

**STATEMENT OF  
ENVIRONMENTAL EFFECTS**

Alterations and additions, secondary  
dwelling, carport and swimming pool

**102 Grace Avenue  
FORESTVILLE**

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# **Statement of Environmental Effects**

**ALTERATIONS AND ADDITIONS, SECONDARY DWELLING, CARPORT AND SWIMMING POOL**

**102 Grace Avenue, FORESTVILLE**

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## **1.0 INTRODUCTION**

This document has been prepared as a component of a development application proposing alterations and additions to the existing dwelling including the creation of an attached secondary dwelling, new carport and swimming pool. The secondary dwelling component of the application is made pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPPARH).

The proposed works have been designed having regard to detailed site analysis and the constraints imposed by an existing Sydney Water sewer main which traverses the rear of the property and the properties location on a busy and narrow section of Grace Avenue. The design brief included the requirement to address the existing antiquated off-street parking circumstance which includes a tandem parking arrangement and the need to reverse up a relatively steep driveway onto Grace Avenue. In this regard, the proposal includes safe and convenient off-street parking for 2 vehicles.

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

- The Environmental Planning and Assessment Act, 1979 as amended ("The Act").
- State Environmental Planning Policy (Affordable Rental Housing) 2009 ("SEPPARH")
- Warringah Local Environmental Plan 2011 ("The LEP").
- Warringah Development Control Plan ("The DCP").

Architectural drawings including floor plans, sections, elevations and shadow diagrams have been prepared in relation to the development proposed. The application is also accompanied by a site survey, site analysis plan, waste management plan, BASIX Certificate, geotechnical report, bushfire report and schedule of finishes.

The proposed works are permissible and compliant with the applicable built form controls as reasonably applied to an application proposing legitimate alterations and additions given the established built form circumstance. The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

## 2.0 SITE DESCRIPTION AND LOCATION

The site known as Lot 22, DP 200710, No. 102 Grace Avenue, Forestville, is generally rectangular in shape with the Eastern side being slightly longer and having a frontage and address to Grace Avenue of 18.29 metres, depth of between 48.98 and 47.095 metres and a site area of 878.4 square metres. The site falls approximately 8 metres across its surface in a north westerly direction with an escarpment running in a north-south direction across the midpoint of the property. The lower portion of the site is generally flat. A Sydney Water sewer main runs across the rear of the site. An aerial photograph depicting the site and its surrounds is below.

