

STATEMENT OF ENVIRONMENTAL EFFECTS

Carport

7 Kens Road, Frenchs Forest

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1 Introduction

1.1 Proposal Overview

This report accompanies and supports a Development Application (DA) for a new carport at 7 Kens Road, Frenchs Forest.

Blue Sky Building Design has responded to the client's brief with an appropriate design that is responsive to the prevailing planning objectives for the site.

The proposal involves a carport structure that is characterised as a lightweight and open, comprising support posts with metal skillion roof over. It is a simple, lightweight, unobtrusive structure. Furthermore, the proposed building form will be positioned below the street level (by approximately 1.8m) due to the sloping topography. The front of the property is visually screened from the street via a lapped-and-capped timber paling fence a well-established hedge and inground swimming pool; all of which are existing elements within the frontage of the property.

In the circumstances, the proposed carport will not alter or negatively impact upon the existing pattern of buildings or landscape elements within the streetscape and the varied character of the streetscape will be maintained.

The property is free of any significant environmental constraints and can accommodate the proposal without any significant changes or impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views.

The proposal represents appropriate improvements to the land that will have a negligible impact on the property's presentation and be compatible with the surrounding amenity.

1.2 Statement of Environmental Effects

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory, and the development application may be approved by Council.

2 Site Analysis

2.1 Site Description

The site is located 7 Kens Road, Frenchs Forest. It is legally described as Lot 2 in Deposited Plan 223421. The site has an area of 696.7m².

The site is irregular in shape with angular aligned boundaries. Relevant to the proposal the front, northern boundary is 21.031m in length.

2.2 Features of the site and its development

The key features of the site and its development include:

- The land is developed with a 2-storey brick residence with a tiled roof. The property is set within a developed, predominantly, low density residential location.
- The front of the property is visually screened from the street via a lapped-and-capped timber paling fence and a well-established hedge. These features provide a valued privacy screen to a fully concealed inground swimming pool in the north western corner of the property.
- Vehicle access is from Kens Road with informal car parking available within the front of the site.
- The property adjoins a battle-axe driveway public reserve on the western side boundary. The proposed carport is to be located on the eastern side boundary.
- The site and the adjoining properties have a north/ south orientation to Kens Road.
- The property slopes away from the street with a level difference within the front of the site of approximately 1.8m (approximately RL 148.5 at the street level to RL 146.9). The proposed location of the carport is not visually prominent.
- Given the hillside topography, there is an irregular subdivision pattern in this location. There are a number of cul-de-sacs and battle-axe shaped allotments.
- Informal car parking arrangements are evident within the front setback of several nearby properties. There are also a number of examples of formalised car parking structures (carports and garages) within the front of nearby properties (depicted in images below).
- Figures below depict the character of the property and its existing development.

2.3 Zoning and key environmental considerations

The property is zoned R2 Low Density under the Warringah Local Environmental Plan 2011 (LEP) as is most of the surrounding land.

The site is not affected by key environmental considerations like, for example heritage, bush fire, biodiversity, flood, waterways, and threatened species and acid sulfate soils.

The site is affected by geotechnical risk and riparian land. These matters are addressed within Section 5 of this report.

There are no zoning or environmental characteristics that present impediments to the improvements proposed to the land.

2.4 Recent DA History

Recent DA history is noted as follows (from Council's website):

DA2000/4502

Alterations & Additions 15/11/2001 (Submitted: 20/06/2000)

DA1999/3208

Swimming Pool - Hardman B A (Submitted: 11/11/1999)

