

STATEMENT OF ENVIRONMENTAL EFFECTS



Alterations and additions to existing dwelling,
And change of use to Bed and Breakfast Accommodation
and construction of a new dwelling
at
323 McCarrs Creek Road
TERREY HILLS



Certification

This report has been authorised by Senior Town Planner, Ron Gounder, with input from a number of other experts' consultants (appended to this document), on behalf of the client. CIVAC will take no responsibility to amendments made outside of the CIVAC organisation. The comments herein have been based upon information and facts that were correct at the time of writing this report. Whilst CIVAC has aimed to include only accurate information, due to the nature of climate change and other mediating factors, these reports will not always be accurate.

Prepared by:

Mitchell Drake

Contact:

Mitchell@projectflow.net.au

Senior Town Planner

CIVAC

August 2022

This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of CIVAC.

The following documentation is provided in accordance with the outlined deliverables relating to the request for a Statement of Environmental Effects in support of the construction of a new dwelling and conversion of the existing dwelling to bed and breakfast accommodation on the site at 323 McCarrs Creek Road Terrey Hills. The Statement has been provided with a focus on the existing planning controls and consideration for past, present, and future planning regimes.

1. PRELIMINARIES

Request for Statement of Environmental Effects	Hampton Homes
Site Street Address	323 McCarrs Creek Road Terrey Hills
Legal Identifier	Lots 369 and 425 DP752017
Total site area	12316m ² (12.32ha)
Local Government Area	Northern Beaches Council
Zone	RU4 Primary Production Small Lots

2. EXECUTIVE SUMMARY

This statement has been prepared by CIVAC on behalf of Hampton Homes in relation to the construction of a new dwelling attached to the converted existing dwelling to bed and breakfast accommodation on the site at 323 McCarrs Creek Road Terrey Hills under the provisions of The Warringah Local Environmental Plan 2011. This statement addresses the relevant planning controls, planning proposals and other relevant planning data. The statement also reviews impacts and opportunities relating to State and Local EPI's and Draft EPI's in addition to the relevant DCP information and guidance.

Additionally, relevant strategic documents have been reviewed and their potential impacts and opportunities have been analysed. Finally, relevant recent planning approvals in a reasonable proximity to the site have also been reviewed and their impacts on the subject site have been identified. CIVAC has also made the following assumptions:

- This statement has been prepared without the benefit of viewing Council's physical DA files and property files as they relate to the site.

The bulk of this analysis has focused on the proposal and the resultant relationship with the surrounding land uses and the existing built form pattern within this semi-rural locale. The intent of this document is to support the proposed development of the subject site.

It is our professional opinion that the land use is consistent with the relevant plans and policies and there is no planning reason why these works should not be approved under Clause 4.16 of The Act.

THE PROPOSAL IN DETAIL

The applicant seeks approval for the construction of a new dwelling attached to the existing dwelling and alterations and additions to the existing dwelling to change the use to bed and breakfast accommodation. Referring to Figures 1, 2 and 3 below, the proposal entails the following:

New Dwelling

Referring to Figure 2 on page 3 of this report, the new dwelling is to be constructed so as to be attached to the existing dwelling, enabling the land use to be defined as a bed and breakfast accommodation. The new dwelling itself is to be made up of:

Ground Floor

- An entry porch and front door access facing north,
- An internal entry and desk window adjoining a lounge room,
- Stairway to upper level,
- A lift adjacent the entry to upper levels,
- A separate WC attached to the mud room and interconnected laundry,
- An adjacent hallway opening into an open plan dining/living/kitchen area
- Separate Scullery and wine cellar
- A double carport and storage.
- A carport area connected to both the bed and breakfast accommodation and the dwelling proper,
- An alfresco area interconnected with both the dwelling proper and the bed and breakfast accommodation,
- A timber deck area interconnected with both the dwelling proper and the bed and breakfast accommodation,
- A swimming pool for use of both the dwelling proper and the bed and breakfast accommodation,
- A small balcony off the rear section of the dining room and a croquet green

