

Dated: 8th March 2020

Statement of Environmental Effects

for

A Proposed 2 storey dwelling house

at

19 Morgan Road, BELROSE

INTRODUCTION

The Council dealt with and consented to the development of the subject site for a dwelling house pursuant to DA2016/1291. That approval lapses on the 27th July 2022 and has yet to be carried into effect. Since this approval the owners have sold the site and the new owners wish to submit a new DA for a house that serves their needs.

This application seeks the Council consent to construct a revised dwelling form on this existing and vacant parcel of land at 19 Morgan Road , Belrose.

The application is accompanied by:

- ☐ *Site Survey 16972B dated 26 February 2016 prepared by Bee & Lethbridge Pty Ltd*
- ☐ *Architectural details prepared by MURI Architects + Interior Designs dated February 2020*
- ☐ *BASIX certificate prepared by GAT & Associates*
- ☐ *Wastewater Management Report prepared by Envirotech*
- ☐ *Revised Bushfire Risk Assessment prepared by Ron Coffey*

It is considered the Flora and Fauna Assessment report, the aboriginal archaeological assessment and the legal advice associated with access from the existing road submitted with DA2011/0628 remains current and appropriate to this application given the site circumstances have not changed in the interim since the determination of that application.

The proposal is presented and assessed in relation to the relevant planning controls being:

- *Warringah Local Environmental Plan 2011*
- *Section 79C of the Environmental Planning and Assessment Act 1979*

2.0 SITE LOCATION AND DESCRIPTION

The application relates to Lot 2414, DP 752038 being a rectangular allotment comprising 711m² site area (refer survey plan – note the site corners are pegged as per the survey detail).

The site is a vacant allotment having a moderate cross fall of 1.74m through the north/south axis at a grade of 5%.

The site is an undeveloped vacant corner allotment having dimensions of 20.115m x 35.35m.

A flora and fauna assessment was conducted on the site as part of the previous DA (ref: 2011/0628) and describes the site as being characterised as low open forest characteristic of Sydney Sandstone Ridgetop Woodland.

The site has since been cleared and is vacant of trees and shrubs.

