



DM Planning

Statement of Environmental Effects

Subdivision of one lot into two lots



16 Government Road, Beacon Hill

Report prepared for
Giuseppe and Anthony Surace

February 2021

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Guiseppe and Anthony Surace to accompany a Development Application (DA) for the subdivision of one lot into two lots at 16 Government Road, Beacon Hill (the site).

This SEE has been prepared and is submitted to Northern Beaches Council (Council) pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed development comprises of the subdivision of one lot into two lots with the existing dwelling being retained on the front lot. Access to the rear lot will be via a right of carriageway over the adjoining property to the south, 18 Government Road.

This SEE describes the site, its surroundings and outlines how the proposal addresses and satisfies the objectives and standards the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan 2011 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

This SEE demonstrates that the proposal is generally consistent with the relevant provisions of the:

- *Warringah Local Environment Plan 2011*
- *Warringah Development Control Plan 2011*
- *State Environmental Planning Policy (Infrastructure)*

This SEE concludes that the proposal is satisfactory when assessed against all of the relevant requirements. It will provide additional housing opportunities in a suitable location with no detrimental environmental or amenity impacts.

We recommend that Council approve the development application subject to the content and findings outlined in this SEE.

2 The site and locality

2.1 Site description and history

The site is located within the Northern Beaches Local Government Area (LGA).

The subject site is located on the western side of Government Road. The lot is rectangular in shape, with the eastern (front) and western (rear) boundaries measuring 18.29m and the northern and southern side boundaries measuring 70.155m. The site area is 1282.1m².

The site has a fall of approximately 6m from the western (rear) of the property to the east to Government Road. The details of the site are indicated on the survey plan prepared by CMS Surveyors, Reference No. 19873, dated 26.11.2020, which accompanies the DA submission.

The site is currently occupied by a large two storey dwelling house located on the front portion of the site. There is no significant vegetation located on the site.

The site is not identified as being affected by any hazards.

The location of the site is shown at Figures 1 and 2.



Figure 1. Location of the site (Source SIX Maps)



Figure 2. Aerial view of the site and its surroundings (Source: SIX Maps)

Photographs of the site are shown below:



Figure 3. Street elevation of existing dwelling on the site



Figure 4. Rear elevation of existing dwelling on the site



Figure 5. View looking west from rear of existing dwelling



Figure 6. Looking west from rear of existing dwelling

2.2 Surrounding development

The subdivision of original lots is characteristic of development on the western side of Government Road. The land immediately adjacent the site to the north (18 Government Rd) and south (14 Government Rd) have both been subdivided into two lots. There are other examples further afield (e.g., 12 and 22 Government Rd).



Figure 7. View looking south from site toward 18 Government Road



Figure 8. View looking north toward 14a Government Road



Figure 9. Recently constructed driveway on 18 Government Road to be used to access proposed rear lot

3 The proposal

The proposal seeks development consent for the Torrens Title subdivision of an existing lot into two lots.

The proposed lot sizes are:

Lot 1 (front):	682m ² 668m ² (excluding right of way)
Lot 2 (rear):	600m ²

The proposal is detailed on the Plan of Proposed Subdivision prepared by CMS Surveyors, Reference No. 19873, dated 26.11.202 with an extract shown in Figure 10 below:

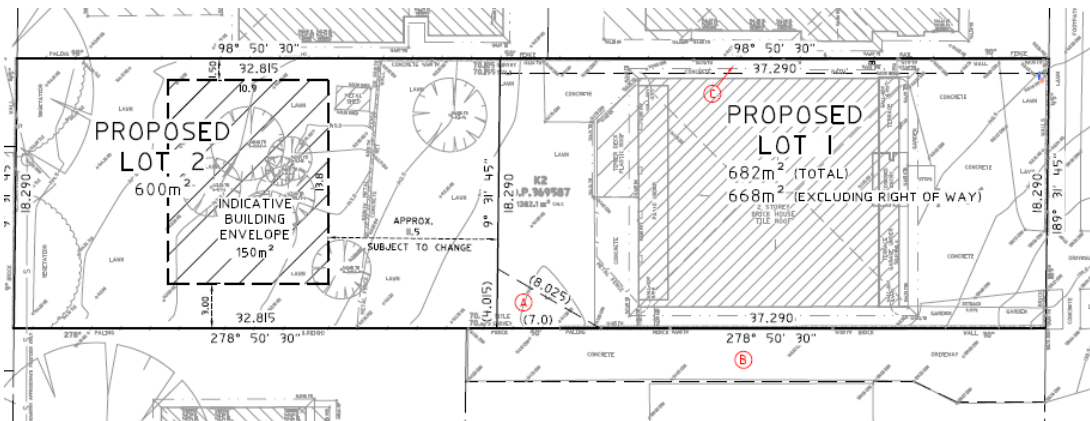


Figure 10. Extract of proposed subdivision plan (source: CMS)

