



Minto Planning Services

Town Planning Consultants

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

**PROPOSED MODIFICATION OF EXISTING CONSENT -
MODIFICATION TO APPROVED DWELLING ALTERATIONS
AND ADDITIONS AND SWIMMING POOL**

323 MCCARRS CREEK ROAD, TERREY HILLS

**On behalf of
Skunsh Pty Ltd atf Mckenna Investment Trust**

14th January 2025

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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Modification of Existing Consent - Modification to Approved Dwelling Alterations and Additions and Swimming Pool

323 McCarrs Creek Road, Terrey Hills

Prepared under instructions from

Archit Project Design



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1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Skunch Pty Ltd atf McKenna Investment Trust. The proposal seeks approval for the modification of the existing consent which was approved via DA2021/2228 so as to seek modifications to the approved dwelling alterations and additions and approved swimming pool upon land identified as Lot 369 and Lot 425 in DP 752017 which is known as 323 McCarrs Creek Road, Terrey Hills.

In consideration of this application reference has been made to:

- *Environmental Planning & Assessment Act 1979, as amended.*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

By way of background, it is advised that DA2021/2228 was approved by the Council on the 31st August 2022. The consent granted approval for *Alterations and additions to a dwelling house including a home office, garage and swimming pool* subject to conditions. A Construction Certificate (CC2022/1391) and Modified Construction Certificate (CC2023/0875) has been issued. It is understood that works associated with the construction of the dwelling alterations and additions have been physically commenced.

This application seeks approval for modifications to the approved dwelling alterations and additions and relocation of the approved swimming pool including ancillary works via a new Development Application.

This application is made consistent with the decision of the Court in *Waverley Council v CM Hairis Architects* (2002) NSWLEC 180 where it was established that a later development consent can “amend” an earlier development consent on the same property without the need for the earlier consent to be the subject of a modification application pursuant to section 4.55 of the Act. This is particularly the case where the subsequent consent does not satisfy the substantially the same test.

There is no statutory or other legal constraint upon the number of development applications that a person can make in respect of the same land. There can be more than one valid and operating consent in existence at any one time and it is possible to undertake works pursuant to more than one consent at a time, per *Waverley Council v CM Hairis Architects*.

Additional information to support this application includes:

- Boundary Identification Survey Plan prepared by Bee & Lethbridge P/L, Ref. No. 22049, Sheet No. 1 of 1, Revision 00 and dated 03/11/2023.
- Architectural Plans including Shadow Study & Perspectives prepared by Archit Project Design, Project No. A22_00167, Drawing No's. A000 to A901, Revision E and dated 6/12/2024.
- Stormwater Plan & Driveway Plans prepared by Hyve Designs, Job No. SC22115, Dwg No's. SW01, DR01, DR02 & DR03, Revision D and dated 05/04/2023.
- Arboricultural Impact Assessment Report prepared by Seasoned Tree Consulting, Revision 001 and dated 13/01/2025
- Bushfire Risk Assessment prepared by Bushfire Planning Services, reference No. 4254, Issue E and dated 06/12/2024.
- Preliminary Geotechnical Assessment prepared by White Geotechnical Group, Ref No. J3871A and dated 9/12/24.
- Existing On-Site Wastewater Management Letter prepared by Wastewater Management and dated 19/01/2022.
- On-Site Wastewater Report prepared by Broadcrest Consulting P/L, Ref No. 3444-WW-A-01 and dated 06/02/2024.
- BASIX Certificate No. A509721_03 and dated 22/10/2024.
- Council Cost Report prepared by Duo Tax Quantity Surveyors, Ref No. CC268150 and dated 27/09/2023.
- Waste Management Plan dated 05/11/2023.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

As a result of that assessment, it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. THE SITE

The subject site currently comprises of two allotments of land identified as Lot 369 and Lot 425 in DP 752017 and which is known as 323 McCarrs Creek Road, Terrey Hills.

The subject site is an irregular shaped allotment. The property is located on the eastern side of McCarrs Creek Road to the north of its intersection with Kanangra Avenue.

The subject site has a frontage width to McCarrs Creek Road of 63.08m and a maximum site depth of 281.835m. The combined site area is 1.232 ha.