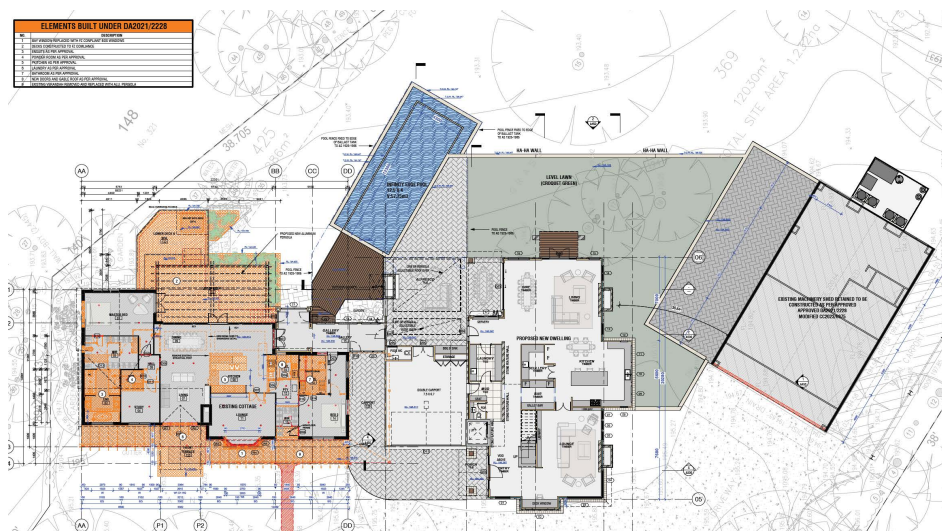


Figure 1: Ground Floor Plan

Source: ARCHIT

First Floor

- A left and stairs to the ground floor, accessed from the mezzanine sunroom
- A void over the ground floor entry,
- A hallway opening into a study room,
- Three (3) separate bedrooms
- Separate ensuites for each bedroom,
- Separate walk-in wardrobes for each bedroom,
- A small balcony servicing the master bedroom at the rear.

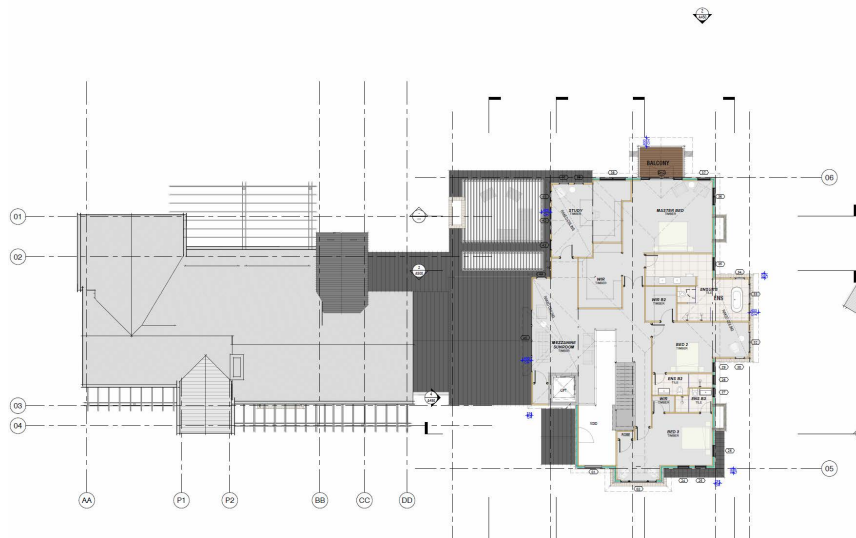


Figure 2: First Floor

Source: ARCHIT



Figure 3: East and West Elevations

Source: ARCHIT

Existing dwelling Change of use

This element of the proposal will remove the separate cooking facilities within the existing kitchen and the change of this room from a kitchen to a small bar with no cooking abilities or fixtures. The final configuration of the bed and breakfast guest area will be:

Bed and Breakfast accommodation RL195.397

- A separate entry area and foyer,
- Three (3) separate guest rooms serviced with ensuite and wardrobe
- Open plan living lounge areas,
- A common external carport adjoining the dwelling and the bed and breakfast element
- A common large deck and balcony area to the rear providing access to the swimming pool.