Access to proposed lot 2 is via a right of way over the existing driveway located on the property to the south, No 18 Government Road. This driveway was recently constructed to provide access to the dwelling at No 18a Government Road. The Deed for the Grant of Easement to allow the owners of proposed Lot 2 to use this driveway, has been submitted with this development application.

The subject proposal involves the creation of an additional right of way (ROW) over the south-western corner of the proposed lot 1 to enable adequate vehicle turning area to the rear lot.

Proposed lot 2 will eventually contain a new dwelling which will be the subject of a separate development application.

A proposed easement to drain water and provide services runs along the northern boundary from proposed lot 2 to the street frontage.

4 Environmental planning assessment

4.1 Environmental Planning and Assessment Act 1979

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment.

This section of the report provides the planning assessment against the key statutory environmental planning instruments and Development Control Plan relevant to the development. The following detailed assessment of the proposal is provided, and which is based on the heads of consideration contained in section 4.15 of the EP&A Act.

4.15(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

Relevant Provision	Comment
(a) the provisions of:	
(i) any environmental planning instrument, and	<ul style="list-style-type: none"> The relevant state environmental planning instruments are addressed at Section 4.2. The relevant provisions of Warringah Local Environmental Plan 2011 (WLEP) are addressed at Section 4.4.
(ii) 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	N/A
(iii) any development control plan, and	The relevant provisions of Warringah Development Control Plan 2011 (WDCP) are addressed at Section 4.5.
(iiia) 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, and	N/A
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The requirements of the EP&A Regulations are satisfied. Applicable regulation considerations including demolition, fire safety, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work

Relevant Provision	Comment
	sites, critical stage inspections and records of inspection may be addressed by appropriate consent conditions.
(v) <i>(Repealed)</i>	
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	<p>Environmental Impact The environmental impacts of the proposed subdivision on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>Social Impact The proposed subdivision is consistent with the pattern of subdivision in the vicinity of the site.</p> <p>Economic Impact The proposed subdivision will not have a positive economic impact by increasing housing supply in the locality.</p>
(c) <i>the suitability of the site for the development,</i>	The proposed subdivision is suitable for the site as demonstrated throughout this report.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	Any submissions made on this subject development application will be duly considered. In addition, the Council will consider any public submissions relating to the proposal during its assessment.
(e) <i>the public interest.</i>	The proposal is in the public interest as it allows for housing opportunities.

Table 1: Section 4.15(1) assessment

4.2 State Planning Policy Controls Overview

The proposal has been designed having regard to the objectives and standards of the relevant planning instruments and policies that apply to the site. Under the provisions of the EP&A Act, the key applicable State Environmental Policies are:

4.2.1 State Environmental Planning Policy (Infrastructure)

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Council will refer the application to Ausgrid for comment.



4.3 Numeric Controls Summary Table

Warringah Local Environmental Plan 2011 and DCP

Zone: R2 Low Density			
Site Area: 1282.1m ²			
WLEP 2011			
Controls	Required	Proposed	Compliance
Minimum subdivision lot size	600m ²	Lot 1 - 668m ²	Yes
		Lot 2 - 600m ²	Yes
WDCP 2011			
B1 Wall height	7.2m	No change (existing dwelling)	Yes
B3 Side boundary envelope	4m and 45 degrees at boundary	No change (existing dwelling)	Yes
B5 side boundary setbacks	0.9m (east)	No change 1.35m (north)	Yes
	0.9m (north)	1.4m (south)	Yes
B7 Front boundary setbacks	6.5m	No change 9.9m (existing dwelling)	N/A
B9 rear boundary setbacks	6m	9m (building façade)	Yes
		6m (rear terrace)	Yes
D1 Landscaped Open Space	40%	No loss of landscaped area Proposed lot 1 - 26% (approximately)	No

