

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR**

**PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING TO  
PROVIDE FOR A CARPORT**

**LOCATED AT**

**5 NYORIE PLACE, FRENCHS FOREST**

**FOR**

**MR MEDI VALI**



**Prepared  
September 2020**

## **Table of Contents**

1.0	Introduction .....	3
2.0	Property Description.....	3
3.0	Site Description .....	3
4.0	The Surrounding Environment.....	6
5.0	Proposed Development .....	7
6.0	Zoning and Development Controls .....	8
6.1	State Environmental Planning Policy No. 55 – Remediation of Land .....	8
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 .....	8
6.3	Warringah Local Environmental Plan 2011 .....	8
6.4	Warringah Development Control Plan .....	11
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979 .....	21
7.1	The provisions of any environmental planning instrument .....	21
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 .....	21
7.3	Any development control plan.....	21
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.....	21
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), .....	21
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. ....	21
7.7	The suitability of the site for the development.....	22
7.8	Any submissions made in accordance with this Act or the regulations .....	22
7.9	The public interest.....	22
8.0	Conclusion .....	22

## **1.0 Introduction**

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Mr M. Vali by Paul Carrick & Associates, Drawing No. 01 – 08, Job Number 2014, Revision C, dated August 2018 detailing the proposed construction of alterations and additions to an existing dwelling at **5 Nyorie Place, Frenchs Forest**.

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*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

## **2.0 Property Description**

The subject allotment is described as 5 Nyorie Place, Frenchs Forest, being Lot 7 within Deposited Plan 229136 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

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

The land is noted as being Landslip Area B, with no other hazards identified. A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Ref No. J2901, dated 31 August 2020 and is discussed further within this submission.

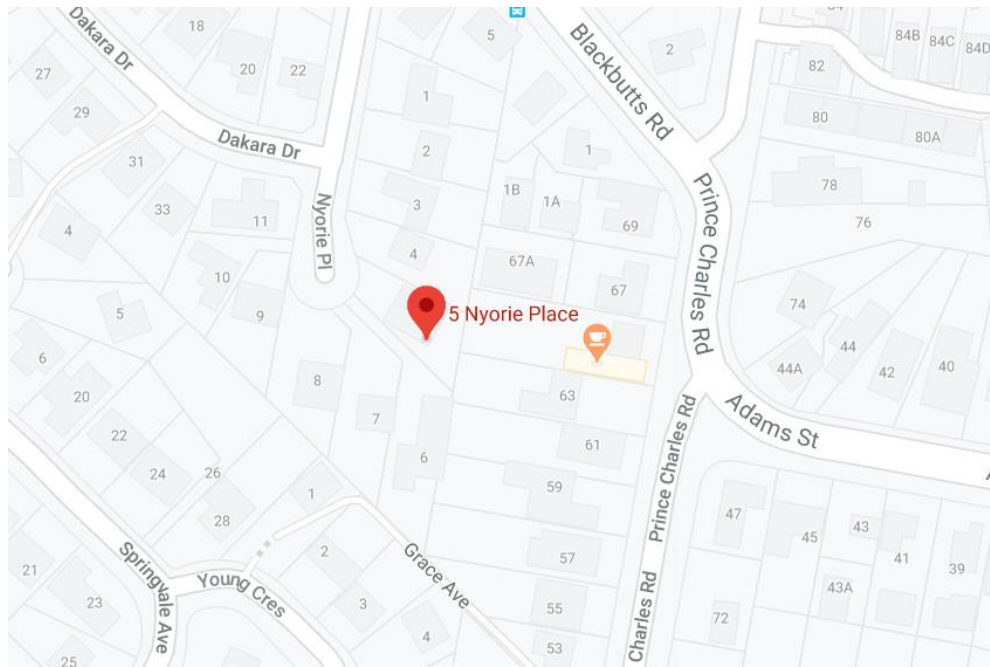
## **3.0 Site Description**

The property is an irregular shaped allotment located on the south-eastern side of Nyorie Place. The site rises gradually away from the road towards the rear, eastern boundary, with a total fall of approximately 1.73m over its length. The site is irregular in shape with an arc frontage to Nyorie Place of 11.58m, the north-eastern and south-western boundaries measure 41.21m and 45.91m, respectively. The rear boundary is 26.215m and the site has a total site area of 716.6m<sup>2</sup>.

