

STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 811 DP 856433
1 Daisy Street
North Balgowlah

PROPOSED DEVELOPMENT: Construction of a carport, pool and alterations and additions to an existing deck



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INTRODUCTION

This Statement of Environmental Effects is submitted to Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the construction of a carport, pool, deck and driveway. This report is based on plans prepared by Right Angle Design & Drafting, Job No. RADD24057, dated October 2024.

The subject site is located on the corner of Daisy Street and Myrtle Street and is mostly rectangular in shape. The allotment has a primary frontage of 15.83m, a secondary street frontage of 25.125m and a total land area of 475.1m². The site currently contains a single dwelling which are to be retained as part of the proposed development.

No trees are required to be removed in order to site the proposed development. Additional landscaping will also occur following construction to further enhance the landscape character of the area and ensure that the landscape character of the area is maintained. The site has a moderate fall to the rear and all necessary services are available to the site. Drainage from the development is to be directed to an approved system in accordance with the Concept Drainage Plan attached to this application.

The site is within an established residential area that predominately consists of one and two storey dwellings. It is noted that recent developments within the area have been constructed of a contemporary design, establishing a changing dwelling character for the area. The subject site does not contain a heritage item and is not located within proximity of such items.

The following sections of this statement address the likely impact of the proposal.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed works include:

- Construction of new driveway and cross over and demolish existing driveway
- Construction of carport and storage
- Construction of swimming pool and spa and associated paving
- Extend existing deck and roof at the rear
- Replace existing decking boards at the rear
- Demolish existing garage and shed



LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

(a)(i) Relevant environmental planning instruments

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 – Standards for non-residential development

State Environmental Planning Policy (Sustainable Buildings) 2022 requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development has been assessed in accordance with the relevant provisions of the Sustainable Buildings SEPP. It is demonstrated on the BASIX Certificate submitted with this application that the proposal achieves the required rating for energy efficiency, water efficiency and thermal comfort.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

The aims of this chapter of the policy are understood to relate to the protection of the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural area through preservation of trees and other vegetation.

The proposed development will retain all trees on site and additional planting post development can occur.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*



- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is within an existing area historically utilised for residential purposes. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Part 2.3 Development controls

Division 15 Railways

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

Section 2.98 Development adjacent to rail corridors

- (1) This section applies to development on land that is in or adjacent to a rail corridor, if the development—*
- (a) is likely to have an adverse effect on rail safety, or*
 - (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - (c) involves the use of a crane in air space above any rail corridor, or*
 - (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.



Division 17 Roads & Traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

Section 2.119 Development with frontage to classified road

(1) *The objectives of this section are—*

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site is not located within proximity to a classified road, and does not have a frontage or common boundary with the classified roadway. No further assessment is anticipated in this regard.

Warringah Local Environmental Plan 2011

The LEP is divided into several Part and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

Part 2 Permitted and prohibited development

Clause 2.2. Zoning of land to which this plan applies



The subject site is zoned R2 Low Density Residential pursuant to Clause 2.2 of *Warringah Local Environmental Plan 2011*.

The proposed development is ancillary development to the existing dwelling on the allotment. A "dwelling house" is defined as "a building containing only one dwelling".

The identified zone permits the construction of a 'dwelling house' therefore ancillary development is permitted subject to development consent from Council.

Clause 2.3 Zone objectives and land use table

The objectives of the R2 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 development can satisfy the objectives of the zone as it complements the existing residential setting. Residential amenity can be maintained by the proposed development as the site is within an existing residential area intended for this form of development.

The proposed development is compatible with the existing and future character of the locality. The development is designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site.

The siting of the dwelling house is in the most appropriate location, which minimises disturbance and follows a similar development density evident throughout the area.

The proposed dwelling is considered to meet the objectives of the R2 Zone.



Part 4 Principal development standards

Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
8.5m ridge height.	No change to existing dwelling. Two storey dwelling <8.5m	Yes

Clause 4.4 Floor space ratio

The proposed development is not subject to maximum floor space ratio controls.

Clause 4.6 Exceptions to Development Standards

The proposed development does not contravene the development standards of the LEP.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to Local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or located within close proximity to heritage items.

Clause 5.11 Bush fire hazard reduction

The subject site is not identified as bushfire prone land on Council's maps.

Clause 5.21 Flood planning

The subject site is not known to be located within a flood planning area.



Part 6 Additional local provisions

Clause 6.1 Acid Sulfate Soils

The subject property is not identified as being affected by Acid Sulfate Soils.

