASIX Assessment accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

5.4 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended

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 (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any Planning Instrument

The proposed alterations and additions are permissible and consistent with the intent of the Warringah Councils Local Environmental Plan and Development Control Plan as they are reasonably applied to the proposed works given the constraints imposed by the sites location, environmental and topographical constraints.

(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

N/A

(iii) Any development control plan

Warringah DCP applies

(iiia) 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

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(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,

Context and Setting

i. 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*

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. *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*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

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*

No change

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing services can connect to the new secondary dwelling

Flora and Fauna

Arborist report provided

Waste Collection

Normal domestic waste collection

Natural hazards

Geotechnical report provided

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

- i) *Is the development design sensitive to environmental considerations 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*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

- ii) *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 can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

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

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development 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*
- *Are the site attributes conducive to development*

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The proposed works are permissible and consistent with the intent of the LEP and DCP controls as they are reasonably applied to the proposed alterations and additions. The development would not be contrary to the public interest.

6 Conclusion

The proposed works are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposed works. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed works are compatible with the R2 zone and contextually with existing development in the area.
- The proposed works will not have an unreasonable impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is suitable for the proposal, having regard to the relevant land use and planning requirements.
- The secondary dwelling will increase the availability of affordable rental housing in the local area.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.