

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR

ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING COMPRISING A FIRST
FLOOR ADDITION

AT

11 BILLARONG AVENUE, DEE WHY

Prepared on
behalf of
Mark and Jaime Board

June 2020

TABLE OF CONTENTS

1.	INTRODUCTION	2
2.	THE SITE AND LOCALITY	2
3.	THE PROPOSED DEVELOPMENT	4
4.	CONSIDERATION OF THE STATUTORY CONTROLS AND POLICIES	5
4.1	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	5
4.2	State Environmental Planning Policy (Coastal Management) 2018	5
4.3	Warringah Local Environmental Plan 2011	6
4.4	Warringah DCP 2011	7
4.5	Planning for Bushfire Protection	11
5.	OTHER MATTERS FOR CONSIDERATION UNDER SECTION 79C	11
6.	CONCLUSION	12

1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared on behalf of Mark and Jaime Board, owners of 11 Billarong Avenue, Dee Why. It accompanies a Development Application (DA) seeking consent for a first floor addition to the existing dwelling. For a full description of the proposal refer to **Section 3**.

This document has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979, and Clause 46A of the Environmental Planning and Assessment Regulation, 1994. The purpose of this Statement is to address the merits of the proposal with particular reference to the Evaluation Criteria under Section 4.15 of the Environmental Planning and Assessment Act, 1979 taking into consideration relevant statutory controls; the objectives for development within the area and the development controls. The assessment of the proposal against relevant planning controls is set out in **Section 4**, with the remaining matters for consideration set out in **Section 5**.

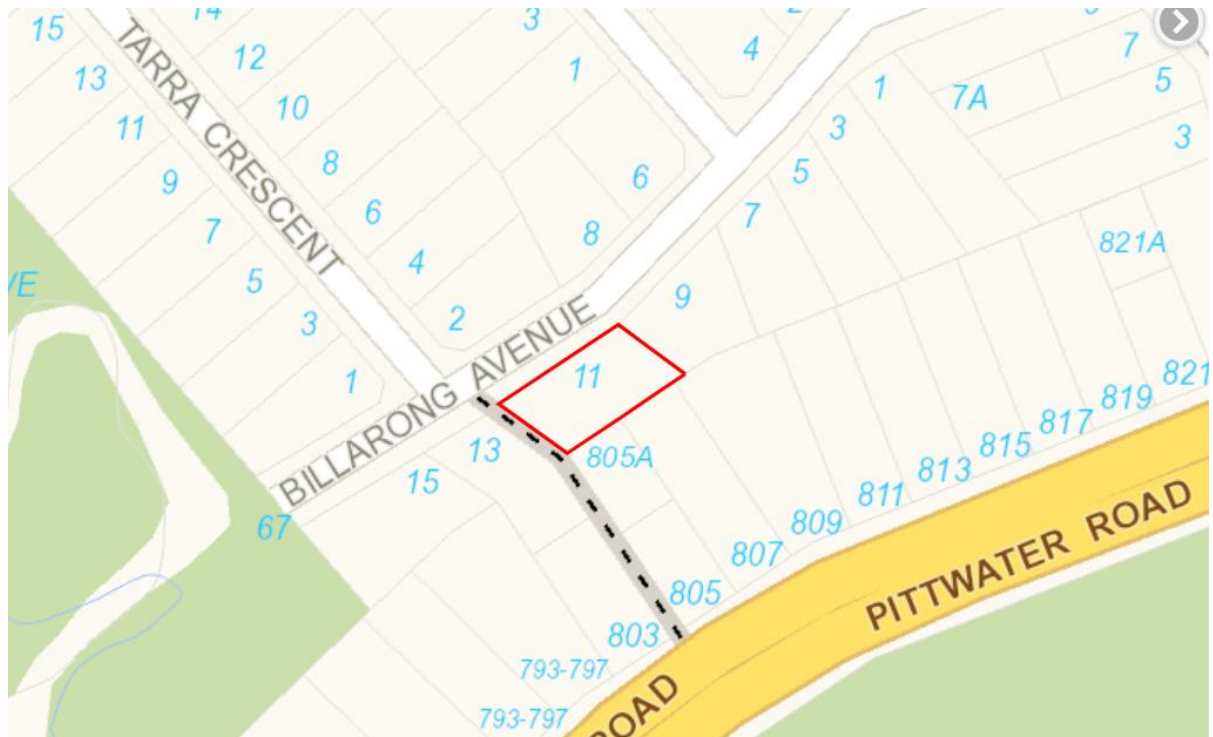
This report should be read in conjunction with the following documentation:

