

# Statement of Environmental Effects

Dual Occupancy Development  
7 Nailon Place  
Mona Vale

## EVOLUTION PLANNING



April 2019



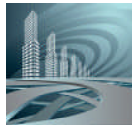


Dual Occupancy Development  
7 Nailon Place  
Mona Vale

**Prepared for:**

Mr. Baxter

April 2019



**REPORT PREPARED BY EVOLUTION PLANNING:**

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# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Evolution Planning, on behalf of Mr. and Mrs. Baxter, the owners of the subject site, 7 Nailon Place, Mona Vale, to accompany a Development Application (DA), for the adaptive reuse of the existing dwelling for the purposes of a dual occupancy (attached) development.

The proposed development does not constitute *integrated or designated development* under the Environmental Planning and Assessment Act 1979, (the Act) and is assessed in this SEE under s.4.15.

The preparation of this DA has relied upon the input of a range of specialists and the SEE should be read in conjunction with the accompanying documents as referred to throughout this report:

- View Thru Architects – Project Management; Architectural Drawings; Shadow Diagrams, Site Analysis; BASIX; Waste Management
- Concept Stormwater Management Plan – Istruct;
- Land Survey; Draft Plan of Strata Subdivision – TTS;
- Quantity Surveying – Construction Consultants;
- BCA – Private Certifiers Australia;
- Flood Risk Management – Wilson Consulting Engineers.

## 1.1 Background

A pre-DA lodgement meeting was held with Council staff on 14 June 2018 (PLM2018/0126).

Summarised feedback received from Council staff and our initial response to that feedback is provided below.

Pre DA Minutes	Response
<b>Issues Raised</b>	
Flood Affected.	Flood Management Report provided.
DCP Dual Occupancy – rear single storey	Minutes note that despite technical non-compliance that this is considered to be acceptable since no significant changes are proposed to the existing built form.  We add that given the two-storey element is located where the site has a width in excess of 16.5m the proposal complies with the guideline.
DCP 60% landscaping front	Minutes acknowledge the difficulty of complying with this guideline given the existing parking arrangements to be retained; the narrow width of the site at the front; and, that landscaping at the front should be enhanced where possible.  Landscaping at the front has been enhanced by provided landscaping strips along the side boundaries at the front in place of existing hard cover areas.



<b>LEP</b>	
Permissible development	Noted
Min. lot size dual occupancies 800sq.m	800.7sq.m  We note that when the Pre-DA concept was issued with Council, the information available to us was that site area was below 800sq.m and therefore Council advised that a Clause 4.6 variation request would be required.  Subsequent to a detailed survey being carried the site area exceeds 800sq.m.
Height 8.5m	7.41m
<b>DCP</b>	
Mona Vale Locality	Noted, addressed below
Parking – SEE to address shortfall of one space	Noted, addressed below
Solar Access – ensure adequate solar access is available to second dual occupancy unit	Compliance achieved and addressed below.
Visual privacy – privacy between the two dwellings should be maximised noting the concept scheme had an upper level bedroom of the main dwelling overlooking private open space of the new dwelling	Window deleted
Private Open Space – although compliant with the 80sq.m guideline, Unit 1 has significantly more open space than Unit 2	The proposed quantity of open space to Unit 2 is considered to be commensurate with the floor area of the dwelling as compared to Unit 1 and will receive good amenity levels in terms of privacy and solar access.
Dual Occ. Controls – lack of 1.5m landscaped strip adjacent to driveways and distribution of storeys	1.3m wide landscaped strips have been introduced and the distribution of form is acceptable given that no significant changes are proposed.
Extension to garage will increase bulk and should be effectively screened	The existing double garage is technically non-compliant in terms of the circulation requirements under the DCP. Additional opportunities for landscaping have been provided at the front.
BCA	Report provided and is discussed below.
<b>Conclusion</b>	
The proposal is acceptable and may be supported, subject to the changes recommended above and confirmation	Noted.



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that the outcomes of the associated controls are achieved.	
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## 2 Site

The site, legally described as Lot 7 in DP241720, has an area of 800.7sq.m and presently accommodates a split level one and two storey dwelling. The site is irregularly shaped and has a street frontage of 10m in the form of an arc.

The existing dwelling has two parking spaces available in a double garage and one in a car port at the front of the site. Private open space areas comprise a courtyard on the eastern side boundary and a rear garden area including an elevated deck and a swimming pool.

