

STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO EXISTING
DWELLING INCLUDING CONVERSION OF EXISTING GARAGE TO RUMPUS AND
A NEW INCLINATOR**

LOCATED AT

41 SIR THOMAS MITCHELL DRIVE, DAVIDSON

FOR

JANINE & DAVID AKERS

**Prepared
October 2019**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans on behalf of Janine & David Akers, prepared by Just Architects Pty Ltd, Project No. A-103, Drawings No. 1-01 – 1-05, 2.01 – 2.03, 3.01 – 3.03 & 4.01, issue B dated 9 October 2019, detailing the proposed construction of alterations and additions to an existing dwelling including conversion of existing garage to rumpus and new inclinor at **41 Sir Thomas Mitchell Drive, Davidson**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

2.0 Property Description

The subject allotment is described as 41 Sir Thomas Mitchell Drive, Davidson, being Lot 39, Section 171 within Deposited Plan 244404 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is not located within a conservation area.

The land is noted as being Landslip Area B. This matter will be discussed in further detail within this report.

Furthermore, the site is identified as Bushfire Prone Land. Accordingly, a Bushfire Risk Assessment Report has been prepared by Planning for Bushfire Protection, Reference No. 1359, dated 19 September 2019. This matter will be discussed in further detail within this report.

3.0 Site Description

The property is located on the southern, lower side of Sir Thomas Mitchell Drive. The site falls towards the south, with the site falling in excess of 12.6m over its length.

The site is irregular in shape, with an arc-shaped front boundary to Sir Thomas Mitchell Drive of 10.72m, eastern and western side boundaries measuring 48.835m and 53.36m respectively, and an angled rear boundary of 13.81m. The land has a total site area of 983.4m².

Stormwater from the site is dispersed within the rear yard.

The site is currently developed with a single and two storey brick residence with a tile roof. Vehicular access is currently available to the site via a concrete driveway with parking provided in a detached double garage at street level.

The details of the site are as indicated on the survey plan prepared by Stutchbury Jaques Pty Ltd, Reference No. 10532/19, dated 23 July 2019, which accompanies the DA submission.

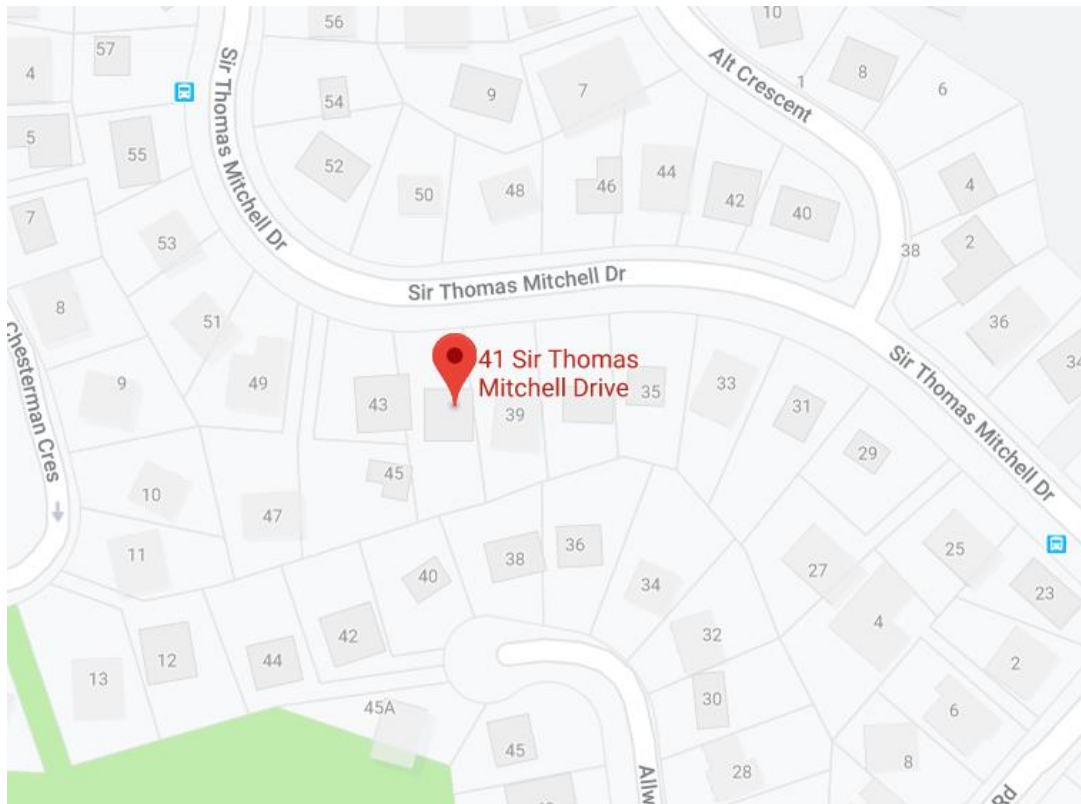


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of subject site, looking south



Fig 3: View of subject site and neighbouring carport at No 39 Sir Thomas Mitchell Drive, looking south-east



Fig 4: View of redundant garage, to be converted to a rumpus room



Fig 5: View down redundant driveway towards old garage, to be converted to a rumpus room

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single detached dwellings and associated ancillary structures such as garages, storage sheds and swimming pools.

