

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**46 WHEELER PARADE, DEE WHY**

**CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO  
AN EXISTING DWELLING**

**PREPARED ON BEHALF OF  
Mr Cameron Glover**

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## 1. INTRODUCTION

This application seeks approval for the construction of alterations and additions to an existing dwelling house upon land at Lot 82 in DP 1033258 which is known as **No. 46 Wheeler Parade, Dee Why**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by CMS Surveyors Pty Ltd, Ref No. 22656 and dated 31/07/2023.
- Architectural Plans and Shadow Diagrams prepared by R&R Building Design, Project No. # 231018DA and dated 07/02/2024.
- BASIX Certificate #A1736357 and dated 19 February 2024.
- Preliminary Geotechnical Assessment prepared by White Geotechnical Group, Job No. J5043A and dated 08/02/2024.
- Waste Management Plan.

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. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that 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.

## 2. SITE DESCRIPTION AND LOCALITY

The subject site is identified as Lot 82 in DP 1033258 which is known as 46 Wheeler Parade, Dee Why. The site is located at the eastern side of Wheeler Parade with a street frontage of 15.035m. The site has an area of 293.0m<sup>2</sup> with a maximum depth of 19.49m. The locality is depicted in the following map:



**Site Location Map**

The site is currently occupied by a two storey brick dwelling with a tiled roof with an attached garage. The dwelling is located centrally on site. Vehicular access to the site is via a concrete driveway located adjacent to the southern boundary of the site.

The site has a slope from the front southwest corner of the site (RL49.97) towards the rear southeast boundary (RL48.31). The site is located on the low side of the street, with the wide Council road reserve having a significant slope. A brick wall is erected along the front boundary. Given the slope of the side, existing vegetation and wide Council road reserve, the dwelling is not prominent in the streetscape.

The site is depicted in the following photographs:



**View of Subject Site from Wheeler Pde**

The existing surrounding development comprises a mix of one, two and three storey detached residential dwellings on generally larger allotments then the subject site.

The subject site and existing surrounding development are depicted in the following photographs:



**Aerial Photograph of Locality**

### 3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of alterations and additions to an existing dwelling house. The additions are to be constructed of external clad walls with a new metal roof to the upper level.

#### **Dwelling Additions/Alterations**

##### Ground Floor

- Addition to the rear to provide for an extension to existing bedroom and new laundry (within footprint of existing balcony above).

##### First Floor

- Replace existing balcony at rear elevation.
- Enclose existing balcony on front elevation.

##### Second Floor

- Provide new upper level with bedroom, ensuite and study.

#### **Pergola**

A new pergola is proposed in the rear yard towards the southeast corner. The pergola is setback 900mm to the eastern rear and southern side boundaries.

#### **Stormwater**

All collected stormwater will be discharged to the existing stormwater system.

The proposal will result in the following numerical indices:

<b>Site Area:</b>	293.0m <sup>2</sup>
<b>Existing Landscaped Area:</b>	75.07m <sup>2</sup> or 25.62%
<b>Proposed Landscaped Area:</b>	75.09m <sup>2</sup> or 25.62%