Site Location Map

The subject site is a gently sloping allotment having a fall in an easterly direction. It is understood that stormwater is currently disposed of on-site. The proposal provides for stormwater to continue to be dealt with on-site via two separate dispersion trenches located within the southern portion of the site.

The subject site is currently occupied by a single storey rendered dwelling house with metal roof. The existing dwelling is located towards the northern front portion of the allotment. A detached metal shed and carport adjoins the southern side boundary.

Vehicular access to the site is by way of an existing concrete crossing and driveway which provides access to the concrete hardstand area.

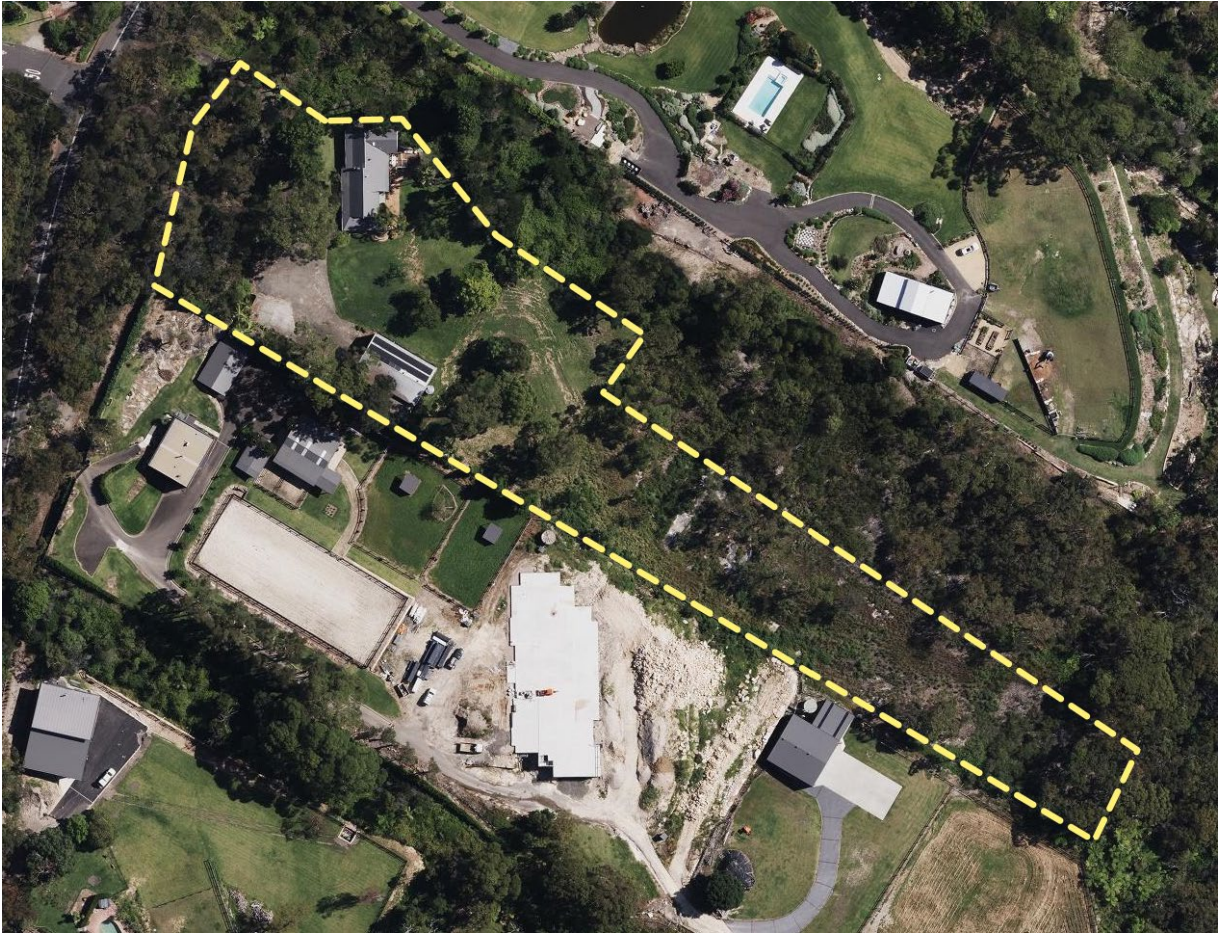
The subject property is not heritage listed and is not considered to have any heritage significance which would be impacted by the proposed development.

