

24 February 2023

The Chief Executive Officer
Northern Beaches Council

Dear Sir / Madam,

STATEMENT OF ENVIRONMENTAL EFFECTS
Lot 259 Aumuna Road, Terrey Hills
Modification under Section 4.55(2) to Consent DA2022/0888

1 Introduction

DA2022/0888 approved alterations and additions to a dwelling house including a garage, shed and carport on 27 July 2022.

Modification to the development consent is sought to make modest changes mainly to the location of the approved detached shed / garage.

It is assessed that the proposal involves appropriate changes to the original development consent, noting that:

- 2 additional trees will be retained
- The overall form and presentation of the approved development is maintained with boundary setbacks compliant and / or increased.
- There will be no inappropriate impacts on the local amenity.

2 Proposed Modifications

The proposed modifications are depicted in the accompanying architectural plans by Blue Sky Building Designs. A summary of the proposed modifications are described below:

- relocation of the shed / garage
- reconfiguration of the shed / garage including changed roof profile and additional water closet
- reconfiguration and relocation of the access driveway to the shed / garage
- deletion of the carport. Car parking is now accommodated within the shed and garage
- revised materials and finishes schedule for the shed / garage
- modifications to the proposed tree removal and replanting regime
- modifications to the location and extent of the wastewater system

No modifications are proposed to the alterations and additions to the dwelling house and its associated studio.

The proposal will necessitate a modification to condition number 1 of the consent, to reflect the architectural plans and documents that accompany this application.

3 Site description

The site is located at Lot 259 Aumuna Road, Terrey Hills and legally described as Lot 259 in Deposited Plan 752017. The site has a large area of approximately 18ha.

The site is triangular in shape with a south western frontage of 167.3m to Aumuna Road, northern secondary road frontage to Coolowie Road of 237.4m, and an eastern side boundary of 170.3m.

The site is a corner allotment and has frontages to both Aumuna and Coolowrie Roads.

The land contains a single storey, split level brick dwelling house with tile roof, swimming pool, tennis court, and various minor sheds / outbuildings.

The site is located on the north eastern side of Aumuna Road. The topography slopes up from Aumuna Road with a level difference of approximately 12m between the south western, front boundary and the northern boundary (RL 164 at the street up to RL 176).

The streetscape character is semi-rural within the site's vicinity, comprising trees, vegetation and landscaped settings.

The property contains some bushland like vegetation, mainly to its perimeter (within the first 10-20 metres of its street frontages).

Kinma Primary and Pre-school is to the west of the site. Surrounding development comprises a mix of large allotments containing dwelling houses and other rural land uses within a large-lot-residential and rural setting.

The figures within the report depict the character of the property and its existing development.



Figure 1 – the location of the site (courtesy Google Maps)



Figure 2 – aerial Image of the site and its surrounds (courtesy Six Maps)

STATEMENT OF ENVIRONMENTAL EFFECTS

4 Section 4.55(2) and environmental assessment considerations

The following is a Statement of Environmental Effects made under the provisions of Section 4.55(2) being modifications involving substantially the same development. Having regard to Section 4.55(2) a consent authority may, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)

In this regard, it is noted that:

- The nature of the proposed modifications are modest and within the scope of Section 4.55(2) being modifications involving substantially the same development for which consent was originally approved on the land.
- The application has taken into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.
- The following Statement of Environmental Effects considers the nature of the proposed modifications and the potential impact of the changes on environmental planning grounds.

5 Matters for consideration

The following matters for consideration are relevant to the consideration of the proposal as set-out in 4.15 Evaluation (1) –general of the Environmental Planning and Assessment Act 1979.

6 State Environmental Planning Policy - BASIX

An updated BASIX certificate accompanies the and the modification. The proposed modification does not involve changes to the approved habitable areas. No Basix certificate is required.

7 Warringah LEP 2011

Planning considerations from the Warringah LEP relevant to the proposed modifications are noted and addressed as follows.

7.1 Zoning and key environmental affectations

The property is zoned RU4 under the Warringah Local Environmental Plan 2011 (LEP) as is most of the surrounding land.

The proposal constitutes modifications to the approved dwelling houses and the proposal is permitted with Development Consent.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone'. The proposed modifications represent modest changes to the approved development and are therefore assessed as being consistent with the zone objectives.

7.2 Other relevant provisions of the LEP

7.2.1 LEP Clause 4.3 Height of buildings

Clause 4.3 of the LEP 'Height of buildings' is applicable to the assessment of the proposal. It establishes an 8.5m height limit for the site. The proposed modifications maintain compliance with the development standard.

