



**133 OWEN STANLEY AVENUE  
ALLAMBIE HEIGHTS**

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR  
ALTERATIONS AND ADDITIONS TO A DWELLING**



Report prepared for  
**Action Plans**  
**February 2020**

# Contents

1. INTRODUCTION
2. THE SITE AND ITS LOCALITY
3. SITE PHOTOS
4. PROPOSED DEVELOPMENT
5. STATUTORY FRAMEWORK
6. SECTION 4.15
7. CONCLUSIONS

## 1. Introduction

1.1 This is a statement of environmental effects for alterations and additions to an existing dwelling at 133 Owen Stanley Avenue, Allambie Heights.

The report describes how the application addresses and satisfies the objectives and standards of 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).

1.2 This statement of environmental effects has been prepared with reference to the following:

- ◆ Survey prepared by DA Surveys
- ◆ Site visit
- ◆ DA Plans prepared by Action Plans
- ◆ BASIX Certificate prepared by Action Plans
- ◆ Geotechnical Report prepared by Ascent Geotechnical Consulting
- ◆ Bushfire Report prepared by Peterson Bushfire Expert Consulting Services

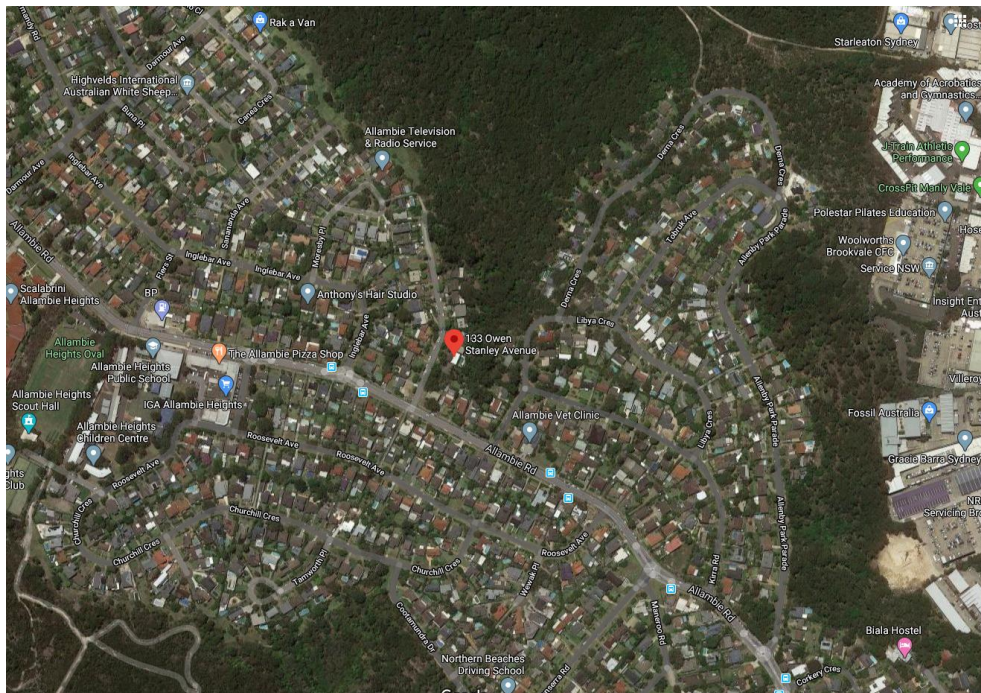
1.3 The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and the streetscape and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

