



DECEMBER 1, 2021

69 EVANS STREET
PROPOSED REMEDIATION AND MINOR ALTERATION WORKS

PREPARED BY: Charles Hill Planning



PROPOSED FREMEDIATION AND MINOR ALTERATION WORKS

69 EVANS STREET

FRESHWATER

Prepared For

WOODHOUSE AND DANKS ARCHITECTS

ON BEHALF OF

THE STRATA CORPORATION SP5290

By

CHARLES HILL PLANNING

CONTENTS

1.0 INTRODUCTION	3
2.0 SITE AND SURROUNDS	3
3.0 PROPOSED DEVELOPMENT	5
4.0 STATUTORY CONTROLS	6
5.0 NON STATUTORY CONTROLS	9
6.0 LIKELY IMPACTS	12
7.0 SUITABILITY OF THE SITE	12
8.0 PUBLIC INTEREST	12
9.0 CONCLUSION	12

1.0 INTRODUCTION

CHARLES HILL PLANNING has been engaged by Woodhouse and Danks Architects, on behalf of the Strata Corporation, to prepare a Town Planning Report in relation to the proposed remediation and minor alteration works, at SP 5290, and known as, 69 Evans Street Freshwater.

This planning report describes the proposed development, having particular regard to the provisions of the Environmental Planning and Assessment (E P and A) Act, and Regulations, and examines any potential impacts with regard to the relevant sections of the Act, and relevant statutory and non statutory requirements of Northern Beaches Council.

The conclusions of the report is that the proposed works, will have no adverse environmental effects, will enhance the existing residential flat building, and is appropriate and suitable, having regard to the particular circumstances of the case, in this instance.

Accordingly it can be concluded that the proposed works are suitable for approval by Council, subject to the imposition of appropriate conditions.

2.0 THE SITE AND SURROUNDS

The subject land is located on the south-west side of Evans Street, and has a frontage to that street of a little over 16 square metres. The area of the site is 828.5 square metres.

The site falls steeply to the south west, and has access to a public reserve at the rear.

Located on the site is a part 10 storey and 5 storey residential flat building (shown below), most likely built in the 1960s. The site is accessed by three existing driveways along the eastern and western side of the building, and in front of the building. There are also steps to the public recreation area at the rear of the site.



Eastern Elevation**Front Elevation**



Western Elevation

Other photographs of the subject building are shown at **Appendix A** to this report.

Development immediately to the east and west are residential flat developments, whilst other development are generally single and two storey dwellings. The Mounties club is generally located opposite the site.

Notwithstanding the existing development on the subject land, the site is zoned R2 Low Density Residential. The zoning at the rear of the site is RE1, being Public Recreation.

According to Council's mapping, the site has not been identified as having native vegetation, not adversely affected by acid sulfate soils, nor within a coastal hazard zone, biodiversity Certified Land, and or threatened and high conservation habitat.

It has not been identified as a heritage item, nor is it within a heritage conservation zone, and not in proximity to any identified heritage items.

The majority of the site has been included in Area A in relation to the land slip mapping, with a small strip within Area B at the rear of the site.

Part of the site has been identified as being within a wildlife corridor, and within an area identified as Landscape and Bushland setting.

3.0 PROPOSED DEVELOPMENT

The proposed scope of works is as follows;

New look and feel of the front entry of level 5 and 2 including;

- New cladding to the existing garages including replacing garage doors.

- Extend the cladding of the bin room up to the same height of the garages.
- New pergola over the bin area.
- New western wall beside entry doors, including letter boxes.
- Reclad the columns.
- New garage door and parapet above of unit 9's carport.
- New cladding on the wall of level 2 entry from the driveway, and
- Services visual privacy screens on balconies
- Provide privacy screens on the balconies, these privacy screens are a overall building design however these privacy screens will be installed by the owners over time.

Plans of the proposed works are attached to this report, as well as a plan showing the general location of those works

A BCA report and AFSS is also attached to this report.

