



## STATEMENT OF ENVIRONMENTAL EFFECTS

Earthworks and structural works to existing buildings

Lot CP/-/SP19670

98 Old Pittwater road

Brookvale

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

**LOT CP/-/SP19670**  
**98 Old Pittwater road Brookvale**

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## 1 Introduction

This Statement of Environmental Effects accompanies a development application for the structural foundation repair work to existing buildings on land identified as Lot CP/-/SP19670, 98 Old Pittwater Road Brookvale.

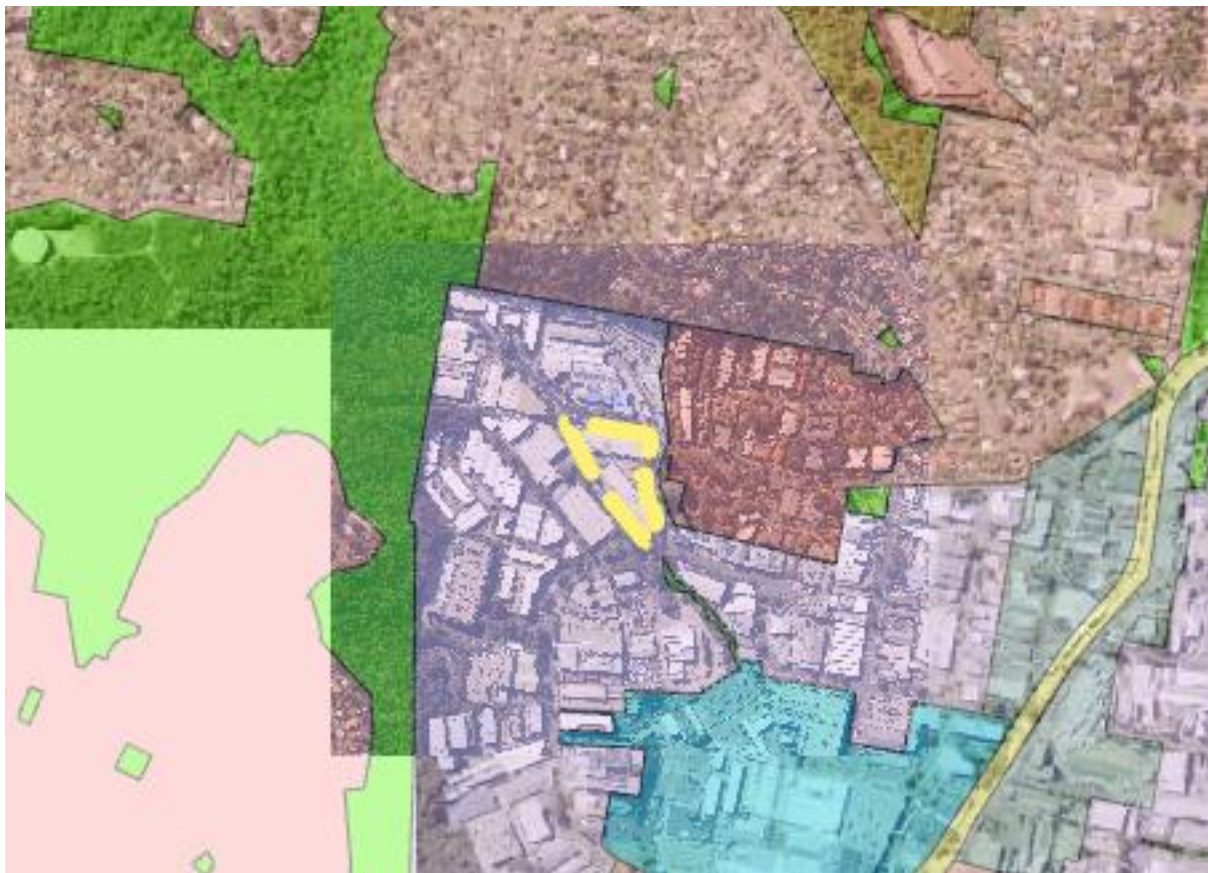
The primary topics addressed in this report are:

- Site description
- Details of the proposal;
- Summary and assessment against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (as amended).

This Statement of Environmental Effects confirms that the proposed development is suitable and appropriate in the context of the area and all relevant statutory and non statutory planning policies. As such it is considered that the proposal can be supported and approved by Council.

### 1.1 Site Description

The subject land is identified as Lot CP/-/SP19670, 98 Old Pittwater Road Brookvale. Located on site is an existing industrial development and is surrounded by buildings of a similar size. Access to the site is via Old Pittwater Road.