Clause 6.2 Earthworks

Ground disturbance is required to provide a level platform to site the proposed dwelling. The extent of earthworks is not considered excessive for the site due to the topography of the allotment and design proposed to reduce site disturbance outside of the dwelling footprint. All earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties.

Clause 6.4 Development on sloping land

The subject site is identified as Area B on the Landslip Risk Map. A geotechnical report has been provided as part of this development application.

* * *

Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy the objectives of all the relevant development standards relating to dwelling houses as contained within WLEP 2011.

(a)(ii) Relevant draft environmental planning instruments

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.



(a)(iii) Relevant development control plans

Warringah Development Control Plan 2011

Part B Built Form Controls

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>B1 – Wall heights</u> Max. wall height 7.2m existing ground to upper ceiling.	No change to existing dwelling Proposed carport 3.417m Proposed deck roof extension max. height 3.397m	Yes
<u>B2 - Number of Storeys</u> Max. no. storeys shown on DCP No. Storeys map.	No change to existing number of storeys.	Yes
<u>B3 - Side Boundary Envelope</u> Side boundary envelope 45° & 5m from existing ground as per the DCP Map Encroachment of the fascia, gutters, eaves permitted.	No change to existing dwelling and proposed carport and deck to be constructed wholly within boundary envelope as illustrated on elevation plans	Yes
<u>B4 - Site Coverage</u> Site coverage as per Site Coverage Map	N/A – site not mapped.	N/A
<u>B5 – Side Boundary Setbacks</u> As per DCP Side Boundary Setbacks map: - 0.9m. Land Zoned R2: All development – Ancillary to a dwelling house – consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with this side setback.	No proposed change to existing dwelling Proposed carport to be provided with min. 0.914m setback	Yes Yes
<u>B6 - Merit Assessment of Side Boundary Setbacks</u> For sites shown on map.	N/A	N/A
<u>B7 – Front Boundary Setbacks</u>		

[illegible]



<u>B12 - National Parks Setback</u> As per the map - 20m	N/A	N/A
<u>B13 - Coastal Cliffs Setback</u> As per map.	N/A	N/A
<u>B14 - Main Roads Setback</u> As per map.	N/A	N/A

Variation Request

Front Setback – Council's DCP requires a 6.5m front boundary setback area that is generally free of any structures, basements, carparking or site facilities other than driveways, letterboxes, garbage storage areas and fence. The proposed carport sits forward of the front setback with a setback of 3.475m therefore requiring a variation to this control.

It is understood that the setback controls are designed to ensure that the proposed development is compatible with the surrounding development whilst minimising the impact on the adjoining developments.

The proposed encroachment into the front setback is to an open structure with no proposed change to the existing setback to the existing dwelling ensuring no additional bulk to the front elevation. Due to the open nature of the proposed carport and landscape works the non-compliance is not anticipated to result in any detrimental impact on the area by way of landscape or streetscape character.

Despite the required variation it is anticipated that the proposed carport sitting will have no greater impact than that of a compliant proposal and will be able to meet the objectives of the clause. Therefore, a variation to the carport setback requirement is considered to be appropriate for the subject site and should be supported in this instance.

Part C Siting factors

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>C1 Subdivision</u>	N/A – no subdivision proposed	N/A
<u>C2 – Traffic, Access and Safety</u>		Yes



Suitable vehicular access from a public road.	Proposed driveway to be located in a similar location to the existing, utilising the existing vehicle crossing and is therefore considered to allow safe access to proposed carport.	Yes
Vehicle crossing construction and design is to be in accordance with Council's Minor works specification	Capable of complying	
<u>C3 – Parking Facilities</u> Garage/carport integrated into house design.	Proposed detached carport located directly adjacent to dwelling and has taken into consideration the design and style of the existing dwelling through the use of gables, similar colours and finishes.	Yes
Laneways to provide rear access where possible.	N/A – no laneway access to subject site	N/A
Where garages and carports face the street, to be <6 metres or 50% of the building width, whichever is the lesser.	Proposed carport 3.772m width	Yes
<u>C4 – Stormwater</u> Suitable stormwater system for each site.	Stormwater to be directed to an approved drainage collection system in accordance with the stormwater drainage plans attached to this application.	Yes
<u>C7 – Excavation and Landfill</u> Cut and fill not to impact neighbours.	<1m fill <1m cut Proposed minimal ground disturbance to site the pool, spa and decking with no impact neighbours.	Yes