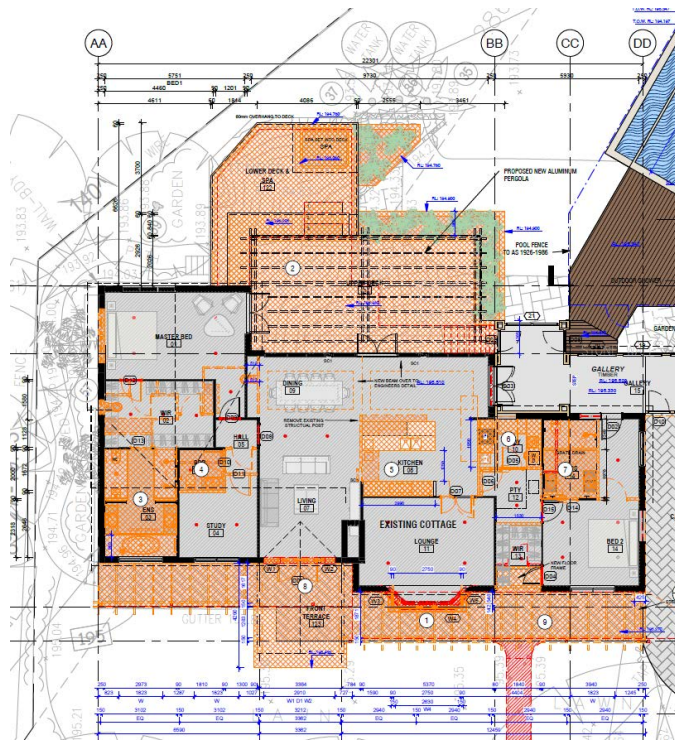


Figure 4: New Bed and Breakfast Floorplan

Source: ARCHIT

The existing machinery shed is to be maintained as existing albeit an upgrade to materials, no changes to the dimensions of the shed are proposed.

It is also noted that the proposal DOES NOT include an outcome resulting in two dwellings or the use of each module as a separate domicile, no application relating to such a use is made as part of this proposal.

LOCALITY DESCRIPTION

1. SUBJECT SITE

The sites are legally known as Lots 369 and 425 DP752017 and commonly referred to as 323 McCarrs Creek Road Terrey Hills. The allotment is irregular in shape with a site frontage in two (2) sections totalling 63.18m to McCarrs Creek Road.

The rear south-eastern boundary is 26m in width. The reduced width is a result of the southwestern boundary dog leg, midway along the site depth. It also noted that the north-eastern side boundary is irregular with a projection, made up of Lot 425, which adds 286m² to the area total of the sites. The average depth of the site is (205m approx.), equating to an overall site area of 12316m² (12.32ha) including Lot 425.