Refer to the location plan; aerial site plan, existing site/floor plan and photographs below.



Figure 1: Location Plan



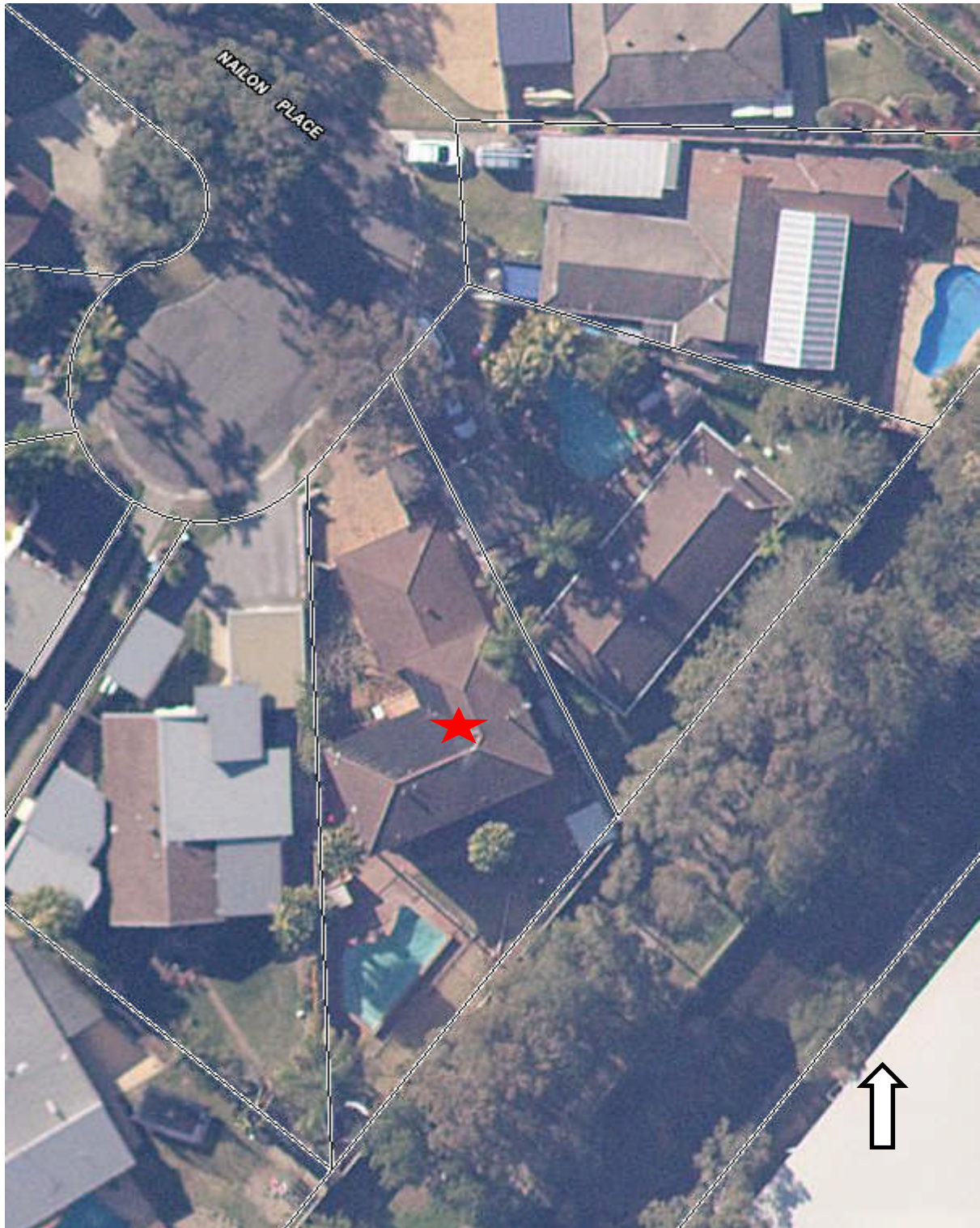


Figure 2: Aerial Site Plan

Development in the vicinity of the site comprises other low-density residential development with a drainage reserve to the east and industrial land beyond.

The site is not affected by land acquisition or bushfire, nor is it a heritage item; located in a Conservation Area or in the vicinity of a heritage item.

The site is flood affected and identified as being Class 2 Acid Sulphate Soils.