- Site Survey by DP Surveying
- Architectural Drafting Plans DA01 – DA15 prepared by Sammy Fedele Architectural Drafting Services
- BASIX certificate A377079

2. THE SITE & LOCALITY

The Site

The subject site is located on the south-eastern side of Billarong Avenue, Dee Why, as shown on the following map:



Site location (source: Northern Beaches Council maps)

The real property description of the land is Lot 61 in Deposited Plan 216544. The street address is 11 Billarong Avenue Dee Why. The allotment has an area of 613.5sqm, is irregular in shape and has a street frontage to Billarong Avenue of 32.81 metres. The site configuration is unusual, as its frontage to Billarong Avenue is greater than the depth of the site (approximately 19.5 metres). The land on the site slopes gently to the rear.



Aerial photo (source: Northern Beaches Council maps)

The site accommodates a single storey dwelling house. The dwelling is situated toward the rear (south-eastern) and side (south-western) boundaries of the site, with more generous setbacks to the front (north-western) and side (north-eastern) boundaries (as shown in the aerial photo above). An inground swimming pool is co-located with the main private open space on the north-eastern side of the site. The floor level of the dwelling (RL 3.89) is raised above ground level (RL 2.81 – 2.91) by approximately 1 metre, with the adjoining garage on the south-western side of the dwelling set consistent with ground level. The building is constructed of weatherboard and has a corrugated Colourbond roof.

Locality & Neighbouring Development

This section of Billarong Avenue, and the broader locality is characterised predominantly by 1 – 2 storey dwellings. 2 storey dwellings are more common along this part of Billarong Avenue. Development to the rear of the site is accessed via Pittwater Road.

A public pathway (Tarra Crescent), adjoins the site, and runs along its southern boundary. Tarra Crescent has a width of 3.66 metres and provides direct pedestrian/bicycle access between Billarong Avenue and Pittwater Road.



Subject Site

3. THE PROPOSED DEVELOPMENT

Background

The owners and residents are a growing family with three young children who are seeking to gain some extra space in their home with a first-floor addition. As such this Development Application has been prepared for Council.

The Proposal

The proposed works are depicted in Drawing Nos DA01 – DA13 prepared by Sammy Fedeles, also submitted as part of this application.

It is proposed to undertake works to create a first floor addition to the existing dwelling. The first floor will provide a sitting room and living area with storage and WC, as well as a master bedroom with walk-in-robe and en-suite bathroom. A balcony area is also proposed on the northern corner of the upper floor.

The proposed first floor provides design features that are consistent with the existing single storey dwelling and blend with the general character of the locality, including:

- a pitched colourbond roof and weatherboard cladding consistent with existing materials and finishes, in order to maintain the existing aesthetics of the dwelling;
- retention of the existing ground floor front balcony and replacement of the bull-nose roof with a more modern single pitch roof design to match the first-floor roof;
- dormer structures with consistent materials and roof pitch to the main roof; and
- balustrading design consistent with that provided on the ground floor.

All proposed works are located within the existing building footprint and there is no change proposed to the landscaping on the site

4. CONSIDERATION OF THE STATUTORY CONTROLS AND POLICIES

This section of the report outlines the relevant environmental planning instruments and development control plans applying to the site, as well as the planning matters for consideration applicable to the site and the proposed development.