Table 2: WLEP 2011 and WDCP numerical compliance summary table

4.4 Warringah Local Environmental Plan 2011

Warringah Local Environmental Plan 2011 (WLEP) came into force in 2011 and is the primary EPI applying to the Proposal. The applicable Clauses of the WLEP 2011 are:

- Clause 2.3 – Zone objectives and landuse table
- Clause 2.6 – Subdivision – consent requirements
- Clause 4.1 – Minimum subdivision lot size

An assessment of the development application against the above relevant Clauses of the WLEP 2011 is provided in the following sections of the this SEE.

Clause 2.3 – Land Use Zoning and Permissibility

The site is zoned R2 Low Density Residential pursuant to the WLEP. The provisions of the zone are stated below:

Zone R2 Low Density Residential

1 Objectives of zone

- 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.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Table 3: Provisions of the WLEP 2011 R2 Low Density Residential Zone

The proposed subdivision of one lot into two is consistent with the objectives of the R2 zone as follows:

- The proposal provides for additional housing to the meet the needs of the community in a low-density environment.
- The proposed lot size and potential development area respects the scale and form of other development in the vicinity and therefore complements the locality.
- The proposal provides a suitable future building platform whilst providing safe and functional vehicular access and recreational areas.
- The setbacks of the future development platforms are compatible with the existing surrounding development.



Clause 2.6 – Subdivision consent requirements

Clause 2.6 requires the prior consent of Council for any subdivision. Accordingly, this application seeks consent in accordance with this clause.

Clause 4.1 – Minimum subdivision lot size

In accordance with the Lot Size Map, the minimum allotment size in this locality is 600m². The proposed lots provide the following areas:

- Site Area (Lot 1): 682m² (668m² excluding right of carriageway)
- Site Area (Lot 2): 600m²

Both proposed lots comply with the required minimum lot size.

The proposed subdivision also complies with the objectives of clause 4.1(1) as follows:

- The proposed subdivision is consistent with the existing pattern, size and configuration in the locality
- The proposed allotments can accommodate future development which is in keeping with the density of the existing and desired future character in the locality.
- The proposed allotments will have suitable access via existing driveways.

Clause 5.9 – Preservation of Trees

The proposed subdivision will not result in the removal of any significant trees or vegetation.

The future development of the proposed rear allotment will require the removal of some existing small trees and shrubs, which are not significant specimens and can be supplemented with replacement planting in the future.

Clause 6.2 – Earthworks

The future infrastructure works to accommodate the drainage works and the driveway extension will not necessitate substantial disturbance to the existing landform. All works will be carried out under the supervision of the Consulting Structural Engineer.

Clause 6.4 – Development on Sloping Land

The site is noted as being within Landslip Area A and B. The proposal seeks to provide for the Torrens Title subdivision of the existing allotment into two. A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference No. J3197, dated 3 February 2021. The report concludes that subject to good engineering and building practice, no further geotechnical investigation is required. The proposal therefore satisfies the provisions of this clause.



4.5 Warringah Development Control Plan 2011

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

Built Form Controls	Requirement	Proposed	Compliance
C1 Subdivision			
Lot requirements	<p>R2 Low Density Residential zone requirements:</p> <p>Proposed new allotments:</p> <p>a) Min width: 13m b) Min depth: 27m and c) Min building area: 150m²</p>	<p>Lot 1:</p> <p>a) 18.29m b) 37.2m c) retain existing dwelling</p> <p>Lot 2:</p> <p>a) 18.29m b) 32.8m c) 150m²</p>	<p>Yes Yes Yes</p> <p>Yes Yes Yes</p>
Access	<p>Motor vehicle access to each residential allotment is required from a constructed and dedicated public road.</p> <p>Where access is proposed to a section of unconstructed public road, then the subdivision will need to provide legal, constructed access to the Council's satisfaction.</p> <p>Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided.</p> <p>Driveways, accessways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10.</p> <p>Driveways in excess of 200 metres will not be allowed for residential development.</p>	<p>Motor vehicle access to each residential allotment is provided.</p> <p>Access for Council service vehicles, emergency vehicles and garbage collection vehicles is not inhibited.</p> <p>The existing driveway on 18 Government Road has been approved by Council's Development Engineers. The minor extension will integrate with the existing driveway to allow adequate turning area into proposed lot 2.</p>	Yes