**Figure 1:** Aerial Image of Site & Surrounding Area

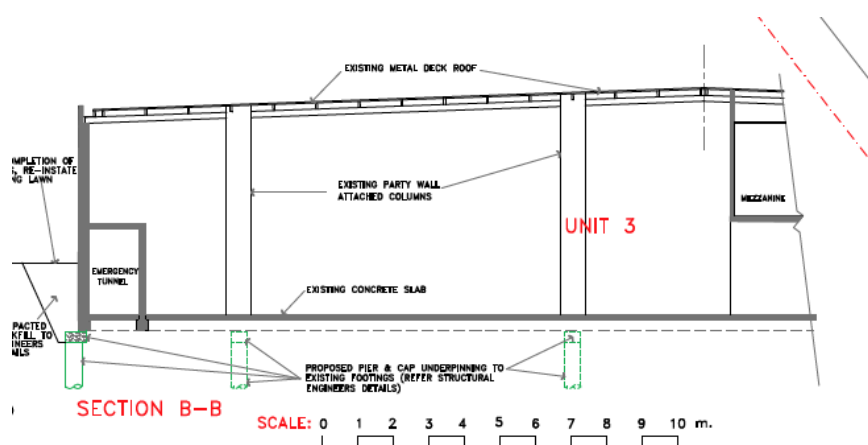


**Figure 2:** Map of the subject site

## 1.2 Proposed Development

It is noted that the site contains a two storey brick industrial building block. It appears that the internal and external walls of the building had developed significant cracking and the slab had settled up to 300mm in depth in part. It is further understood that previous attempts to lift slabs and footings have been only partly successful.

The proposed development seeks consent to repair the existing slabs and footing to repair the industrial units. The proposed development involves the structural foundation repair work to the foundations and slab of the existing industrial warehouse buildings.



### **1.3 Approvals Sought**

The application, which this Statement of Environmental Effects supports, seeks consent under section 4.15 of the Environmental Planning and Assessment Act, 1979 for the proposed development.

## Planning Assessment

### 1.4 Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

*(a) to encourage:*

*(ii) the promotion and co-ordination of the orderly and economic use and development of land.*

This application is consistent with the objects of the Act as the proposed development enables the orderly and economic use of the land.

#### 1.4.1 Integrated Development

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent by one or more approvals under another Act. **The subject proposal does not trigger integrated development as detailed under S.4.46 of the EP&A Act.**

#### 1.4.2 Designated Development – Section 4.10

Schedule 3 of the Environmental Planning and Assessment Regulations 2000 prescribes development which, if of the relevant type and size, may be considered to be Designated Development. In this case it is our opinion that the development would not trigger any of the designated development provisions.

### 1.5 Section 4.15 Assessment

Section 4.15 of the EP&A Act outlines the matter for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

#### 1.5.1 Environmental Planning Instruments - Section 4.15 (1)(a)(i)

##### 1.5.1.1 State Environmental Planning Policies

##### **State Environmental Planning Policy No 55 – Remediation of Land**

SEPP 55 is a NSW-wide planning approach to the remediation of contaminated land. When considering a Development Application, the consent authority must observe the requirements of SEPP 55. The significant clause of SEPP 55 is clause 7, which is outlined below.

##### ***Clause 7 - Contamination and remediation to be considered in determining development application***

Under Clause 7, a consent authority must not consent to the carrying out of any development on land unless:

*(a) It has considered whether the land is contaminated, and*

*(b) If the land is contaminated, it is 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, and*

*(c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In accordance with Clause 7 of SEPP 55, Council must consider whether the land is potentially contaminated. The land where the proposed development is located is in an existing residential area and shows no sign of previous contamination.

#### **SEPP Infrastructure 2007**

This policy sets out certain requirements to smooth the path of mainly large infrastructure projects. In this case the policy requires the consent authority to ensure infrastructure is adequate to accommodate the development proposal, which is held to be of the traffic-generating variety. As the development is for a residential development, 104 (2) of the SEPP is not triggered in this instance.

#### **1.5.1.2 Warringah Local Environmental Plan 2011**

The Warringah Local Environmental Plan 2011 (LEP 2011) is the applicable local planning instrument for the site.

<b>Local Environmental Plan</b>	
Matter	Relevant Control
Zoning	IN1 General Industrial
Zone Objectives	<p>The objectives of this residential zone are:</p> <ul style="list-style-type: none"><li>• To provide a wide range of industrial and warehouse land uses.</li><li>• To encourage employment opportunities.</li><li>• To minimise any adverse effect of industry on other land uses.</li><li>• To support and protect industrial land for industrial uses.</li><li>• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</li><li>• To enable a range of compatible community and leisure uses.</li><li>• To maintain the industrial character of the land in landscaped settings.</li></ul>
Permitted without consent	Nil
Permitted with consent	Boat building and repair facilities; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or



	distribution centres; Any other development not specified in item 2 or 4
Prohibited	Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities
Height of Building	The site is located in the Area with a 11m height of building limit
Architectural Roof	Clause 5.6 allows Height of Building exceedance.
Floor Space Ratio	No Floor Space Ratio.
Minimum Lot Size	The site is located in the Area (4000sqm) of the minimum lot size map.
Heritage	Not of heritage significance.
Acid Sulphate Soils	Not identified as acid sulphate
Land Acquisition	Not identified for acquisition.
Mine Subsidence	Not identified as mine subsidence.
Landslide Risk Land	Area A - Slope <5  Area B – flanking slopes 5 to 25

#### **Clause 4.1 Minimum subdivision lot size**

The clause provides the minimum lot size requirements for subdivision. The minimum subdivision lot size for the site is 4000sqm. The development is not for subdivision.

