

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED CONSTRUCTION OF A DETACHED PRIVACY SCREEN

LOCATED AT

78 CASSIA STREET, DEE WHY

FOR

GEORGINA SAWYER

**Prepared
March 2019**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared by R. O'Brien Drafting, Sheets A1 – A7 dated 24 November 2018 to detail the installation of a free standing privacy screen within the rear yard of the property at **78 Cassia Street, Dee Why**.

The purpose of the proposed privacy screen is to provide for a reasonable level of privacy to the rear yard and swimming pool area and primarily to address overlooking from the detached two storey secondary dwelling within the rear yard of No 80 Cassia Street, which was constructed under DA2013/1538.

The north facing living room windows are above the common boundary fence level and present the opportunity for a direct view into the rear yard and swimming pool of No 78 Cassia Street.

The proposed privacy screen has been designed to allow for solar access to be retained to the living room windows and views over the screen toward the sky and to the north. The angled screen will only restrict direct views down towards the subject property.

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 78 Cassia Street, Dee Why, being Lot 4 within Deposited Plan 10169 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 and is not identified as being bushfire prone land.

The land is noted as being Landslip Area A B, with no other hazards identified. This matter will be discussed in further detail within this report.

3.0 Site Description

The property is located on the western side of Cassia Street, to the north of the intersection with Headland Road. The site is rectangular in shape, with a street frontage of 12.19m to Cassia Street and a secondary, rear frontage to Wheeler Parade of a similar 12.19m rear boundary length. The northern and southern boundaries are 40.23m respectively. The total site area is 490.5m².

The property has a slight fall to the south-east.

The site is currently undeveloped. The adjoining sites to the north and south have been developed for single dwellings.

The details of the site are as indicated on the survey plan prepared by Bee & Lethbridge, Drawing Reference No 17700, dated 7 June 2011, which accompanies the DA submission and was provide prior to the construction of the subject dwelling on the site, which was detailed under DA2012/0137.



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

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of residential dwellings of generally one or two storeys and of a variety of architectural styles. The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a consistent setback to the public domain.

The surrounding properties comprise a range of original style dwellings with an emergence of modern dwellings and additions. The existing adjoining dwellings comprise a mix of single and two storey dwellings.

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



Fig 2: 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 a detached privacy screen within the rear yard, and adjoining the southern boundary.

The purpose of the proposed privacy screen is to provide for a reasonable level of privacy to the rear yard and swimming pool area and primarily to address overlooking from the detached two storey secondary dwelling within the rear yard of No 80 Cassia Street, which was constructed under DA2013/1538.

The north facing living room windows are above the common boundary fence level and present the opportunity for a direct view into the rear yard and swimming pool of No 78 Cassia Street.

The proposed privacy screen has been designed to allow for solar access to be retained to the living room windows and views over the screen toward the sky and to the north. The angled screen will only restrict direct views down towards the subject property.

The proposed privacy screen will have a height of 2.96m above the existing pool coping level and will be simply supported on steel columns, which will stand from 300mm to the southern boundary.

The angled roof of the privacy screen will be finished with a dark tone colourbond steel roof with roofwater collected and drained to the system for the dwelling.

Given the site disturbance is limited to two steel support posts and pad footings, there will not be any significant change to the existing landscaped area.

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.*

In this instance, the proposal will not see any loss of any substantial vegetation and 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.