7.3 Other matters

There are no further matters for assessment under the LEP triggered by the proposed modification.

8 State Environmental Planning Policies

8.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The following aspects of The State Environmental Planning Policy (Biodiversity and Conservation) 2021 are applicable to the land and the proposed development:

- Chapter 2 - Vegetation in Non-Rural Areas

The relevant provisions are responded to below.

8.1.1 Chapter 2 - Vegetation in Non-Rural Areas

Vegetation is prescribed under Part E1 of the Warringah DCP for the purposes of SEPP (Vegetation in Non-Rural Areas) 2017. The proposal involves development within proximity to vegetation and therefore the proposal is accompanied and supported by a revised arboricultural impact assessment report dated 30 January 2023.

The report identifies that 97 trees were assessed, retention of 89 trees and removal of 8 trees (3 less than approved by DA2022/0888) is proposed (figure A8 in Annexure 1). The replanting of native trees (Lilly pillies) has already been undertaken on the site (details on the architectural plans) and no additional replanting is proposed by the DA.

The report identifies a range of mitigation measures, and these recommendations may reasonably form conditions of the modified development consent. Based on the above, the provisions of the policy are satisfied by the proposal.

9 Bushfire prone land

The site is within a bushfire prone area and subject to the provisions of the Rural Fires Act 1997. As a result, the proposal is accompanied and supported by a bushfire protection assessment report by Bushfire Consultancy Australia. Subject to compliance with the recommendations of the bushfire assessment report, the proposal satisfies planning for bushfire protection requirements.

10 Warringah Development Control Plan 2011

10.1 Changes made to this modification

The changes and the planning controls from the Warringah DCP relevant to the proposed modifications are noted and addressed as follows.

| Clause | Requirement | Proposed | Complies? |
|--------------------------|--|---|----------------|
| B1 Wall Height | 7.2 | Upto approx. 7.2m to the new garage/shed | Yes |
| B5 Side Setback | 10m | East side - New detached garage / shed: approx. more than 90m | Yes |
| B7 Front Setback | Primary 20m to Aumuna Rd. The property's Aumuna Rd frontage is deemed to be its front boundary. | New detached garage / shed – 20m Secondary – 35.4m to Coolowie Road) | Yes Yes |
| B9 Rear Setback | The control defines the rear building setback as: <i>The rear building setback is the distance measured perpendicular to the boundary furthest from a public street up to any building on the allotment</i> | In applying the definition of the rear setback to the subject site the furthest boundary from a public street is the eastern boundary, which is also the side boundary. Both the rear and side boundary setback requirements are 10m. The proposal complies with this requirement as detailed above in response to side setbacks. | Yes |
| D1 Landscaped Open Space | 30% | Current: 16,385.5m ² /90.6% Proposed:15,706m ² /87% | Yes |

In summary:

- There will be no significant amenity, streetscape or environmental impacts resulting from the proposed modifications.
- The proposed modifications are assessed as appropriate in satisfying the provisions of the DCP controls.

11 Section 4.15 Matters for Consideration and 4.55(2) Modifications

The proposal has been assessed having regard to the matters for consideration pursuant to Section 4.15(1) and 4.55(2) of the Act, and to that extent, Council can be satisfied that:

- The nature and extent of the proposed modifications are modest and within the scope of Section 4.55(2), being modifications involving substantially the same development for which consent was originally approved on the land.
- The proposed modifications will result in the retention of 2 additional trees and maintain the overall form and presentation of the approved development, with boundary setbacks compliant and / or increased.

- The proposed modifications will provide an improved development outcome without any inappropriate impacts on the amenity of neighbouring properties.
- The proposed changes are appropriate in terms of the approved building form, bulk, streetscape, overshadowing, view sharing, or privacy impacts.
- The likely impacts of the proposed modification have been appropriately identified and considered. The public interest will be served by the approval of the application.

12 Conclusion

The proposed modifications to Development Consent DA2022/0888 for Lot 259 Aumuna Road, Terrey Hills represent appropriate changes to the development consent.

The proposed development as modified is substantially the same development as the development for which consent was originally granted and within the scope of Section 4.55(2).

It is assessed that the proposed development, as modified, is satisfactory and the modification may be approved by Council.