#### **Clause 4.3 Height of buildings**

The clause provides the maximum building height limit for the area. The maximum height of a building allowed within that area is 11m. The proposed development complies with the standard.

#### **Clause 4.4 Floor space ratio**

The site is located within an area with no Floor Space Ratio. The proposed development complies with the FSR development standard.

#### **Clause 4.6 Exceptions to development standards**

The clause provides an avenue to seek a variation to development standards. It is noted that the development complies with all the LEP Development Standards.

#### **Clause 5.10 Heritage conservation**

Subclause (5) allows Council to require a heritage management plan to be prepared where a development is proposed on a site that is *within the vicinity of a heritage item*. The site is not listed as being a heritage item or in the vicinity of a heritage item.

### **1.5.2 Proposed Instruments - Section 4.15 (1)(a)(ii)**

There are no proposed instruments that are or have been the subject of public consultation under the Act and that have been notified to Council that would have implications for this development application.

### **1.5.3 Warringah Development Control Plan 2013 - Section 4.15 (1)(a)(iii)**

*Warringah Development Control Plan 2013* (DCP) applies to the site and outlines specific development requirements for residential development. The provisions of the DCP must be considered in the assessment of the proposed development.

<b>Part B- Building Form Controls</b>	
<b>Development Control</b>	<b>Compliance</b>
<b>B1 Wall Heights</b> Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	N/A
<b>B2 Number of Storeys</b> Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.	No changes to the existing number of storeys for the development.
<b>B3 Side Boundary Envelope</b> (1) Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of: <ul style="list-style-type: none"><li>• 4 metres, or</li><li>• 5 metres</li></ul> as identified on the map. (2) On land within the R3 Medium Density Residential zone, above and below ground structures and private	No change to the side boundary setbacks.

<p>open space, carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side boundary envelope.</p> <p><b>1.5.3.1 Exceptions</b></p> <p><b>Land Zoned R2 or E4 or Zoned RU4 with frontage to The Greenway</b></p> <p>For all land zoned R2 or E4, or land zoned RU4 with frontage to "The Greenway", Duffy's Forest:</p> <ul style="list-style-type: none"> <li>Fascias, gutters, downpipes, eaves (up to 0.675 metres from the boundary), masonry chimneys, flues, pipes or other services infrastructure may encroach beyond the side boundary envelope.</li> <li>Consent may be granted for the addition of a second storey to an existing dwelling house that to a minor extent does not comply with the requirement of this control.</li> </ul> <p><b>Land Zoned R3</b></p> <p>Fascias, gutters, downpipes, eaves, masonry chimneys, flues pipes or other services infrastructure may encroach beyond the side boundary envelope.</p>	
<p><b>B4 Site Coverage</b></p> <p>Development on land shown coloured on the DCP Map Site Coverage shall not exceed the maximum site coverage shown on the map. Where shown on the map as:</p> <ul style="list-style-type: none"> <li>33.3% - the total building footprint(s) must not cover more than 33.3% of the site area, and</li> <li>20% = 3,500m<sup>2</sup> or 30% &lt;3,500m<sup>2</sup> - the total building footprint(s) must not cover more than 20% of the site area except on allotments having an area of less than 3,500m<sup>2</sup> where the total building footprint/s must not cover more than 30% of the site area.</li> </ul>	<p>No change to the site coverage for the site.</p>
<p><b>B5 Side Boundary Setbacks</b></p> <p>(1) Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.</p> <p>(2) Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.</p> <p>(3) On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, basement car parking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side setback except as provided for under Exceptions below.</p>	<p>No change to the side boundary setbacks for the site.</p>

### **1.5.3.2 Exceptions**

#### **Land Zoned RU4 with frontage to The Greenway**

For land with frontage to "The Greenway", Duffy's Forest:

- Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above [natural ground level](#) (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback

#### **Land Zoned R2**

All development:

- Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback

Ancillary to a dwelling house:

- Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause

#### **Land Zoned R3**

All development:

- Light fittings, electricity or gas meters or other services infrastructure and structures not more than 1 metre above ground level (existing) (including steps, landings, pedestrian ramps and stormwater structures) may encroach beyond the required setback up to 2 metres from a side boundary; and
- Entrance and stair lobbies at ground floor level may encroach the required setback up to 2 metres from a side boundary.