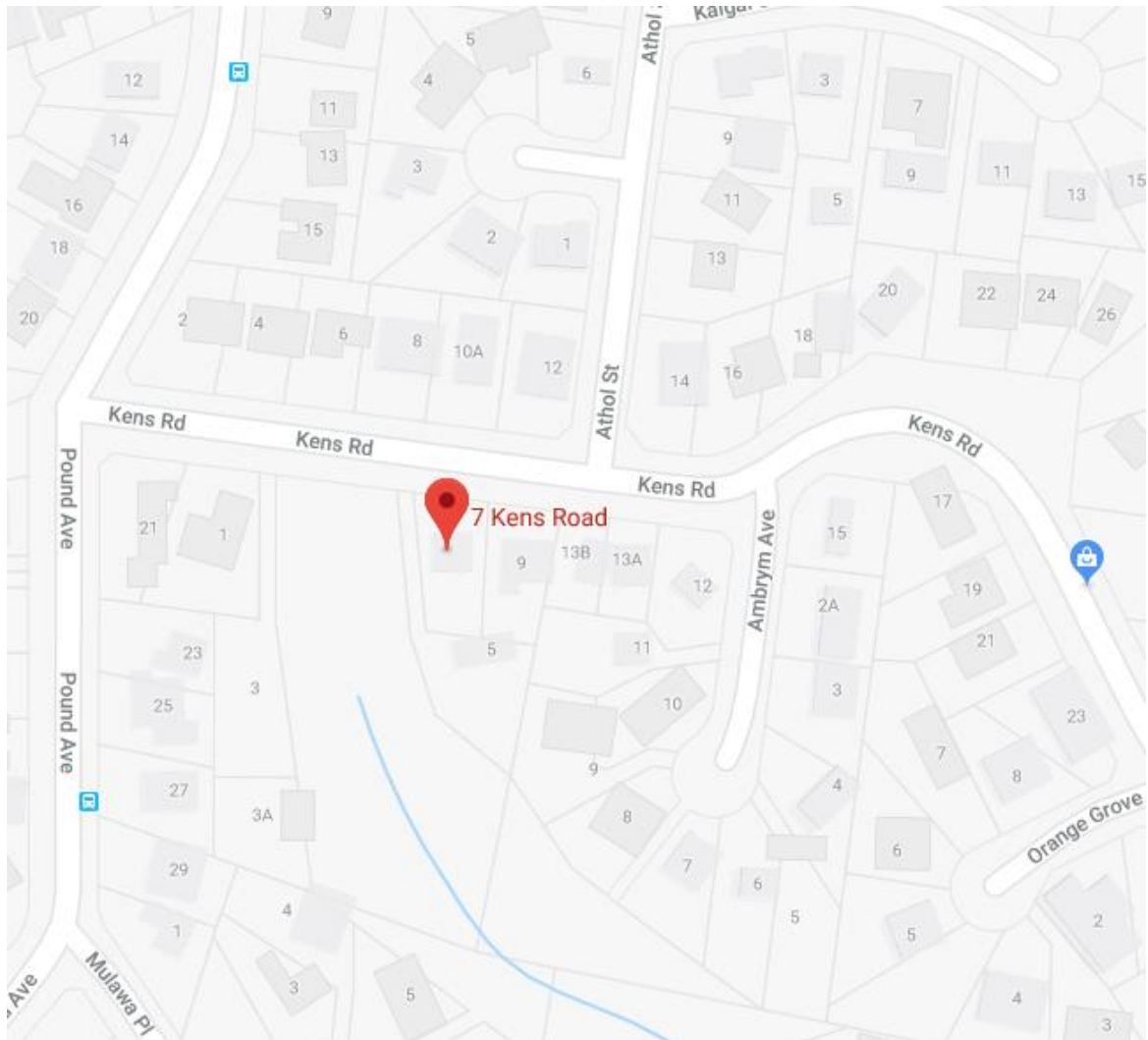


Figure 1 – Location of the site within its wider context (courtesy Google Maps)

