



**22 HEATHER STREET,  
WHEELER HEIGHTS**

**STATEMENT OF ENVIRONMENTAL EFFECTS  
FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE**



Report prepared for  
**Jacqueline Rogers**  
February 2024

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## **1. Introduction**

- 1.1 This is a statement of environmental effects for alterations and additions to an existing dwelling at 22 Heather Street, Wheeler Heights.
- 1.2 The report describes how the application addresses and satisfies the objectives and standards of relevant State Environmental Planning Policies, the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan 2011, and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3 This statement of environmental effects has been prepared with reference to the following:
- Site visit
  - Site Survey prepared by Total Surveying Solutions
  - DA Drawings prepared by Novam
  - BASIX Certificate prepared by Novam
  - Geotechnical Assessment prepared by Michael Gergich Consulting Engineer
- 1.4 The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and the coastal setting and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.
- 1.5 As detailed in Part 4 of this report, this application proposes changes to the substantially commenced CDC 17/275 approved by Get Certified Building Services, that are not feasible under the provisions of SEPP (Exempt and Complying Development Codes) and accordingly require assessment under a Development Application.

## 2. The site and its locality

- 2.1 The subject site is located at the rear of a battle-axe block on the northern side of Heather Street, approximately 25 metres west of its intersection with Veterans Parade. It is legally described as Lot 51 DP 1199199 and is known as 22 Heather Street, Wheeler Heights.
- 2.2 It is an irregular shaped lot with boundaries of 19.185 metres (south), 24.315 metres (north), 24.91 metres (east), 54.075 metres (west), and a driveway of 67.635 metres, Vehicular access to the existing driveway is from Heather Street. The site comprises an area of 893.5m<sup>2</sup>, including the access handle.
- 2.3 The site is currently occupied by a single storey fibro and gyprock dwelling with a metal roof and is under construction under an approved CDC. The site slopes down from the rear towards Heather Street.
- 2.4 The property is surrounded by detached residential dwellings in all directions. with Wheeler Heights Public school located nearby to the north. The site is also in close proximity to Cromer Golf Club to the west and Collaroy Beach to the east. Public transport services are available on Telopea Street and shops and services on Pittwater Road to the east.