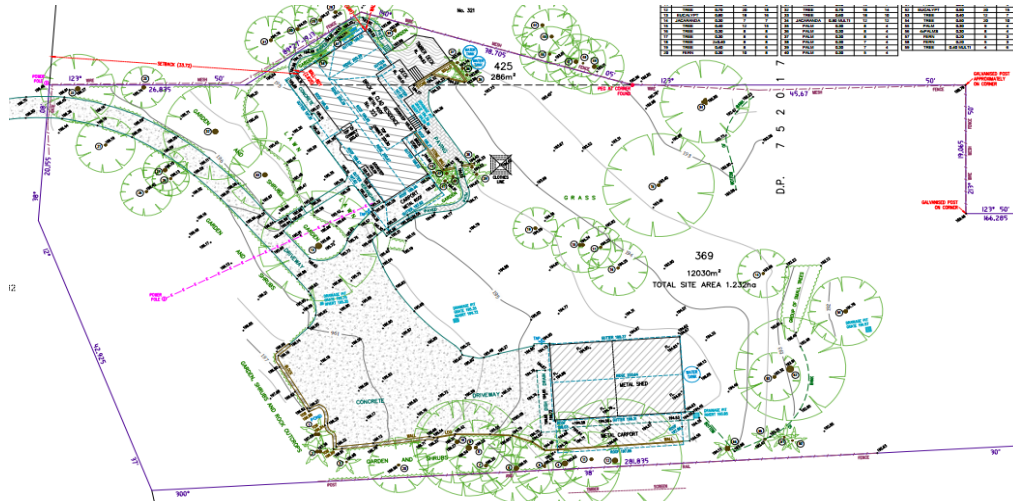


Figure 5: Partial Survey

Source: ARCHIT

The subject site is currently occupied by a single dwelling, with landscaping and a separate structure for parking as a garage/shed. There is also parking areas evident to the front of this structure adjacent to the southwestern boundary. There are no other built forms or sheds / outbuildings or dwellings on the site

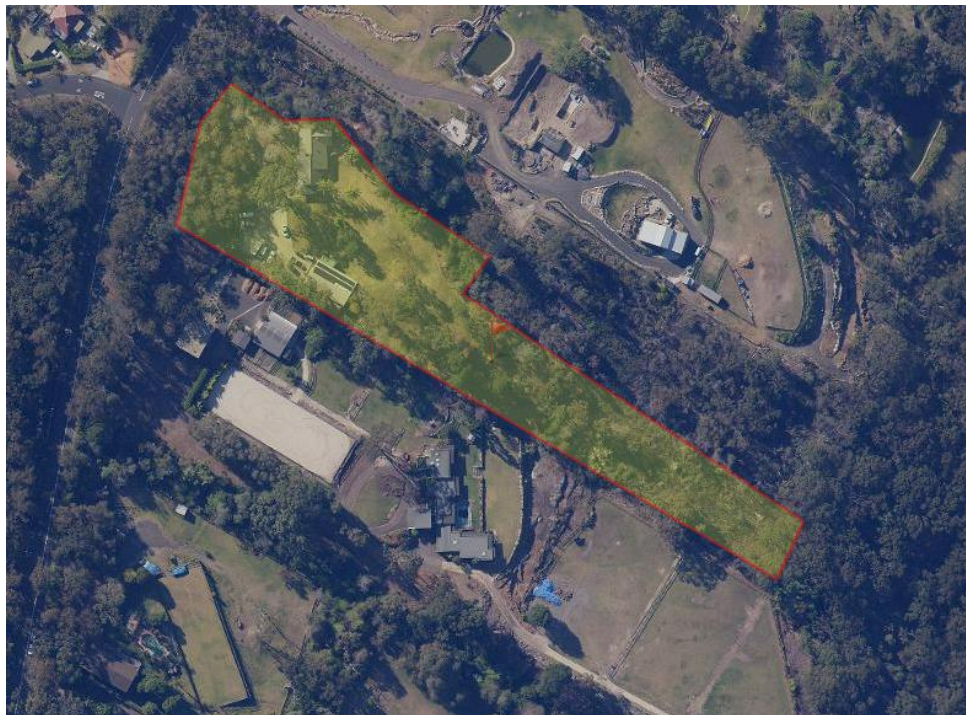


Figure 6: Aerial Photograph

Source: SIXmaps

The subject site topography is generally level with some small undulations throughout. The bulk of the improvements are upon the forward portions of the site, with the eastern rear elements being heavily wooded and generally unimproved.

2. SURROUNDING SITES

2.1 Northern adjoining Site

The site to the north is legally known as Lots 148 DP752017 and commonly referred to as 321 McCarrs Creek Road Terrey Hills. The allotment is irregular in shape with a site frontage of approximately 33m to McCarrs Creek Road and an average site depth of 286m, equating in an overall site area of approximately 1.14ha. Referring to Figure7, the allotment is unimproved.