An assessment of the site's existing vegetation has been undertaken by Seasoned Tree Consulting and their report forms part of the information accompanying this application. That report recommends that four (4) trees be removed and are identified as T2, T3, T4 and T5. Of the 4 trees to be removed T2 & T4 are exempt species. The report also recommends a minimum of 2 replacement native trees.

Based upon their assessment it is not considered that the proposal will result in any unreasonable tree impacts.



The subject property as viewed from the street



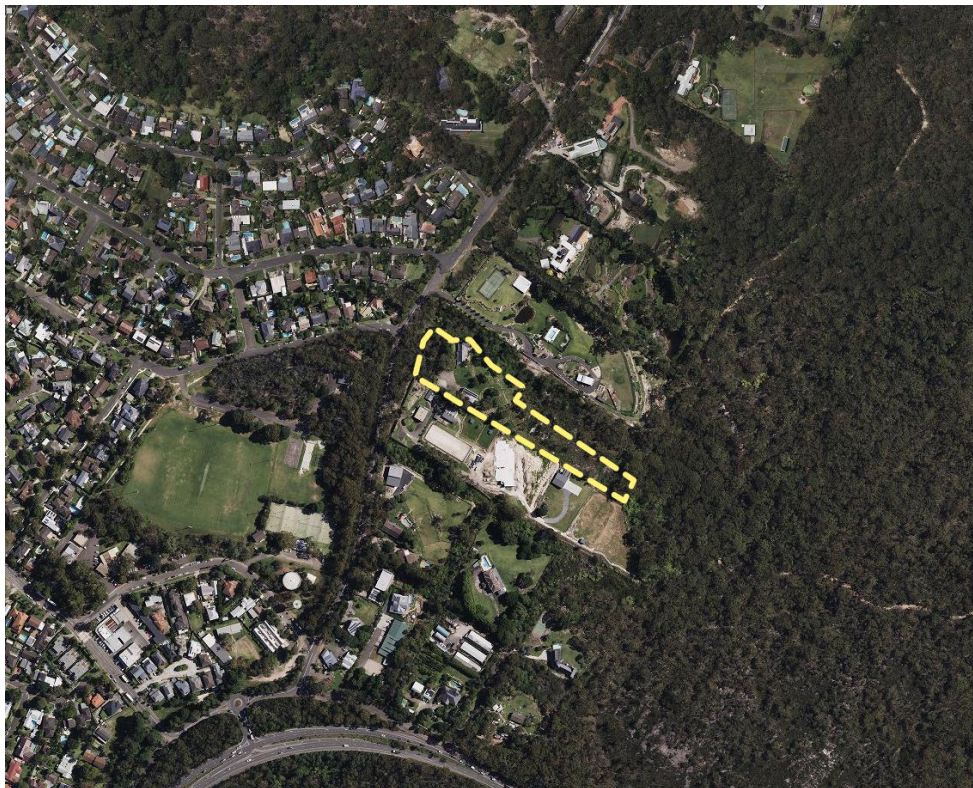
An aerial view of the subject site

3. THE SURROUNDING ENVIRONMENT

The area surrounding the subject site is largely rural residential in character and supports a variety of housing styles and sizes erected on allotments which are generally consistent in size with the subject site.

Nearby residential development typically comprises of single dwelling development comprising of original and modern dwelling houses many of which contain ancillary development such as horse arenas, swimming pools, tennis courts and outbuildings.

The sites relationship with its surrounding properties is depicted in the following aerial photograph.



An aerial view of the subject and adjoining properties

There are no other features of the locality which it is considered are relevant to this assessment.

4. THE PROPOSAL

The proposal seeks approval for the modification of the existing consent which was approved via DA2021/2228 so as to seek modifications to the approved dwelling alterations and additions and approved swimming pool upon land identified as Lot 369 and Lot 425 in DP 752017 which is known as 323 McCarrs Creek Road, Terrey Hills.