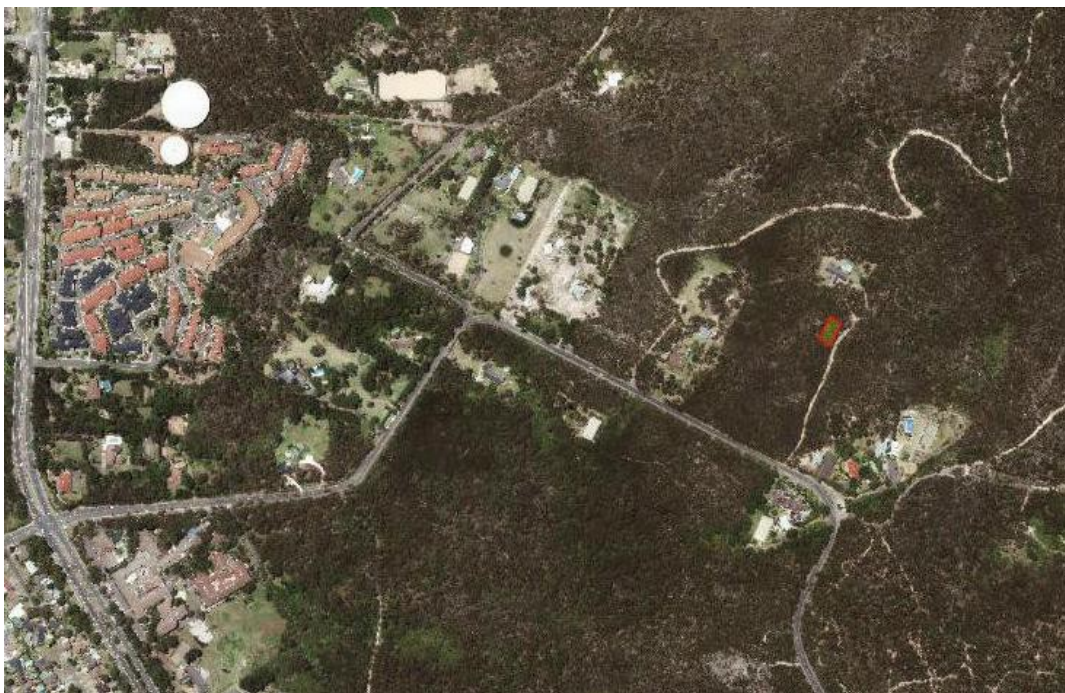


Figure 1: Aerial Photo (Six Maps)

Access to the site is via an unsealed roadway from Morgan Road that currently services another substantial brick dwelling on the adjacent Lot 2669

The site has access to electricity (within the roadway) but is otherwise un-serviced. Other than the dwelling at Lot 2669 (no.23 Morgan) the site has no immediate neighbours.

The site has no physical constraints or topographical restrictions. The previous flora and fauna assessment concluded the site contains no threatened fauna or flora species and hence the site has been cleared. The bushfire assessment concludes that the development can be sited and developed to satisfy the objectives and performance of the BCA and the Planning for Bushfires Protection 2006 and AS3959 of 2009. The site is not within close proximity of any other dwelling and issues of aural or visual privacy and loss of amenity to established neighbouring dwellings does not arise.

3.0 THE PROPOSAL

The application proposes the following:

- Minimal site benching
- Construction of a 2 storey 5 bedroom dwelling with a garage and a separate carport and storage area. There is no landscaping proposed other than grassed turf.

The dwelling proposes a contemporary one and two storey masonry dwelling utilising rendered masonry walls in the provincial style. The dwelling is orientated along the north/south axis of the site with a driveway entry from the adjacent roadway. The dwelling is to be constructed on a concrete slab. Septic tanks will be located in the north east corner of the site to manage waste. A rainwater tank is to be included in the south west corner of the site. The carport is located at the north west corner of the site and will be used for visitor parking and/or as a turning bay for exiting the site.

The covered entertaining area is located on the south west corner of the site.

The previous DA (2011/0628) assessment required an Aboriginal heritage assessment to be conducted for the site and which concluded the site having no Aboriginal heritage.

4.0 STATUTORY PLANNING FRAMEWORK

The subject site is within a “deferred matter” area pursuant to WLEP 2011 (clause 1.3(1A)) and accordingly the provision of WLEP 2000 continue in relation to the site and the development proposed.

4.1 Warringah Local Environmental Plan 2011

4.1.1 Desired Future Character

The subject site is located in the B2 Oxford Falls Valley locality pursuant to the provisions of Warringah Local Environmental Plan 2011. The land is bushfire prone land – vegetation category 1 pursuant to the Warringah Bushfire Prone Land Map 2010 but is not otherwise categorised in a hazard locality.

The Desired Future Character Statement for the B2 locality states:

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.

The application proposes the use of the land as a dwelling and is therefore a use that is a category one landuse outcome and deemed to be consistent with the DFC for the locality.

However pursuant to the housing density standards of the locality plan the following restrictions apply:

Housing density

The maximum housing density is 1 dwelling per 20 ha of site area, except:

- (a) where this standard would prevent the erection of one dwelling on an existing parcel of land, being all adjacent or adjoining land held in the same ownership on 8 March 1974 and having a combined area of not less than 2 ha, and*
- (b) on Portions 199, 200, 985, 986, 1001, 1002, 1003, 1004, 1011, 1012, 1018 and 1019 Parish of Manly Cove and Lot 33 DP 870625 Pinduro Place, Cromer, where one dwelling may be erected provided the land exceeds 4,000m² in area and was lawfully created prior to 13 August 1982, or was otherwise lawfully created, and*
- (c) on land that adjoins a locality primarily used for urban purposes and on which a dwelling house is permissible, where there is no maximum housing density if the development is for the purpose of "housing for older people or people with a disability" and the development complies with the minimum standards set out in clause 29.*

However, consent may be granted for development that will contravene these housing density standards but, if by more than 10 per cent, only with the concurrence of the Director.