Figure 3: Street view



Figure 4: Rear elevation



Figure 4: Existing Site Plan



### 3 Proposal

The proposed development is for adaptive re-use of the existing single dwelling to an attached dual occupancy development, involving alterations and additions to the existing dwelling, and the strata subdivision of the development.

The proposal involves internal alterations, minor additions and the creation of a new entry to create an additional dwelling at the ground floor eastern side of the existing building. The upper level will remain part of the existing dwelling and will sit above the rear of the new dwelling.



Figure 5: Extract proposed site plan





### Main Dwelling

- Internal reconfiguration to create a 4 bed room dwelling;
- Widening existing garage, and related modifications to the roof, to achieve compliance with circulation requirements under DCP for a double garage;
- Addition in proximity to existing entry and creation of a new entry in similar location;
- Addition to front of existing dwelling;
- Replacement of existing terrace at rear a new roof over;
- New WC and outdoor shower within western setback;
- Reconfiguration of existing upper level bedroom, kitchen and dining area at the front of the dwelling to create a master bedroom with new terrace area with a northerly aspect across the garage roof to include a hardwood privacy screens along the eastern terrace edge;
- Relocation of internal stair.

### New Dwelling

- Internal reconfiguration to create a 3 bed room (2 bed room plus study) dwelling;
- New entry off side, eastern side;
- New area of private open space at the rear with convenient access off of main living area;
- New patio area at rear (uncovered)

### Strata Subdivision

The DA includes the strata subdivision of the development and a Draft Plan of Strata Subdivision is provided, an extract of which is provided below.

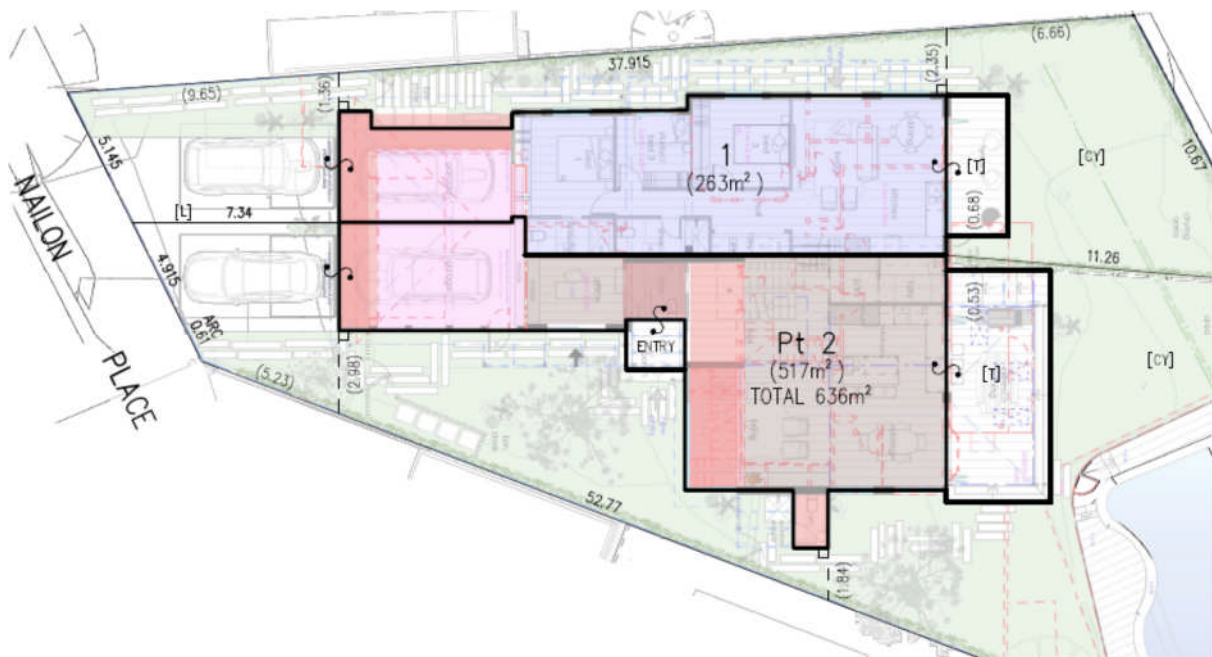


Figure 6: Extract plan of strata subdivision (ground level)



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### Materials

The DA is accompanied by a perspective indicating the proposed schedule of finishes and materials.

Works include the replacement of the roof tiles and the rendering and painting of the building in a light tone.

Refer to the accompanying drawings prepared by View Thru Architects for details of the proposed development for which development consent is sought.