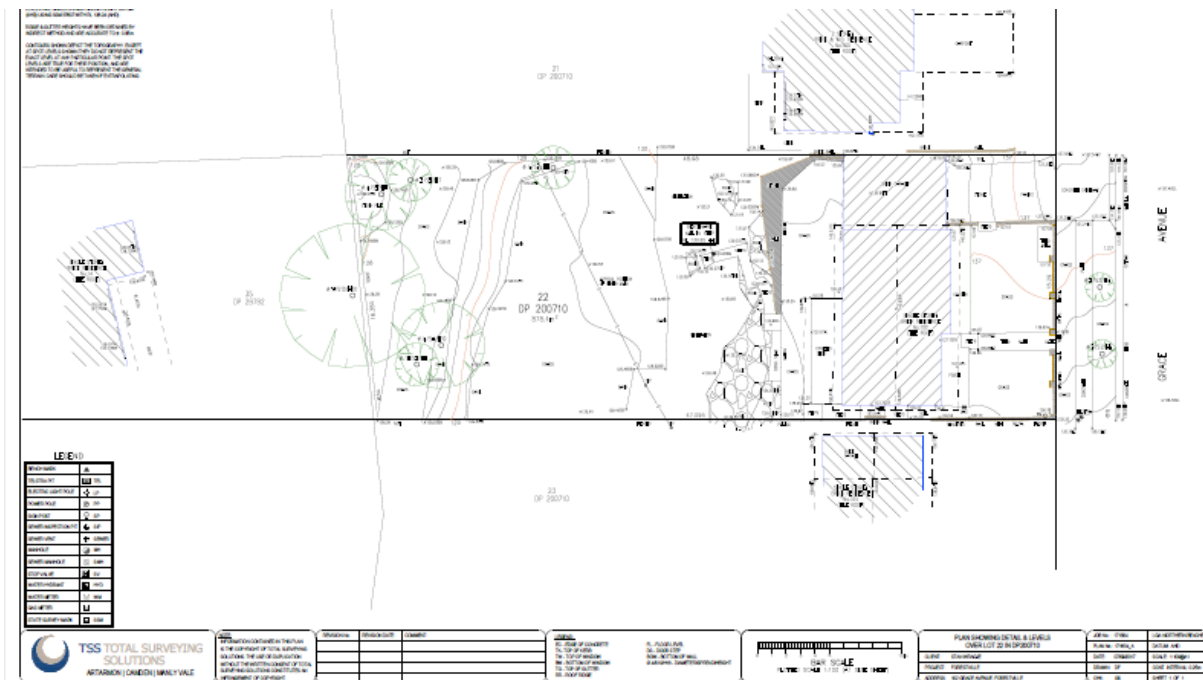


Source: Goggle Maps

**Figure 1** – Aerial Location Map

Standing upon the allotment is a single storey brick residence with a pitched and tiled roof and attached single garage with flat metal roof. The garage is accessed via a steep driveway from Grace Avenue. A masonry pier and infill slat fence delineates the front boundary of the property. The established built form circumstance is depicted in Figures 2 and 3 over page.





### Figure 2 – Site survey



Source: Google Earth

**Figure 3 – Subject site as viewed from Grace Avenue.**

Surrounding properties are occupied by 1 and 2 storey brick dwelling houses within informal landscaped settings.

### 3.0 DEVELOPMENT PROPOSAL

The application proposes alterations and additions to the existing dwelling house including new lower ground floor accommodation, the creation of an attached secondary dwelling, new double carport, rear deck and swimming pool. The secondary dwelling component of the application is made pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPPARH).

The proposed works are depicted on the following plans prepared by Sally Gardner Design and Draft:

#### DRAWING SCHEDULE

- Title Sheet
- N1. Specification & Drawing List
- N2. Schedules & Basix Notes - Residence
- N3. Schedules & Basix Notes - Secondary Dwelling
- E1. Existing Ground Floor Plan
- E2. Existing Lower Floor Plan
- A1. Roof Plan
- A2. Proposed Upper Floor Plan
- A3. Proposed Lower Floor Plan
- A4. North East Elevation
- A5. North West Elevation
- A6. South West Elevation
- A7. South East Elevation
- A8. Sections A-A & C-C
- A9. Section B-B
- A10. Swimming Pool Details
- S1. Site Analysis Plan
- S2. Site Plan and Calculations
- S3. Sediment Control & Site Management Plan
- S4. Shadow Diagram at 9am
- S5. Shadow Diagram at 12 noon
- S6. Shadow Diagram at 3pm

Specifically, the application provides for the following built form outcome:

#### **Lower Floor Plan**

The enclosure of the existing subfloor area to create a living room, study and bathroom/ laundry opening onto a new northwest facing deck and swimming pool. Internal access is provided to the existing principal dwelling floor plate over.

The existing garage is demolished and replaced with a new secondary dwelling with the front door, living room, kitchen and laundry at this level. The living room opens onto a northwest facing deck. A new double carport is constructed within the front building line and accessed from Grace Avenue.

### **Upper Floor Plan**

This existing floor plan incorporates the main entrance to the principal dwelling and open plan kitchen and dining room. This floor also includes 3 existing bedrooms and a bathroom. The rear façade is reconfigured to open onto a new northwest facing deck.

The upper floor plate of the proposed secondary dwelling is also located at this level and contains 2 bedrooms and a bathroom.

All stormwater is connected into the existing stormwater disposal system.