Yours sincerely,



Michael Haynes
Director - BBF Town Planners

ANNEXURE 1 – Plan excerpts for comparison

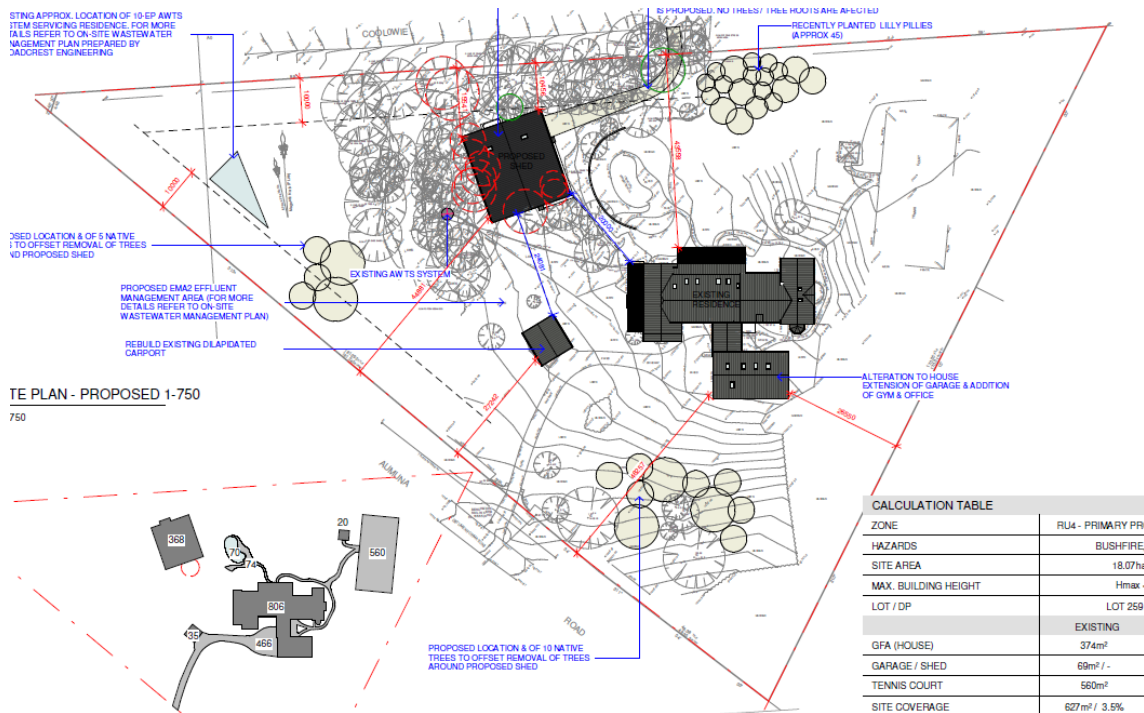


Figure A1 – site plan approved

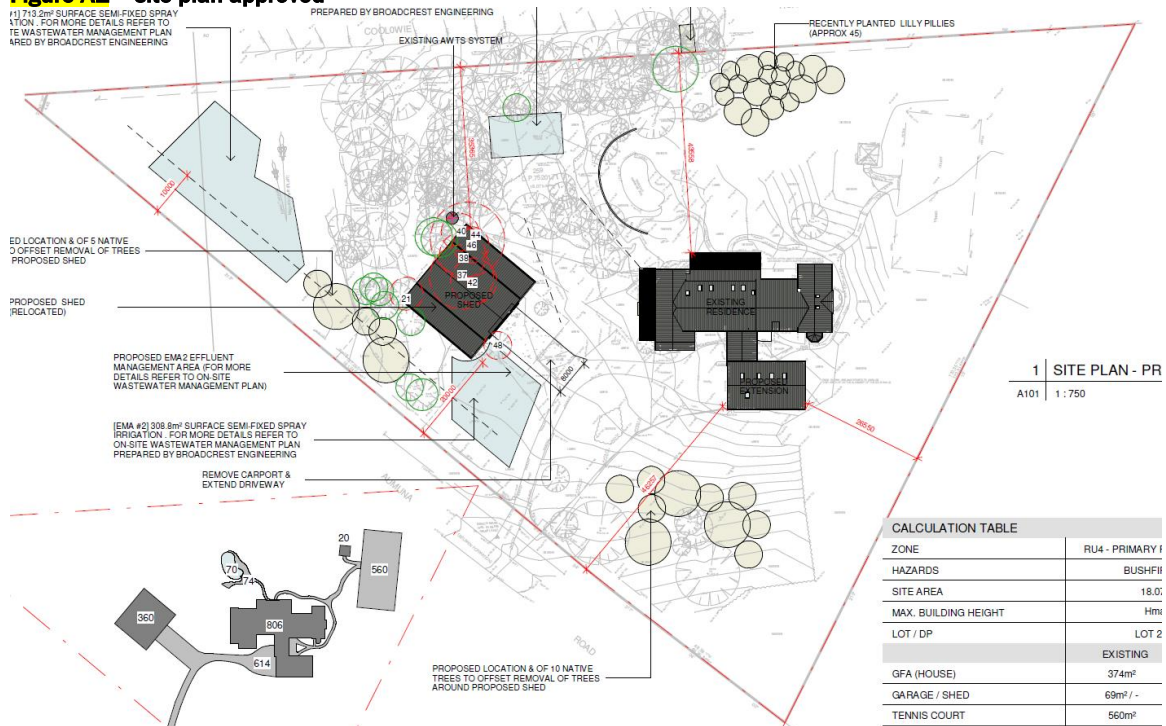