Basement carparking structures, and private open space:

- Variations will be considered for existing narrow width allotments, where compliance is unreasonable in the context of surrounding medium density development for basement carparking and private open space.
- Basement car parking may extend:
  - Up to 2 metres from the side boundary, and
  - No more than 1 metre above ground level (existing)
- Private open space may extend:
  - Up to 3.5 metres from a side boundary

#### **Land Zoned B7**

Basement carparking structures, and private open space:

- Variations will be considered for attached dwellings, multi dwelling housing and residential flat buildings on existing narrow width allotments,



<p>where compliance is unreasonable in the context of surrounding medium density development for basement carparking and private open space.</p> <ul style="list-style-type: none"> <li>• Basement car parking may extend: <ul style="list-style-type: none"> <li>○ Up to 2 metres from the side boundary, and</li> <li>○ No more than 1 metre above ground level (existing)</li> </ul> </li> <li>• Private open space may extend: <ul style="list-style-type: none"> <li>○ Up to 3.5 metres from a side boundary</li> </ul> </li> </ul> <p><b>Land Zoned E4</b> All development:</p> <ul style="list-style-type: none"> <li>• Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structure not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback</li> </ul>	
<p><b>B6 Merit Assessment of Side Boundary Setbacks</b></p> <p>(1) Side boundary setbacks will be determined on a merit basis and will have regard to:</p> <ul style="list-style-type: none"> <li>• streetscape;</li> <li>• amenity of surrounding properties; and</li> <li>• setbacks of neighbouring development</li> </ul> <p>2. Generally, side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.</p>	N/A
<p><b>B7 Front Boundary Setbacks</b></p> <p>(1) Development is to maintain a minimum setback to road frontages.</p> <p>(2) The <u>front boundary setback</u> area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, <u>garbage</u> storage areas and fences.</p> <p>(3) Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.</p> <p>(4) For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.</p>	No change to the front setback of the buildings.

<p><b>1.5.3.3 Exceptions</b></p> <p><b>Land Zoned R2 or R3</b></p> <p>On corner allotments or sites with a double street frontage, where the minimum front building setback is 6.5 metres to both frontages, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street variations must consider the character of the secondary street and the predominant setbacks existing to that street.</p> <p>Lot 2677 DP752038; Lot2783 DP46992; Lot 2610 DP752038; Lot 2615 DP 752038; Lot 1 DP 822212; Lot 2676 DP752038 10metres.</p> <p><b>Land Zoned RU4 or E3</b></p> <p>On corner allotments or allotments with double road frontages and where such allotments have a frontage to Mona Vale Road, Forest Way or Wakehurst Parkway:</p> <p>Minimum front building setback to roads other than Mona Vale Road, Forest Way or Wakehurst Parkway (the secondary road frontage): 10 metres, provided that the secondary road setback variation considers:</p> <ul style="list-style-type: none"> <li>the character of the secondary road; and</li> <li>the predominant setback existing in that road</li> </ul> <p><b>Land Zoned B1</b></p> <p>Attached elements such as pergolas, sun control awnings and balcony balustrades which are composed of substantially transparent structures may encroach within the minimum front building setback area</p> <p><b>All Zones</b></p> <p>Where the minimum front building setback is 30 metres, ground level carparking may encroach into the setback area, provided that:</p> <ul style="list-style-type: none"> <li>the first 15 metres (measured from the road frontage) is densely landscaped using locally occurring species of canopy trees and shrubs; and</li> <li>the carparking is screened from view from the road</li> </ul>	
<p><b>B8 Merit Assessment of Front Boundary Setbacks</b></p> <p>(1) The appropriate alignment of buildings to road frontages will be determined on a merit basis and will have regard to the:</p> <ul style="list-style-type: none"> <li>streetscape;</li> <li>amenity of surrounding properties; and</li> <li>setbacks of neighbouring development.</li> </ul>	N/A
<p><b>B9 Rear Boundary Setbacks</b></p>	No physical change to rear boundary setbacks. All works occur beneath the

<p>(1) Development is to maintain a minimum setback to rear boundaries.</p> <p>(2) The rear setback area is to be landscaped and free of any above or below ground structures.</p> <p>(3) On land zoned R3 Medium Density where there is a 6m rear boundary setback, above and below ground structures and private open space, including basement carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the rear building setback.</p> <p>(4) The rear building setback for land zoned IN2 Light Industrial at Tepko Road that adjoins land zoned R2 Low Density Residential is not to be used for industrial purposes or vehicle access.</p> <p>(5) The rear building setback for land zoned IN2 Light Industrial in the vicinity of Campbell Parade, Manly Vale is not to be used for industrial purposes or vehicle access</p>	<p>existing buildings and will have no observable impact</p>
<p><b>1.5.3.4 Exceptions</b></p> <p><b>Land Zoned R2 and Land Zoned RU4 with frontage to The Greenway</b></p> <p>On land zoned R2 Low Density Residential, and land zoned RU4 Rural Small Holdings that has frontage to "The Greenway", Duffy's Forest, where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met.</p> <p><b>Corner Allotments on Land Zoned R2 or R3</b></p> <p>On corner allotments for land zoned R2 Low Density Residential or R3 Medium Density Residential, where the minimum rear building setback is 6 metres, the rear building setback does not apply.</p> <p><b>Land Zoned R3</b></p> <p>On land zoned R3 Medium Density Residential, where the minimum rear setback is 6 metres:</p> <ul style="list-style-type: none"> <li>• Light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) including steps, landings, pedestrian ramps and stormwater structures, may encroach beyond the required setback to within a minimum of 2 metres of a rear boundary; and</li> <li>• Entrance and stair lobbies at ground floor level may encroach beyond the required setback to within a minimum of 2 metres of a rear boundary</li> </ul>	
<p><b>B10 Merit Assessment of Rear Boundary Setbacks</b></p> <p>(1) Rear boundary setbacks will be determined on a merit basis and will have regard to:</p>	<p>Noted</p>