**Figure 1. Aerial image of the subject site**



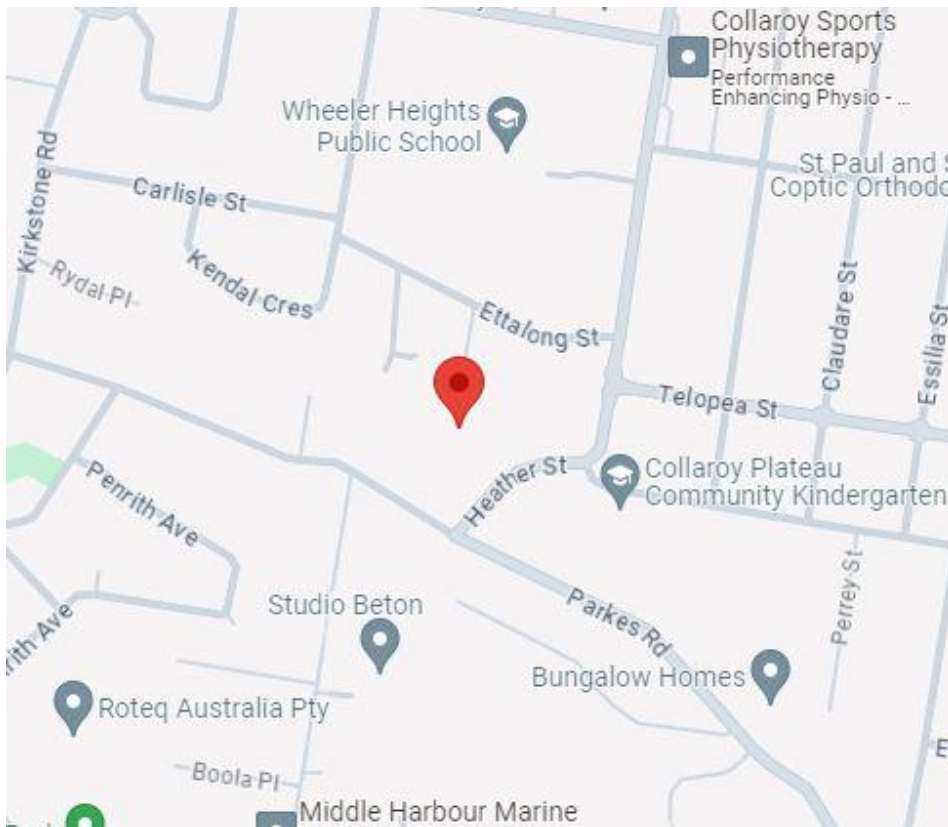


Figure 2. The site within the locality

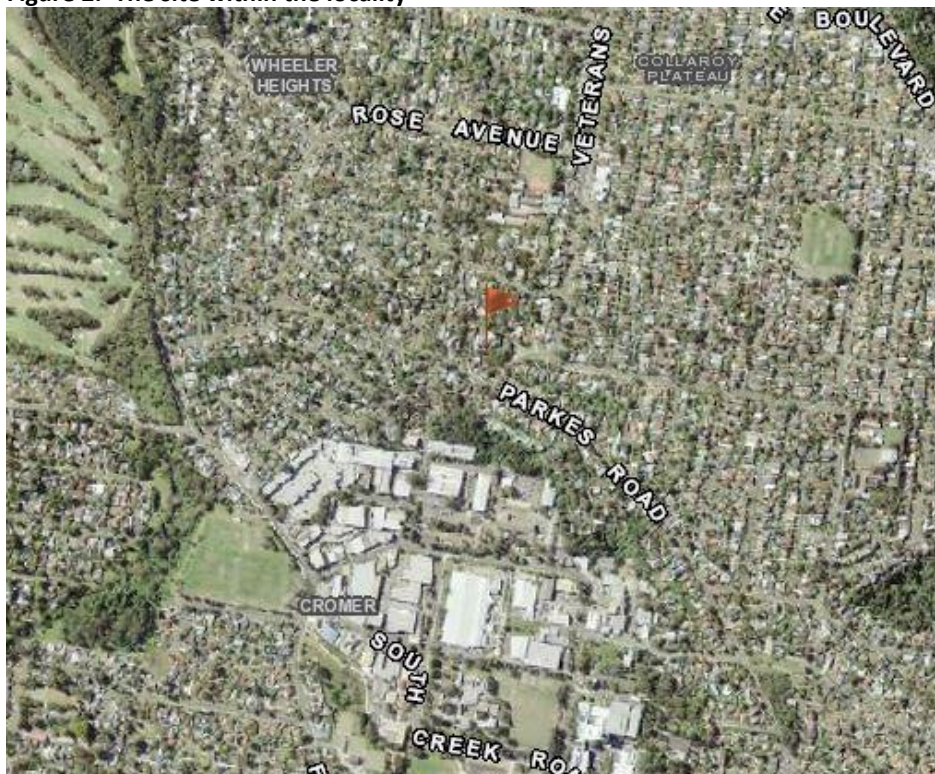


Figure 3. Aerial image of the site within the locality



### 3. Site Photos



Figure 4. The existing dwelling, looking north from the driveway



Figure 5. The rear of the property including the new pool, looking west.





Figure 6. The front of the existing dwelling



Figure 7. The existing north-east corner, above which is the location of the proposed extension to Bed 4



Figure 8. The eastern boundary of the existing dwelling



Figure 9. Looking west, showing the driveway and western neighbour



#### **4. Proposed Development & Background**

- 4.1 CDC 17/275 was approved by Get Certified Building Services on 19 December 2017. Works are substantially commenced and continuing. A copy of the approved CDC plans accompanies this application.
- 4.2 The applicant proposes, as a part of this Development Application some changes to the substantially commenced approved works that are not feasible under the provisions of SEPP (Exempt and Complying Development Codes) and accordingly require assessment under a Development Application.
- 4.3 The Certifier has advised that they will be able to issue an Occupation Certificate for the Complying Development that specifically excludes the works the subject of this Development Application. Council has advised that this
- 4.4 The proposed development includes the following:

##### **First Floor**

- Extend Bedroom 4 to square up with the remainder of the northern elevation.
- Balcony to master bedroom (facing south)
- Deck (tiled) to family room (facing south)
- Updated internal layout to bathroom and WC

##### **Windows**

- Windows 10, 13 and 29 deleted
- New windows (coloured) W32, W33 and W34
- New door to m.bed balcony D23

##### **Roof**

- Extension of roof over bedroom 4 and master bed balcony

- 4.5 The proposed extension to the dwelling will be of minimal impact being not easily visible to neighbours and having a negligible solar access impact due to its northern orientation.