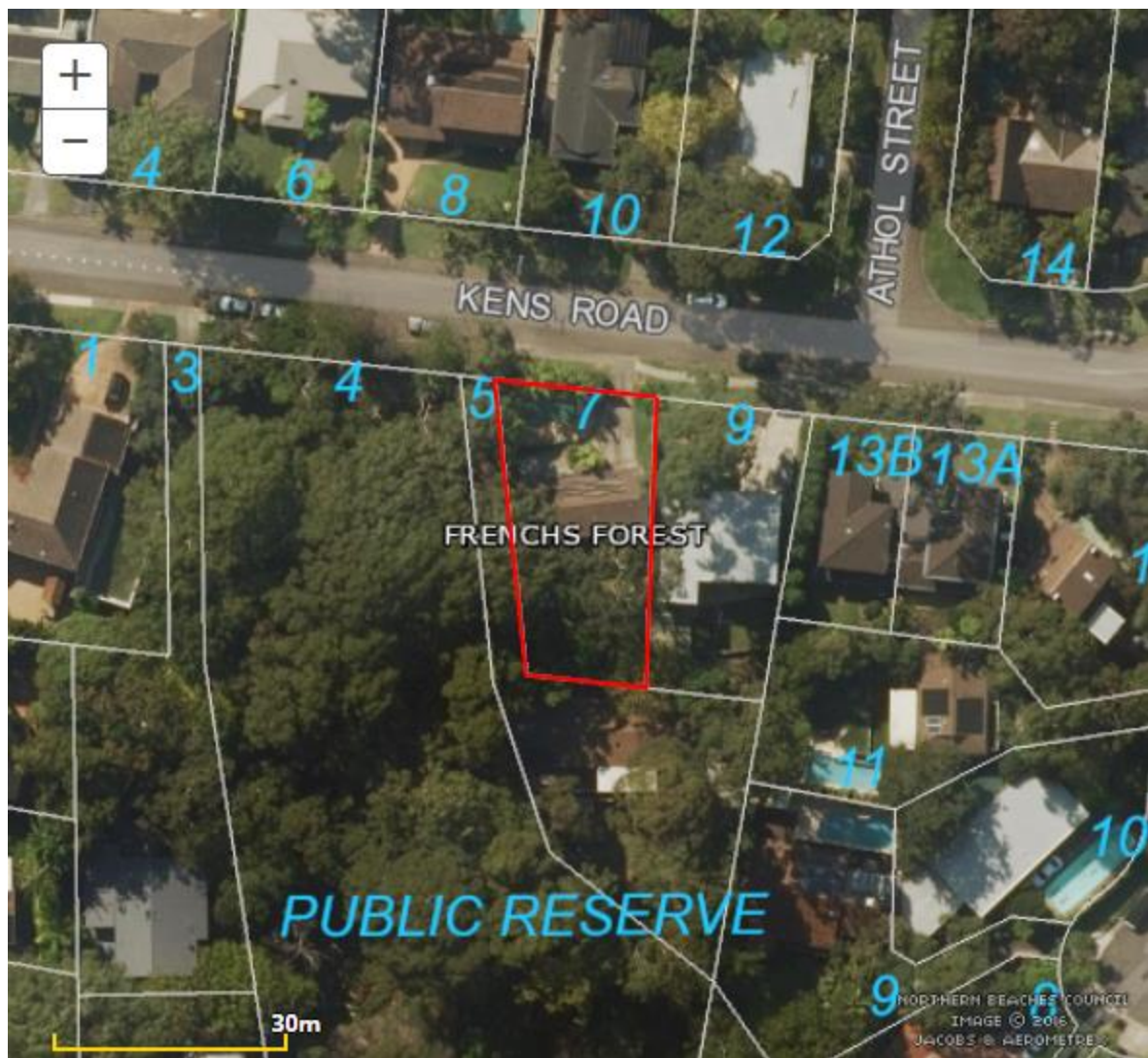


Figure 2 – Alignment, orientation and spatial layout of the subject site and adjoining dwellings (courtesy Northern Beaches Council)

EXISTING PROPERTY CHARACTER



Figure 3 – the site's existing streetscape character



Figure 4 – the site's existing streetscape character – screening hedge and fence within the front setback