Built Form Controls	Requirement	Proposed	Compliance
Access	<p>Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.</p> <p>Passing bays should have regard to sight conditions and minimise vehicular conflict.</p> <p>Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay.</p> <p>Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities.</p>	A passing bay has been provided on the existing driveway (18 Government Rd) near the street frontage.	Yes
	<p>Width of accessways* Number of lots to be serviced/ Width of clear constructed accessway (m)* 1-5 lots/3.5m 6-10 lots/5.0m In excess of 10/Access is to be provided by a private or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)</p>	<p>Proposed lot 2 will have access to the common driveway which provides vehicular access to both 18 and 18 Government Road via a single driveway entry point. The existing driveway on 18 Government Road will be extended to facilitate access to the proposed lot 2 only. Proposed lot 1 will maintain the existing driveway access from Government Rd</p> <p>Each lot will have area available to turn within the site and exit in a forward direction.</p> <p>The existing common right of way will be 3.5m-5m in width, which complies with this control.</p> <p>Accordingly, the proposed width of the accessway is considered acceptable on merit.</p>	Yes



Built Form Controls	Requirement	Proposed	Compliance
Design and construction	<p>All roads, rights of carriageway, drainage design and construction is to be in accordance with Council's policy requirements including; AUSPEC 1 - Council's Specification for Engineering Works, Development Engineering Minor Works Specification, On Site Stormwater Detention (OSD) Technical Specification and Council's Water Sensitive Urban Design Policy. Additionally, internal roads must be designed in accordance with the relevant Australian Standards. Subdivision design needs to maximise and protect solar access for each dwelling by considering factors such as orientation, shape, size and lot width.</p>	<p>Both driveways are existing. The proposed extension to the driveway on 18 Government Rd to allow access to the rear lot will be designed in accordance Council's engineering specifications.</p>	Yes
Drainage	<p>Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system. The topography of the land should not be altered to adversely affect the natural drainage patterns. Stormwater should drain directly to a Council-approved drainage system and not via adjoining properties unless via a formalised interallotment drainage system. The proposed allotments are to be drained to the direction of the natural fall of the land. Interallotment drainage easements will be required through adjoining properties to adequately drain land to Council's downstream system.</p>	<p>An easement for services has been proposed on the northern side of proposed Lot 1 to benefit proposed Lot 2.</p> <p>Each allotment will have the ability to drain to Government Road.</p>	Yes



Built Form Controls	Requirement	Proposed	Compliance
Restrictions	Any easement, right-of-carriageway, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive covenant or like instrument with the Council nominated as a party.	Noted	Yes
Environmentally constrained land	In areas subject to constraints such as flooding, tidal inundation, threatened species, landslip risk, bushfire or any other matter, adequate safe area for building, where the risk from hazard is minimised, is to be provided within an allotment.	The site is identified as Area A & B on Council's Land Slip Risk Map. The proposed allotments are capable of accommodating dwelling that minimise the hazard risk. A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference No. J3197, dated 3 February 2021. The report concludes that subject to good engineering and building practice, no further geotechnical investigation is required. The proposal therefore satisfies the provisions of this clause.	Yes
Bushfire	Subdivision should be designed to minimise the risk from potential bushfire. Asset protection zones should be contained within the property boundaries of the new subdivision.	The site is not bushfire prone	N/A



Built Form Controls	Requirement	Proposed	Compliance
C2 Traffic, Access and Safety	<p>Objectives To minimise: a) traffic hazards; b) vehicles queuing on public roads c) the number of vehicle crossings in a street; d) traffic, pedestrian and cyclist conflict; e) interference with public transport facilities; and f) the loss of “on street” kerbside parking.</p> <p>Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.</p>	<p>The proposal will seek to extend the existing driveway from 18 Government Rd. The works will minimise the impact on street parking with no loss of on-street parking opportunities.</p> <p>No new vehicle crossings are proposed.</p>	Yes
C4 Stormwater	<p>Objectives</p> <ul style="list-style-type: none"> • To ensure the appropriate management of stormwater. • To minimise the quantity of stormwater run-off. • To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments. • To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD). <p>Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification</p>	<p>Stormwater from the proposed allotments will be directed to the street gutter in Government Road in keeping with existing arrangements.</p> <p>A drainage easement is proposed from the proposed lot 2 over proposed lot 1.</p> <p>Any future applications for construction of a dwelling on the proposed rear lot will provide stormwater drainage plans.</p>	Yes