#### **4. ZONING & DEVELOPMENT CONTROLS**

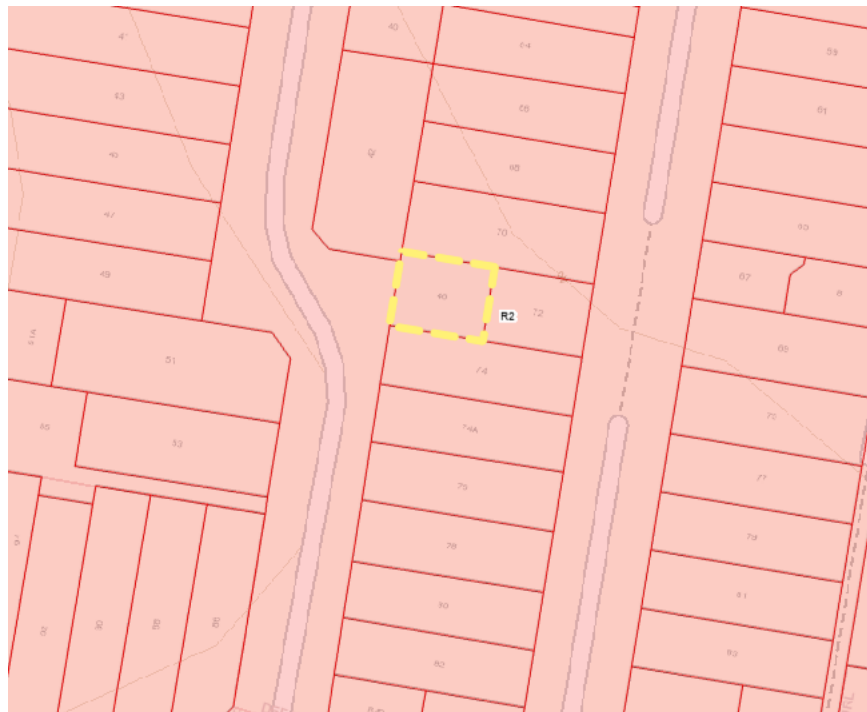
The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Northern Beaches Council.

##### **4.1 Planning for Bushfire Protection 2006**

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply.

##### **4.2 Warringah Local Environmental 2011**

The Warringah Local Environmental Plan 2011 (LEP 2011) came into effect on Friday 9 December 2011.





Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	Refer to plans	Yes

The following provisions are also relevant:

#### Clause 6.4 Development on Sloping Land

The site is classified as Class B on Council's Landslip Map. A Geotechnical Investigation has been prepared by White Geotechnical Group, which in summary provides:

*The proposed development and site conditions were considered and applied to the Council Flow Chart. Provided good engineering and building practice are followed, no further Geotechnical assessment is recommended for the proposed development.*

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

#### 4.4 Warringah Development Control Plan 2011

The Warringah Development Control Plan (DCP) has been prepared by Council and was due to come into effect upon the gazettal of the LEP 2011. The new DCP contains detailed planning controls that support LEP 2011.

The following table provides a summary of the relevant controls of the DCP:

Clause	Requirement	Compliance
B1 – Wall heights	7.2m	The proposed additions result in a maximum height of less than 8.5m which complies with the LEP building height development standard., The new upper level is provided with increased setbacks to the boundaries of the site. Whilst not strictly complying the with the numerical controls, it is considered justified in this instance for the following reasons:



Clause	Requirement	Compliance
		<ul style="list-style-type: none"> <li>• The new level is provided with ample setbacks to all boundaries.</li> <li>• The increased setbacks to the upper level provide for architectural relief and limit bulk and scale.</li> <li>• The site is located on the low side of the street and is substantially obscured from the street. The proposed additions will not result in unreasonable bulk or scale when viewed from the street.</li> <li>• The non-compliance does not result in any unreasonable overshadowing.</li> </ul>
B3 - Side Boundary Envelope	Building envelope 45 degrees from 5m. Eaves up to 675mm are an allowable encroachment	<p>There is a non-compliance with a portion of the front northwest corner. This non-compliance is considered justified in this instance for the following reasons:</p> <ul style="list-style-type: none"> <li>• The area of non-compliance is very minimal and amendments to the plan to ensure strict compliance would not serve any benefit.</li> </ul>

Clause	Requirement	Compliance
		<ul style="list-style-type: none"> <li>• The area of non-compliance is setback 3.0m from the side boundary and will not result in unreasonable bulk or scale when viewed from the adjoining property or the public domain.</li> <li>• The upper level is provided with increased side boundary setbacks to provide articulation and minimise bulk and scale.</li> <li>• The area of non-compliance will not reduce views from the surrounding properties, noting that those properties located opposite the site on the western side of Wheeler Parade are well elevated above the proposed additions.</li> <li>• The area of non-compliance does not comprise any window openings and there will be no loss of privacy to the adjoining properties.</li> <li>• The proposed additions do not result in unreasonable overshadowing.</li> </ul>