Figure 3 - existing site character – Kens Road frontage



Figure 4 – existing site character 7 Kens Road

STREETSCAPE CHARACTER

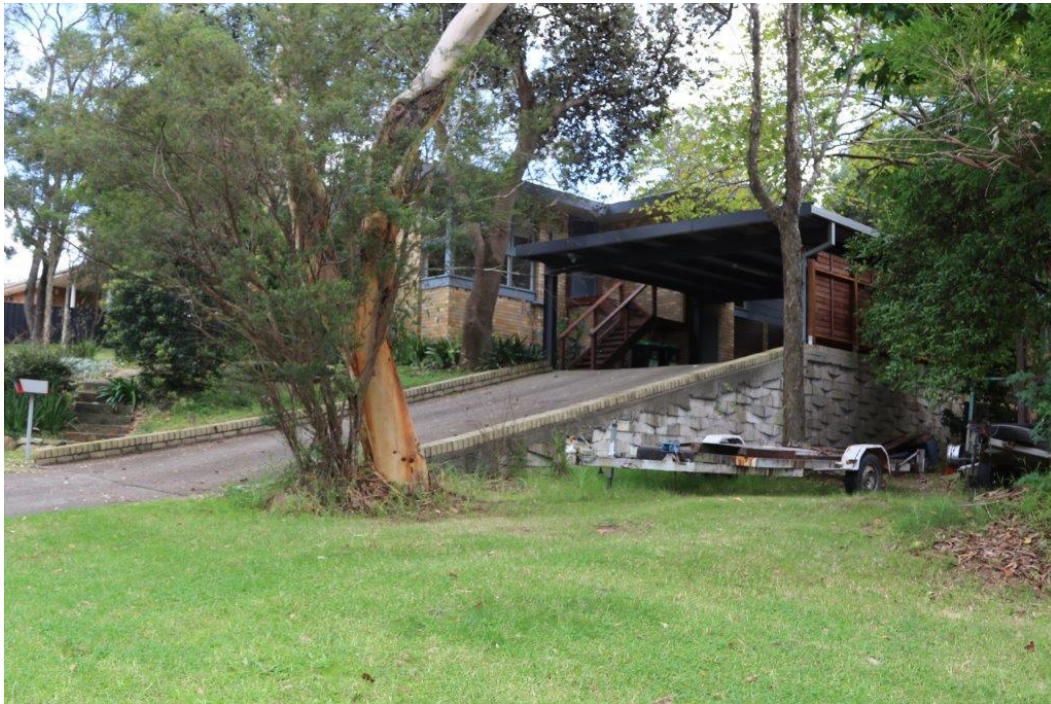


Figure 7 - prevailing streetscape character comprising elevated carport structure opposite the subject site at 10A Kens Road is visually prominent within the streetscape.



Figure 9 - prevailing streetscape character comprising elevated carport structure opposite the subject site at 10A Kens Road.



Figure 10 – prevailing streetscape character at 2 Kens Road (opposite and to the west of the subject site) with carport within the primary front setback.



Figure 11 – prevailing streetscape character at 9 Kens Road – adjoining site to the east. Informal parking within the front setback.



Figure 12 – a battle axe driveway and public reserve are adjacent to the west of the site, prevailing streetscape character nearby at 5 Kens Road



Figure 13 - prevailing streetscape character to the west of the site at 1 Kens Road. 3 car garage and informal hardstand parking within the front setback.



Figure 15 – the property at 18 Kens Road with car port adjacent contributes to the prevailing streetscape character

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3 Description of Proposed Development

The application seeks development consent for a new carport at 7 Kens Road, Frenchs Forest.

The proposal is depicted in the accompanying architectural plans by Blue Sky Building Design. The proposal involves a structure that is characterised as a lightweight, open carport comprising support posts with metal skillion roof over. It is a simple, lightweight, unobtrusive structure. Furthermore:

- the building form will be positioned below the street level (by approximately 1.8m) due to the sloping topography;
- the front of the property is visually screened from the street via a lapped-and-capped timber paling fence and a well-established hedge. These features provide a valued privacy screen to a fully concealed inground swimming pool in the north western corner;
- the proposed carport will not to any significant extent, alter or negatively impact upon to existing pattern of buildings or landscape elements within the streetscape and the varied visual character of the streetscape will be maintained.