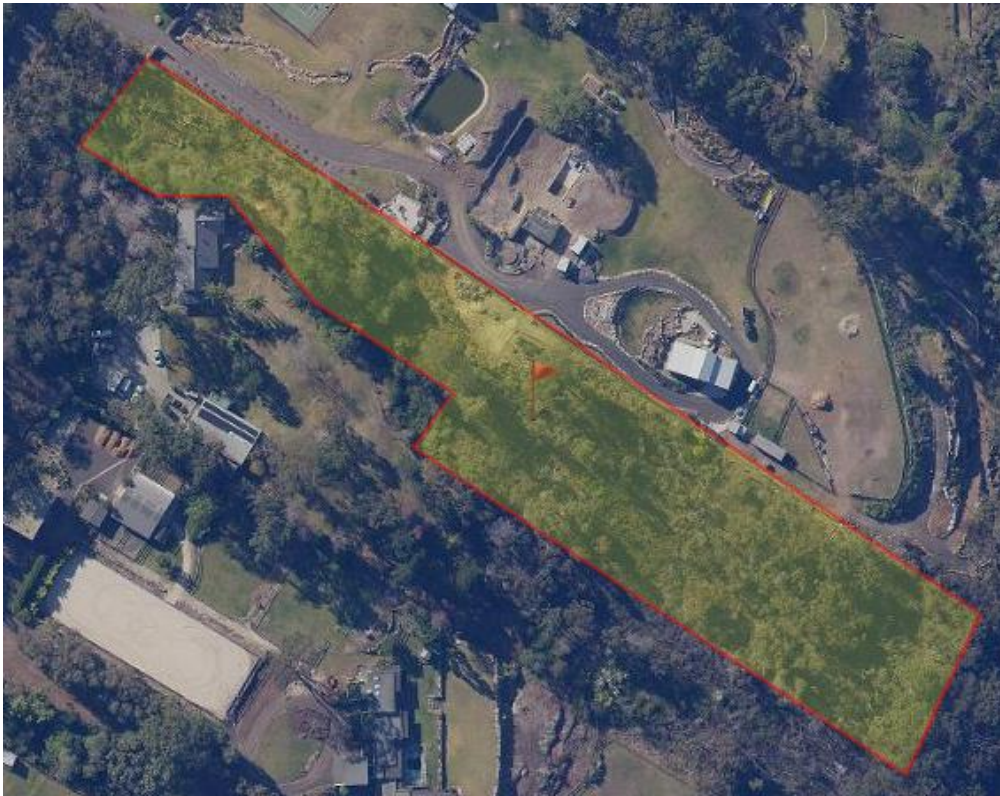


Figure 7: 321 McCarrs Creek Road

Source: SIXMaps

2.2 Southern adjoining Site

The site to the South is legally known as Lots 1 DP597059 and commonly referred to as 325 McCarrs Creek Road Terrey Hills. The allotment is generally regular in shape with a site frontage of approximately 74m to McCarrs Creek Road and an average site depth of 310m, equating in an overall site area of approximately 2.36ha. Referring to Figure 8 overleaf, the allotment is occupied by various structures and buildings including:

- A private parking and turning bay,
- Associated outbuildings and storage shed areas,
- An equine training arena,
- Large landscape open space areas forward of the existing dwelling,
- A turning circuit for vehicles,
- An existing dwelling with various bedroom, living, dining and kitchen areas,
- A private open space platform and landscaped area to the rear of the dwelling,
- Open grassed and cleared areas on two separate levels adjoining bushland.