Clause	Requirement	Compliance
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes The ground floor additions are setback 1.125m, with the new upper level setback at least 2.8m. Pergola setback 900mm to the side boundary.
B7 – Front Boundary Setbacks	Minimum 6.5m	Yes The proposed additions do not encroach the existing front setback.
	Secondary frontage 3.5m	Not Applicable
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6.5m	The existing balcony is setback 3.4m to the rear boundary. This application seeks to replace the existing balcony in the same location and retain the existing rear setback. It is proposed to enclose a portion of the balcony with openable louvres to improve privacy to the subject and adjoining properties. Whilst the new pergola encroaches the rear setback, this is a single storey open structure to be located over the existing deck. The pergola will provide some much-needed privacy to the residents from the adjoining southern property.

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
		Given the slope of the site and existing landscaping, this structure will not be of unreasonable bulk when viewed from the adjoining rear property.
B11 – Foreshore Building Setback	Not applicable	Not Applicable
B12 – National Parks Setback	Not applicable	Not Applicable
B13 – Coastal Cliffs Setback	Not applicable	Not Applicable
B14 – Main Roads Setback	Not applicable	Not Applicable
B15 – Minimum Floor to Ceiling Height	Not applicable	Not Applicable
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Not Applicable – no change to existing
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Not Applicable – no change to existing
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Yes The proposal does not result in any increase in hard surface area. All collected stormwater will continue to discharge to the existing storage system.

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
C5 – Erosion and Sedimentation	Soil and Water Management required	Not Applicable
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable
C7 - Excavation and Landfill	Site stability to be maintained	Not applicable – no excavation proposed
C8 – Demolition and Construction	Waste management plan required	Yes Waste Management Plan submitted.
C9 – Waste Management	Waste storage area to be provided	Yes Existing waste storage areas retained.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	The proposal provides for a landscaped area of 75.09m <sup>2</sup> or 25.62% of the site. Whilst this does not comply with the numerical controls of this clause, it is noted that the existing landscaped area is 75.09m <sup>2</sup> or 25.62% with all new work over existing hard surface areas. As there is no reduction in existing landscaped area, strict compliance is unreasonable.
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m <sup>2</sup> with min dimension 5m	Yes The proposed additions maintain ample private open space in the rear yard.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity.	Not Applicable

Clause	Requirement	Compliance
	Compliance with NSW Industrial Noise Policy Requirements	
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun and ensure appropriate ventilation/natural cooling. Compliance with SEPP (BASIX) requirements.	Yes The dwelling will continue to receive good solar access throughout the year. A BASIX certificate has been issued and forms part of the submission to Council.
D6 – Access to sunlight	The controls require that sunlight to at least 50% of the private open space of both the subject and adjoining properties' private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	Yes Shadow diagrams have been submitted with the application. The proposal results in only very minimal additional overshadowing. The proposal complies with this clause.
D7 - Views	View sharing to be maintained	The proposed additions have been designed to ensure appropriate sharing of views as discussed below: <ul style="list-style-type: none"> <li>• The site is on the low side of the street. Those properties on the opposite side of Wheeler Parade are well elevated with views over the subject site and over the proposed additions. These views will not be impacted.</li> <li>• The proposal complies with the building height development standard of the Warringah LEP.</li> </ul>