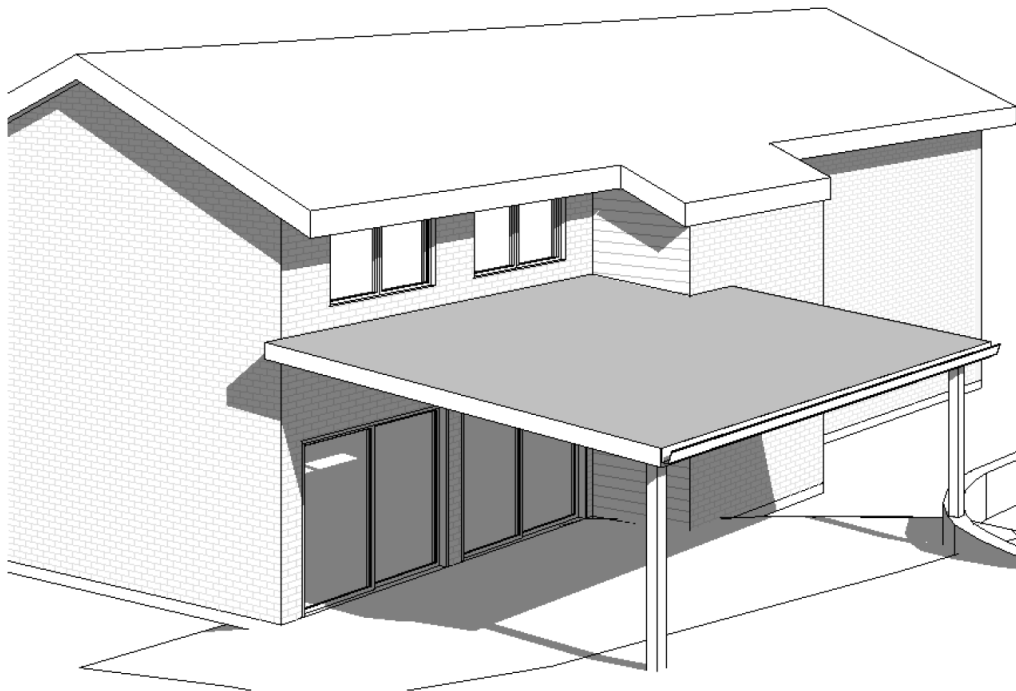


Figure 17 – The proposed building form

4 Environmental Assessment

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Warringah Local Environmental Plan 2011
- State Environmental Planning Policies – as relevant
- Warringah Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 5 of this report, and the town planning justifications are discussed below.

5 Environmental planning Instruments

5.1 Warringah Local Environmental Plan 2011 – Zoning

As previously noted, the site is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011 (LEP).