As the proposal relates to first floor additions only, planning controls relevant to the assessment of the application under Section 4.15 (a)(1) of the Environmental Planning and Assessment Act are limited to considerations within the following statutory and development controls:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Coastal Management) 2018;
- Warringah Local Environmental Plan 2011 (LEP)
- Warringah Development Control Plan 2011 (DCP)

4.1 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

Consistent with the requirements of State Environmental Planning Policy (BASIX) 2004 a BASIX Certificate has been issued (ref no. A377079) and is provided under separate cover. The relevant BASIX commitments and notes are detailed on the BASIX certificate and in the submitted plans.

4.2 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The site is identified as being located within the Coastal Environmental Area and partially within the Coastal Use Area by the State Environmental Planning Policy (Coastal Management) 2018.

In relation to the Coastal Environmental Area, consideration must be given to the following:

- the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.
- coastal environmental values and natural coastal processes.
- the water quality of the marine estate (within the meaning of the *Marine Estate Management Act 2014*), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1.
- marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.
- existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.
- Aboriginal cultural heritage, practices and places.
- the use of the surf zone.

Despite being located within the Coastal Environmental Area, the site is located within an established residential street and the proposed additions and alterations will have no material impact on the Coastal Environmental Area. The proposed development is therefore designed, sited and will be managed to avoid an adverse impacts having regard to the considerations above, in particular:

- the proposed development is minor in scale on an existing residential block and will have no material impact on the integrity and resilience of the of the biophysical, hydrological and ecological environment, nor will it have any material bearing on coastal environmental values and natural coastal processes.
- the proposed development maintains the exiting building footprint on the site and will not change the existing stormwater runoff properties. This will therefore have no bearing on the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), nor marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.
- the site is well separated from the actual coastline (including being separated from the foreshore area by Pittwater Road), as well as existing public open space and will have no bearing on safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability and the use of the surf zone.
- the site is not identified as being within or nearby any known locations of significant Aboriginal cultural heritage.

In relation to the Coastal Use Area, consideration must be given to the following:

- existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- overshadowing, wind funnelling and the loss of views from public places to foreshores,
- the visual amenity and scenic qualities of the coast, including coastal headlands,
- Aboriginal cultural heritage, practices and places,
- cultural and built environment heritage, and

Similarly, despite being located within the Coastal Use Area, the site is located within an established residential area and the proposed additions and alterations will have no material impact on the Coastal Use Area. The proposed development is therefore designed, sited and will be managed to avoid an adverse impacts having regard to the considerations above, in particular:

- the site is well separated from the foreshore, including any beach, headland or rock platforms and will have no bearing on safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.
- the site is sufficiently separated from the foreshore, such that the proposed development will have no overshadowing, wind funnelling impacts, nor cause any loss of views from public places to foreshores. Nor will it affect the visual amenity and scenic qualities of the coast, including coastal headlands.
- the site is not identified as being within or nearby any known locations of significant cultural built and environmental heritage, including Aboriginal cultural heritage.

Having regard to the above and the objectives of the Coastal Management SEPP more generally, the proposed development is not likely to cause increased risk of coastal hazard and therefore satisfies the required considerations and intent of the Coastal Management SEPP.

4.3 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Clause 1.2 – Specific Aims of the Plan

Clause 1.2 sets out specific aims of the LEP. Relevant aims in this are the aims that relate to residential development, being to:

- protect and enhance the residential use and amenity of existing residential environments,
- promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and
- increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah.

Consistency of the proposal with the aims set out in Clause 3 is demonstrated by compliance with the relevant related controls in the LEP and DCP as set out below.

Part 2– Zoning, permitted uses and zone objectives

The subject site is zoned R2 Low Density Residential under the LEP. Dwelling houses are permissible within the zone. The objectives of the zone are:

- 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.

The proposed additions are consistent with the objectives in that the proposed additions are designed to maintain the existing low density residential character of the areas two storey scale of the detached dwelling maintains the low density residential environment and maintains the landscaped setting of the site and the surrounding locality.