Figure 8: 325 McCarrs Creek Road

Source: SIXMaps

2.3 Eastern adjoining Site

The area is zone C1 and is unimproved, being an National Park and Nature Reserve. The path known as “Duck holes Trail” runs through the area at a reasonable distance from the rear (eastern) boundary of the subject site. There are no other man-made features relating to this natural bushland area (Refer to Figure 9 Below)



Figure 9: C1 National Park and Nature Reserve

Source: SIXMaps

2.4 Western adjoining Site

The site to the west on the opposite curb of McCarrs Creek Road is 2 Beltana Avenue Terry Hills and is legally known as Lot 6 DP246390. The corner allotment is irregular in shape with a site frontage to Beltana Avenue of approximately 19m and a secondary frontage to McCarrs Creek Road of approximately 43m, equating to an average site area of approximately 1297m². Referring to Figure 10 below, the allotment is occupied by various structures and buildings including:

- An Vehicle entry from Beltana Avenue,
- A large multi space garage,
- Significant areas of landscape open space,
- A single dwelling including bedrooms and lounge, kitchen areas
- Landscaping and rock outcrop areas to the rear of the dwelling.
- Significant vegetation and trees and shrubs softening the site.



Figure 10: 2 Beltana Avenue Terrey

Source: SIXMaps

SITE HISTORY

A review of Council records indicates that the following proposals and applications relate to the subject site:

DA2021/2228

Application Type: Alterations and additions to residential development - Alterations and additions to a dwelling house including a home office, garage and swimming pool.

Status: Under Assessment (as at 25/7/2022)

DA2013/0729

Application Type: Development Application

Tree Application - Tree Application

Status: Approved

Determined: 01/07/2013

CDC2013/0226

Application Type: Complying Development Certificate

Private SEPP - Private SEPP - Demolition of existing in-ground swimming pool

Status: Completed

Determined: 16/08/2013

BA5002/2721

Application Type: Converted Fujitsu

Converted BA - Add N DATE TYPE NOTE 17/11/1993

Status: Completed

BA5000/6916

Application Type: Converted Fujitsu

17/08/1989 Final Inspection: SATISFACTORY

Status: Completed

No other works or applications are relevant to the proposal.

3. THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT (EPI)

3.1 State Environmental Planning Policies

3.1.1. State Environmental Planning Policy (Resilience and Hazard)

Chapter 4 Remediation of Land

The aim of Chapter 4 within this policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Part 4.6 requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

No evidence of contamination was observed during inspection of the site. Thus, no further assessment is required in this regard.

3.1.2. State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-rural Areas

Chapter 2 of the Biodiversity and Conservation SEPP aims to ensure that the value of trees and other vegetation in non-rural area are protected. In accordance with the objectives of the chapter the clearing of native vegetation requires approval. The application does not require native species removal.

3.2 Warringah Local Environmental Plan 2011

The following elements of the Local Environmental Plan are relevant to the proposal.

PART 1 – PRELIMINARY

Clause 1.2 Aims of the Plan

The proposal is consistent with the relevant aims of the plan as follows:

Aims	Response
To maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors.	Complies
In relation to residential development, to—	
(i) protect and enhance the residential use and amenity of existing residential environments, and	Complies
(ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and	Complies
(iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,	Complies
in relation to environmental quality, to—	
(i) achieve development outcomes of quality urban design, and	Complies

(ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and	Complies
(iii) achieve land use relationships that promote the efficient use of infrastructure, and	Complies
(iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and	Complies
(v) protect, conserve and manage biodiversity and the natural environment, and	Complies
(vi) manage environmental constraints to development including acid sulphate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,	Complies

PART 2 - PERMITTED OR PROHIBITED DEVELOPMENT

The proposal is defined as:

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests’ rooms, and
- (c) dormitory-style accommodation is not provided.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

A review of the plan indicates the proposal is permissible with consent within the RU4 Primary Production Small Lots Zone. The relevant RU4 Primary Production Small Lots Zone aims and objectives relevant to the proposal are as follows:

Aim

To maintain and enhance the natural landscape including landform and vegetation.

Response

The proposed dwelling is located within an appropriate section of the allotment that requires minimal clearing and is, generally level with minimal land preparation required for development. The area also sits between the existing dwelling to be modified to the bed and breakfast accommodation and the existing farm building, making use of the area of the site that has already been largely impacted upon by the existing uses and building locations. The areas of landscaping at the rear of the site and along the front boundary adjacent to McCarrs Creek road will be untouched.