Stormwater from the site is directed via gravity to the street gutter in Nyorie Place.

The site is currently developed with a single and two storey rendered dwelling with a metal roof, over a basement garage level. Vehicular access is available via a concrete driveway from Nyorie Place to the open hearts and parking area forward of the dwelling. The site currently does not have covered or enclosed carparking area

The details of the site are as indicated on the survey plan prepared by Bee & Lethbridge Pty Ltd, Reference No. 21023, dated 3 January 2020, which accompanies the DA submission.



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



**Fig 2: View of the subject dwelling and driveway access to the proposed carport area forward of the dwelling, looking east from Nyorie Place**



#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by residential dwellings and a range of detached outbuildings, 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 surrounding dwellings comprise a mix of single and two storey dwellings.

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

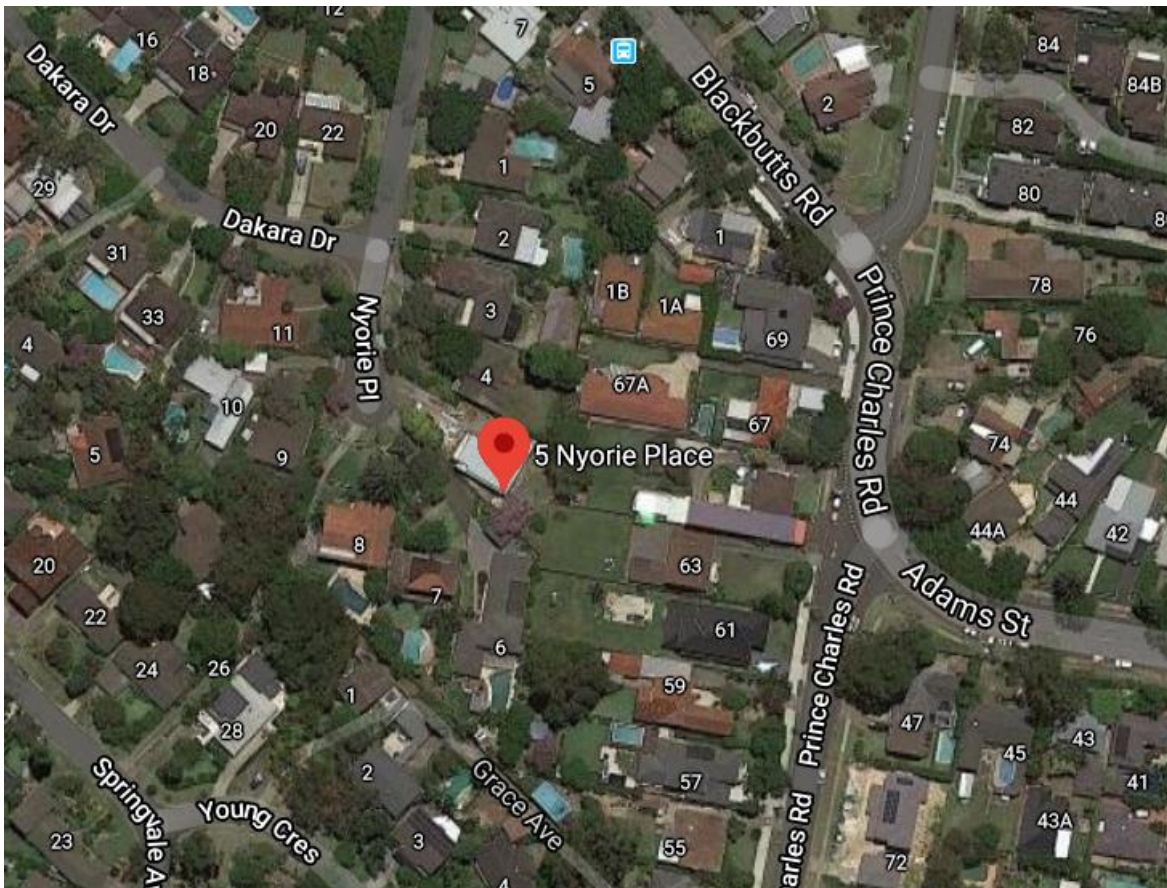


Fig 3: Aerial view of locality  
(Source: Google Maps)

## 5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks consent for construction of a double carport, with a metal roof, over the existing hardstand area forward of the dwelling.

