

STATEMENT OF ENVIRONMENTAL EFFECTS

APPLICATION FOR DEVELOPMENT CONSENT FOR ALTERATIONS, ADDITIONS & PROPOSED SUBDIVISION TO LOT 32 DEPOSITED PLAN 25164

PROPERTY:	35 EARL STREET, BEACON HILL
APPLICANT:	KIMBAL & CHARMAINE BURKE
OWNER:	KIMBAL & CHARMAINE BURKE

Prepared by:

Warren L Bee, Registered Surveyor

Bee & Lethbridge
PO Box 330
FORESTVILLE NSW 2087

Phone: 9451 6757

Email: survey@beeeth.com.au

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Statement of Environmental Effects

INTRODUCTION

This statement has been prepared to address the suitability of the proposed subdivision in terms of Warringah Local Environment Plan 2011, the Environmental Planning and Assessment Act, 1979 as amended, the Warringah Development Control Plan, December 2011 & The Environmental Planning and Assessment Regulation.

The application is accompanied by a detail survey plan and proposed plan of subdivision together with supporting documentation prepared by Civil & Structural Engineering Design Services Pty Ltd (Stormwater Management Plan) and Crozier – Geotechnical Consultants (Landslip Risk Assessment). Bushfire Planning Services Pty Ltd (Bushfire Report)

A Clause 4.6 Variation of Warringah Local Environmental Plan 2011 relating to minimum Lot sizes forms part of this submission.

PROPERTY AND SITE DESCRIPTION

The subject allotment is described as N° 35 Earl Street, Beacon Hill being Lot 32 in DP 25164. The property is basically rectangular in shape with front and rear dimensions of 31.06 & 31.08. The side dimensions are 40.21 & 33.04. The area of the site is 1124m². The land falls approximately 5 metres from front to rear. The existing residence includes an approved dual occupancy approved by Warringah Shire Council in 1985 under Consent N° 85/15. The construction of the dual occupancy over the sewer line which is concrete encased was approved by MWS & DB, see file BOS/864954 on 4/4/1985.

THE SURROUNDING ENVIRONMENT

The property is adjoined to the west by a public pathway and by residential properties to the east and south.

The general vicinity of the site is characterised by a mix of residential one and two storey free standing dwellings with a variety of architectural styles.

The varying age of development in the area has resulted in a combination of material and finishes, with the development generally presenting a consistent setback to the public domain.

Adjacent dwellings have a variety of setbacks to the street and boundaries, which have preserved the residential character of the area.

The subdivision pattern in the area is consistent with the proposed subdivision and the lot sizes in the area are similar to that being nominated.

PROPOSED DEVELOPMENT

It is proposed to subdivide the existing allotment which supports one dwelling into two separate Torrens Title lots. The resultant allotments which have been defined as Lots 1 & 2 will have the following indices

Site Area Lot 1	573.8m ²
Site Area Lot 2	550.1m ²

One allotment will hold an existing dwelling and the other allotment will be vacant. The lots will have separate driveways, the existing dwelling will utilise the present driveway and maintain the carport. The driveway for the vacant lot will be dependent on house design which would accompany a separate Development Application. The Stormwater Drainage is depicted on the accompanying assessment provided by Civil & Structural Engineering Design Services Pty Ltd. Construction of a driveway on the vacant lot will be in accordance with Warringah Councils "Building over or Adjacent to Constructed Council Drainage Systems & Easements Technical Specifications". Part of the stormwater pipe stands outside the existing Easement to Drain Water. The position of easement will be adjusted to accommodate the drainage pipe. See plan N° 19159C. The lot containing the existing residence will have the timber deck part of the concrete driveway, patio & small terrace removed to obtain a landscape open space of 40%.

Restrictions & Covenant

A restriction to place the driveway at the north eastern corner of lot 2 will be created on title along with a restriction over the overland flow path limiting modifications to the surface levels. A restrictive covenant over the building platform will also be created on title.

EP & A Act 1979 Matters for Consideration Section 79C

Section 79C 1 (a) Development Controls

The development has been evaluated with respect to the Acts

- 1) Warringah Local Environment Plan 2011, and
- 2) Warringah Development Control Plan 2011

Section 79C (1b) Likely Impacts of Development

The likely impacts of the development including environmental impacts, on both the natural and built environments in the locality are assessed in this report.

In this regard the development will have no impact on the surrounding locality. The subject site is conveniently located to public transport, community facilities, shopping, ovals and schools. The subdivision is adequately serviced by existing utilities and waste collection.

Section 79C (1c) Suitability of Site Development

The site located in an area of residential dwelling houses of similar scale and nature. The proposal will be consistent with the surrounding properties.

Section 79C (1e) Public Interest

The public interest will be served by the availability of good housing development in an area already enjoying existing public infrastructure.

Warringah LEP 2011 Consideration Zoning & Permissibility

The land is currently zoned R2 Low Density Residential and the proposed development is permissible within this zone with Council approval.

The LEP sets out the general aims and objectives of the R2 zoning to provide the housing needs of the community within a low density residential development in the landscaped settings that are in harmony with the natural environment of Warringah.

PRINCIPLE DEVELOPMENT STANDARDS

Minimum Subdivision Lot size

The lot size map indicates a minimum lot size for this locality is 600m², which is not satisfied by this proposal. This matter is addressed later in this application pursuant to clause 4.6, variation relating to minimum lot sizes.

Heights of Buildings

The height of building map indicates that the height of 8.5 metres applies to this land. The development does not propose to change the height of the existing building which is less than 8.5 metres.