## **5. Statutory Framework**

### **5.1 State Environmental Planning Policies**

#### **State Environmental Planning Policy (Sustainable Buildings) 2021**

Schedule 1 of the Environmental Planning and Assessment Regulation (2001) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021** (formerly SEPP Vegetation in Non-Rural Areas 2017)

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. No trees are to be removed and the development is consistent with the provisions of the SEPP.

#### **State Environmental Planning Policy (Resilience and Hazards) 2021** (formerly SEPP No. 55 – Remediation of Land)

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.



## 5.2 Warringah Local Environmental Plan 2011

The relevant clauses of the Warringah Local Environmental Plan 2011 are addressed below.

### Zoning

The site is zoned R2 Low Density Residential, pursuant to the provisions of the Warringah Local Environmental Plan 2011. The proposed development is for alterations and additions to an existing dwelling. Dwelling houses are permissible with development consent in the R2 zone.



Figure 10. Extract from Warringah LEP 2011 Zoning Map

### Demolition

Demolition works are proposed, as illustrated in the attached CDC plan set, to allow for the construction of the proposed alterations and additions has already been approved.

### **Minimum Lot Size**

The site is mapped with a minimum lot size of 600m<sup>2</sup>. The subject site has an area of 893.5m<sup>2</sup> and no subdivision is proposed.

### **Height of Buildings**

The LEP restricts the height of any development on the subject site to 8.5 metres. The development proposes a compliant maximum height of 8.39 metres.

### **Heritage Conservation**

The property is not a heritage item, not located within a heritage conservation area or located near any heritage items.

### **Acid Sulfate Soils**

The site is not located in an area nominated as Acid Sulfate soils.

### **Earthworks**

Earthworks are proposed to prepare the site for construction. Standard erosion and sediment control measures will be implemented, and any engineering specifications and conditions of consent adhered to, to ensure best practice procedures are followed.

### **Development on Sloping Land**

The site is located in the area nominated the LEP maps as Area D – Flanking slopes (Collaroy Plateau area). A Preliminary assessment of site conditions has been prepared as a part of the CDC package and is attached to this development application package as no additional ground works are associated.



### **5.3 Warringah Development Control Plan**

The relevant sections of the DCP are addressed below.

#### **Part A Introduction**

##### **Objectives**

The proposed development is entirely consistent with the ecologically sustainable, environmental, social, and economic objectives as specified in the DCP. The proposal is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

#### **Part B General Controls**

##### **Wall Heights**

A maximum wall height of 7.2 metres is permitted by the DCP. The wall height will be changed for bedroom 4 at the rear of site, with a maximum wall height of 7.1 metres.

##### **Side Building Envelope**

The site requires a side boundary envelope of 4m/45°. The development proposes a built form within the required side boundary envelope.

##### **Side Boundary Setbacks**

Side setbacks of 900mm are required by the DCP. The approved CDC has compliant side setbacks. New side setback are also compliant including:

- Bed 4 (upper level- 2.86 metres (east)
- Tiled deck (upper level) – 4.14 metres (south)
- Tiled Balcony (upper level) - 3.43 metres (west)

##### **Front Setback**

The site has no front setback being a battle-axe lot.

##### **Rear Setback**

A compliant rear setback of 6 metres is provided for the addition to the bedroom 4. This aligns with the remainder of the approved dwelling and is fully compliant.

## **Part C Siting Factors**

### **Traffic, access and safety**

Access and parking are unchanged.

### **Parking facilities**

No change is proposed to the existing on site parking.

### **Stormwater**

All proposed stormwater will be connected to the existing infrastructure on site.