<ul style="list-style-type: none"> <li>• streetscape;</li> <li>• amenity of surrounding properties; and</li> <li>• setbacks of neighbouring development</li> </ul> <p>(2) Development adjacent to Narrabeen Lagoon in the B2 Local Centre zone is to address the water and parkland. Buildings are not to dominate the parkland setting and will incorporate generous setbacks where necessary to achieve this.</p>	
<p><b>B11 Foreshore Building Setback</b></p> <p>(1) Development is to be set back a minimum 15 metres from the property boundary which adjoins the waterway or waterfront reserve.</p> <p>(2) The foreshore building setback area is to be a <u>deep soil landscape area</u> and free of any above or below ground structures.</p> <p><b>1.5.3.5 Exceptions</b></p> <p>The following may be carried out within the foreshore building setback area on land zoned E4 only:</p> <p>a) <u>Alterations and additions</u> to existing buildings, boatsheds and related structures, and where strict compliance with the setback would require removal of <u>tree</u> cover or alteration of the existing landform.</p> <p>b) With respect to items which are identified as being of heritage significance, where the proposed development assists in maintaining the scale and character of such items.</p>	<p>The site is not located within a foreshore area.</p>
<p><b>B12 National Parks Setback</b></p> <p>(1) Development is to be set back a minimum of 20 metres from any National Park boundary.</p> <p>(2) The setback area is to be landscaped with locally indigenous species.</p>	<p>N/A</p>
<p><b>B13 Coastal Cliffs Setback</b></p> <p>(1) Development must not extend beyond the coastal cliffs building line . The location of the coastal cliffs building line is shown as a heavy black line on the following figure (not to scale).</p> <p>(2) The area between the coastal cliffs building line and the cliff is to be free of any buildings or structure and landscaped using predominately indigenous vegetation.</p>	<p>N/A</p>
<p><b>B14 Main Road Setbacks</b></p> <p>(1) Development is to be set back the minimum indicated on the DCP Map Main Road Setbacks. The measurement is to be made perpendicular to the property boundary to the main road.</p> <p>(2) On land where the main roads setback is 30 metres, the front setback area:</p> <ul style="list-style-type: none"> <li>a) must be densely landscaped using locally occurring species of canopy trees and shrubs; and</li> <li>b) no signs are to be erected in the 30 metre front setback area.</li> </ul>	<p>N/A</p>



<p><b>1.5.3.6 Exceptions</b></p> <p>Ground level car parking may be permitted between 15 and 30 metres from the road boundary provided views of the car park area, from the main road, are screened by landscaping.</p>	
<p><b>Part D Design</b></p>	
<p><b>D1 Landscaped Open Space and Bushland</b></p> <p>(1) The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and <u>Bushland</u> Setting. To measure the area of landscaped open space:</p> <ul style="list-style-type: none"> <li>a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;</li> <li>b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;</li> <li>c) Landscaped open space must be at ground level (finished); and</li> <li>d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.</li> </ul> <p>(2) Where land is shown on DCP Map Landscaped Open Space and <u>Bushland</u> Setting as “<u>Bushland</u> Setting”, a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural <u>bushland</u> or landscaped with locally indigenous species.</p> <p>(3) In Cottage Point the relationship of the locality with the surrounding National Park and Cowan <u>Creek</u> waterway will be given top priority by enhancing the spread of indigenous <u>tree</u> canopy and protecting the natural landscape including rock outcrops and remnant <u>bushland</u>.</p>	<p>N/A</p>
<p><b>D2 Private Open Space</b></p> <p>(1) Residential development is to include private open space for each dwelling.</p> <p>(2) The minimum area and dimensions of private open space are as follows:</p>	<p>N/A</p>

DWELLING Type	Area and Minimum Dimensions per dwelling	
Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m <sup>2</sup> with minimum dimensions of 3 metres	<p>(3) Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.</p> <p>(4) Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed</p>
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m <sup>2</sup> with minimum dimensions of 5 metres	
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m <sup>2</sup> with minimum dimensions of 2.5 metres	
<p>development.</p> <p>(5) Private open space shall not be located in the primary front building setback.</p> <p>(6) Private open space is to be located to maximise solar access.</p>		
<p><b>D3 Noise</b></p> <p>(1) Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the <a href="#">NSW Industrial Noise Policy</a> at the receiving boundary of residential and other noise sensitive land uses.</p> <p>(2) Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.</p> <p>(3) <u>Waste</u> collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.</p> <p>(4) Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.</p>		<p>The proposed development will result in construction noise but is not considered to result in any negative impact on surrounding properties or any sensitive receivers.</p>