By way of background, it is advised that DA2021/2228 was approved by the Council on the 31st August 2022. The consent granted approval for *Alterations and additions to a dwelling house including a home office, garage and swimming pool* subject to conditions. A Construction Certificate (CC2022/1391) and Modified Construction Certificate (CC2023/0875) have been issued. It is understood that works associated with the construction of the dwelling alterations and additions have been physically commenced.

This application relates to the dwelling house and swimming pool component of the approved development and seeks approval for modifications to the remaining approved dwelling alterations and additions and relocation of the approved swimming pool.

The following elements have previously been constructed as per DA2021/2228:

1. Bay Window replaced with FZ compliant box windows
2. Decks constructed to FZ compliance.
3. Ensuite as per approval.
4. Powder room as per approval.
5. Kitchen as per approval.
6. Laundry as per approval.
7. Bathroom as per approval.
8. New doors and gable roof as per approval.
9. Existing verandah removed and replaced with aluminium pergola.

The existing machinery shed is to be retained and with works to be constructed as previously approved.

The proposed modifications will continue to result in a two storey addition to the southern portion of the existing dwelling.

The proposed two storey addition is to be of a combination of masonry construction and painted weatherboard, painted render and sandstone cladding and includes a colourbond metal roof and large structural chimneys.

The proposed additions are provided with a 20.819m setback to the southern side and 17.14m to the northern boundary.

The dwelling following completion of the proposed works will comprise:

| | |
|---------------------|--|
| Ground Floor | Entry, two bedrooms with WIR and ensuites, study, two lounge areas, kitchen, scullery, bar, two living areas, two dining areas, laundry, powder room, lift & stairs, gallery, study, hall, pool wet bar, pool bathroom, storage and double garage. |
| First Floor | Lift & stairs, three bedrooms with WIR and ensuites, study and mezzanine sunroom. |

An alfresco area with outdoor BBQ and sink and adjoining level lawn (croquet green) is to be provided to the rear portion of the addition. A proposed new aluminum pergola is to be provided over the existing rear upper deck to the dwelling.

The proposal does not result in any changes to the existing vehicular access and hardstand area forward of the dwelling.

The proposal seeks approval for the relocation of the approved swimming pool and includes associated pool surrounds.

The swimming pool is provided with a 7.651m setback measured to the northern boundary.

The proposed swimming pool has a maximum capacity of 57.57 KL and therefore the provisions of BASIX apply.

An isolation pool fence will be provided around the pool in accordance with the Swimming Pools Act 1992.

The proposal also seeks approval for minor ancillary works including a proposed mechanical services area to the rear of the existing metal shed and removal of four (4) trees as per the accompanying arboricultural report to facilitate the level lawn (croquet green).

The proposal has also been designed so as to comply with the requirements of BASIX. In this regard an assessment of the proposal against the requirements of BASIX has been undertaken and the resultant BASIX Certification forms part of the information accompanying this application.

A detailed plan for the disposal of stormwater has been prepared by Hyve Designs and forms part of the accompanying documentation. The proposal provides for stormwater to be dealt with on-site via two separate dispersal trenches located within the southern portion of the site.

There are no other modifications proposed to the existing consent by this application.

5. ZONING AND DEVELOPMENT CONTROLS

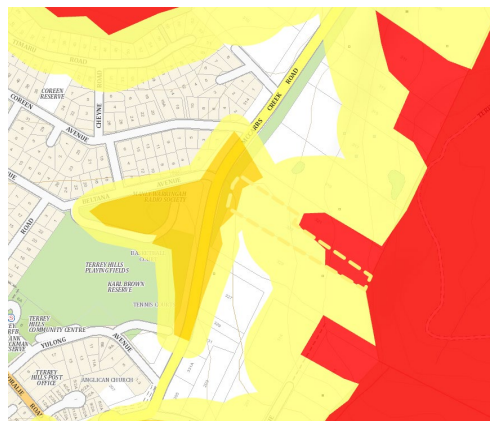
The proposed development is identified as development permissible with the consent of Council under the provisions of the Environmental Planning and Assessment Act 1979 and the Warringah Local Environmental Plan 2011.

The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Northern Beaches Council.

5.1 Planning for Bushfire Protection

The subject site is identified as comprising bushfire prone land on Council's Bushfire Prone Lands Map.

Therefore, the provisions of Planning for Bushfire Protection do apply to the subject site.