The matters which shall be taken into consideration in deciding whether concurrence should be granted are:

- (a) whether non-compliance with the development standard in issue raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the planning controls adopted by this plan.*

To measure housing density:

- *the site area (which does not include the area of any access corridor, whether such access corridor is to be created or is in existence at the time of application for development consent) is divided by the number of dwellings proposed on the site, including any existing dwellings which are to be retained,*
- *the site is the allotment which existed on the day this plan came into effect, and*
- *granny flats are not considered to be a dwelling and are limited to one per allotment.*

In calculating housing density, the area of any access corridor (including any right-of-carriageway, access handle, accessway or other area that provides for vehicle access) is to be excluded, whether that access corridor is to be created or is in existence at the time of application for subdivision.

The Council record of existing parcels of land is map 256A or PS78a and notated as 'Map Showing Land Ownership at 8th March 1974 (IDO 51) Gazetted 8th March 1974'. The subject site is identified as Por. 2414. The adjoining land (Lot 173 DP 752038 – refer survey drawing A01 and the site survey) is identified as Crown Land 4/3/39. This map confirms the site was an existing parcel of land at the 8th March 1974 pursuant to part (a) of the density control of the LEP and such that the density control should not operate to preclude its development for the purpose of a dwelling house. This map is referred to as Exhibit 8 in **Adams v Warringah Council (2011) NSWLEC 1063**. In that circumstance the exception provisions of the density standard for the B2 zone anticipate the land can be independently developed for a dwelling house.

It is not anticipated the Director will consider the independent development of this site raises matters of State or Regional planning significance. It is apparent the Department is concerned at this issue on the basis of the proposed zoning pursuant to draft WLEP 2011 and the anticipated E3 Environmental Management Zone. However the independent development of a 711m² existing allotment does not entail a matter that would impact on the future orderly and economic development of land in the regional context of the B2 locality plan that encompasses the whole of the Oxford Falls valley and the Narrabeen Lagoon Catchment area.

Further there is no public benefit arising from the development as proposed given the outcome is consistent with the density provisions of the LEP given the status of the land as an existing parcel of land.

It is anticipated therefore the concurrence of the Director to the development as proposed will be forthcoming.

4.1.2 Built Form Controls

The following built form standards apply to the development:

Matter	Standard	Compliance
Building height	8.5m	Complies – 8.5m at it's highest point but generally lower than 8.5m
	7.2m wall height	complies
Front setback	20m This application provides for a 4.5m setback along it road frontage and side setbacks of between 1.5m along its south side and 2.0m along its non street frontage for the outbuilding and 11.4m for the dwelling with a 5.5m setback from its northern boundary	The subject site is a corner lot with its elongated frontage to the unsealed roadway. In that circumstance the provision of a 20m building line on a site are of 711m ² is not feasible.
Rear & side setback	10m minimum	See previous description
Landscape Open Space	30% of site area = 213m ²	303.50m ² = 42.5% of site area

The application satisfies the reasonable interpretation of the built form standards associated with building height and setbacks. Compliance with the front, side and rear setback standards is not possible given the available dimensions of the site.

- Despite the site being referred to as 19 Morgan Road the land has no direct frontage to this road. Its primary frontage (north south boundary) is to the gravel formed road, but compliance with the 20m building line to this road would preclude any development on the site given its dimension of 20.115m x 35.355m. Compliance with this standard obliterates the opportunity to develop this site.
- If the east/west access is assumed as the frontage then a combined 20m building line and 10m rear boundary setback would also have the effect of obliterating the development of the site.
- Similarly if 10m side boundary setbacks are required along the north/south axis of the site then no development of the site is possible.
- Accordingly, whilst the desired future character statement anticipates the present character of the locality will remain unchanged the density standard permits development to contravene the standard provided in this instance with the concurrence of the Director of the NSW Dept. Of Planning is first obtained. In that eventuality the variation of the front side and rear boundary setbacks is required.