4.0 STATUTORY CONTROLS

4.1 Environmental Planning and Assessment Act 1979 (the Act)

Objects of Act

The relevant provision of **Clause 1.3** "Objects of "the Act" as they relate to the subject application is sub-clauses (c) and (h), which states as follows:

(c) to promote the orderly and economic use and development of land,

h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

It is considered that the proposed works are consistent with these objective, as they are a use which is permissible in accordance with e provisions related to an Existing Use Rights, and will ensure that the building is maintained in a manner that enhances the subject building for the existing and future inhabitants of the building.

As indicated previously the zoning of the subject land is R2 Low Density Residential, and as such the existing residential flat building, whilst being a prohibited use in that zoning, it is identified as an existing use in accordance with **Section 4.65** of the Act, and the continued use is protected by **Sections 4.66 and 4.68** of the Act.

Notwithstanding he above, according to **Section 4.68(2)**

(2) Nothing in subsection (1) authorises—

(a) any alteration or extension to or rebuilding of a building or work, or

(b) any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or

In accordance with **Section 6.1 (Definitions)**

building work means any physical activity involved in the erection of a building.

COMMENT

The proposed works do not involve the alteration or an extension to the building, and or an increase in the area of the use.

The scope of works are detailed above, and are subject to the provisions of Clause 41 of the Regulations, as indicated below.

4.2 Environmental Planning and Assessment Regulations

Clause 41 of the Regulations provides as follows:

(1) Development consent is required for any alteration or extension of a building or work used for an existing use.

(2) The alteration or extension--

(a) must be for the existing use of the building or work and for no other use, and

(b) must be erected or carried out only on the land on which the building or work was erected or carried out immediately before the [relevant date](#).

COMMENT

It is noted that the proposed works are for an existing use, but do not involve an extension of that use.

4.3 Warringah Local Environmental Plan 2011

1.2 Aims of Plan

The particular aims of this Plan in so far as they relate to the subject development are as follows:

(d) in relation to residential development, to—

(i) protect and enhance the residential use and amenity of existing residential environments, and

(iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,

COMMENT

It is considered that the proposed works are consistent with the aims of this plan as they will compliment and enhance the variety and choice of housing to satisfy the changing demographics, as well as ensuring that any future development, is capable of accommodating a high quality accommodation, in an established residential area, with no adverse environmental impacts on adjoining properties.

The subject site is located in **Zone R2 Low Density Residential**

The relevant **Objective** of this zone are to:

- *To provide for the housing needs of the community within a low density residential environment.*

In accordance with Warringah Local Environmental Plan (WLEP) 2011, dwelling houses are permissible with Council consent.

It is considered that the proposed works are not inconsistent with the relevant objectives of the zone, notwithstanding that the existing residential flat building is a non conforming use in the R2 Low Density Residential zone.

In addition it is noted that the site has not been identified as a heritage item, is not in a heritage conservation area, nor in proximity to a heritage item or heritage conservation area.

The subject land is also not identified as being in a biodiversity location, nor in proximity to a wetland, has not been identified as having native vegetation, or adversely affected by acid sulfate soils, within a coastal hazard zone, biodiversity Certified Land, and or threatened and high conservation habitat.

Part 4 Principal Development Standards

There are no principal development standards applicable to the proposed works, particularly as there is no increase in floor space or height of the existing building, as a result of the proposed works.

Part 5 Miscellaneous provisions

There are no miscellaneous provisions that apply to the site.

Part 6 of the Council's LEP, refers to **Additional local provisions**

There are no additional local provisions that apply to the site.

5.0 NON STATUTORY CONTROLS

Warringah Development Control Plan

Part B Built Form Controls

The built form controls applicable for the proposed works will be the built height of 8.5m. The built form controls will be considered under the existing building rights.

Part C Site Factors

In accordance with Warringah Development Control Plan (WDGP) 2011, the following Clauses are relevant to the consideration of the subject application.

C8 Demolition and Construction

The **Objectives** of this control are as follows:

- *To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.*
- *To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.*
- *To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan*
- *To discourage illegal dumping.*

COMMENT

A demolition and waste management plan have been prepared in accordance with Council requirements.

C9 Waste Management

The **Objectives** of this control are as follows:

- *To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).*
- *To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.*
- *To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.*
- *To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*
- *To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*
- *To minimise any adverse environmental impacts associated with the storage and collection of waste.*
- *To discourage illegal dumping.*

COMMENT

A demolition and waste management plan have been prepared in accordance with Council requirements.