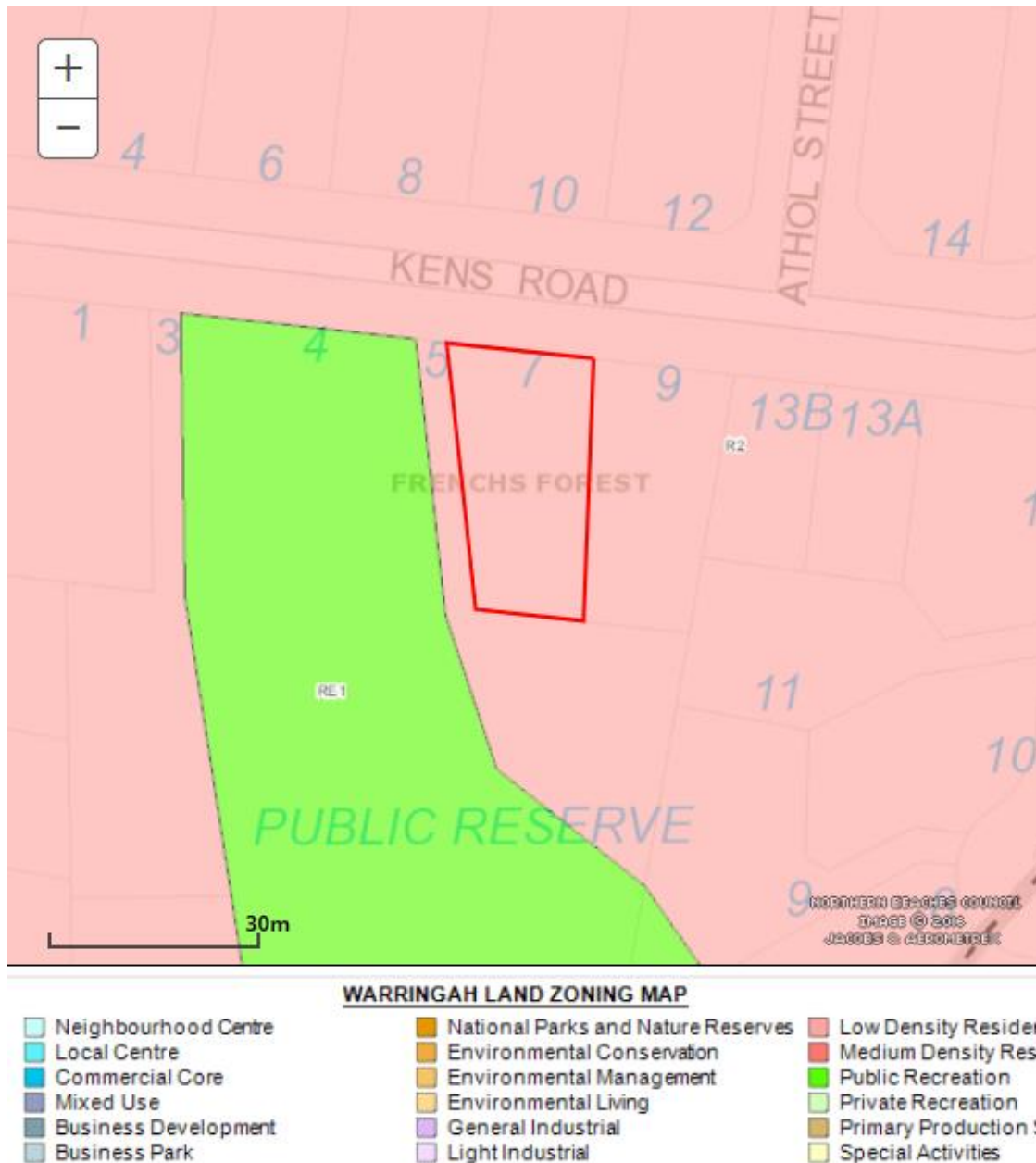


Figure 18 – zone excerpt (Northern Beaches Council)

The proposal constitutes development that is ancillary to the existing principal dwelling. The proposal is permitted within this zone 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' in relation to the proposal. The objectives of the zone are stated as follows:

- *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*

We have formed the considered opinion that the proposed development is consistent with the zone objectives as it will provide for the housing needs of the community within a low density residential environment compatible with the surrounding development.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

5.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size		NA
LEP Clause 4.3 – Height of Buildings	The proposal is under 8.5m in maximum building height as scaled from the architectural plans and complies with this standard.	Yes
LEP Clause 4.4 – Floor space ratio		NA
LEP Clause 4.6 – Exceptions to development standards		NA
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses		NA
LEP Clause 5.10 Heritage Conservation		NA
Part 6 of LEP – Additional Local Provisions		
LEP Clause 6.1 Acid sulfate soils	Minor excavation for footings is	Yes

LEP Provision	Response	Complies
	proposed below the existing site levels (being at approx. AHD RL 146) which is above AHD RL 5.00.	
LEP Clause 6.2 Earthworks	Minor excavation for footings is proposed below the existing site levels.	Yes
LEP Clause 6.3 Flood planning		NA
LEP Clause 6.4 Development on sloping land	A geotechnical report accompanies the application and satisfies this LEP provision.	Yes

5.3 State Environmental Planning Policy - BASIX

The proposed alterations and additions is not BASIX affected development as prescribed and therefore a BASIX assessment report does not accompany the application.

5.4 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. The application is accompanied and supported by a Stage 1 Geotechnical investigation.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

6 Development Control Plan

The Warringah Development Control Plan is applicable to the proposal. Relevant provisions of the Warringah DCP are addressed below.