## 4 Statutory Assessment

### 4.1 Environmental Planning and Assessment Act 1979

This application is made pursuant to s.4.12 of the *NSW Environmental Planning and Assessment Act 1979*, (the Act), and is assessed under s.4.15.

The proposed development does not constitute *designated development* or *integrated development*.

The following environmental planning instruments, DCPs and policies are relevant to this assessment:

- *Pittwater Local Environmental Plan (LEP) 2014*;
- *Pittwater Development Control Plan (DCP) 2014*;
- *State Environmental Planning Policy - BASIX*.
- *State Environmental Planning Policy 55 – Remediation of Land*.

### 4.2 Pittwater Local Environmental Plan 2014

#### 4.2.1 Land Use

##### Permissibility

The site is zoned R2 Low Density Residential under the LEP. Refer to the extract of the zoning map below.

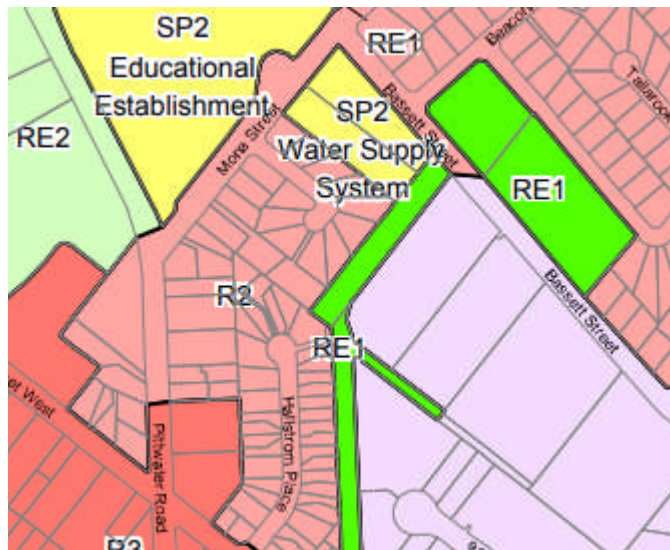


Figure 7: Zoning extract

The proposed development is best described as a “*dual occupancy (attached)*” development defined in the LEP as:

“2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.”

“*Dual occupancy (attached)*” is a type of development which is permitted with consent in the R2 zone.

##### Zone Objectives

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 provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses”.*

The proposed development is considered to be consistent with the zone objectives as it provides for the housing needs of the community in a low-density environment.

#### 4.2.2 Minimum Lot Size – Dual Occupancy Development

Under Clause 4.1B, a development standard related to the minimum lot size for dual occupancy development of 800sq.m applies to the site.

With an area of 800.7sq.m, the proposed development complies with the standard.

#### 4.2.3 Height

Under Clause 4.3, a development standard related to height of 8.5m applies to the site. With a maximum height of 7.41m, the proposed development complies with the standard.

No change to the maximum height of the building is proposed.

#### 4.2.4 Acid Sulphate Soils

The site is identified as Class 2 Acid Sulphate Soils.

Due to the absence of significant groundworks, a specialist report has not been provided in this respect and was not required by Council in the Pre-DA advice.

#### 4.2.5 Flooding

The Pre-DA advice received from Council's engineer provides that:

*“The rear of the property, just inside the fence line, is affected by a 1% AEP flood level of 2.03m AHD. The applicable freeboard is 0.3m, so the Flood Planning Level at the rear of the property would be 2.33m AHD. This flooding is associated with a flow path running from south-west to north-east in the channel outside the rear of the property.*

[It is noted that no structures are proposed in this location]

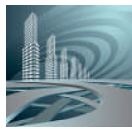
*Separate to this, there is also some flooding in the Nailon Place roadway, with a 1% AEP flood level of 1.86m AHD and a Flood Planning Level of 2.16m AHD.*

*The proposed development includes the enclosing of the courtyard and extension of the garage. From the ALS, the ground level of both of these areas appears to be just above the relevant Flood Planning Level, which would mean no reduction of storage below the 1% AEP flood level.”*

A Flood Management Report, prepared by Wilson Consulting, accompanies the DA, which concludes that:

*“The hydraulic analysis of the overland flow path shows minor inundation of the 100yr ARI water surface into the proposed development site at the rear.*

*There is no increase in 100 ARI flow heights due to the development.*



*Flood evacuation with safe passage to the first-floor area of each duplex is possible in the PMF storm."*

The proposed development satisfies the related provisions of the LEP.