Clause	Requirement	Compliance
		<ul style="list-style-type: none"> <li>The proposal retains the existing side boundary setback with the new upper level provided with increased setbacks to retain view corridors.</li> </ul>
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	<p>Yes</p> <p>The proposed additions have been designed to ensure privacy of the adjoining properties is maintained. The new upper floor level does not provide for any high use living areas, with this level being proposed as a parent's retreat. There is a new window on the upper-level northern elevation which only overlooks a driveway.</p> <p>The balcony replaces an existing rear balcony in the same location and as such privacy of the adjoining properties is maintained.</p> <p>The proposal seeks to enclose a portion of this balcony with operable louvres to improve privacy to the adjoining rear property.</p>



Clause	Requirement	Compliance
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	Yes The subject site is located on the low side of the street with a wide council road reserve and extensive vegetation along the front boundary. As such, the existing dwelling and proposed additions are not prominent in the streetscape. The new upper level provides for increased setbacks to the side boundary to minimise bulk and scale. The proposal will be compatible with the existing surrounding development in terms of bulk and scale.
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Yes External finishes selected to be compatible with the existing surrounding development and the natural environment.
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Yes The proposed additions provide for a low pitched roof form to minimise bulk and scale and be compatible with the existing surrounding development.
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimized.	Yes The proposal will not result in unreasonable glare or reflection.

Clause	Requirement	Compliance
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.	Not applicable
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.	Yes There is ample area on site for storage and site facilities.
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991.	Yes
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.	Not Applicable
D17 – Tennis Courts	N/A	Not Applicable
D18 - Accessibility	Safe and secure access for persons with a disability to be provided where required.	Not Applicable
D19 – Site Consolidation in the R3 and IN1 Zone	Not Applicable	Not Applicable
D20 – Safety and Security	Buildings to enhance the security of the community.	Yes The resultant dwelling will continue to provide a good outlook of dwelling approach and street.

Clause	Requirement	Compliance
	Buildings are to provide for casual surveillance of the street.	
D21 – Provision and Location of Utility Services	Utility services to be provided.	Yes Existing facilities on site.
D22 – Conservation of Energy and Water	A BASIX Certificate is required.	Yes
D23 - Signs	Not Applicable	Not Applicable
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	Not Applicable
E2 – Prescribed Vegetation	Not identified on map	Not Applicable
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable
E4 – Wildlife Corridors	Not identified on map	Not Applicable
E5 – Native Vegetation	Not identified on map	Not Applicable
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Not Applicable
E7 – Development on land adjoining public open space	N/A – not identified on map	Not Applicable
E8 – Waterways and Riparian Lands	Not identified on map	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable
E10 – Landslip Risk	Identified on map as B	Yes A Geotechnical Investigation Report has been submitted.

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
E11 – Flood Prone Land	Not Applicable	Not Applicable

There are no other provisions of the DCP that apply to the proposed development.

## **5. EP & A ACT - SECTION 4.15**

### **The Provisions of any Environmental Planning Instruments**

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned R2 Low Density Residential under the provisions of the LEP. Construction of dwelling additions/alterations are permissible with the consent of Council in this zone. It is considered that the provisions of this document have been satisfactorily addressed within this report and that the proposal complies with the relevant provisions.

There are no other environmental planning instruments applying to the site.

### **The Likely Impacts of the Development**

It is considered that the development will provide for the construction of alterations and additions to the existing dwelling without any detrimental impact on the environment, social and economic status of the locality. The proposal does not require the removal of any significant vegetation and there is no detrimental impact on the adjoining properties.

### **The Suitability of the Site for the Development**

The subject site is zoned R2 Low Density Residential and the construction of alterations and additions to the existing dwelling in this zone is permissible with the consent of Council. The resultant dwelling is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons it is considered that the site is suitable for the proposed development.

### **The Public Interest**

It is considered that the proposal is in the public interest in that it will provide for the additions to an existing dwelling that are consistent with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

## 6. CONCLUSION

This application seeks approval for the construction of alterations and additions to an existing dwelling and ancillary work. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011. The proposed dwelling does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed construction of dwelling alterations and additions to an existing dwelling at **No. 46 Wheeler Parade, Dee Why** is worthy of the consent of Council.

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