## **4.0 STATUTORY PLANNING FRAMEWORK**

### **4.1 General**

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15(1) of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

### **4.2 State Environmental Planning Policy (Affordable Rental Housing) 2009**

In accordance with clause 20 of the Affordable Housing SEPP ("SEPPARH"), Division 2 'Secondary Dwellings' applies to land within any of the following land use zones or within a land use zone

that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible:

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R4 High Density Residential,
- (e) Zone R5 Large Lot Residential.

The zones above are based on the zones of the Standard Instrument.

The subject property is zoned R2 Low Density Residential pursuant to Warringah Local Environmental Plan 2011 (WLEP 2011). Accordingly, Division 2 of the SEPP applies to the proposal.

Clause 22(3) states that a consent authority must not consent to development to which this Division applies unless:

- (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and*
- (b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.*

WLEP 2011 does not specify a maximum floor area for dwelling houses. As shown on the attached plans the floor area of the secondary dwelling will not exceed more than 60 square metres.

Clause 22(4) of the SEPP provides that a consent authority must not refuse consent to development to which this Division applies on the grounds of site area if:

- (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or*
- (ii) the site area is at least 450 square metres,*

The site area is 878.4m<sup>2</sup> with the proposed secondary dwelling being attached to the existing dwelling.

Clause 22(4)(b) provides that a consent authority must not refuse consent on the grounds of parking if no additional parking is to be provided on the site. The proposal retains 2 off-street parking spaces.

Accordingly, the proposal is permissible and fully compliant with the secondary dwelling provisions contained within SEPPARH.

## **4.2 Warringah Local Environmental Plan 2011**

### **4.2.1 Zone and Zone Objectives**

The subject property is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011 (WLEP). Dwellings are permissible in the zone with consent. The site is not heritage listed or located within a heritage conservation area.

The stated zone objectives are 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.*

This report demonstrates that the development is permissible and not antipathetic to the zone objectives given that it increases the supply of housing to *provide for the housing needs of the community within a low density residential environment.*

#### **4.2.2 Height of Buildings**

Pursuant to clause 4.3 WLEP the height of any building on the land shall not exceed 8.5 metres above existing ground level. The stated objectives of this clause are as follows:

- (a) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) *to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- (d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

The proposed 2 storey secondary dwelling and carport structures sit comfortably below the 8.5 metre height control as depicted on the accompanying plans. The height of the new building elements proposed will not give rise to adverse residential amenity impacts in terms of views, privacy or overshadowing with 3 hours of solar access maintained to the principle living and adjacent private open space areas of adjoining development.

Accordingly, council can be satisfied that the development complies with the 8.5 metre control and its underlying objectives.

#### **4.2.2 Development on Sloping Land**

Pursuant to clause 6.4 of WLEP 2011 the land is identified as being within Landslip Risk Area B. Accordingly, a geotechnical investigation has been carried out and has been submitted with the application.

### 4.3 Warringah Development Control Plan

The following built form controls apply to the subject development.

#### 4.3.1 Wall Height

Pursuant to these provisions walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space). The stated objectives of this control are as follows:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- *To ensure development is generally beneath the existing [tree](#) canopy level.*
- *To provide a reasonable sharing of views to and from public and private properties.*
- *To minimise the impact of development on adjoining or nearby properties.*
- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*
- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

The accompanying architectural plans confirm that all proposed works comply with the wall height control.

#### 4.3.2 Number of Storeys

These provisions require dwelling houses to maintain a 2 storey building form. All proposed works are 2 storey in nature in strict accordance with the control.

#### 4.3.3 Side Boundary Envelope

Pursuant to these provisions buildings must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 4 metres.

Consent may be granted for the addition of a second storey to an existing dwelling house that to a minor extent does not comply with the requirement of this control. The stated objectives of the control are as follows:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

The application proposes a two storey secondary dwelling attached to the existing single storey dwelling with an attached double car carport. All new works compliant with the envelope control. Council can be satisfied that the development complies with the numerical side boundary envelope control and the associated objectives.