### **Excavation and Landfill**

Standard erosion and sediment control measures will be implemented, and any engineering specifications and conditions of consent adhered to, to ensure best practice procedures are followed.

### **Demolition and Construction**

No additional demolition will be required as the works will be completed during the approved CDC build.

### **Waste Management**

Appropriate waste management will be undertaken during the demolition and construction process.

The existing dwelling provides compliant bin storage areas and waste will be collected by Councils regular service.

## **Part D Design**

### **Landscaped open space and bushland setting**

The DCP requires 40%. Excluding the battle-axe handle, the subject site has an approved landscaped area under CDC17/275 of 40%. This will be unchanged, with the minor works proposed as a part of this application over existing approved hard surfaces. See below an extract from the approved CDC plans.



Site Area 893.8Sqm - By Survey

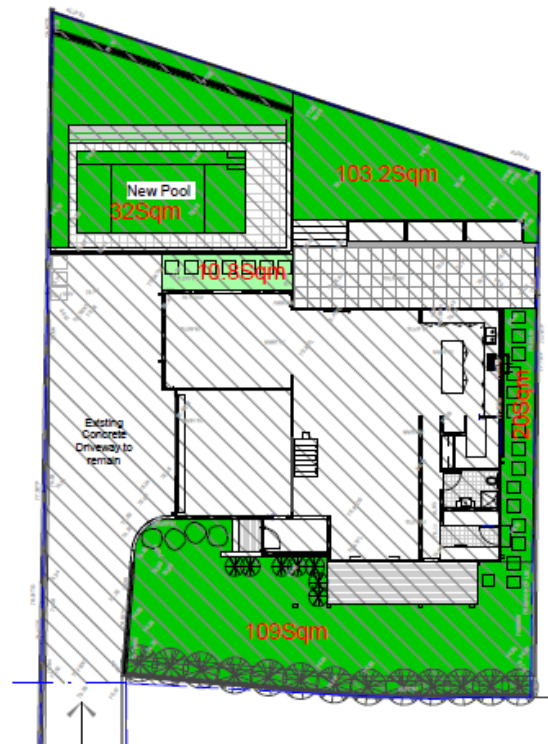
Site Area for soft landscape calculation - 659m2 (hatched area)

Min Landscape Area = 40% of 659m2 = 263.6m2

Existing Landscape = 328m2 - Comply

Proposed Soft Landscape =  $(103.2+32+109+20) = 264.2\text{m}^2$  - Comply

NO CHANGE TO LANDSCAPE AREA  
FROM APPROVED CDC2017/275



### Private open space

An existing private open space area well in excess of the required 60m<sup>2</sup> will be retained within the site.

### Access to sunlight

At least 50% of the private open space of the subject site and the adjoining dwellings are required to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 by this clause DCP.

The very minor changes have a negligible impact on neighbouring sites.

### Views

A site visit has been undertaken and it is not apparent that any views will be impacted by the proposed development.

## **Privacy**

Privacy will be retained for neighbours with the design being considerate of window placement for bedroom 4.

The addition of the deck on the southern elevation above the approved pergola, will be appropriate, with the subject lot being significantly elevated and a district view out being available, rather than a view at the same level as neighbours yards.

In addition to this, the development will not result in noise levels inappropriate to a residential area.

## **Building Bulk**

The proposed development retains varied materials and finishes to complement the existing dwelling and alleviate bulk. The design is also of a scale consistent with surrounding residential dwellings in Wheeler Heights, and the works will result in a contemporary and complementary addition to the site and the locality.

## **Building Colours and Materials**

No change is proposed to the materials and colour palette approved in the CDC.

## **Roofs**

Minor changes to the roof are proposed to allow for the exterior of bed 4 and balcony. However, materials and slope are retained as approved in the CDC.

## **Glare & Reflection**

Materials have been chosen to ensure no glare or reflection issues.

## **Side and Rear Fences**

No change is proposed

## **Site Facilities**

Existing appropriate waste, recycling areas and drying facilities are to be retained within the site.

## **Safety and Security**



The proposed alterations and additions will continue to allow for casual surveillance of the street and safe access to the site and dwelling.