Extract from Council Bushfire Prone Land Map

A Bushfire Risk Assessment has been prepared in support of the proposal by Bush Fire Planning Services and their report forms part of the information accompanying this application.

That report within its conclusion states that:

Based on the above report and with the implementation of the recommendation contained within this report the consent authority should determine that this development can comply with the requirements of AS 3959-2018 and 'Planning for Bushfire Protection' guidelines.

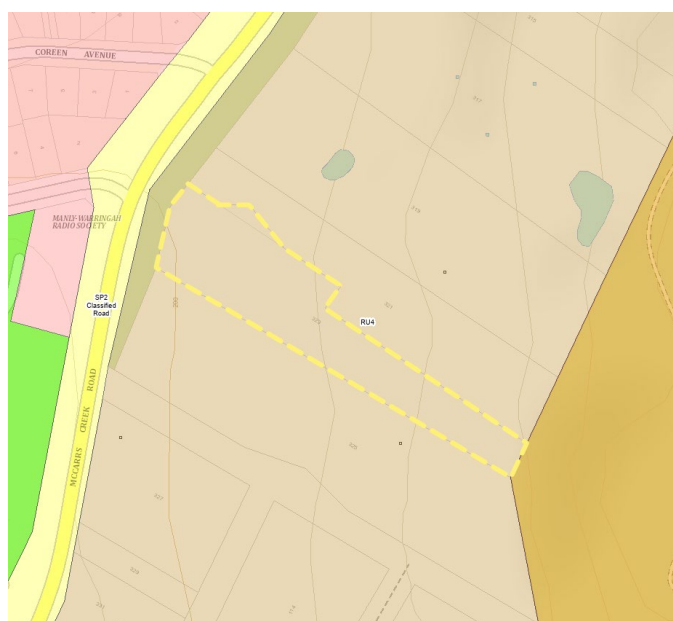
On this basis the proposal is considered to provide for an appropriate response to the issue of bushfire safety.

5.2 Warringah Local Environmental Plan 2011

The subject land is zoned RU4 - Primary Production Small Lots under the provisions of the Warringah Local Environmental Plan 2011.

The objectives for development within the RU4 zone are:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland.*
- *To maintain and enhance the natural landscape including landform and vegetation.*
- *To ensure low intensity of land use other than land uses that are primary industry enterprises.*
- *To maintain the rural and scenic character of the land.*



Extract from Council Zoning Map

Under the RU4 - Primary Production Small Lots zone a range of uses including that of a *dwelling house* is permissible with the consent of the Council.

The proposal which seeks approval for the modification of the existing consent which was approved via DA2021/2228 so as to seek modifications to the approved dwelling alterations and additions and swimming pool upon the site is considered to be consistent with the above objectives and is development permissible with the consent of the Council.

The following provisions of the Warringah Local Environmental Plan 2011 are considered to be applicable to the subject site.

Clause 4.3 - Height of Buildings

The subject site is located within Building Height Area “I” and is therefore subject to a maximum building height control of 8.5m.

The proposal as detailed on the accompanying plans has a maximum building of 8.485m which complies with this requirement.

The proposal is therefore considered to satisfy the requirements of Clause 4.3 of the LEP.



Extract of Council Height of Buildings Map

Clause 4.4 - Floor Space Ratio

There is no FSR control applicable to the subject site.

Clause 5.10 - Heritage Conservation

The subject site is not identified as comprising a heritage item and is not considered to have any heritage significance which would prevent the subject application.

The site is not located within a Heritage Conservation Area and does not adjoin any identified heritage items.

Clause 6.2 - Earthworks

The proposed works involve earthworks necessary for the excavation of a swimming pool and associated works. It is considered that the extent of earthworks is minimal and is unlikely to cause disruption to the natural harmony of the site. It is my opinion that the proposal satisfies the objective of this clause.

Clause 6.4 - Development on sloping land

The subject site is located within landslip risk areas 'A' & 'B'. In response to this classification a Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group. That report states:

The proposed development and site conditions were considered and applied to the Council Flow Chart. Provided good engineering and building practice are followed, no further Geotechnical assessment is recommended for the proposed development.

Therefore, it is considered that the requirements of this clause of the LEP have been satisfied.

