

STATEMENT OF ENVIRONMENTAL EFFECTS

96 CLONTARF ROAD, NORTH BALGOWLAH

**PROPOSED DWELLING ALTERATIONS/ADDITIONS AND
SWIMMING POOL**

**PREPARED ON BEHALF OF
MR JOHN DAVIES**

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1. INTRODUCTION

This application seeks approval for the construction of alterations and additions to an existing dwelling and new swimming upon land at Lot 5 in DP 23447 which is known as **No. 96 Clontarf Road, North Balgowlah**.

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. 18567, Revision 1 and dated 13/06/2019.
- Architectural Plans prepared by Peter Formosa, Drawing No. 96A and dated 28/10/2019.
- BASIX Certificate #A361300, dated 24 October 2019.
- Geotechnical Investigation Report prepared by White Geotechnical Group, Ref No. J2432 and dated 14 October 2019.
- Landscape Plan prepared by Site Design Studio, Drawing No. 1139, Issue A and dated 02/12/19.

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 site is identified as Lot 5 in DP 23447 which is known as 96 Clontarf Street, North Balgowlah. The property is located on the eastern side of Clontarf Street with a total area of 836.1m². The sites western boundary has a frontage to Clontarf Street of 15.24m and the site has a depth of 54.865m. The site is depicted in the following locality map:



Site Location Map

The site has a steep fall from the rear northeast corner (RL85.97) towards the street frontage (RL 73.5) with a total fall of approximately 12m. The site is currently occupied by a three storey masonry dwelling with pitched tiled roof. An attached garage is located forward of the dwelling and will a nil setback to the street frontage and nominal setback to the northern side boundary. An elevated swimming pool is located in the rear yard immediately to the east of the dwelling.

The site is depicted in the following photographs:



View of Subject Site from Clontarf Street

The existing surrounding development comprises mainly two storey detached residential dwellings, erected on similar sized allotments, with no consistent architectural style or character.

The existing surrounding development is depicted in the following aerial photograph:



Aerial Photograph of Locality

4. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of alterations and additions to an existing dwelling and the construction of a new swimming pool. The existing swimming pool will be demolished as part of this application.

The alterations/additions proposed to the dwelling relate only to the first and second floor plan, with the lower level and garage remaining unchanged.

At first floor level internal alterations provide for a more open floor plan with new kitchen, laundry and living area within the existing footprint of the dwelling. New bi-fold doors will be provided along the eastern elevation to improve access to the rear private open space. A new pergola/vergola is to be provided on the rear elevation over a new timber deck located at existing ground level.

Internal alterations are also proposed to the second floor level to reconfigure the bedrooms and bathrooms. The existing deck along the rear (east) elevation is to be demolished with a new small deck to be provided. A second deck is provided on the rear elevation. A privacy screen is proposed along the southern elevation of this deck.

The existing swimming pool immediately to the rear of the dwelling is to be demolished, with a new pool proposed in a similar location. The pool is provided with a setback of 1.3m to the southern side boundary. A privacy screen with a height of 1.6m is provided along the southern elevation of the pool. The rear yard is also to be landscaped including steps and other minor landscape features as depicted on the Landscape Plan.

All collected stormwater will continue to be discharged to the street gutter in Clontarf Street.

The proposal will result in the following numerical indices:

Site Area: **836.1m²**

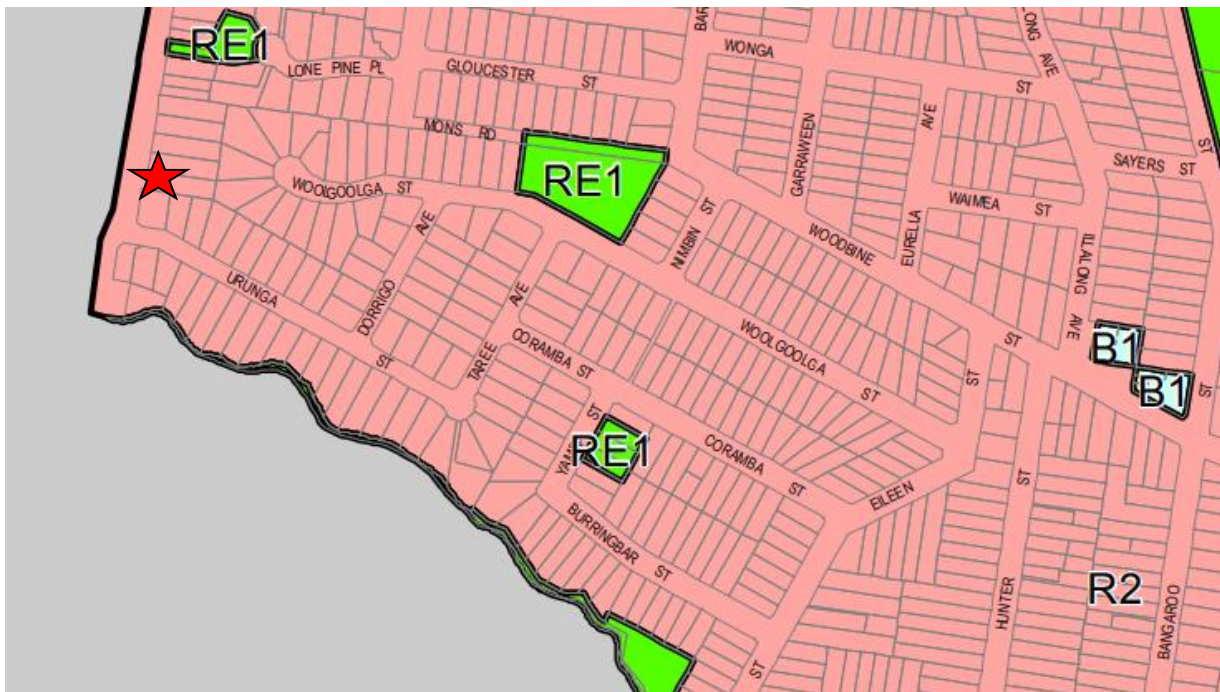
Landscaped Area: **383m² or 46%**
(as defined)

5. 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 Warringah Council.