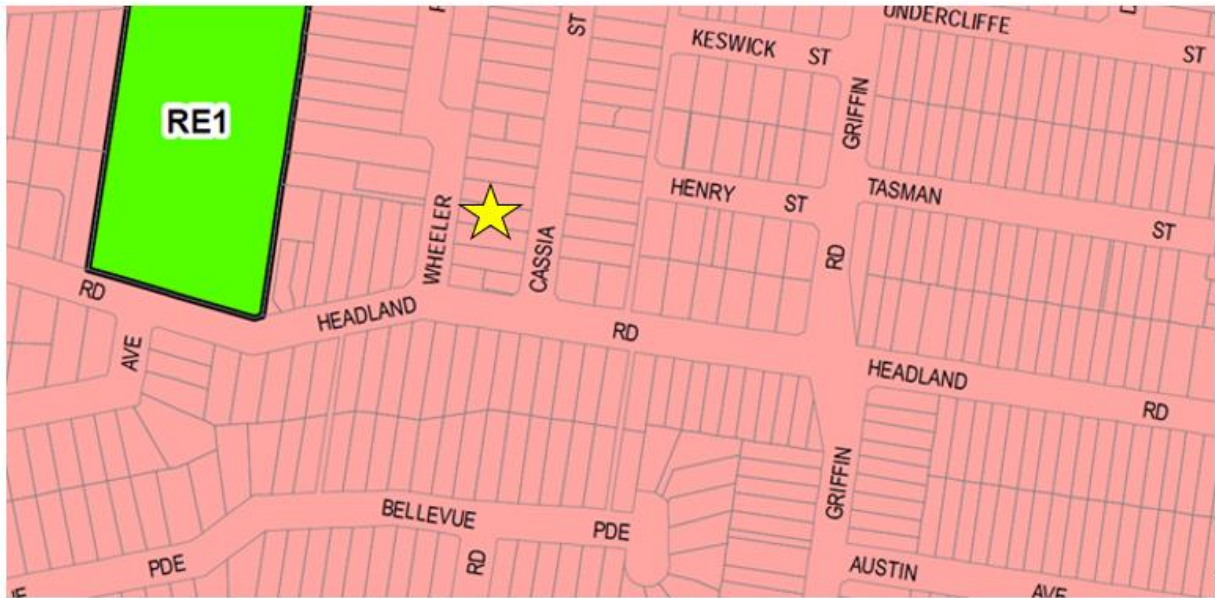


Fig 3: Extract of Warringah Local Environmental Plan 2011

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 privacy screen as an addition 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 Dee Why is 8.5m. The works will have a height of up to 2.96m above the pool coping (less than 3.5m above ground) and will comply with Council's height controls.

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 A & B and as there will not require any substantial disturbance of the existing site conditions and the works will be carried out in accordance with the recommendations of the consulting Structural Engineer, the proposal 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.

6.4 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	Max proposed wall height approx. 2.036m	Yes
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope and Side Setback	Building envelope 45 degrees from 5m. Setback 0.9m	The proposal complies with the side boundary envelope.	Yes
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	Proposed new works to stand from 300mm to the common boundary, which for detached structures such as the subject work, is permissible on merit. Given the structure is designed to minimise the impact on the outlook of the rear secondary dwelling building at No 80 Cassia Street and will retain the existing garden and landscaping adjacent to the pool, the proposed setback is considered to be reasonable.	Yes
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A
B7 – Front Boundary Setbacks	Minimum 6.5m	N/A – works in rear of site.	N/A

B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	Min 6m rear setback R2 Zoned land swimming pool not to exceed 50% of rear setback area.	Minimum proposed setback 5m from the rear boundary. Given the minor footprint presented by the structure and the existing pool, less than 50% of the rear setback is encroached by the structures.	Yes – on merit Yes
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	N/A	N/A
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	N/A	N/A
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's	N/A	NA/

	Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification		
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 new privacy structure 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 car space and front yard	Yes

Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>The proposal will not have any meaningful change to the existing landscaped area as the site disturbance is limited to pad footings with two steel support posts.</p> <p>The existing garden bed along the southern side of the pool coping is essentially maintained.</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 – on merit

		<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 retain sufficient area for the private open space and recreational requirements of the owners, whilst maintaining good 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 private open space is directly accessible from the dwelling and unchanged. The majority of the private open space is within the rear yard, with good access to the northern sun.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	The swimming pool equipment will be unchanged.	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A

D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	The site enjoys good access to northern sun to the front and rear yards.	Yes
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.	Whilst the proposal will see some additional overshadowing to the southern neighbour, the internal and external living areas will continue to receive suitable solar access.	Yes
D7 – Views	View sharing to be maintained	The controls require that development should enable the reasonable sharing of views. The proposed privacy screen is intended to only restrict views directly to the rear yard of the subject property.	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	The proposal will increase the sense of privacy to the rear yard of the subject property and given the nature of the structure, will not diminish the privacy to the neighbouring dwellings.	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that	The proposal is for a detached privacy screen, which with a height of up to 2.96m	Yes

	is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	is not considered to be bulky or intrusive. The form of the proposed screen is modest in height and scale.	
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 proposed privacy screen provide for a low-pitched roof that does not dominate the skyline. Further the roof minimises bulk and scale and maximises view retention to adjoining properties.	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, of an open style to complement the streetscape and not to encroach onto street	No change to existing fencing	N/A
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street	Bin storage area is available in the garage or surrounding the dwelling.	Yes

	Landscaping to be provided to reduce the view of the site facilities	The mail box to be built into the proposed front fence, hence minimising visual impact.	
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.	No change to existing swimming pool	Yes
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.	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 not required in this instance	Yes
D23 – Signs	Building identification signage to be appropriate for proposed use and not	No signage proposed	N/A

	to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.		
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 impact on any trees	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 A.	The site is noted on Council's Landslip Risk Map as being within Area A & B. The works will not require any substantial disturbance of the existing site conditions and therefore no further site investigation is considered to be necessary at this stage	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.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular, we consider that the variation to the side setback to the proposed privacy screen is a reasonable alternative solutions to

compliance where the nature of the existing development presents a challenge to full compliance with the controls.

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 is compatible with the existing uses in the vicinity.

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 a detached which has been located and designed to appropriately minimise impacts on the amenity of adjoining properties and is 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 a detached privacy screen.

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 the considered location of habitable room windows and decks will mitigate any unreasonable visual impacts on the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for the proposed construction of a detached privacy screen which in our opinion will not have a detrimental or unreasonable impact on the amenity of the surrounding 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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