WLEP 2011 permits a variation of the built form standards in circumstances where the consent authority is satisfied the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant SEPP's.

In this instance the only applicable SEPP is SEPP (Building Sustainability Index – BASIX) and the necessary certification accompanies the DA. The use of the land for housing is a Category 1 landuse and therefore pursuant to the notation at clause 12 of the LEP deemed to be a use that is generally consistent with the DFC.

Further whilst the outcome provides for a dwelling on a suburban scale lot, the site is none the less remote and the outcome will not result in an intensity of building form that would be contrary to the DFC of low intensity and low impact land uses.

The nearest dwelling will be the established dwelling already at Lot 2669, DP 752038 and will be physically separated from the proposed dwelling by over 70m including an unconstructed road reserve of 20.115m width.

The proposed dwelling will not be visible from any surrounding dwelling nor from the constructed Morgan Road which is some 160m south of the site. The site is not physically prominent and is not on a ridge top and the dwelling will not appear in the skyline from any local vantage point.

In the circumstance the consent authority can be satisfied the development is consistent with the DFC and that a variation of the built form standards is appropriate in the circumstances, particularly given that compliance with the standards is not physically possible on an allotment size of the existing site.

4.1.3 General Principles of Development Control

The following General Principles of development control are applicable to this application:

38 Glare and reflection

As per architectural drawings. Given the isolated location of the building the development will have minimal impact to any adjoining or nearby development.

42 Construction sites

The site has no natural features in terms of water courses or significant bushland. It is considered the site is of sufficient size to permit the construction of the dwelling to be undertaken from within the confines of the available sit area.

43 Noise

All mechanical plant and equipment including the air conditioning equipment will maintain a general noise level that does not exceed the ambient background noise by more than 5 dB (A).

44 Pollutants

The development will not have an unreasonable impact on the subject and surrounding properties or the Narrabeen Lake Catchment. Details for the collection and treatment of waste water are proposed as per the Envirotech management report accompanying the DA.

50 Safety and Security

The proposed development will enhance the safety and security of the Locality by providing a dwelling on a currently vacant site and allowing for casual surveillance from and around the dwelling.

52 Development near parks, bushland reserves and other public open spaces

The subject site adjoins vacant allotments and unsealed roads. The development provides substantial areas of separation to neighbouring buildings. The site is not near parks or areas of open space and it is not considered the development has significant impacts to an public areas of open space.

54. Provision and Location of Utility Services:

The site has access to electricity. The application provides for rain water collection and the management of waste water via an aerated waste water treatment system and secondary treatment system and appropriate absorption system.

58. Protection of Existing Flora:

The previous DA (ref: 2011/0628) included a flora and fauna report which concluded that the site was not impacted by any threatened species. The site has since been cleared therefore there is not any site conditions which will affect the surrounding flora and fauna. Subsequently a Flora and Fauna was not required for DA2016/1291 for these reasons. It is assumed that given the recent timing of the previous DA the status quo is maintained regarding Flora and Fauna.

61 Views

No views are impacted by the development

62 Access to Sunlight

Refer to architectural drawings, which indicate that the main living spaces will receive 3 hours sunlight at mid-winter given the northerly orientation of the dwelling and recreation spaces.

63 Landscaped Open Space

The standard requires a minimum 30% site landscaping. The development provides for 42.50% landscape area. The building is proposed in a natural landscape setting and the function of the landscape as proposed satisfies the objectives of the standard.

64 Private Open Space

Adequate areas of private open space have been provided including an alfresco area with a northerly orientation.

65 Privacy

The isolated location of the development and the spatial separation between buildings mitigates any likely privacy issue associated with the land use as proposed.

66 Building Bulk

The building accords with the built form controls applicable to the site. It results in a domestic scale structure in keeping with the operable standards for a dwelling on the site and provides for a well-articulated structure that addresses the street in a functional and appropriate manner.