Aim

To ensure low intensity of land use other than land uses that are primary industry enterprises.

Response

The intensity of the land use is extremely low and not invasive. The residential core of the land use on site is maintained as is with the addition of the bed and breakfast use, by its very nature be a quiet and unobtrusive style of development. The area is heavily wood, quiet and well hidden from traffic and other more intensive uses. It is these factors that will attract patrons to the be and breakfast and are also the clear benefits for the dwelling.

Aim

To maintain the rural and scenic character of the land.

Response

The location of the works and the overall height, ensure that the proposal will not have an unreasonable impact upon any rural or scenic characteristics of the Locale. The proposal is consistent with this aim of the zone.

PART 4 – PRINCIPAL DEVELOPMENT STANDARDS

STANDARD	REQUIRED	PROVIDED	COMMENT
Site Area	2ha	12.32ha	No Change
Building Height	8.5m	8.5m	Complies
Floor Space Ratio	Not Adopted	Not Adopted	Not Adopted

PART 5 – MISCELLANEOUS PROVISIONS

Clause 5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

The converted dwelling does not have greater than three (3) bedrooms. Thus, the proposal is consistent with the controls and satisfies the requirements to be considered “*Bed and Breakfast Accommodation*”.

4. THE PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT (EPI)

There are no draft EPI’s applicable to the subject site or proposed development.

5. THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN (DCP)

The following development control plan is applicable to the development.

5.1 Warringah Development Control Plan

PART A INTRODUCTION

Clause A.5 Objectives

The following is a response to the relevant objectives of the plan against the proposal:

Objective

To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood

Response

The development shows cognizance for the existing characteristics of the surrounds. Significant elements of natural topography and environment are retained to a satisfactory level.

Objective

To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome

Response

A unified landscape and a contribution to the visual interest of the streetscape will be a feature of any future development.

Objective

To inspire design innovation for residential, commercial and industrial development

Response

The new dwelling is a modern upgraded design and shows innovation with contemporary environmental solutions.

Objective

To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained

Response

The application is consistent in this regard.

Objective

To achieve environmentally, economically, and socially sustainable development for the community of Warringah

Response

The better use of the available resource is an appropriate response to this objective and the proposal is consistent with the objectives in this regard.

CONTROL	REQUIRED	PROVIDED	COMMENT
Building Height	2 storeys 7.2m	2 storeys 5.7m	Complies
Front Building Setback	20m	33.72m	Complies
Secondary Front Setback	Not Adopted	Not Adopted	Not Adopted
Side Boundary Setback Lower	10m	2.44m	As Existing
Side Boundary Setback Lower	10m	6m	As Existing
Side Boundary Setback Upper	10m	2.44m	As Existing
Side Boundary Setback Upper	10m	6m	As Existing
Rear Setback Lower	10m	206m	As Existing
Rear Setback Special	20m (National Park)	206m	As Existing
Private Open Space	60m ²	286m ²	Complies
Landscape Open Space	30% (3609m ²)	68% (8260m ²)	Complies
Parking	2 spaces	5 spaces	Complies

Clause - C8 Demolition and Construction

The following table indicates the proposal consistency with the underlying objectives of the clause

OBJECTIVES	RESPONSE
To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.	COMPLIES
To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.	COMPLIES

To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan	COMPLIES
To discourage illegal dumping.	COMPLIES

Clause - D1 Landscaped Open Space and Bushland Setting

The following table indicates the proposal consistency with the underlying objectives of the clause

OBJECTIVES	RESPONSE
To enable planting to maintain and enhance the streetscape.	COMPLIES
To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.	COMPLIES
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.	COMPLIES
To enhance privacy between buildings.	COMPLIES
To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.	COMPLIES
To provide space for service functions, including clothes drying.	COMPLIES
To facilitate water management, including on-site detention and infiltration of stormwater.	COMPLIES