5.1 Warringah Local Environmental 2011

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



Extract of Zoning Map

The site is zoned R2 Low Density Residential. Development for the purposes of a dwelling house is permissible in this zone with the consent of Council. The following provisions of the LEP are relevant to the proposed development:

Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	Refer to plans	Yes All new works below 8.5m in height.

Clause 6.4 Development on Sloping Land

The subject site is identified as Area B on Council's Landslip Risk Map. A Preliminary Geotechnical Report has been prepared which in summary provides:

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.

No further information is required in this regard.

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

5.2 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	Yes Existing wall heights remain unchanged.
B2 – Number of storeys	Not Applicable	Not Applicable
B3 - Side Boundary Envelope	Building envelope 45 degrees from 5m. Eaves up to 675mm are an allowable encroachment	Yes New works do not encroach the side boundary envelope.
B4 – Site Coverage	Not Applicable	Not Applicable

Clause	Requirement	Compliance
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes Existing boundary setbacks of 2.735m and 1.35m to the northern and southern boundaries are retained.
B7 – Front Boundary Setbacks	Minimum 6.5m	Yes All new works are located in the rear yard.
B9- Rear Boundary Setbacks& B10 Merit Assessment of Rear Setbacks	6m rear setback required The rear boundary setback may be encroached by swimming pools and outbuildings which, in total, do not exceed 50% of the rear setback area	Yes The proposed works including the pool are setback greater than 6m to the rear boundary.
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	Yes Existing vehicular crossing and driveway are retained.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Yes Existing parking area is retained.

Clause	Requirement	Compliance
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Yes All collected stormwater will discharge to the existing stormwater system which disperses to Clontarf Street.
C5 – Erosion and Sedimentation	Soil and Water Management required	Yes A Site Management Plan has been prepared and forms part of the submission to Council.
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable
C7 - Excavation and Landfill	Site stability to be maintained	Yes Some excavation is required to accommodate the swimming pool. This excavation is appropriately setback from the boundaries of the site and does not have any detrimental impact on trees or the adjoining properties.
C8 – Demolition and Construction	Waste management plan required	Yes Waste Management Plan submitted
C9 – Waste Management	Waste storage area to be provided	Yes There is sufficient area on site for waste and recycling bins.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	Yes Proposal provides for a landscaped area of 46% of the site.

Clause	Requirement	Compliance
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	Yes The site currently provides for more than 100m ² of private open space. This open space is directly from the main living areas and receives good solar access.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Not Applicable
D4 – Electromagnetic Radiation	Not Applicable	Not Applicable
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	Yes 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 prepared demonstrating the shadows cast by the proposed additions. It is noted that the proposal does not result in any additional overshadowing to the adjoining properties.

Clause	Requirement	Compliance
D7 - Views	View sharing to be maintained	Yes The subject and adjoining properties do not enjoy any significant views. The proposed works do not extend above the height of the existing dwelling and will not obstruct any existing views.
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	Yes The proposal has been designed to ensure an appropriate level of privacy is maintained to the adjoining properties. The proposal does not provide for any new windows or doors on the side elevations. A privacy screen will be erected along the southern elevation of the new deck to the upper level to prevent overlooking to the adjoining properties.
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 proposal provides for alterations generally within the existing building envelope. The proposed external changes provide for additional articulation and assist in reducing bulk and scale.

Clause	Requirement	Compliance
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 proposal provides for a flat roof vergola/ pergola which is appropriate in this instance and replaces an existing flat roof.
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.
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 Existing site facilities retained.
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991.	Not Applicable

Clause	Requirement	Compliance
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.	Yes The pool is located behind the front building line and replaces an existing pool in a similar location. The proposed pool provides for a lower coping (reduction of approximately 1.2m) which will improve privacy and presentation to the adjoining properties. The pool is located in the rear yard and setback 1.3m to the southern side boundary.
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. Buildings are to provide for casual surveillance of the street.	Yes The dwelling continues to provide a good outlook of the driveway and site approach.
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

Clause	Requirement	Compliance
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 or potentially hazardous road features or traffic control devices.	Not Applicable
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	Not Applicable Works do not require the removal of any indigenous vegetation.
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	N/A – not identified on map	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable
E10 – Landslip Risk	Identified on map as part B	Yes A preliminary geotechnical report has been provided.
E11 – Flood Prone Land	Not identified on map	Not Applicable

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

6. 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 alterations/additions to an existing dwelling house is 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 dwelling alterations/additions will not have any detrimental impact on the environment, social and economic status of the locality.

The Suitability of the Site for the Development

The subject site is zoned R2 Low Density Residential and the construction of dwelling alterations/additions 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. The proposal does not result in the removal of any significant vegetation.

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 alterations/additions to an existing dwelling that are compatible with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

7. CONCLUSION

This application seeks approval for the construction of a dwelling alterations/additions. 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 dwelling alterations/additions and swimming pool upon land at **No. 96 Clontarf Road, North Balgowlah** is worthy of the consent of Council.

Natalie Nolan
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