Built Form Controls	Requirement	Proposed	Compliance
C6 Building over or adjacent to Constructed Council Drainage Easements	Objectives <ul style="list-style-type: none"> To ensure efficient construction, replacement, maintenance or access for emergency purposes to constructed public drainage systems located within private property. 	The site is not affected by Council's drainage infrastructure.	Yes
D21 Site facilities	Objectives <ul style="list-style-type: none"> To encourage innovative design solutions to improve the urban environment. To ensure that adequate utility services are provided to land being developed. Utility services to be provided	Standard utility services are available to the site.	Yes
E1 Private property tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	The proposed subdivision will not require the removal of any trees or vegetation. Proposed Lot 2 will require further investigation into vegetation, when a development application is lodged for future development.	Yes
E2 Prescribed vegetation	Not identified on map	N/A	N/A
E3 Threatened species, populations, ecological communities	Not identified on map	N/A	N/A
E4 Wildlife corridors	Not identified on map	N/A	N/A
E5 Native vegetation	Not identified on map	N/A	N/A
E6 Retaining unique environmental features	Not identified on map	N/A	N/A
E7 Development on land adjoining public open space	Not identified on map	N/A	N/A



Built Form Controls	Requirement	Proposed	Compliance
E8 Waterways and riparian lands	Not identified on map	N/A	N/A
E10 Landslip Risk	Identified on map as Area A & Area B. Nature of works to excavate >2m requires the submission of a Geotechnical Hazard Assessment.	A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference No. J3197, dated 3 February 2021. The report concludes that subject to good engineering and building practice, no further geotechnical investigation is required. The proposal therefore satisfies the provisions of this clause	Yes
E11 – Flood prone land	Not identified on map	N/A	

Table 4 – WDCP assessment table

4.6 Main issues

D1 Landscaped Open Space

The site requires a total of 40% (512.8m²) of landscaped open space. The proposed subdivision will result in a vacant rear lot which will be capable of complying with the landscape open space control.

As a result of retaining the existing dwelling on the reduced lot size, the proposal will result in a shortfall of landscaped open space for proposed lot 1. Approximately 26% (170m²) of proposed lot 1 will comprise of landscaped open space.

Despite the non-compliance with the landscaped open space control, proposed lot 1 satisfies the objectives of the control as follows:

- *To enable planting to maintain and enhance the streetscape.*

Comment:

The landscaping in the front setback will be maintained There will be no change to the streetscape presentation. The proposal satisfies this objective.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

The proposal does not include the removal of any indigenous vegetation, alter topographical features or affect habitat for wildlife. The proposal satisfies this objective.



- *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.*

Comment:

The site provides adequate landscaped open space areas to enable the establishment of appropriate vegetation. There are opportunities to provide additional landscaped open space, if required, by removing the concrete path to the north and rear of the existing dwelling. The proposal satisfies this objective.

- *To enhance privacy between buildings.*

Comment:

As no building works are proposed, the proposal maintains existing privacy levels. The proposal satisfies this objective.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

Proposed lot 1 will retain satisfactory open space areas to the rear of the dwelling including an outdoor terrace. Lawn area is also provided between the dwelling and the rear boundary. The proposal has satisfactory outdoor recreational spaces and therefore satisfies this objective.

- *To provide space for service functions, including clothes drying.*

Comment:

The existing service functions will be maintained. A new clothes line will be provided for proposed lot 1 adjacent to the northern boundary. The proposal satisfies this objective.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

There will be no change to the drainage of the existing dwelling which is directed to Government Road. Adequate areas of grass lawn and garden beds assist with the management and infiltration of stormwater.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the variation to the landscaped open space control is supported in this instance.

5 Conclusion

This SEE supports a development application for the proposed subdivision of one lot into two lots at 16 Government Road, Beacon Hill. The proposal is consistent with all relevant State and local planning controls.

When assessed under the relevant heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act, the proposed development succeeds. Consequently, approval of this development application is recommended.