Figure A2 – site proposed modifications

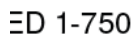


Figure A3 – front setback approved



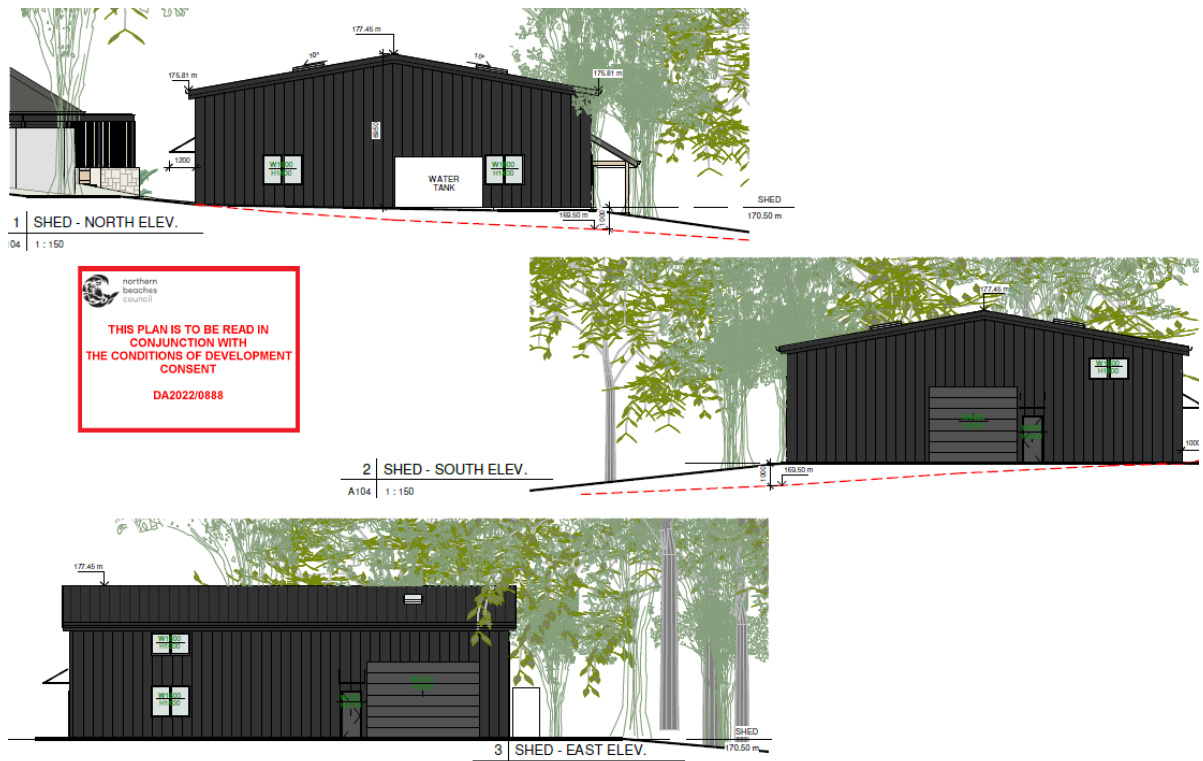


Figure A5 – elevations of shed / garage approved

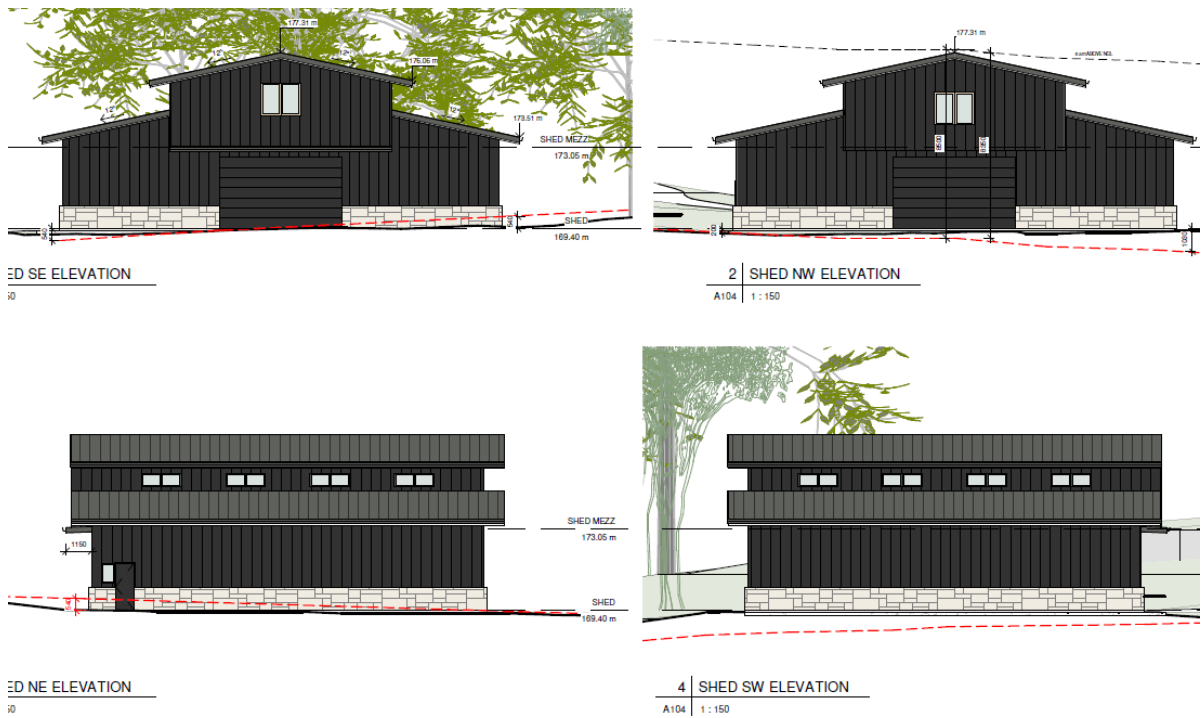