Summary

There are no other provisions of the Warringah LEP which it is considered are relevant to the proposal.

It is my opinion based upon this assessment that the proposal is compliant with the aims, objectives and the prescriptive requirements of the Warringah LEP and is therefore permissible upon the subject site with the consent of the Council.

5.3 Warringah Development Control Plan

Council's Development Control Plan applies to all forms of development with Part D being applicable to residential development and in particular dwelling houses and ancillary structures.

An assessment of the proposal against the applicable provisions of the DCP has been undertaken and the following comments are made.

Part B - Built Form Controls

The following is an assessment of the applicable prescriptive requirements of the DCP as they apply to the proposal.

| Control | Requirement | Proposal | Compliance |
|--|---|---|------------|
| B1 - Wall Height | <ul style="list-style-type: none"> Maximum of 7.2m measured to the underside of the ceiling | <ul style="list-style-type: none"> Refer to Plans - Approximately 5.765m | Yes |
| B5 - Side Boundary Setbacks | <ul style="list-style-type: none"> 10m | <ul style="list-style-type: none"> North - 17.14m South - 20.819m | Yes |
| B7 - Front Boundary Setbacks | <ul style="list-style-type: none"> 20m | <ul style="list-style-type: none"> No change and exceeds 20m. | Yes |
| B9 - Rear Boundary Setbacks | <ul style="list-style-type: none"> 10m | <ul style="list-style-type: none"> Exceeds 10m. | Yes |
| D1 - Landscaped Open Space/ Bushland Setting | <ul style="list-style-type: none"> Minimum of 30% of site area | <ul style="list-style-type: none"> 83.3% | Yes |
| D2 - Private Open Space | <ul style="list-style-type: none"> A minimum of 60m² Minimum dimension of 5m | <ul style="list-style-type: none"> > 60m² | Yes |

The following is an assessment of the proposal against the performance based provisions of the DCP.

Part C - Siting Factors

C3 - Parking Facilities

The proposal requires a total of 2 spaces to be provided on-site. The proposal provides for 2 spaces within the proposed garage and 1 space within the attached carport which satisfy the minimum requirements of the DCP.

The proposal is therefore considered to satisfy this element of the DCP.

C4 - Stormwater

A detailed plan for the disposal of stormwater has been prepared by Hyve Designs and forms part of the accompanying documentation. The proposal provides for stormwater to be dealt with on-site via two separate dispersal trenches located within the southern portion of the site.

C8 - Demolition and Construction

A Waste Management Plan has been prepared for the site and forms part of the information accompanying this application and includes the proposed demolition and construction phases.

The proposal is therefore considered to satisfy this element of the DCP.

C9 - Waste Management

A Waste Management Plan has been prepared for the site and forms part of the information accompanying this application.

In addition to the above, it is considered that sufficient space is provided upon the site for the storage of the required waste containers in a location forward of the building line.

The proposal is therefore considered to satisfy this element of the DCP.

Part D - Design

D6 - Access to Sunlight

Shadow diagrams have been prepared in support of the proposal. Those diagrams indicate that the proposal will not result in any additional overshadowing of the adjoining properties. It is considered that the adjoining properties will continue to receive solar access in excess of the minimum requirements of the Council.

D7 - Views

It is not considered that the proposal will impact the views of adjoining properties.

D8 - Privacy

The objectives of this section of the DCP is to appropriately locate the siting and design of buildings to provide reasonable visual and acoustic privacy for residents and their neighbours and to ensure the rights to privacy are balanced with the public benefit of maintaining the streetscape character.

The proposal will not result in any privacy issues due to generous setbacks and orientation of the proposed additions.

It is considered that the proposal will not impact upon the privacy of adjoining properties.

D9 - Building Bulk

The proposal is considered to comply with the building bulk requirements prescribed in Council's DCP for the following reasons:

1. The dwelling is setback in excess of 20m from the front boundary and is screened from view from the road.
2. The proposed envelope is relatively consistent with the approved alterations and additions.
3. The proposed alterations and additions are sited within Council's height and setback controls.

It is not considered that the proposal will have a bulky appearance when viewed from the public domain.