(5) Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.	
<b>D4 Electromagnetic Radiation</b> Radiation levels from mobile phone base stations, antennas and transmitters which emit electromagnetic radiation are to comply with the following requirements: <a href="#">Telecommunications Act 1997</a> <a href="#">Code of Practice</a> <a href="#">ACMA</a>	N/A
<b>D6 Access to sunlight</b> (1) Development should avoid unreasonable overshadowing any public open space. (2) 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	N/A
<b>D7 Views</b> Development shall provide for the reasonable sharing of views.	N/A
<b>D8 Privacy</b> (1) Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties. (2) Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking. (3) The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass. (4) 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. (5) 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.	The proposed development will not result in any privacy impacts.
<b>D9 Building Bulk</b> (1) 1. Side and rear setbacks are to be progressively increased as wall height increases. (2) Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief. (3) On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:	N/A

<p>The amount of fill is not to exceed one metre in depth.</p> <p>Fill is not to spread beyond the footprint of the building.</p> <p>Excavation of the landform is to be minimised.</p> <p>(4) Building height and scale needs to relate to topography and site conditions.</p> <p>(5) Orientate development to address the street.</p> <p>6. Use colour, materials and surface treatment to reduce building bulk.</p> <p>(6) Landscape plantings are to be provided to reduce the visual bulk of new building and works.</p> <p>(7) Articulate walls to reduce building mass.</p>	
<p><b>D10 Building Colours and Materials</b></p> <p>(1) In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.</p> <p>(2) The colours and materials of development on sites adjoining, or in close proximity to, <u>bushland</u> areas, waterways or the beach must blend in to the natural landscape.</p> <p>(3) The colours and materials used for <u>alterations and additions</u> to an existing structure shall complement the existing external building façade.</p> <p>(4) The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials which are sympathetic to the small timber and fibro cottages currently in existence on the waterfront. All buildings visible from the water are to utilise materials such as weatherboard, fibre cement, corrugated steel and timber. The use of masonry is discouraged.</p>	N/A
<p><b>D11 Roofs</b></p> <p>(1) Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.</p> <p>(2) Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.</p> <p>(3) Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.</p> <p>(4) Roofs shall incorporate eaves for shading.</p> <p>(5) Roofing materials should not cause excessive glare and reflection.</p> <p>(6) Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.</p>	N/A
<p><b>D12 Glare and Reflection</b></p> <p>(1) The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting</p>	N/A



<p>height that is practical and responds to the building and its neighbours;</p> <ul style="list-style-type: none"> <li>• Minimising the lit area of signage;</li> <li>• Locating the light source away from adjoining properties or boundaries; and</li> <li>• Directing light spill within the site.</li> </ul> <p>(2) Any glare from artificial illumination is to be minimised by utilising one or more of the following:</p> <ul style="list-style-type: none"> <li>• Indirect lighting;</li> <li>• Controlling the level of illumination; and</li> <li>• Directing the light source away from view lines.</li> </ul> <p>(3) Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:</p> <ul style="list-style-type: none"> <li>• Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones;</li> <li>• Orienting reflective materials away from properties that may be impacted;</li> <li>• Recessing glass into the façade;</li> <li>• Utilising shading devices;</li> <li>• Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and</li> <li>• Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.</li> </ul>	
<p><b>D13 Front Fences and Front Walls</b></p> <p>(1) Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character</p> <p>(2) Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence.</p> <p>(3) Fences located within the front building setback area are to complement the existing streetscape character.</p> <p>(4) Fences are to be constructed to allow casual surveillance, except where there is excessive noise.</p> <p>(5) Gates are not to encroach over the property boundary when opening or closing.</p> <p>(6) Fences should complement the architectural period of the building.</p>	N/A
<p><b>D14 Site Facilities</b></p> <p>Site facilities including <u>garbage</u> and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular:</p>	N/A

<ul style="list-style-type: none"> <li>• <u>Waste</u> and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection;</li> <li>• All dwellings which are required to have landscaped open space are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets;</li> <li>• <u>Garbage</u> areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers;</li> <li>• Landscaping is to be provided to reduce the impact of all <u>garbage</u> and recycling enclosures. They are to be located away from habitable rooms, bedrooms or living areas that may detract from the amenity of occupants; and</li> <li>• Mail boxes are to be incorporated into the front fence or landscaping design. They are to be easily accessible and clearly identifiable.</li> </ul>	
<p><b>D15 Side and Rear Fences</b></p> <p>(1) Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary.</p> <p>(2) For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped.</p> <p>(3) All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.</p>	N/A
<p><b>D16 Swimming Pools and Spa Pools</b></p> <p>(1) Pools are not to be located in the front building setback.</p> <p>(2) Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.</p> <p>(3) Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.</p>	N/A
<p><b>D17 Tennis Courts</b></p> <p>(1) Tennis courts are to be located behind the front building setback.</p>	N/A