### **Conservation of Energy and Water**

The design has achieved a BASIX Certificate, which accompanies the application.

### **Part E: The Natural Environment**

#### **Preservation of Trees or Bushland Vegetation**

The proposal does not involve the removal of any trees within the site.

#### **Prescribed Vegetation**

The subject site is not mapped as Native Vegetation, Threatened and High Conservation Habitat or Wildlife Corridor.

#### **Retaining unique Environmental Features**

No unique environmental features will be impacted by the proposal.

#### **Development on land adjoining public open space**

The subject site is not mapped as land adjoining public open space.

#### **Landslip Risk**

The site is located in the area nominated on the LEP maps as Area D.

A Preliminary Geotechnical Assessment is attached to this development application package.

## 6. Numerical Control Table

The following table provides a summary of the development proposal, in accordance with the relevant numerical planning controls contained in the Warringah LEP 2011 and the Warringah DCP 2011.

	Standard	Proposed	Compliance
<b>Warringah LEP 2011</b>			
Lot Size	600m <sup>2</sup>	893.5m <sup>2</sup>	Yes – no change
Building Height	8.5 metres	8.39m	Yes
Floor Space Ratio	Not identified	-	-
<b>Warringah DCP 2011</b>			
Wall Height	7.2 metres	7.1 m (north)	Yes
Number of Stories	Not identified	-	-
Side Boundary Envelope	4 metres / 45 degrees	4 metres / 45 degrees	Yes
Site Coverage	Not identified	-	-
Side Boundary Setbacks	0.9 metres	Bed 4 (upper level- 2.86 metres (east)  Tiled deck (upper level) – 4.14 metres (south)  Tiled Balcony (upper level) - 3.43 metres (west)	Yes
Front Boundary Setback	6.5 metres	-	N/A
Rear Boundary Setbacks	6 metres	6 metres	Yes
Parking	2 spaces	Existing enclosed	Yes – No change
Landscaped Open Space and Bushland Setting	40%	40%	Yes - No change
Private Open Space	60m <sup>2</sup>		Yes – No change
Solar Access	3 hours sunlight to 50% of POS of both subject site and adjoining properties between 9am and 3pm on June 21.	Compliant	Yes

## 7. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

### 7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Warringah LEP and DCP.

The development is permissible in the R2 zone.

### 7.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

#### ***Context and Setting***

*What is the relationship to the region and local context in terms of:*

- *the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement, appendices and attached specialist reports.

*What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*



The proposed alterations and additions have been designed to complement the existing dwelling and surrounding locality. The proposal is appropriate and will have negligible impact on adjacent properties.

### **Access, transport and traffic**

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

No conflict or issues will arise as a result of the proposed development.

### **Public domain**

The proposed development will not impact the public domain.

### **Utilities**

There will be no impact on the site, which is already serviced.

### **Flora and fauna**

No trees are to be removed to cater for the proposed development.

### **Waste**

There will be no impact.

### **Natural hazards**

A Preliminary Geotechnical Assessment is attached to this development application.

### ***Economic impact in the locality***

There will be no impact, other than the possibility of a small amount of employment during construction.

### ***Site design and internal design***

*Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is appropriate to the site with regard to all of the above factors. The development fits well within the context of the surrounds and is well suited to the residential surrounds.

*How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia. Additionally finishes, building materials and all facilities will be compliant with all relevant Council controls.

### ***Construction***

*What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

### **7.3 The suitability of the site for the development**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints and is highly conducive to the proposed dwelling.

*Are the site attributes conducive to development?*

The site is appropriate for the proposed dwelling.

### **7.4 Any submissions received in accordance with this Act or the regulations**

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

### **7.5 The public interest**

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.



## **8.0 Conclusions**

- 8.1 The proposed alterations and additions to the existing dwelling, at 22 Heather Street, Wheeler Heights is appropriate considering all State and Council controls.
- 8.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 8.3 Considering all the issues, the development is considered worthy of Council's consent.

## Planner Declaration

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### Document Control Table

Document Purpose:	Statement of Environmental Effects	
Date	Prepared by	Approved by
15/02/2024	Sarah McNeilly Director	Susan May-Roberts Senior Planner

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