Clause - D6 Access to Sunlight

The following table indicates the proposal consistency with the underlying objectives of the clause

OBJECTIVES	RESPONSE
To ensure that reasonable access to sunlight is maintained.	COMPLIES
To encourage innovative design solutions to improve the urban environment and public open space.	COMPLIES
To promote passive solar design and the use of solar energy.	COMPLIES
REQUIREMENTS	RESPONSE
Development should avoid unreasonable overshadowing any public open space.	COMPLIES
At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	COMPLIES

Clause - D8 Privacy

The following table indicates the proposal consistency with the underlying objectives of the clause

OBJECTIVES	RESPONSE
To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.	COMPLIES
To encourage innovative design solutions to improve the urban environment.	COMPLIES
To provide personal and property security for occupants and visitors.	COMPLIES
REQUIREMENTS	RESPONSE
Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	COMPLIES
Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.	COMPLIES
The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	COMPLIES
The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.	COMPLIES
Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.	NOT APPLICABLE

COMMENT: Whilst the tables indicate that the proposal is consistent in all regards to the underlying controls. It should be noted that due to the location, updated development typology and overall compliance with all controls results in the site not requiring a more robust assessment. The distances between dwellings, the significant land areas and the lack of invasive development all indicate that the new dwelling with the accompanied bed and breakfast accommodation is an appropriate use and a superior outcome for the site.

6. PLANNING AGREEMENTS OR DRAFT PLANNING AGREEMENTS

There are no planning agreements or draft planning agreements submitted under Section 7.4.

7. THE LIKELY IMPACTS

7.1 Environmental

The assessment of the proposal has shown that any environmental impacts resulting from the proposal will be negligible. Regard is shown for the natural environment in terms of scenic protection and view maintenance, with appropriate measures incorporated into the overall design that operate in concert with the extensive areas of landscaping provided by the site layout.

The built environment will be enhanced by the upgrade and its more economical use of the available resource, without impacting or dominating the area in terms of built form. The proposal satisfies the requirements of both the natural and built environments.

7.2 Social

The proposal adds to the opportunity for diversity in land use typology within the appropriate RU4 Zone. This allows a more diverse population cross section to “settle and stay “within the Northern Beaches LGA, working

and living within the same district. The increased choice of employment and education in this area provided by the proposal is consistent with the strategic goal and direction of the Terrey Hills locality. The proposal is consistent with the social requirements in these regards.

7.3 Economic

The provision of the upgraded housing opportunity within this appropriately zoned locality, will allow a contribution to the easing of housing pressure on potential homeowners whilst showing regard for the requirements of this RU4 Zone.

8. SITE SUITABILITY

The site suitability is indicated by the appropriate land use being located within the RU4 zone. The proposal has demonstrated compliance with the standards and controls together with a consistency of all underlying objectives of both State and Local policies. The application is considered acceptable with regards to suitability of the site.

9. SUBMISSIONS

There have been no submissions received from any public person, private or Government Authorities at the time of the preparation of this report.

10. THE PUBLIC INTEREST

The public interest is served by the provision of the appropriate land use that is consistent with Local and State planning objectives. The land use responds at a strategic level to desired planning outcomes together with increased affordable housing opportunities within the Sydney region and the Northern Beaches LGA specifically. The proposal is consistent with the underlying objectives of the EP&A Act in that it is an appropriate and economical use of the available resource.

CONCLUSIONS

This Statement of Environmental Effects has provided an assessment of the proposed land use against the relevant provisions of the planning controls, the subject site is located within the RU4 Zone thus the proposal is therefore considered to satisfy the zone objectives at a strategic level.

The project, located within the Northern Beaches (LGA) offers an opportunity for an additional land use which will provide for and contribute to the locale. The proposal has demonstrated consistency with the underlying objectives of the controls and compliance with the numerical standards contained within both State and Local policies.

We submit that the proposal is consistent with Council's expectations and there is no planning reason why this proposal should not be approved.