The sites immediately to the east and west comprise one and two storey dwellings similar to the existing dwelling on the subject site.

The site and surrounding properties enjoy district views to the south. The locality is characterised by the natural landscape and sloping topography.

The site and its surrounds are depicted in the following aerial photograph:



Fig 6: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for the proposed construction of alterations and additions to an existing dwelling.

The proposed works comprise:

- Conversion of existing detached garage to rumpus
- Demolition of existing external stairs and construction of new external stairs
- Removal of existing western garage
- New inclinator for access from existing carport to dwelling entry
- Extension of existing paving
- New retaining wall

Due to the site's slope away from the street, the works will not be prominently visible from the public domain.

The site will maintain a generous area of soft landscaping, and will not require the removal of any existing vegetation.

The proposal results in the following development indices:

Site Area:	983.4m ²
Required Landscaped Area:	40% or 393.36m ²
Proposed Landscaped Area:	40.9% or 401.82m ² (see WDCP Part D1 discussion)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Warringah Local Environmental Plan 2011.

The aims of the SEPP are detailed in Clause 3 and note:

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

The proposal will not require the removal of any substantial native vegetation, and the proposal is therefore considered to be consistent with the aims of the SEPP.

6.4 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

The proposed works to the dwelling are permissible in this zone under the WLEP 2011.

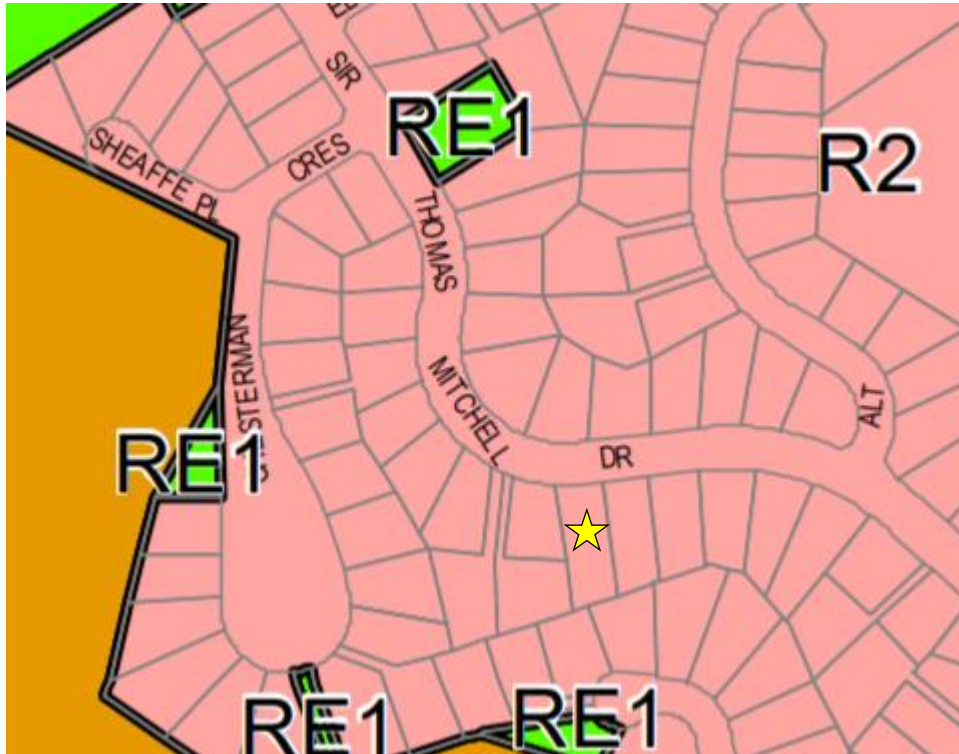


Fig 7: Extract of Warringah Local Environmental Plan 2011

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *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.*

It is considered that the proposed alterations and additions to the dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.

- The proposal does not have any significant impact on the existing landscaped area or long distance views.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The building height limit for development in this portion of Davidson is 8.5m. The proposal will not see any change to the existing overall height of the garage/rumpus building. The new works readily comply with the statutory height limit.

Clause 6.2 relates to earthworks. The works will not require any substantial disturbance of the existing site conditions. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer, and will therefore satisfy the provisions of this clause.

Clause 6.4 relates to development on sloping land. The site is noted on Council's Landslip Risk Map as being within Area B. A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference No. J2396, dated 9 October 2019.

The report concludes the following:

Provided good engineering and building practice are followed, no further Geotechnical assessment is recommended for the proposed development.