#### 4.3 State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment. The policy requires the consent authority, when considering a development application, to take into consideration whether land is contaminated, and if so, that the land is suitable for the proposed development, either in its current state, or subject to remediation.

The site is considered to be suited to the proposed development given the historic residential use of the site; that no change of use is proposed; and, that no significant groundworks are proposed.

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

In accordance with s.50 of the Environmental Planning and Assessment Regulation 2000, a BASIX Certificate accompanies the DA.

#### 4.5 Pittwater Development Control Plan 2014

The relevant provisions of the DCP are addressed in the Table below.

##### 4.5.1 Part C1 – Low Density Residential Development

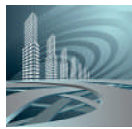
The relevant provisions under this Part are addressed below:


Pittwater DCP Part	PROPOSAL	Compliance
Locality Statement – Mona Vale	<p>As relevant to the subject site and proposed development, the locality statement provides the following:</p> <p><i>"Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development.</i></p> <p><i>Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and</i></p>	✓



	<p><i>minimise site disturbance. Development will be designed to be safe from hazards.</i></p> <p><i>A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.”</i></p> <p>The proposed development is considered to be consistent with the locality statement for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ The proposal retains the low-density character of the area, being a permitted form of development in the low-density zone;</li> <li>▪ The proposal retains the two-storey form and, except for some minor additions, the existing envelope of the current dwelling;</li> <li>▪ The landscaping setting of the site has been improved, where possible, by the provision of landscaped strips along the driveway edges at the front of the site;</li> <li>▪ The proposed dual occupancy development is appropriately located within the valley floor;</li> <li>▪ No significant impacts will be introduced on the natural environment as a result of the proposed development.</li> </ul>	
Flood Prone Land	Refer to LEP discussion above.	✓
Parking – 4 spaces required	<p>Two formal spaces are provided within the garage.</p> <p>The DCP allows for a reduction in parking as follows:</p> <p><i>“A reduction in the car parking requirements for a secondary dwelling or dual occupancy to a minimum of 2 spaces per allotment may be considered on merit”</i></p> <p>The proposed provision of parking is considered to be satisfactory since adequate space is available in front of the garage to allow for tandem parking for each dwelling.</p>	Satisfactory
Double garage – Internal dimensions 5.7m x 6.0m	The existing garage has internal dimensions of 5.26m x 5.52m. Alterations to the existing garage now achieve compliance with the DCP.	✓
Solar Access	<p>The proposed development does not include any alterations which will increase shadowing onto neighbouring properties.</p> <p>The proposed dwellings will both receive solar access in accordance with the DCP due to the north-east orientation of the windows to the main living space to the new dwelling and</p>	✓





	<p>the north-west orientation to the main living space of the main dwelling.</p> <p>Despite the principal areas of private open space being to the south of the existing building, over 50% of both spaces will receive in excess of 3 hours direct solar access at mid-winter.</p> <p>Refer to the accompanying shadow diagrams.</p>	
Privacy	<p>No adverse privacy impacts are introduced as a result of the proposed development.</p> <p>The private open space to the new dwelling is not directly overlooked by the main dwelling and as shown on the extract from the east elevation below, the windows at first floor level are raised above floor height and the balcony at the front has been treated with a privacy screen.</p>  <p>Figure 8: Extract east elevation</p>	✓
Private Open Space – 80sq.m.	<p>Each unit has been allocated a minimum of 80sq.m of private open space and satisfies this guideline.</p> <p>Council has suggested that the amount of open space allocated to the new dwelling is significantly less than the main dwelling and some means of reducing the disparity should be investigated.</p> <p>The proposed quantity of open space to Unit 2 is considered to be commensurate with the floor area of the dwelling as compared to Unit 1 and will receive good amenity levels in terms of privacy and solar access, in accordance with the DCP.</p>	✓
Single storey at rear	<p>The guideline requires the rear dwelling of a dual occupancy to be a single storey where the width of the site is less than 16.5m.</p> <p>The subject site varies in width across the existing building footprint from approximately 12m to 21m.</p> <p>Given the existing dwelling is single storey at the front and two storey at the rear, and the portion of the site that contains the two storey element of the existing dwelling is greater in width than 16.5m the proposal is considered to comply with this guideline.</p> <p>Furthermore, no significant changes are proposed to the existing built form.</p>	✓