Clean fill only.	Capable of complying	Yes
<u>C8 Demolition and Construction</u> All development that is, or includes, demolition and/or construction must be accompanied by a Waste Management Plan.	Waste management plan has been provided	Yes
<u>C9 Waste Management</u> Waste Management Plan to be provided.	Provided.	Yes
Bin storage area to be allocated.	Main adequate area available on site out of public view.	Yes

Part D Design

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>D1 – Landscape Open Space and Bushland Setting</u> Landscaped open space as per map soft landscape with min 2m width. Subject site = 40%	37% / 176.2m ²	No – see below
<u>D2 – Private Open Space</u> POS area = 1-2 bedrooms – 35m ² min 3m width. 3+ bedrooms – 60m² min 5m width. Direct access from living area. POS located behind building line. Maximise solar access & privacy.	N/A 88m ² provided at the rear Provided POS area provided in rear yard. Suitable solar access and privacy provided due to setbacks, landscaping, orientation of site and sun movement throughout the day.	N/A Yes Yes Yes Yes
<u>D3 Noise</u>	All works will be carried out during hours specified within the development consent.	Yes



	Proposed pool filter to be located within soundproof enclosure under existing deck.	
<u>D6 – Access to Sunlight</u> Consider solar access & ventilation in siting of dwelling. 3hrs sunlight to 50%POS and glazed areas to living rooms between 9am & 3pm.	No change to existing dwelling, Generous side and rear setbacks retained provided ensure that solar access and ventilation will not be impacted by the proposed development. Proposed and adjoining POS and living areas to maintain appropriate level of solar access due to orientation of site, pool location and generous boundary setbacks.	Yes Yes
<u>D7 – Views</u> View sharing to be considered.	No loss of views is anticipated.	Yes
<u>D8 – Privacy</u> Maintain privacy to adjoining properties.	Proposed development includes fencing to provide privacy for residents to use private open space.	Yes
<u>D9 – Building Bulk</u> Avoid large areas of continuous wall planes.	No change to existing dwelling Proposed carport is open feature.	Yes
<u>D10 – Building Colours and Materials</u> Colours finishes to blend with natural setting.	No change to existing dwelling building colours and materials.	N/A
<u>D11 – Roofs</u> Pitch to complement streetscape. Varied roof forms to be provided.	N/A – no change to existing dwellings roof	N/A
<u>D12 – Glare and Reflection</u> Materials to minimise glare.	Non-reflective materials proposed.	Yes
<u>D13 – Front fences and Front walls</u>		



Front fences 1.2m. Solid fences to be articulated and setback for landscaping. Provide casual surveillance (unless excessive noise requires blocking).	Proposed 1.2m high automatic sliding gate to match the existing	Yes
Gates to remain in boundary when open.	Proposed gate to remain wholly within boundary	Yes
<u>D14 – Site facilities</u> Site Facilities – bin storage, clothes drying etc to be provided	Rear yard provides adequate area for site facilities.	Yes
<u>D15 – Side and Rear Fences</u> Side & Rear boundary fencing max. 1.8m measure from low side (can be averaged for sloping sites to allow regular steps).	Proposed 1.8m side fencing and 1.2m childproof fence to proposed swimming pool area.	Yes
<u>D16 - Swimming Pools & Spas</u> Not to be located in front setback. Where are 2 frontages, swimming pools and spas are not to be located in primary frontage. To be setback from any trees.	Proposed swimming pool located in rear and is not within proximity to any trees	Yes
<u>D20 Safety and Security</u> Casual surveillance of street & suitable lighting.	No change to street front casual surveillance of the street continues to be available through habitable rooms to the frontage of the dwelling. No entrapment areas created.	Yes

Variation Request

Landscaped Area - Council's DCP requires a landscape area of 40% of the subject site, however the proposed development provides 37% thus requiring a 3% variation to this control.

It is understood that the objectives of the landscape requirement are to ensure that the landscape character and natural vegetation of the area is retained and conserved, and is achieving the desired



future character of the area. Furthermore, a reasonable level of amenity and solar access should be provided, along with minimising run-off and bulk of built form through retaining vegetation.

Extensive consideration has been given to providing as much landscaped area as possible to the development with hard surface areas minimised as much as practical for the design. The proposed development has been provided with high quality landscaped area throughout the site and no trees are proposed to be removed to allow the proposed development to occur.