The proposed works comprise:

- New attached double carport which will stand to a 500mm-907mm setback to the north-eastern side boundary. The proposed carport is a simple open style carport with a steel portal frame and a low pitch skillion roof with metal sheeting.

The collected roofwaters will be directed to the street gutter in Nyorie Place in accordance with existing arrangements.

The proposed carport is located wholly over the existing driveway and hard stand area, with no reduction in the landscaped area of the site.

The proposal results in the following development indices:

Site Area:	716.6m <sup>2</sup>
Required Landscaped Area:	40% or 287m <sup>2</sup>
Existing Landscaped Area:	46% or 331m <sup>2</sup>
Proposed Landscaped Area:	46% or 331m <sup>2</sup> (Inclusive of areas less than 2m in width however proposed landscaped area unchanged - see DCP discussion)

## 6.0 Zoning and Development Controls

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

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

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

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

The proposal meets water, thermal and energy standards required by BASIX. Given the proposed works a BASIX certificate is not required for this development.

### 6.3 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 to provide for an open carport which is ancillary to the dwelling are permissible in the R2 zone.



Fig 4: 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 over as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

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

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal will not see any alteration to the existing landscaped area of the site and will not unreasonably affect long distance views for the surrounding properties.

**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 Frenchs Forest is 8.5m. The works are located at ground level and will result in a maximum height of 3.3m above natural ground level and therefore comply with Council's maximum building height.

**Clause 6.2** relates to earthworks.

The proposal is accompanied by a Preliminary Geotechnical Assessment prepared by White Geotechnical Group, Ref No. J2901, dated 31 August 2020, which concludes that the proposal meets Council's requirements subject to compliance with the recommendations contained within the report.

Additionally, the works will be carried out in accordance with the recommendations of a qualified Structural Engineer.

**Clause 6.4** relates to development on sloping land. The site is noted on Council's Landslip Risk Map as being within Area B.

The Clause seeks to achieve the following objectives:

- *to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*

- *to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- *to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

Accordingly, a Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Ref No. J2901, dated 31 August 2020. The report concludes that the proposal meets Council's requirements subject to compliance with the recommendations contained within the report. The proposal is therefore considered to 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	The maximum proposed wall height is approximately 3m and readily complies with this control.	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	<p>The proposed attached carport is to stand over the existing parking area forward of the dwelling and will be setback from 500-907mm to the supporting posts, with the roof overhang to be wholly within the subject property.</p> <p>The variations provisions under Clause B5 of the Warringah Development Control Plan permits attached ancillary structures such as carports to breach the side setback control.</p> <p>As the proposed carport structure does not adversely affect the privacy, amenity or solar access to the adjacent property at No 4 Nyorie Place, Council's support of</p>	Yes -on merit

		the proposed variation is sought.	
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	The existing dwelling and the 500-907mm from the north eastern side boundaries, which exceeds Council's minimum setback control.	Yes
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A
B7 – Front Boundary Setbacks	Minimum 6.5m	<p>The proposal includes a new carport structure which stands to within 21m of the front boundary.</p> <p>The site currently does not have covered or enclosed car parking. The proposed carport provide weather protection for the owner's vehicles.</p>	Yes
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	<p>Min 6m rear setback</p> <p>R2 Zoned land swimming pool not to exceed 50% of rear setback area.</p>	No new works to be carried out in the rear setback.	<p>Yes</p> <p>Yes</p>