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

Pursuant to these provisions, development is to maintain a 900mm minimum setback from side boundaries. Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.:

- *To provide opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*
- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*
- *To provide reasonable sharing of views*

The proposed secondary dwelling maintains a compliant 900mm setback to the northern eastern boundary with the new carport located towards the front boundary. The carport encroaches within the 900mm setback control as depicted on the accompanying plans.

Having regard to the incorporated variation provisions we consider the setback of the carport structures is reasonable for the following reasons:

- The proposed works do not require the removal of any trees or vegetation with established areas of deep soil landscaping maintained.
- The single storey nature of the proposed works will ensure that they will not be perceived as visually dominant when viewed from the northern neighbouring property.
- The scale and bulk of the proposed open carport structure has been minimised.
- The proposed single storey works will not give rise to any adverse public or private view affectation.

Such variation succeeds pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of controls/ standards for dealing with that aspect of the development.

#### **4.3.5 Front Boundary Setbacks**

In accordance with this control a minimum front setback of 6.5 metres applies.

- *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.*

As indicated on the plans, the proposed carport encroaches within the required 6.5 metre front setback. Having regard to the provisions we consider the proposed front setback reasonable for the following reasons.

- Precedence exists along this section of Grace Avenue for carparking structures forward of the front building line as depicted in the following photographs. The proposed structure will not be perceived as inappropriate or jarring having regard to the established streetscape circumstance.
- The location of the proposed carport will facilitate the safe and convenient access and egress from the carparking spaces addressing the existing dangerous and antiquate off-street parking circumstance.

- The proposed single storey carport will not give rise to any adverse residential amenity impacts including both public and private view affectation.



**Figure 4** – Subject site and carport at No. 100 Grace Avenue.



**Figure 5** – Carport at No. 96 Grace Avenue.





**Figure 6** – Garage at No. 94 Grace Avenue.



**Figure 6** – Car parking structure at No. 87 Grace Avenue.



**Figure 7** – Garage at No. 91 Grace Avenue.



**Figure 8** – carports at No's 95 and 97 Grace Avenue.

Such variation succeeds pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of controls/ standards for dealing with that aspect of the development.

#### **4.3.6 Rear Boundary Setbacks**

These provisions require a minimum 6 metre rear setback.

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

All proposed works are setback well beyond the required 6 metre rear setback alignment. Accordingly, Council can be satisfied that the development complies with the control and its underlying objectives.

#### **4.3.8 Parking Facilities**

These provisions require the provision of 2 x off-street car parking spaces located behind the front boundary. maintains 2 off-street parking spaces,

#### **4.3.9 Stormwater**

All stormwater will be connected to the existing drainage system.

#### **4.3.10 Landscaped Open Space**

Pursuant to these provisions a minimum 40% landscaped open space is to be provided. The proposal maintains the existing landscaped area of 679.79 square metres representing 77.39% of the site areas depicted on plan S2. The maintenance of the long established landscaped open space circumstance is considered acceptable with strict compliance found to be both unreasonable and unnecessary under the circumstances.

#### **4.3.11 Private Open Space**

The proposal maintains compliant areas of private open space which are of a size and dimension capable of accommodating both passive and active recreational activities for the occupants of both dwellings. These areas receive compliant levels of solar access and amenity throughout the day.

#### **4.3.12 Access to Sunlight**

Pursuant to these provisions, development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing:

- Sunlight, to at least 50% of the principle private open spaces, is not to be reduced to less than 2 hours between 9am and 3pm on June 21, and
- Where overshadowing by existing structures and fences is greater than this, sunlight is not to be further reduced by development by more than 20%.

The shadow diagrams demonstrate that compliant levels of solar access will be maintained to surrounding development given the orientation of the site and the minor nature of the works proposed.

#### **4.3.13 Views**

Having inspected the site and determined potential view lines over and across the site we have formed the considered opinion that the minor works will not give rise to any adverse public or private view affectation.