FSR 0.4:1	0.31:1	✓
Landscaping 60% at front	<p>Due to existing parking arrangements and the very narrow site frontage it is not possible to comply with this guideline.</p> <p>However, landscaping has been increased by providing landscaped strips along the edges of the driveway which is the only feasible means of achieving better compliance with this guideline.</p>	Satisfactory
Landscaped strip next to driveways adjacent to neighbouring dwellings	This guideline is not considered to apply since the driveway is not adjacent to neighbouring dwellings. However, every effort has been made to improve the landscaping outcome, in this case by provided landscaped strips along the edges of the driveway with a minimum width of 1.3m.	N/A
Front Building Line – 6.5m	<p>The proposal will reduce the front setback in front of the garage by ~1.1m. The reason for the reduction is to achieve compliance with the DCP in terms of the internal dimensions of the garage.</p> <p>Given the existing presence of the garage at the front of the site and the proposed degree in change to the setback, it is considered that the proposal is not somehow now inconsistent with the outcomes of the guidelines and Council is in a position to vary the guideline, specifically in this case (and specified in the DCP) for “<i>narrow or irregular shaped blocks</i>”.</p> <p>The decrease in setback has been somewhat balanced by the introduction of landscaping along the boundaries in front of the garage.</p>	Satisfactory
Side/Rear – 2.5m one side/1m other; 6.5m rear	<p>No significant changes are proposed to the existing development in terms of the side and rear setbacks, except for the widening of the garage at the eastern side and the provision of a WC associated with an external shower on the western side, both of which are considered to be acceptable in terms of the outcomes of the guideline.</p> <p>The new rear terrace areas are setback in excess of 6.5m from the rear boundary.</p>	✓
Building Envelope – 3.5m/45 degrees	Complies	✓
Landscaped Area 50%	<p>Existing – 23%</p> <p>Proposed – 50.7%</p>	✓

The proposed development is considered to satisfy the related provisions of Pittwater DCP 2014, except for strict compliance with the quantum of landscaping to be provided in the front setback; the front building line; and, the quantity of parking provided on-site.





In the circumstances of this site with a very narrow street frontage and given the proposal brings the existing garage into compliance in terms of its internal dimensions, the proposal is considered to be acceptable in these respects.

## 4.6 Draft Planning Instruments

To our knowledge, at the time of the preparation of this SEE, there are no draft planning instruments which have been publicly exhibited, in accordance with the Act, which would affect the assessment of this matter.

## 4.7 Likely impacts of the proposed development

The proposed development is not considered to impose any significant adverse impacts on the natural or built environments.

## 4.8 Suitability of the site

The site continues to be suited to its residential purpose, despite the intensification in use and the flooding affectation.

## 4.9 Regulations

### 4.9.1 Building Code of Australia

The DA is accompanied by a BCA Compliance Audit Report.

Given the proposal involves one dwelling, or specifically, part of the main dwelling being above the other, the BCA classification of the proposed development is Class 2 rather than 1a, and has been assessed as such.

The BCA Report concludes that:

*“PCA have formed the view that the proposed dual occupancy can readily achieve the DtS provisions of required Type C construction related to a Class 2 structure with a RIS of two (2) with each SOU having its own direct access to road or open space.”*

### 4.10 Consultation

Any submissions received are required to be considered under s.4.15 of the Environmental Planning and Assessment Act 1979. Evolution Planning will be happy to respond to any submissions as required.

### 4.11 Public Interest

The proposed development is considered to be firmly in the public interest as it satisfies the objectives of the zone without the introduction of significant adverse impacts on neighbouring properties.



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## 5 Conclusion

The proposed development has been assessed against the relevant heads of consideration under s.4.15 of the Act as being satisfactory.

The principal environmental planning instrument related to this assessment is *Pittwater Local Environmental Plan 2014*, the related provisions of which the development fully satisfies.

The proposal also complies with the guidelines contained under *Pittwater DCP 2014*, except for strict satisfaction with the guidelines related to the quantum of landscaping to be provided in the front setback; the front building line; and, the quantity of parking provided on-site. In the circumstances of this site with a very narrow street frontage and given the proposal brings the existing garage into compliance in terms of its internal dimensions, the proposal is considered to be acceptable in these respects.

No significant adverse impacts will be introduced on the natural or built environments as a result of the proposal and it is therefore recommended that, subject to the imposition of appropriate conditions imposed in accordance with Act, that development consent be granted.