The proposed ancillary development will not result in significant bulk and scale of development, consisting of mainly open structures. Existing significant vegetation will be retained to preserve the landscape character of the area, minimise run-off and further soften the bulk of built form on site. Thus, is considered to be consistent with the desired character of the area to integrate built form with the natural landscape of the area and visually reduce the built form.

The proposed development will provide high quality landscaping and amenity with reasonable solar access. It is considered that providing high quality landscaping and enhanced amenity outweighs the impact of the reduced landscape area and is considered to result in a suitable outcome for the site.

In this instance the reduced landscape area will not result in any impact beyond that of a compliant proposal and it is therefore considered reasonable and appropriate for the variation to be supported.

Part E The Natural Environment

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>E1 Preservation of Trees or Bushland vegetation</u>	No trees proposed to be removed.	Yes
<u>E3 – Threatened species, population, ecological communities</u> Applies to land identified on the DCP Map - Threatened and high conservation habitat.	N/A - The subject site is not identified on the DCP map.	N/A
<u>E4 – Wildlife corridors</u> Applies to land identified on the DCP Wildlife Corridors Map.	The subject site is not identified as being in or within close proximity to any wildlife corridors	N/A
<u>E5 Native Vegetation</u>	Subject site is not identified as an area of native vegetation	N/A



Applies to land identified on DCP Map Native Vegetation		
<u>E6 Retaining unique environmental features</u>	No unique environmental features identified on or near the subject site.	N/A
<u>E7 – Development on land adj. public open space</u> applies to all land shown on DCP Map Land Adjoining Public Open Space. Objectives	N/A – Not identified in or within close proximity to land adjoining public open space	N/A
<u>E8 - Waterways and Riparian Land</u> Applies to land identified as waterway or riparian land as shown on DCP Map Waterways and Riparian Lands.	N/A – subject site is not identified as waterway or riparian lands	N/A
<u>E9 - Coastline Hazard</u> Applies to land identified on the Warringah LEP Coastline Hazard Map.	N/A- subject site not identified on coastline hazard map.	N/A
<u>E10 - Landslip Risk</u> Applies to land identified on the Warringah Local Environmental Plan 2011 - Landslip Risk Map as Area A, Area B, Area C, Area D or Area E. Geotech required where indicated in DCP.	Landslip Risk identified as AreaB. Geotech Report provided as part of this development application	Yes Yes
<u>E11 – Flood Prone Land</u> Flood Risk map indicates level. Requirements outlined in DCP in accordance with matrix.	The subject site is not identified to be located on the Councils Flood Risk map to be flood prone land	N/A

* * *

Conclusion with respect to DCP Requirements

The proposal is considered to generally satisfy the objectives of the relevant development controls relating to dwellings, as contained within Warringah DCP 2011.



(iiia) Relevant planning agreement, or draft planning agreements

There are no known planning agreements that would prevent the proposed development from proceeding.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality

The following matters are understood to be relevant when considering on site impacts.

Siting and Design

The proposed carport, pool and deck will be compatible in terms of height, bulk and scale with surrounding and future developments within the area.

The siting of the proposed developments provides suitable boundary setbacks, contributing to spatial separation and openness between dwellings. The articulated design of the structures will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

Utilities

The site is connected to all necessary services and utilities including electricity, water, reticulated sewerage and telecommunications.

Sedimentation Control

Due to the topography of the site, earthworks will be required for the construction of the proposed swimming pool, spa and decking, as shown on the development plans. All disturbed areas will be provided with sedimentation controls in accordance with Council's policy with compliance required as a condition of consent.



Noise and vibration

All construction work will be undertaken during hours specified within the development consent and/or normal construction hours. No vibration during construction is expected. Noise generated from the dwellings after occupation will be of residential scale only.

Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

(c) The suitability of the site for the development

The subject site is within an established residential area within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed carport, pool and deck, the subject of the application, can be constructed with all services necessary and have been designed to suit site constraints and the character of the surrounding residential setting.

The proposed works are permissible with development consent under the provisions of Warringah Local Environmental Plan 2011, and generally satisfies the objectives of the Warringah Development Control Plan 2011 as discussed above.

(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.



CONCLUSION

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permissible with development consent under the provisions of Warringah Local Environmental Plan 2011, and can satisfy the objectives of the relevant development control plan for the area.

It is considered that the construction of a carport, swimming pool and deck will complement and blend with the existing and likely future character of North Balgowlah. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed development appropriately identifies and relates to the sites use as a residential development.

Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the E P and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval.

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Urban Planning & Building Consultants

14 January 2025