#### **4.3.14 Privacy**

The established privacy interface/ relationship between adjoining development is not compromised as a consequence of the works proposed.

#### **4.3.15 Building Bulk**

The scale and massing of development on this site is entirely commensurate with that of adjoining development and 2 storey development generally within the site's visual catchment.

#### **4.3.16 Glare and Reflection**

The proposed glazing and roof finishes will not give rise to any unacceptable glare or reflection.

#### 4.3.16 Landslip Risk

The subject site has a classification of Landslip Risk Class B. In this regard the application is accompanied by a Geotechnical Assessment report prepared in accordance with Council's geotechnical risk management reporting requirements.

The report addresses the extent of site disturbance and confirms that subject to standard engineering considerations, design and construction that the level of site disturbance is acceptable. No objection is raised to a condition requiring compliance with the findings/ recommendations of such report.

#### 4.4 Compliance Table

Site Area 878.4 sqm	Control	Proposed	Compliance
Building Height	8.5m to ridge 7.2 to ceiling	< 7.715m to ridge <5.545m to ceiling	YES YES
Front Building Setback	Min 6.5m	Min 0.994m to carport support posts.	NO Acceptable on merit
Rear Building Setback	Min 6 metres	>17.216 metres	YES
Side Setback and Building Envelope	900mm  4 metres/ 45 degree envelope	Side boundary setback encroachment by carport  Complies	NO Satisfy variation provisions  YES
Landscaped Open Space	40% of Site Area	77.39% as existing	YES
Car parking	2 spaces	2 spaces	YES



#### **4.5 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.1(91) of the Act. Guidelines (*in italic*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

##### **4.5.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.**

The proposed works are permissible and compliant with the built form controls as they are reasonably applied to the proposed works having regard to the established landscape area circumstance.

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

###### *Context and Setting*

i) *What is the relationship to the region and local context on 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?*

The height and scale of the proposed works will be commensurate with that entirely commensurate with established by adjoining development and development generally within the site's visual catchment with no unacceptable residential amenity impacts in terms of visual bulk, views, privacy or overshadowing.

ii) *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?*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

#### *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 proposal maintains the existing compliant off-street parking circumstance.

#### *Public domain*

The proposed development will have no adverse impact on the public domain.

#### *Utilities*

Existing utility services will adequately service the development.

#### *Flora and fauna*

The proposal does not require the removal of any trees or landscape features as confirmed by the accompanying arboreal advice.

#### *Waste collection*

Normal domestic waste collection applies.

#### *Natural hazards*

The application is accompanied by a geotechnical report and bushfire hazard assessment report.



### *Economic impact in the locality*

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate short term employment opportunities through the construction period of the development.

### *Site design and internal design*

i) *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?*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) *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 can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

### *Construction*

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

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

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

#### **4.5.3 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 or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

*Are the site attributes conducive to development?*

The area of the site upon which the works are proposed is of moderate grade and adequate area. Having no identified physical or engineering constraints the site is suitable for the works proposed.

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

It is envisaged that Council will appropriately consider any submissions received.

#### **4.5.5 The public interest.**

The proposed works are permissible and compliant with the built form controls as they are reasonably applied to the proposed works having regard to the established landscape area circumstance. Approval of the development would not be contrary to the public interest.

## 5.0 CONCLUSION

The proposed works are permissible and compliant with the applicable built form controls as reasonably applied to an application proposing legitimate alterations and additions given the established built form circumstance. This report demonstrates that the proposed works will not give rise to any adverse streetscape or residential amenity impacts and maintain a complimentary and compatible built form outcome on this particular site. The proposal will increase the supply of affordable rental accommodation in this locality.

The identified non-compliances with the side and front and side boundary setback WDCP controls have been acknowledged and appropriately justified having regard to the associated variation provisions. Such variation succeeds pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of controls/ standards for dealing with that aspect of the development.

Having given due consideration to the matters pursuant to section 4.15(1) of the Act is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

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