6.1.1 Principal Built Form Controls

Clause	Requirement	Proposed	Complies?
B1 Wall Height	7.2m	3.430	Yes
B3 Side Boundary Envelope	4m at 45 degrees	Complies as shown on the architectural plans	Yes
B5 Side Setback	900mm	1670 to 2500mm	Yes
B7 Front Setback	6.5m or average (if greater than 6.5m)	3.82 to 5.315m	No*
B9 Rear Setback	6m	No change	NA
D1 Landscaped Open Space	40% - 218.2 m ²	No change	NA

6.1.2 Front setback

As identified within the above table, a variation is exhibited by the proposal with the DCP control - B7 Front setback. The site frontage is a generous 21.03m wide and the proposal encroaches within the Front setback for a lightweight open and low-profile carport, 6m in width, and position approximately 1.8m below the road level. This variation is acknowledged, and justification is provided below having regard to the circumstances of the case, merits of the design, and in response to the objectives of the planning control.

The proposed front setback variation is appropriate in the circumstances noting the following:

The front of the property is visually screened from the street via a lapped-and-capped timber paling fence and a well-established hedge. These features provide a valued privacy screen to a fully concealed inground swimming pool located in the north western corner of the property.

The property slopes away from the street with a level difference within the front of the site of approximately 1.8m (approximately RL 148.5 at the street level to RL 146.9). The proposed location of the carport is not visually prominent.

The local prevailing streetscape character is varied. Noting the hillside topography, there is an irregular subdivision. The local streetscape context comprises informal car hardstand parking spaces; battle-axe driveways, public reserve; informal car parking arrangements are evident within the front setback of several nearby properties. There are also a number of examples of formalised car parking structures (carports and garages) within the front of nearby properties (depicted in images below).

In relation to the subject site the front building line is already breached by a lapped-and-capped timber paling fence, a well-established hedge, and inground swimming pool.

Having regard to these circumstances, the objectives of the control are noted to be:

To create a sense of openness.

To maintain the visual continuity and pattern of buildings and landscape elements.

To protect and enhance the visual quality of streetscapes and public spaces.

To achieve reasonable view sharing.

In response, it is our considered opinion that the proposal satisfies the objectives of the Front boundary setback control as detailed below:

- As a result of the front timber paling fence a well-established hedge and inground swimming pool at the front of the dwelling, the existing property frontage is not open. Notwithstanding, the structure is characterised as a lightweight, open carport, comprising support posts with metal skillion roof, within a wide allotment frontage. It is a simple, lightweight, unobtrusive structure. Given the character of the existing front hedge and fence, and the proposed car port's position below the street level, the proposed structure will be mostly visually screened from the streetscape and therefore not add any significant or prominent built form to the streetscape. For these reasons it is assessed as satisfying the objective of maintaining a 'sense of openness' of the property's street frontage, and therefore the first objective of the control is assessed as being satisfied.
- In terms of *maintaining the visual continuity and pattern of buildings and landscape elements*, we note the following:
 - The site is located within an established low-density residential area, but which contains a varied local streetscape character. Noting the hillside topography, there is an irregular subdivision. The local streetscape context comprises informal car hardstand parking spaces; battle-axe driveways, and a public reserve are evident within the front setback of several nearby properties. There are also several examples of formalised car parking structures (carports and garages) within the front of nearby properties (depicted in section 2 of this report).
 - Accordingly, the proposed lightweight, open carport will not to any significant extent, alter or negatively impact upon to existing pattern of buildings within the streetscape or landscape elements and the varied visual character of the streetscape will be maintained.

- Based on the above it is concluded that the proposal satisfies the second objective of the control.
- In this case the existing visual quality of the streetscape and public spaces will be protected and enhanced by:
 - The low-profile roof line and low siting of the car port structure, being approximately 1.8m below the street level;
 - The presence at the front of the site of the established lapped-and-capped timber paling fence and a well-established hedge which will significantly screen the proposed structure.
 - The lightweight and unobtrusive open character of the proposed carport structure will minimise the extent of any change to the visual quality of the streetscape.
 - Based on the above it is concluded that the proposal satisfies the third objective of the control.
- Considering the location and topography, no significant or unreasonable view loss will result from the proposal and reasonable view sharing will be achieved by the proposal. Based on the above it is concluded that the proposal satisfies the fourth objective of the control.