Zoning & Development Controls

Warringah Local Environmental Plan 2011, Clause 4.1 (3) states the following objectives regarding minimum lot size of 600m²

- a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,
- b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,
- c) to protect the integrity of land holding patterns in rural localities against fragmentation,
- d) to achieve low intensity of land use in localities of environmental significance,
- e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,
- f) to protect and enhance existing remnant bushland,
- g) to retain and protect existing significant natural landscape features,
- h) to manage biodiversity,
- i) to provide for appropriate stormwater management and sewer infrastructure

The lot sizes in the proposed subdivision are 573.8m² and 550.1m² which are below the required minimum 600m² development standard. Subsequently a Clause 4.6 variation to the standard accompanies this proposal. It is considered that the proposed subdivision is consistent with the objectives of the controls for this site.

Clause 4.6 Variation of Warringah Local Environmental Plan 2011 relating to minimum Lot sizes.

The proposed lot sizes of 573.8m² & 550.1m² are below Council's minimum lot size for land zoned R2 Low Density Residential.

Clause 4.6 provides a mechanism by which a development standard can be varied.

The objectives of this clause are as follows:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances

Clause 4.6 (2) permits development consent to be granted for development even though development standards may be contravened.

Clause 4.6 (3) requires a written request from the applicant to justify the contravention of the development standard.

Clause 4.6 (4) states consent must not be granted unless

- a) (i) the applicants written request has adequately addressed the matters covered by 4.6 (3)
- (ii) the development is in the public interest because it is consistent with the objectives of the particular standard and objective for development in the zone.

Clause 4.6 (5) states the Director General must consider

- a) whether contravention of the standards raise any matter of significance for State or regional environmental planning and
- b) the public benefit of maintaining the development standard, and
- c) any other matters required to be taken into consideration by the Director General before granting concurrence.

REQUEST FOR VARIATION

The property is zoned R2 in the WLEP 2011 which states that the objectives of the zone are:

- 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 is consistent with the zone objectives as the residential development is maintained in the established low density environment and the subdivision does not have any adverse effect on the environment. The existing landscaped setting is in harmony with the natural environment of Warringah.

The proposed allotments are within 96% (Lot 1) and 91.5% (Lot 2) of the required standard therefore the variation of 24m² and 52² is not significant and can reasonably be considered to be minor.

There are a number of Lots in Earl Street that are less than the standard required by Clause 4.1

Address	Lot size
41-49 Earl Street	579m ²
23-33 Earl Street	464m ²
26-36 Earl Street	464m ²

The proposed subdivision pattern is consistent with the adjoining lots and the configuration will permit an efficient use for an additional dwelling and landscaping.

It is considered that strict compliance with the minimum lot size requirement is unreasonable and unnecessary under the circumstances a previously detailed.

The subdivision is consistent with the zone objectives and the objectives of the minimum lot size standard. Contravention of the development standard does not raise any matter of significance for State or Regional environmental planning. Therefore there is no statutory or environmental planning impediment to allowing the minimum lot size variation in this case.

Warringah Development Control Plan

DRAINAGE:

Both allotments on the subject site will dispose of stormwater through piped drainage system into the Council Stormwater line passing within the lots. The accompanying plans prepared by Civil & Structural Engineering Design Services Pty Ltd, indicate the proposed detention and disposal of stormwater from the site. Stormwater management, erosion and sedimentation control are covered in the hydraulic notes and plan numbered B-11-264297-1A.

ACCESS:

Access is directly available from Earl Street for both lots.

BUSHFIRE:

The subject properties are within a bushfire prone area and any building requirement will be addressed in separate Development Applications for construction purposes.

DESIGN & CONSTRUCTION:

The existing dwelling will remain in its present state and any future dwelling on the vacant lot will be subject to Council's planning requirements.

LOT DIMENSIONS:

Council's subdivision controls seek to provide a minimum allotment width of 13 metres with a minimum depth of 27 metres and building platform of 150m². The proposed satisfy these minimum standards.

PARKING FACILITIES

Lot 1 has off street parking for two vehicles and the parking for Lot 2 will be addressed by a future Development Application.

WASTE MANAGEMENT

Council garbage collection will apply to both lots.

CONCLUSION:

The principle objective of this development application is to seek the subdivision of the existing allotment supporting one residential house into two lots supporting one house and creating a vacant lot for future development.

The proposal will result in two lots of land with each lot being of sufficient size and shape to support the existing dwelling and future dwelling and ensure amenity to the adjoining properties. The character of the streetscape and locality will be maintained.

The proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments. Matters pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979 as amended, have been considered and there are no matters which would prevent Council from granting consent.

It is considered that the minimum lot size variation has reasonably been addressed and that Development Consent under the delegation of Council is required and desirable in this instance.

BUILT FORM CONTROLS

SITE INFORMATION AND BUILDING CONTROLS	PROPOSED		COMPLIANCE WITH CONTROLS Y/N
	LOT 1	LOT 2	
Site Area	573.8 m ²	550.1 m ²	NO
Housing Density	1/600 m ²	1/600 m ²	NO
Maximum Building Height	5.5	Vacant	YES
Front Building Setback	5.75	Vacant	NO
Rear Building Setbacks	4.15	Vacant	NO
Minimum side boundary setback	1.0	Vacant	YES
Private Open Space	211 m ²	Vacant	YES
Percentage of landscape open space	41.5 %	Vacant	YES
Impervious Area	314 m ²	Vacant	YES
Number of car spaces	2	Vacant	YES