<ul style="list-style-type: none"> <li>(2) Where there are 2 frontages, the location of the tennis court is not to be in the primary street frontage.</li> <li>(3) Tennis courts are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.</li> <li>(4) The height and location of court fencing is to enable: <ul style="list-style-type: none"> <li>a) Sharing of views from surrounding residences; and</li> <li>b) Provision of sunlight to surrounding properties.</li> </ul> </li> <li>(5) Fencing material is to be a dark colour.</li> <li>(6) Fences are to be setback a minimum of 1.5 metres from front, side and rear boundaries.</li> </ul>	
<p><b>D18 Accessibility</b></p> <ul style="list-style-type: none"> <li>(1) The design is to achieve a barrier free environment with consideration given to the design of door handles and switches, entrances and corridors. Steep, rough and slippery surfaces, steps and stairs and narrow paths should be avoided.</li> <li>(2) There are to be continuous, independent and barrier-free access ways incorporated into the design of buildings.</li> <li>(3) Pathways are to be reasonably level with minimal cross fall and sufficient width, comfortable seating and slip-resistant floor surfaces.</li> <li>(4) Where there is a change of level from the footpath to commercial or industrial floor levels, ramps rather than steps should be incorporated.</li> <li>(5) There is to be effective signage and sufficient illumination for people with a disability.</li> <li>(6) Tactile ground surface indicators for the orientation of people with visual impairments are to be provided in accordance with the relevant Australian Standard.</li> </ul>	N/A
<p><b>D20 Safety and Security</b></p> <ul style="list-style-type: none"> <li>(1) Buildings are to overlook streets as well as public and communal places to allow casual surveillance.</li> <li>(2) Service areas and access ways are to be either secured or designed to allow casual surveillance.</li> <li>(3) There is to be adequate lighting of entrances and pedestrian areas.</li> <li>(4) After hours land use activities are to be given priority along primary pedestrian routes to increase safety.</li> <li>(5) Entrances to buildings are to be from public streets wherever possible.</li> <li>(6) For larger developments, a site management plan and formal <u>risk</u> assessment, including the consideration of the 'Crime Prevention through</li> </ul>	N/A

<p>Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security <u>risk</u>. See <a href="#">Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979</a> prepared by the Department of Urban Affairs and Planning (now Department of Planning).</p> <p>(7) Buildings are to be designed to allow casual surveillance of the street, for example by:</p> <ul style="list-style-type: none"> <li>a) Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved;</li> <li>b) Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance;</li> <li>c) Locating high use rooms to maximise casual surveillance;</li> <li>d) Clearly displaying the street number on the front of the building in pedestrian view; and</li> <li>e) Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters.</li> </ul> <p>(8) Casual surveillance of loading areas is to be improved by:</p> <ul style="list-style-type: none"> <li>a) Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and</li> <li>b) Providing adequate day and night lighting which will reduce the <u>risk</u> of undesirable activity.</li> </ul> <p>9. Design entrances to buildings from public streets so that:</p> <ul style="list-style-type: none"> <li>a) Building entrances are clearly identifiable, defined, lit and visible;</li> <li>b) The residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development;</li> <li>c) Main entrances are clearly identifiable;</li> <li>d) Pavement surfaces and signage direct pedestrian movements; and</li> <li>e) Potential conflict between pedestrians and vehicles is avoided.</li> </ul>	
<p><b>D21 Provision and Location of Utility Services</b></p> <p>(1) If a proposed development will involve a need for them, <u>utility services</u> must be provided, including provision of the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.</p>	<p>N/A</p>



<p>(2) Service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets.</p> <p>(3) Where possible, underground <u>utility services</u> such as water, gas, telecommunications, electricity and gas are to be provided in a common trench. The main advantages for this are:</p> <ul style="list-style-type: none"> <li>a) A reduction in the number of trenches required;</li> <li>b) An accurate location of services for maintenance;</li> <li>c) Minimising the conflict between services;</li> <li>d) Minimising land required and cost;</li> </ul> <p>(4) The location of <u>utility services</u> should take account of and minimise any impact on natural features such as <u>bushland</u> and natural watercourses.</p> <p>(5) Where natural features are disturbed the soil profile should be restored and landscaping and <u>tree</u> planting should be sited and selected to minimise impact on services, including existing overhead cables.</p> <p>(6) Where utilities are located above ground, screening devices should include materials that complement the streetscape, for example fencing and landscaping. The location of service structures such as electricity substations should be within the site area.</p> <p>(7) Habitable buildings must be connected to Sydney Water's sewerage system where the density is one dwelling per 1050 square metres or greater.</p> <p>(8) On land where the density is less than one dwelling per 1050 square metres, and where connection to Sydney Water is not possible, Council may consider the on-site disposal of effluent where the applicant can demonstrate that the proposed sewerage systems or works are able to operate over the long term without causing unreasonable adverse effects.</p>	
<p><b>D22 Conservation of Energy and Water</b></p> <ol style="list-style-type: none"> <li>1. The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy.</li> <li>2. Site layout and structures are to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties.</li> <li>3. Buildings are to be designed to minimize energy and water consumption.</li> <li>4. Landscape design is to assist in the conservation of energy and water.</li> </ol>	<p>N/A</p>