Figure A6 – elevations of shed / garage proposed modification

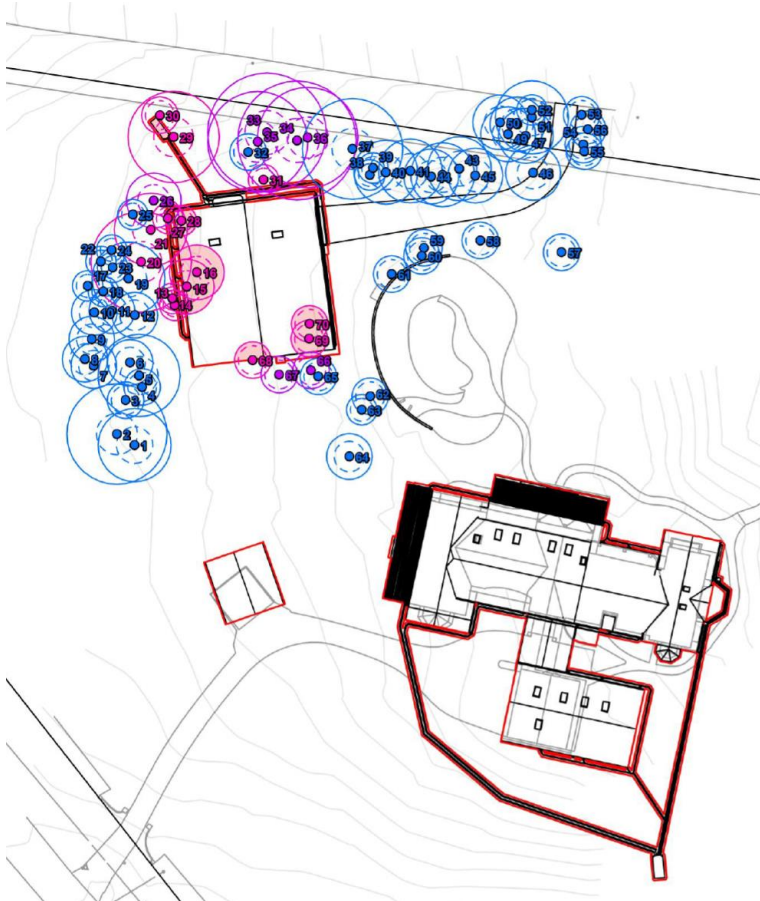


Figure A7 – tree retention / removal approved



Figure A8 – tree retention / removal proposed modification