## 2. The site and its locality

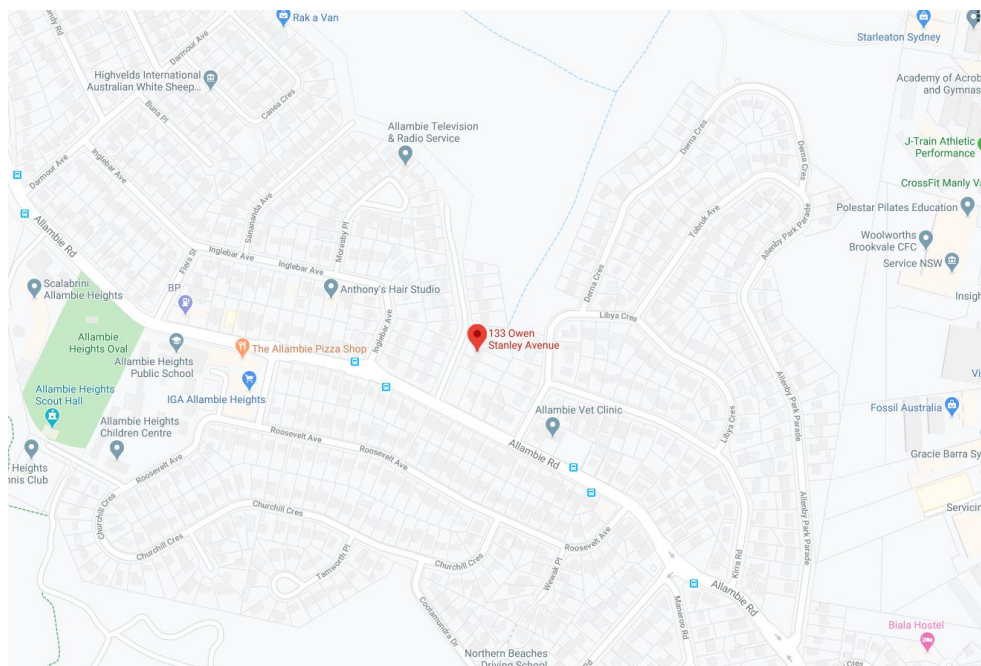
- 2.1 The subject site is located on the eastern side of Owen Stanley Avenue, approximately 65 metres north east its intersection with Allambie Road in Allambie Heights. The site is legally described as Lot 10 DP 246984.
- 2.2 It is generally rectangular in shape with boundaries of 16.76 metres (west – Owen Stanley Avenue frontage), 61.81 metres (north), 59.98 metres (south) and 16.76 metres (east). The site has an area of 1012m<sup>2</sup> and slopes from south to north (front yard) and from west to east (to the rear of the lot).
- 2.3 The site is currently occupied by a two-storey brick and clad dwelling with a metal roof and a swimming pool. The dwelling is set within a large residential lot which contains rocky outcrops and significant vegetation to the rear.
- 2.4 The property is surrounded by detached residential dwellings in all directions. It is in close proximity to Allenby Park (approx. 30 metres to the north) and the Allambie Heights Public School and shops (approx. 270 metres to the south west).



**Figure 1. The site and its immediate surrounds**



**Figure 2. The site within the locality**



**Figure 3. Aerial image of the site within the locality**

### 3. Site Photos



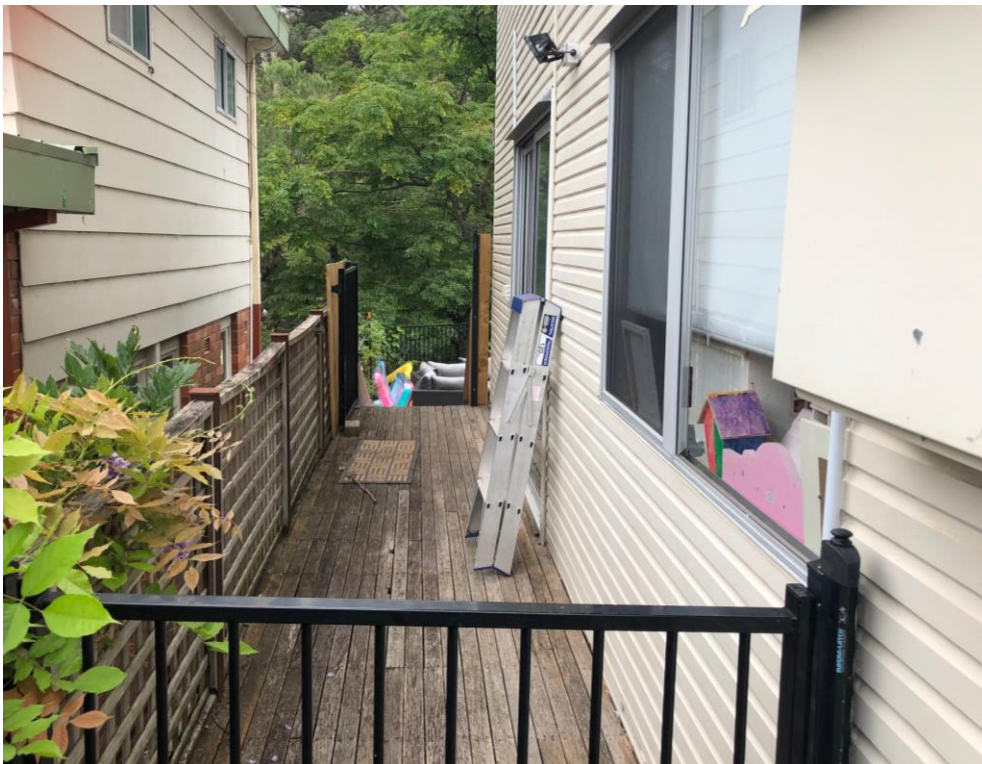
Figure 4. The existing dwelling, view from Owen Stanley Avenue



Figure 5. Front Façade of the existing dwelling, looking east



**Figure 6. The front yard, looking north east (the location of the proposed addition).**



**Figure 7. Existing deck on the northern boundary (to be replaced)**



Figure 8. The rear of the existing dwelling (location of proposed pool coping and new glass pool fence)



Figure 9. The district views from the site, looking north

## 4. Proposed Development

The proposed development is for alterations and additions to the existing dwelling, including a reconfigured internal layout, a new covered entertaining area and new front portico.