Part D Design

In accordance with Warringah Development Control Plan (WDCP) 2011, the following Clauses are relevant to the consideration of the subject application.

D8 Privacy

The **Objectives** of this control are as follows:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

COMMENT

Part of the works include provision of privacy screens to provide screening of services i.e. hot water tanks and AC condensers located on the balconies and the installation of privacy screens on the balconies as and when owners to install.

It is not anticipated that this screening will have any adverse impact on adjoining property owners.

D10 Building Colours and Materials

The **Objectives** of this control are as follows:

- *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

COMMENT

A building colours and materials schedule is attached to this report.

The visual impact of the new works will enhance the existing external building façade, through the use of appropriate colours and materials, which will blend in with development on adjoining sites, and the natural landscape, waterways and the beach.

Part E Natural Environment

In accordance with Warringah Development Control Plan (WDCP) 2011, the following Clauses are relevant to the consideration of the subject application

E4 Wildlife Corridors

The **Objectives** of this control are as follows:

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*
- *To retain and enhance native vegetation and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community. [See Warringah Natural Area Survey, August 2005.](#)*

COMMENT

Whilst a large part of this site has been identified within the Wildlife Corridor, the proposed works do not involve modification of any native vegetation, or the erection of barriers and hazards that might

hinder fauna movement.

E7 Development on land adjoining public open space

The **Objectives** of this control are as follows:

- *To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.*
- *To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.*
- *Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.*

COMMENT

A public reserve is located at the rear of the site.

However no changes are proposed to the existing building which would adversely affect the landscape character and public use and enjoyment of the adjoining park.

The existing buildings will continue to provide an outlook to the public open space, without appearing to privatise that space, views to and from the public open space will be maintained, as will opportunities for casual surveillance of the public open space, and the development will not threaten any existing bushland,

E10 Landslip Risk

The **Objectives** of this control are as follows:

- *To ensure development is geotechnically stable.*
- *To ensure good engineering practice.*
- *To ensure there is no adverse impact on existing subsurface flow conditions.*
- *To ensure there is no adverse impact resulting from stormwater discharge.*

COMMENTS

The subject land has been identified as being within area A and B on the land slip mapping for the site.

The proposed works do not involve any changes to the footprint of the existing building and as such, the proposed works will not cause any detrimental impacts because of stormwater discharge from the land, or adversely impact on the existing subsurface flow conditions including those of other properties.

A geotechnical report is required and is attached at the end of this report.

6.0 LIKELY IMPACTS

There are no likely impacts in relation to the proposed works.

The future works of the subject building will however result in maintaining and enhancing an existing residential flat building.

Economically, any future development will also provide short term employment within the building industry, as well as in the retail industry by the provision of building materials.

7.0 SUITABILITY OF THE SITE

The site is considered to be suitable for the proposed works, which are permitted by way of the existing use right provisions of the Act.

The proposed works are also consistent with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the objectives of the Warringah Local Environmental Plan 2011, and consistent with the relevant objectives and controls of the Warringah Development Control Plan.

No adverse impacts have been identified in relation to adjoining development, or the public domain.

Accordingly it can be concluded that the proposed development is suitable for the subject site.

8.0 PUBLIC INTEREST

It is considered that the public interest is best served in this instance in approving the subject works, as it will maintain and enhance the future variety and choice of housing in this locality, as well as improved amenity for the existing residents

9.0 CONCLUSION

The proposed works have been designed having regard to the provisions of Council's Local Environmental Plan 2011, and the planning principles and controls detailed on Council's Development Control Plan.

The proposed works are permissible with Council consent.

This report has also assessed the application having regard to the provisions of the Environmental Planning and assessment Act, particularly Section 4.15, and concluded that there are no adverse environmental impacts, and that the site is suitable and capable of accommodating the works as proposed in this application

Accordingly it is considered that the proposed development is suitable for approval subject to conditions as may be deemed appropriate by Council.



Front Entry

Front Elevation





Garages at Front Entry



Garage 9 Entry