The works will be carried out in accordance with the recommendations of the consulting Structural Engineer, and will therefore satisfy the provisions of this clause.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

6.5 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 7.2m	N/A – no change to existing wall height	N/A
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope and Side Setback	Building envelope 45 degrees from 4m. Setback 0.9m	N/A – no change to existing side boundary envelope	N/A
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	N/A – existing setbacks remain unchanged	N/A
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A
B7 – Front Boundary Setbacks	Minimum 6.5m	N/A – existing front setback remains unchanged	N/A
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	Min 6m rear setback	N/A – existing rear setback remains unchanged	N/A
	R2 Zoned land swimming pool not to exceed 50% of rear setback area.	N/A – no swimming pool proposed	N/A
B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A

B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A
Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Existing crossing maintained. No formal compliant parking is provided within the site.	N/A
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	No new parking structures provided.	N/A
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	Existing stormwater arrangements maintained.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Sediment and erosion control measures will be carried out as required.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A		N/A
C7 – Excavation and Landfill	Site stability to be maintained	Minimal excavation is required to accommodate the proposed minor works. All works will be carried out in accordance with the recommendations of the consulting Structural Engineers.	Yes

C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage available within the front and side yard area, which are accessible to the street	Yes
Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>The proposal will maintain a landscaped area of 401.82m² or 40.9% of the site area and therefore complies with this control.</p> <p>The development within the site will continue to achieve the Objectives of the controls, which are noted as:</p> <p>Objectives</p> <ul style="list-style-type: none"> • To enable planting to maintain and enhance the streetscape. • To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife. • To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building. • To enhance privacy between buildings. 	Yes

		<ul style="list-style-type: none"> • To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants. • To provide space for service functions, including clothes drying. • To facilitate water management, including on-site detention and infiltration of stormwater. <p>The proposal will provide for sufficient area for the private open space and recreational requirements of the owners, whilst maintaining areas of deep soil planting within the front and rear yard area.</p>	
D2 – Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	The proposal maintains the existing private open space area.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Given the residential nature of the development, no unreasonable acoustic impacts are anticipated.	N/A
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun	The site enjoys good access to northern sun to the front and rear yards.	Yes

	Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements		
D6 – Access to sunlight	This control requires that sunlight to at least 50% of private open space to adjoining properties is not to be reduced to less than 2 hours between 9am and 3pm on the winter solstice.	The proposal will not see any change to the existing buildings, and therefore the existing solar access available to neighbouring properties will be maintained.	Yes
D7 – Views	View sharing to be maintained	<p>The controls require that development should enable the reasonable sharing of views.</p> <p>The proposed new works will not see any change to the existing built form of the dwelling, carport or garage/rumpus, which ensures that the primary outlook for the surrounding properties is maintained.</p>	Yes
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	<p>The proposed rumpus does not comprise window openings within the side elevations, which assists with minimising opportunities for overlooking.</p> <p>The existing paved area proposed to be extended adjoins a bedroom and the dwelling entry, and is</p>	Yes

		therefore not considered to result in any adverse privacy impacts for neighbouring properties.	
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	The proposal will not see any change to the bulk and scale of the existing dwelling and other buildings on the site. The new works, including the proposed inclinators and additional paving, will not be prominently viewed from Sir Thomas Mitchell Drive due to the slope of the site away from the street.	Yes
D10 – Building Colours and materials		The proposed new works will be finished in colours which complement the existing development on site and the locality.	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposal will not see any change to the roof forms of the existing buildings on site.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The proposed new external colours and finishes will complement the existing dwelling and the local streetscape character. No significant glare impacts will result from proposed new works.	Yes
D13 – Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm,	N/A – no new front fencing proposed	N/A

	of an open style to complement the streetscape and not to encroach onto street		
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities	Bin storage area is available in the curtilage of the dwelling.	Yes
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	No change to existing boundary fencing.	N/A
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	N/A	N/A
D17 – Tennis Courts	N/A		N/A
D18 – Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the dwelling to the street over and through the front landscaped area.	Yes

D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate is provided to support the development	Yes
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.	No signage proposed	N/A
Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	The proposal will not require the removal of any significant vegetation. The site can sustain further screen planting as required to assist in screening the built form of the development.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and Riparian Lands	Not identified on map		N/A

E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area B.	<p>A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference No. J2396, dated 9 October 2019.</p> <p>The report concludes the following:</p> <p><i>Provided good engineering and building practice are followed, no further Geotechnical assessment is recommended for the proposed development.</i></p> <p>The works will be carried out in accordance with the recommendations of the consulting Structural Engineer, and will therefore satisfy the provisions of this clause.</p>	Yes
E11 – Flood Prone Land	Not identified on map		N/A

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. It is considered that the provisions of these environmental planning instruments have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and will provide a cohesive and sympathetic addition to the site and which will make a positive contribution to the area.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for the construction of alterations and additions to an existing dwelling, which have been located and designed to appropriately minimise impacts on the amenity of adjoining properties and are compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the SEPP, Council's LEP and DCP.

7.7 The suitability of the site for the development

The site is considered suitable for the proposed development.

The proposal will provide for the construction of alterations and additions to an existing dwelling.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

7.8 Any submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment or the character of the locality and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for the proposed construction of modest alterations and additions to an existing dwelling including conversion of existing garage to rumpus and new inclinor which will not have a detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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