The proposed alterations and additions remain consistent with the streetscape and the locality. The proposal is consistent with Council controls, ensures privacy and views are maintained for both neighbours and the subject site.

The alterations and additions to the dwelling will be made up as follows:

### Ground Floor

- Reconfigure the existing lounge / dining / kitchen to create an open plan kitchen / dining / living room, with butler's pantry and new windows.
- A new covered entertaining area to the west, with access via a new sliding door from the kitchen.
- New side deck and pool coping to the north and east, with access via stacking doors from the dining / living room.
- New glass pool fencing.
- A new front portico, entry and staircase to access the ground and first floors.
- Reconfigure and fit out the existing laundry, including a new window.
- Convert Bed 1 into a second living room, including a new window.
- Retain the existing bathroom and bed 2.
- Replace the existing cladding with weatherboard cladding.

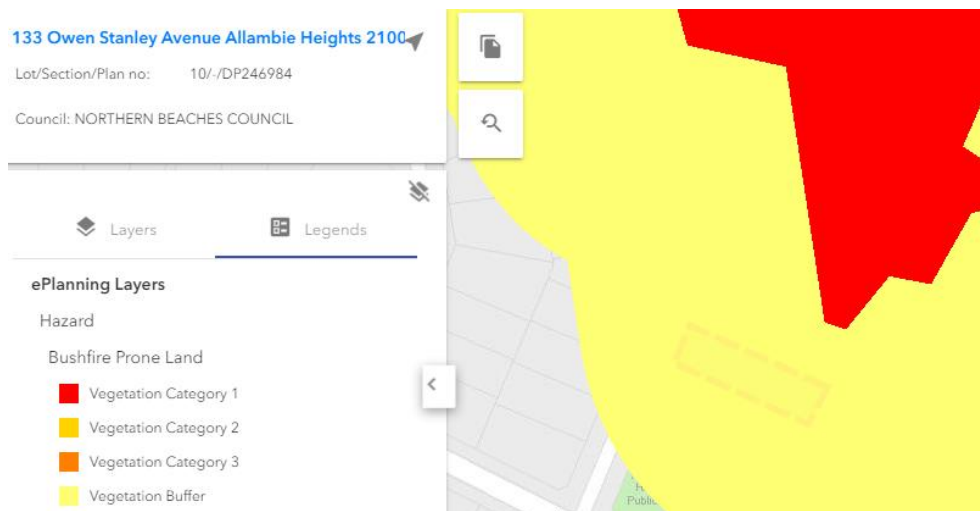
### First Floor

- Convert the existing living room into a master bedroom.
- Demolish the existing kitchen and stairs to create a master walk in robe and ensuite.
- A new staircase to access the ground floor.
- Refurbish the existing bathroom.
- Retain the existing WC and Bed 3, 4 and 5.
- Replace the existing cladding with weatherboard cladding.

## 5. Statutory Framework

### 5.1 Rural Fires Act

The subject site is mapped as Bushfire Prone Land - Vegetation Buffer.



**Figure 10: Extract – Bush Fire Prone Land Map**

The Rural Fires Act 1997 (RF Act) aims to protect the community from injury or death, and property from damage, arising from fires, and protect infrastructure and environmental, economic, cultural, agricultural and community assets from damage arising from fires. Clause 100B of the RF Act requires applicants to obtain a bush fire safety authority (BFSa) for subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes or development of bush fire prone land for a special fire protection purpose. If a proposal requires a BFSa it is considered integrated development under Clause 4.46 of the EPA Act.

Section 4.14 of the EPA Act requires that a council does not approve any development on bush fire prone land area unless the development application complies with Planning for Bush Fire Protection (PBP) requirements. All developments on land that is designated as bush fire prone have a legal obligation to consider bush fire and meet the requirements of Planning for Bush Fire Protection.