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	The existing vehicle crossing will be maintained.	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	The site currently does have enclosed parking, with the current parking provided as two open car spaces over the existing driveway. The proposal includes a new double carport which will provide for covered off street parking for the owner's requirements.	Yes - on merit
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	Existing stormwater directed to Council drainage system in Nyorie Place.  The proposal will see stormwater directed to the Council drainage system in Nyorie Place in accordance with existing arrangements.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	The proposal will provide for sediment and erosion control during the construction period.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A		N/A
C7 – Excavation and Landfill	Site stability to be maintained	No excavation is required to accommodate the proposed carport.	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 provided adjacent to garage	Yes
<b>Part D – Design</b>			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>The proposal will retain the existing landscaped area of 46% or 331m<sup>2</sup>, which includes areas that are less than 2 m in width. The proposal will not however reduce the existing landscaped area as all works are located over the existing paved driveway.</p> <p>The development within the site will continue to achieve the Objectives of the controls, which are noted as:</p> <p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• To enable planting to maintain and enhance the streetscape.</li> <li>• To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.</li> <li>• 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.</li> <li>• To enhance privacy between buildings.</li> <li>• To accommodate</li> </ul>	N/A

		<p><i>appropriate outdoor recreational opportunities that meet the needs of the occupants.</i></p> <ul style="list-style-type: none"> <li>• <i>To provide space for service functions, including clothes drying.</i></li> <li>• <i>To facilitate water management, including on-site detention and infiltration of stormwater.</i></li> </ul> <p>The proposal will provide for sufficient area for the private open space and recreational requirements of the owners, and will not see the removal of any significant vegetation.</p>	
D2 – Private Open Space	<p>Dwelling houses with three or more bedrooms</p> <p>Min 60m<sup>2</sup> with min dimension 5m</p>	<p>The existing private open space within the rear yard is maintained. The private open space is directly accessible from the dwelling, with good access to the northern sun.</p>	Yes
D3 – Noise	<p>Mechanical noise is to be attenuated to maintain adjoining unit amenity.</p> <p>Compliance with NSW Industrial Noise Policy Requirements</p>	<p>Given the residential nature of the proposal, no noise impacts are anticipated.</p>	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun	The site enjoys good access to northern sun	Yes

	Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	to the front and rear yards.	
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.	As the works are at ground level the internal and external living areas of neighbouring properties will continue to receive suitable solar access.	Yes
D7 – Views	View sharing to be maintained	<p>The controls require that development should enable the reasonable sharing of views. The works see alterations and additions to the existing dwelling to provide for an carport.</p> <p>The modest roof height and low profile roof form of the new works will ensure that the primary outlook for the surrounding properties is not diminished.</p>	Yes
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	The modest nature of the proposed carport is not considered to result in any adverse privacy impacts to neighbouring properties.	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and	The existing surrounding development	Yes

	architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	comprises a mix of one and two storey dwellings. The form of the proposed development is modest in height and scale and will not visually dominate Nyorie Place.	
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 carport roof is a low pitch skillion form which will not dominate the local skyline.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The existing external finishes and colours will be retained and the proposed new finishes will complement the existing dwelling.  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	N/A – no new front fencing proposed	N/A
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities	Bin storage area is available adjacent to the dwelling.  The existing mailbox is to be maintained.	Yes



D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	The existing side and rear fencing will be maintained.	N/A
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	N/A	N/A
D17 – Tennis Courts	N/A		N/A
D18 – Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A
D20 – Safety and Security	Buildings to enhance the security of the community.  Buildings are to provide for casual surveillance of the street.	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the dwelling to the street over and through the front landscaped area.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate is not required.	N/A
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous	No signage proposed	N/A

	road features or traffic control devices.		
<b>Part E – The Natural Environment</b>			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	No significant protected trees are affected by the works.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area B.	Accordingly, a Preliminary Geotechnical Assessment prepared by White Geotechnical Group, Ref No. J2901, dated 31 August 2020, which concludes that the proposal meets Council's requirements subject to compliance with the recommendations contained within the report.	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 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.

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

**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 proposed construction of a carport, which have been located and designed to appropriately minimise impacts on the amenity of adjoining properties and are compatible with and will complement the character of the area.

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

### **7.7 The suitability of the site for the development**

The site is considered suitable for the proposed development.

The proposal will provide for the construction of a new carport over an existing hardstand area.

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 construction of a new double carport, which will not have a detrimental impact on the adjoining properties or the locality.

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

### **VAUGHAN MILLIGAN**

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)