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|---|--|
| <ol style="list-style-type: none"><li>5. Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.</li><li>6. All development must comply with Council's Water Management Policy.</li></ol> |  |
|---|--|

#### **1.5.4 The likely impacts of that development – Section 4.15(b)**

##### **1.5.4.1 Aboriginal Archaeology**

The requirement for an Aboriginal Heritage Impact Assessment (AHIA) is based on Part 2 of the NPWS Guidelines for Aboriginal Heritage Impact Assessments. Part 2 states that an AHIA is generally not required where:

*a) The proposed development is on land previously subject to intensive ground disturbance and the development will impact only on the area subject to the previous disturbance;*

*b) The impact of the proposed activity is unlikely to cause any additional damage to Aboriginal objects than that which has already occurred; and*

*c) The proposed development is in an area that has been identified in strategic planning, rezoning or other assessment studies as having low Aboriginal heritage potential.*

Based on the abovementioned points it is noted that the proposed development is not likely to cause any damage to Aboriginal objects as the development is located within an existing residential area with existing site disturbances.

##### **1.5.4.2 CONTEXT AND SETTING**

The proposed development has demonstrated consistency of the surrounding locality through the environmental planning regulations and site features informing the overall development design. It has also shown to be consistent with the rural surroundings through its consistency with the existing residential development of the area.

##### **1.5.4.3 VISUAL IMPACT**

The development has been designed in a way and style that complements the area. The development is not expected to create an eye sore to the surrounding community.

##### **1.5.4.4 ACCESS, TRANSPORT AND TRAFFIC**

Due to the small nature of the development it is not considered to cause any impact on the local road network.

##### **1.5.4.5 PUBLIC DOMAIN**

The proposed development will not have an impact on any public domain. The development contributions derived from this development in providing infrastructure and public domain improvements.

##### **1.5.4.6 European Heritage**

The site is not within a heritage area or close to any existing heritage items.

#### **1.5.4.7 Flooding**

The site is not located within a flood prone area.

#### **1.5.4.8 Landslip Risk Hazard**

The site is mapped as being a landslip hazard and the proposed development is for earthworks and structural works to the existing building. A geotechnical report has been prepared by Crozier Geotechnical Consultants which endorses the proposed works.



**Figure 3:** Site and landslide area

#### **1.5.4.9 Bushfire**

The site is not located within a bushfire zone.

#### **1.5.4.10 Noise and Vibration**

The proposed development seeks consent to repair the concrete slab and foundations of the existing two storey industrial building. The works have been designed by a structural engineer and a geotechnical engineer has assessed the existing site. It is considered that any noise and vibration issues as a result of the proposed development will be minor and will not have a negative impact on adjoining buildings.

#### **1.5.4.11 Social and Economic Impact**

The proposed development should have no social or economic impact on the area.

### **1.5.5 Suitability of the Site – Section 4.15(c)**

The subject site is considered suitable for the proposed use as the area is surrounded by similar buildings of a similar size. As such it is considered that the development is suitable for the site and the surrounding area.

### **1.5.6 The Public Interest – Section 4.15(e)**

The proposed development is considered to be in the public interest.

## 2 Conclusion

This Statement of Environmental Effects comprehensively demonstrates that the proposed *development* is an appropriate and suitable development when tested against the relevant heads of consideration detailed within the section 4.15(C) of the *Environmental Planning & Assessment Act, 1979*.

This report has identified all key issues associated with the proposal and demonstrated that the proposal can be developed appropriately with respect to these issues. The proposal is consistent with the zone objectives and other planning provisions and will make a positive contribution to the area.

The proposal is considered acceptable and should be approved because:

- The site is suitable for the proposal;
- The SoEE has identified all constraints associated with the land and demonstrated that the proposal can be undertaken whilst effectively minimising these constraints;
- The proposal will generate positive social and economic impacts;
- The proposal will generate only negligible environmental impacts; and
- The proposal is within the public interest.

The proposal has been assessed in accordance with S.4.15 of the EP&A Act 1979. This assessment has concluded that under the zone the development is a permissible land use.

Warringah Council's Development Control Plan has also been considered and proposal complies with the DCP in all respects of the controls.

This report has assessed environmental considerations of the proposal, including heritage, flooding, access, ecological considerations, waste management, stormwater runoff, Aboriginal archaeology and servicing, and has concluded that there are no likely adverse environmental impacts associated with the proposal and that infrastructure either is, or can be developed to support the proposal.