**Comment:** The proposal is not for subdivision or a special fire protection purpose and is therefore not integrated development and does not require a BFSa from RFS. The site is however bush fire prone land, and therefore the proposal must comply with Planning for Bush Fire Protection. A Bushfire Assessment Report is provided with this application which concludes that the property has a BAL – 40 construction requirement.

Appropriate construction standards will be adhered to for compliance with relevant Australian Standards and Planning for Bushfire Protection 2006 Bushfire Attack Level BAL- 40.

## **5.2 State Environmental Planning Policies**

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

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) 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 (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of the standard instrument LEP relating to the preservation of trees and vegetation.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development is considered consistent with this policy as it does not propose the removal of any trees.

### 5.3 Warringah Local Environment Plan 2011

#### Zoning

The site is zoned R2 Low Density Residential, pursuant to the provisions of the Warringah Local Environment Plan 2011.

The proposed development is for alterations and additions to an existing dwelling and dwelling houses are a permissible land use in the R2 Zone.



Figure 11. Extract from Warringah LEP zoning map

#### Demolition

Minor demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the construction of the proposed alterations and additions.

#### Lot Size

The subject site is mapped with a minimum subdivision lot size 600m<sup>2</sup>. The site has a compliant area of 1012m<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 existing development has a compliant maximum building height of 5.753 metres and no change is proposed.

### **Heritage**

The property is not a heritage item, located within a heritage conservation area or located near any heritage items which will be impacted by the proposed development.

### **Acid Sulfate Soils**

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

### **Earthworks**

Minor earthworks are proposed to allow construction of the proposed alterations and additions. All works will be undertaken in accordance with engineering details and relevant conditions of consent.

### **Development on Sloping Land**

The site is located in the area nominated the LEP maps as Area B – Flanking Slopes 5 to 25. As such the consent authority must be satisfied that:

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

The attached geotechnical preliminary assessment demonstrates the proposal complies with Council controls.

## **5.4 Warringah Development Control Plan 2011**

The relevant sections of the Warringah DCP 2011 are addressed below.

### **Part B General Controls**

#### **Wall Heights**

A maximum wall height of 7.2 metres is permitted by the DCP.

The alterations and additions propose to retain the existing, compliant maximum wall height of 5.65 metres. Additional articulation on the Owen Stanley Avenue frontage is proposed, to ensure an attractive addition to the streetscape.

#### **Side Building Envelope**

The DCP requires a side boundary envelope of 4m/45°.

The existing, approved building breaches the side boundary envelope as illustrated in the attached DA plan set. All new work proposed is within the permitted side boundary envelope control area and is compliant with the current controls.

#### **Side Boundary Setbacks**

Side setbacks of 900mm are permitted on the subject site.

The existing side setbacks are compliant at 1.28 metres (north) and 1.445 metres (south). No change is proposed to the existing minimum side setbacks.

#### **Front Setback**

A front setback of 6.5 metres is required on the site.

The existing front setback is 13.838 metre and the development proposes a compliant front setback of 12.578 metres.

#### **Rear Setback**

The DCP requires a rear building setback of 6 metres on the site.

The existing rear setback of the dwelling is easily compliant at 38.467 metres and no change is proposed.

## **Part C Siting Factors**

### **Traffic Access and safety**

No change is proposed to the existing vehicular access and crossover from Owen Stanley Avenue.

### **Parking**

No change is proposed to the existing single hardstand parking area onsite.

### **Stormwater**

The proposed alterations and additions will be connected to the existing drainage network onsite, which drains to the rear of the lot.

### **Excavation and Landfill**

Minor earthworks are proposed to allow for the proposed construction works to take place.

The attached geotechnical report demonstrates that the proposed works are consistent with the geological stability of the site.

### **Demolition and Construction**

The proposed alterations and additions will involve demolition works as detailed above and in the attached plan set.

All demolition and construction works will be undertaken as required by Council controls and compliant with any relevant conditions of consent.

### **Waste Management**

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

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

## **Part D Design**

### **Landscaping and Open space and bush land setting**

The DCP requires 40% landscaping on the site which is equivalent to 404.86m<sup>2</sup> for the site area of 1012m<sup>2</sup>.

The development will result in a compliant landscaped area of 65.6% or 637.87m<sup>2</sup>. No change is proposed to the substantial native vegetation to the rear of the lot.

### **Private open space**

The DCP requires a minimum private open space area of 60m<sup>2</sup> (with minimum dimensions of 5 metres).

The development nominates a compliant area of 62.6m<sup>2</sup> of private open space, with areas available in the front and rear yards for the enjoyment of the residents.

### **Noise**

The development is appropriate and will not result in noise levels inappropriate to a residential area.

The site is not located in close proximity to a noise generating activity.