Conclusion

Based on the above, it is concluded that:

- the proposal is reasonable;
- the proposal meets the objectives of the Front boundary setback planning control;
- there are sufficient site-specific circumstances to justify this variation in this instance

Under clause (3A)(b) of Section 4.15 of the Act, it is appropriate for the consent authority to be flexible in applying the controls where the objectives of those controls have been satisfied. Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of DCP. Accordingly, our assessment finds that this aspect of the proposal is worthy of support, in the particular circumstances.

6.2 Broader DCP Compliance Assessment

Clause	Compliance with Requirement	Consistent with aims and objectives
Part B - Built Form Controls – addressed above		
Part C - Siting Factors		
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	2 car spaces - Yes	Yes
C4 Stormwater	Drain to existing via gravity means	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
	- Yes	
C5 Erosion and Sedimentation	Shown on architectural plans - Yes	Yes
C8 Demolition and Construction	Shown on architectural plans - Yes	Yes
C9 Waste Management	Yes	Yes
Part D - Design		
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
<p>D6 Access to Sunlight</p> <p>In accordance with Clause D6 of the DCP, the sunlight available to the main private open space of adjoining property at 9 Kens Road will not be impacted significantly by the proposal.</p> <p>It is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the provisions of the control have been satisfied.</p>	Yes	Yes
<p>D7 Views –</p> <p>New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p> <p>Consideration has been given to the potential view aspects from the adjacent properties. The proposal will not significantly or unreasonably impede any established views from surrounding residential properties or public vantage points.</p>	Yes	Yes
<p>D8 Privacy –</p> <p>Privacy has been considered in the proposed design and satisfies the DCP's objectives. The proposed carport will not affect the visual privacy of the neighbouring properties.</p>	Yes	Yes
<p>D9 Building Bulk</p> <p>The proposal is appropriately designed and articulated noting that:</p> <ul style="list-style-type: none"> The proposed design comprises a low profile, lightweight, and open, single-storey structure. The 	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
<p>proposal will have minimal bulk and scale.</p> <ul style="list-style-type: none"> ▪ The building form will be positioned below the street level (by 1.8m) due to the sloping topography. ▪ The proposed single-storey car port structure will be mostly visually screened by the existing front hedge and fence. <p>Overall, the proposal will present appropriately to the street and adjoining land and will renew and will have a negligible adverse impact on the site's existing amenity and built form quality.</p>		
<p>D10 Building Colours and Materials</p> <p>The proposal will employ appropriate materials and finishes to blend with the existing dwelling house and its setting.</p>	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E - The Natural Environment		
E1 Private Property Tree Management - NA	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation – NA	Yes	Yes
<p>E8 Waterways and Riparian Lands –</p> <p>The site is near Carrol Creek which is south west and down slope from the property.</p> <p>The proposed works relate to a car port which is proposed to be principally constructed over an existing driveway on the north side of the property. The proposal is sufficiently distanced and spatially separated from the creek and the need for a Waterway Impact Statement can be dispensed with.</p>	Yes	Yes
E10 Landslip Risk – report accompanying	Yes	Yes
E11 Flood Prone Land – NA	Yes	Yes

7 Section 4.15 the Environmental Planning and Assessment Act 1979

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction phase of the works;
 - Economic benefits, arising from the investment in improvements to the land;
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of the council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

8 Conclusion

The application seeks development consent for the addition of a minimalistic carport at 7 Kens Road, Frenchs Forest.

Blue Sky Building Design have responded to the client's brief with an appropriate design that is responsive to the prevailing planning objectives for the site. The proposal represents appropriate improvements to the land that will benefit the occupants and surrounding amenity.

This report demonstrates that the proposal is appropriately located and configured to complement the property's established streetscape character. The proposal will not give rise to any significant or unreasonable adverse environmental consequences.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 and should be granted development consent.

BBF Town Planners



Michael Haynes
Director