67 Roofs

The traditional form of house requires the need for a traditional pitched and hipped roof form and is consistent with domestic housing forms in the area. Refer to elevational architectural drawings.

68 Conservation of energy and water

The application is accompanied by a BASIX Certificate.

70 Site Facilities

Appropriate site facilities will be provided.

71 Parking Facilities (visual impact)

Parking has been integrated into the dwelling on the norther eastern side accessible directly form the street. The addition of a carport which can be used for visitors has been added so that visitors do not park on the unsealed driveway.

72 Traffic Access & Safety

The density proposed is appropriate given the accessible location of the site and ability to access a range of retail, educational, recreational and educational facilities.

The proposed development is likely to generate very low volumes of traffic. In this regard the limited car parking on the site will ensure that the density proposed will not adversely impact the capacity of the local road network.

74 Provision of carparking

A triple garage is provided with additional covered carspaces for visitors. See architectural drawings.

4.2 Matters for Consideration Pursuant to Section 79C (1) of the Environmental Planning and Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to section 79C of the Environmental Planning and Assessment Act 1979. The guidelines prepared by the Department of Urban Affairs and Planning, to help identify the issues to be considered (shown in italics), have been addressed. The relevant issues are:

4.2.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.

As previously discussed, the development is Category 1 development within the relevant provisions of WLEP 2000.

4.2.2 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?*
-

As discussed under 'Desired Future Character' the proposed use is a category one landuse and deemed to be a use that is capable of being consistent with the relevant components of the desired future character statement subject to an consideration of the density provisions and the variation of the building line and setback standards.

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?* The proposed

uses will not impact on the adjacent land uses.

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?*

Three car parking spaces are provided for on the site in conformity with the applicable standard of Schedule 17 of the LEP. A carport is proposed for visitors and temporary parking including a trailer .

Public domain

The proposed development will have no additional impact on the public domain (i.e. roads, parks etc.).

Utilities

Existing utility services will adequately service the development.

Flora and fauna

Refer assessment report by Footprint Green submitted with DA 2011/0628. The site circumstances have not altered in the intervening period. The site has been cleared following the approval of this DA.

Waste collection

Normal domestic waste collection applies to this development.

Natural hazards

The site is affected by a bushfire hazard. An assessment report accompanies the DA submission.

Economic impact in the locality

The development will not have an economic impact in this locality.

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?*

No changes are proposed to the existing allotment configuration. In this regard the development will have minor impact on environmental conditions and site attributes in terms of the requirement to clear the site and maintain an inner bushfire protection zone and the benching of the site to provide a building slab.

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 works as proposed can be undertaken in accordance with the recommendations of the bushfire assessment accompanying the DA and in accordance with the BCA.

Construction

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

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

The land is adequate dimension to permit the construction of the dwelling without impact on adjoining lots or the public thoroughfare.

4.2.3 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 constraints on the proposed use of the subject site.

Are the site attributes conducive to development?

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed development.

4.2.4 Any submissions received in accordance with this Act or the regulations.

It is envisaged that there will be no submissions made in relation to the proposed development.

4.2.5 The public interest.

The proposed uses are consistent with the desired future character of the locality and do not result in any adverse impacts on the surrounding locality or to the amenity of adjoining properties.

In this regard the development is considered to be in the public interest.

5.0 - CONCLUSION

The use as proposed provides for housing as defined and is a category one use in the circumstances of the applicable desired future character statement.

The land use is permitted with the concurrence of the Director of the Department of Planning and with a variation of the building line provisions pursuant to clause 20 of the LEP.

The site comprises an existing parcel of land pursuant to the density provisions of the WLEP 2011 and the concurrence of the Director can be anticipated in that circumstance as being consistent with the variation provisions of that standard.

The land is not prominent and the proposed dwelling will not result in development that is contrary to the DFC in terms of its physical presence being screened from the nearest formed public road and having no near neighbours or buildings.