### **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 following observations are made of the shadow diagrams included with this application:

**9am** – The development will result in a minor increase in shadowing of the front yard of the subject site and a very small portion of the front yard of No. 129 Owen Stanley Avenue.

**12pm** – The development will result in a very minor increase in shadowing of the front, side and rear yards of the subject site. There will be no increase in shadowing of adjoining properties at 12pm.

**3pm** – The development will result in a very minor increase in shadowing of the rear yard of the subject site. There will be no increase in shadowing of adjoining properties at 3pm.

It is concluded that the private open space of both the subject site and the adjoining properties maintain compliant solar access.

### **Views**

The subject site and adjoining properties enjoy district views to the north.

A site visit has been undertaken and it is concluded that the proposed development is minor and will not result in any view loss for adjoining properties.

### **Privacy**

Privacy will be retained for neighbours with ample setbacks, existing side boundary fencing and no direct overlooking into any key living areas.

There are no windows adjoining the property to the south and the existing window locations on the northern elevation will be retained.

A new 1.5-metre-high privacy screen is proposed around the pool.

### **Building Bulk**

The proposed alterations and additions incorporate articulation to alleviate bulk. The alterations and additions are consistent with the existing built form, streetscape and surrounding dwellings, with the overall impact being a modern, aesthetically pleasing and complimentary addition to Owen Stanley Avenue.

### **Building Colours and Materials**

The proposed building materials include metal Colourbond roofing to match the existing, weatherboard cladding painted to match the existing, hardwood timber screening and glass pool fencing.

All materials and finishes are complementary to the residential surrounds and consistent with a modern finish.

### **Roofs**

The proposed new roof over the covered entertaining area has a 12 degree fall and a 2 degrees pitch is proposed for the portico. The new roof areas will be constructed of non-reflective metal sheeting.

### **Glare & Reflection**

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

### **Site Facilities**

The existing dwelling has appropriate waste, recycling areas and drying facilities.

### **Swimming Pools and Spa Pools**

The existing swimming pool will be retained, with a new area of pool coping and compliant pool fencing proposed. This area will provide a useable entertaining space, accessed via the new dining and living room.

### **Safety and Security**

An ability to view the street frontage is retained allowing for casual surveillance which is to the benefit of the safety and security.

### **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 development does not propose the removal of any trees, with all significant vegetation at the rear of the site to be retained.

### **Wildlife Corridors**

There will be no impact on any valued wildlife as a result of the proposed dwelling.

### **Native Vegetation**

The rear of the subject site is mapped by the DCP as *Native Vegetation*. The proposed development is consistent with this clause as all works are located outside of the mapped area and all vegetation at the rear of the site will be retained.

### **Retaining unique Environmental Factors**

The development will have no impact on any unique environmental factors in the area.

### **Waterways and Riparian Lands**

The rear of the subject site is mapped as *Waterways and Riparian Lands*. The proposed development is consistent with this clause as all works are located outside of the mapped area.

### **Landslip Risk**

The site is located in the area nominated the LEP maps as Area B – Flanking Slopes 5 to 25. The attached geotechnical report supports the application in its current form.

## 6. 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:

### **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 zone.

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

#### 7.1. 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.

*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 site and its surrounds. The development is appropriate and will have negligible impact on adjacent properties.

## **7.2. 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?*

The proposed development will utilise the existing driveway crossover and onsite hardstand parking area. No conflict or issues will arise as a result of the proposed development.

## **7.3. Public domain**

The proposed development will have a positive impact on the public domain as the proposal is consistent with the character and streetscape of the residential area.

## **7.4. Utilities**

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

## **7.5. Flora and fauna**

There will be no impact on the existing native vegetation on the site, with the proposed works located on the already disturbed portion of the lot.

## **7.6. Waste**

There will be no impact.

## **7.7. Natural hazards**

The site is affected by slip. A report has been provided by an expert with regard to the geotechnical aspects of the site and is supportive of the proposal subject to recommendations. This report accompanies the development application.

## **7.8. Economic impact in the locality**

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

## **7.9. 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 highly appropriate to the site with regard to all of the above factors. The development fits well within the context of the surrounds and is an appropriate scale, well-suited to its residential locality.

*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.

## **7.10. 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.

### **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.

*Are the site attributes conducive to development?*

The site is appropriate for the alterations and additions proposed.

#### **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.

#### **The public interest**

It is considered that the proposal is in the public interest as it allows for appropriate use of an existing 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. Conclusions**

- 8.1 The proposed development for alterations and additions to the existing dwelling at 133 Owen Stanley Avenue, Allambie 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 fully compliant development is considered worthy of Council's consent.