D10 - Building Colours and Materials

The plans prepared by Archit Project Design include a proposed materials schedule. It is considered that the proposed colours and materials will minimise the visual impact of the development and complement the existing dwelling.

D11 - Roofs

The proposal includes new pitched metal roof structures to the proposed dwelling addition.

It is considered that the proposal satisfies the objectives and requirements of this section of the DCP and will not result in any adverse impacts on the surrounding streetscape or locality.

D14 - Site Facilities

The proposal will result in an outcome whereby the subject site continues to provide for suitable site facilities in accordance with the requirements of the Council.

D16 - Swimming Pools

The proposal seeks approval for the relocation of the approved swimming pool and includes associated pool surrounds.

The swimming pool is provided with a 7.651m setback measured to the northern boundary.

The proposed swimming pool has a maximum capacity of 57.57 KL and therefore the provisions of BASIX apply.

An isolation pool fence will be provided around the pool in accordance with the Swimming Pools Act 1992.

An assessment of the site's existing vegetation has been undertaken by Seasoned Tree Consulting and their report forms part of the information accompanying this application. On the basis of that report, it is not considered that the proposed relocated swimming pool will result in any unreasonable tree impacts.

Part E - The Natural Environment

E1 - Preservation of Trees or Bushland Vegetation

An assessment of the site's existing vegetation has been undertaken by Seasoned Tree Consulting and their report forms part of the information accompanying this application. That report recommends that four (4) trees be removed and are identified as T2, T3, T4 and T5. Of the 4 trees to be removed T2 & T4 are exempt species. The report also recommends a minimum of 2 replacement native trees.

Based upon their assessment it is not considered that the proposal will result in any unreasonable tree impacts.

E10 - Landslip Risk

The subject site is located within landslip risk areas 'A' & 'B'. In response to this classification a Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group. That report states:

The proposed development and site conditions were considered and applied to the Council Flow Chart. Provided good engineering and building practice are followed, no further Geotechnical assessment is recommended for the proposed development.

It is therefore considered that the requirements of this section of the DCP have been satisfied.

Conclusion

The proposal is considered to achieve appropriate compliance with the aims and objectives of the Warringah Development Control Plan and is therefore worthy of the support of the Council.

6. SECTION 4.15(1) ASSESSMENT

Environmental Planning Instruments - Section 4.15(1)(a)

The subject site is zoned RU4 - Primary Production Small Lots under the provisions of the Warringah Local Environmental Plan 2011. The proposed modification of the existing consent which was approved via DA2021/2228 so as to seek modifications to the approved dwelling alterations and additions and approved swimming pool is permissible with the consent of Council. The proposal has been assessed against the objectives and provisions of both the Warringah LEP & DCP as detailed within this report. The proposal was found to satisfy the requirements of both policy documents.

Impacts of the Development - Section 4.15(1)(b)

It is not considered that the proposal will result in any unreasonable detrimental impacts upon the amenity of the adjoining properties or upon the character of the surrounding area.

The proposed alterations and additions to the existing dwelling are considered to be of a design which is in keeping with the character of the surrounding area and the desired future characteristics identified for this locality.

Suitability of the Site - Section 4.15(1)(c)

The subject site is zoned RU4 - Primary Production Small Lots under the Warringah Local Environmental Plan. The proposed modification of the existing consent which was approved via DA2021/2228 so as to seek modifications to the approved dwelling alterations and additions and approved swimming pool having a height less than 8.5m is permissible with the consent of Council.

The subject site currently comprises a single dwelling and is thus considered suitable for the proposed development.

Alterations and additions to the existing dwelling were approved via DA2021/2228 and in the absence of any unreasonable detrimental impact is thus considered suitable for the proposed development.

7. CONCLUSION

The proposed development is identified as development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and the Warringah LEP and has been assessed against the requirements of Section 4.15(1) of the Act, the Warringah LEP and DCP.

It is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives as well as the prescriptive requirements of the above planning controls. It is considered that the proposal will not impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is therefore considered that the proposed modification of the existing consent which was approved via DA2021/2228 so as to seek modifications to the approved dwelling alterations and additions and approved swimming pool upon property at 323 McCarrs Creek Road, Terrey Hills is worthy of the support of Council.



Andrew Minto
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MINTO PLANNING SERVICES PTY LTD
14th January 2025