Clause 4.3 - Building heights

Clause 4.3 provides that the height of a building is not to exceed a maximum height of 8.5 metres. The proposed first floor addition will have a maximum height of 8.42 metres (being RL 11.28 at the first-floor roof ridgeline above a ground level of RL 2.86) and will therefore comfortably sit within the 8.5 metre maximum height.

Part 6 – Additional Local Provisions

Clause 6.3 - Flood Planning

Clause 6.3 applies to land at or below the flood planning level. The Dee Why and Curl Curl Lagoons Floodplain Risk Management Plan Final Report (November 2005) identifies the site as being a flood affected property (1% AEP). The site is also identified as being located within the Medium Risk Precinct on the NBC Flood Hazard Map. Under this clause 6.3, the consent authority must be satisfied that the proposed development:

- is compatible with the flood hazard of the land.
- is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.
- incorporates appropriate measures to manage risk to life from flood.
- is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Noting the above, consideration has been given to preparation of a Flood Management Report in accordance with Council's guidelines for preparing a flood management report.

The proposed development is for a first floor addition only. The proposed floor level (7.215 AHD) is above the PMF of 4.35 AHD that has been identified for Billarong Ave by the *Dee Why and Curl Curl Lagoons Floodplain Risk Management Plan Final Report (November 2005)*. Council's guidelines for preparing a flood management report therefore do not require, as a necessity, the preparation of a flood management report.

Instead, detailed consideration has been given to flood related development controls in the Warringah DCP provisions, as set out below. This consideration has identified that as the proposed development is limited to a first floor addition (above the PMF level) to an existing residence, there will be no adverse impacts in terms of flooding behavior and risk to the occupants of the dwelling or the wider area.

4.4 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

Under Section 4.15 of the Act, the consent authority is required to take into consideration the relevant provisions of the Warringah DCP 2011 (the DCP) in determining applications for development. Relevant sections of the Warringah DCP 2011 include Part B (Built Form Controls) and Part D (Design) The proposal is assessed against those relevant Sections of the DCP as set out below:

Part B Built Form Controls

B1 – Wall Heights

As shown by the blue hatched line on Plan DA 06, the maximum proposed wall height is located toward the southern corner of the upper floor and is consistent with the maximum 7.2 wall height prescribed by the DCP.

B3 – Side Boundary Envelope

The proposed additions are limited to within the existing footprint of the building and sit comfortably within the required side boundary envelope, as shown by the red hatched line on the elevation drawings.

B4 – Site Coverage

The proposed works are within the existing building footprint and relate to the addition of a first floor. There is no change to the existing site coverage.

B5 – Side Boundary Setbacks

The DCP prescribes a minimum 900mm setback from each side boundary on this site. The proposed upper floor is located well away from each side boundary, when viewed from the street. It provides a separation distance of a number of metres from both the south-western and north-eastern side boundaries and comfortably complies with the minimum 900mm requirement.

B7 – Front Boundary Setbacks

The DCP prescribes a minimum 6.5 metre setback from the road frontage (along the north-western boundary) on this site. The ground floor verandah that faces the street is setback 5.19 metres from the road frontage. The proposed upper floor is setback from the verandah on the ground floor and will provide a separation of 7.01 metres (as measured to the front of the dormer structures) to the road frontage. This complies with the minimum 6.5 metre requirement and will maintain the visual continuity and pattern of buildings along the street.

B9 – Rear Boundary Setbacks

The DCP prescribes a minimum rear 6.5 metre rear boundary setback on this site. A review of this particular development control indicates that it has been devised for sites that have dimensions and a layout that afford a landscaped rear garden area, as is typically found in many lower density residential lots.

As noted earlier, the site configuration is unusual, as its 32.81 metre frontage to Billarong Avenue is greater than its (approximate) 19.5m depth. The dwelling is situated toward the rear of the site with a setback of 972mm from the rear (south-eastern) boundary – significantly less than the 6.5 metres prescribed by the DCP.

This unusual site configuration and layout mean that strict compliance with the 6.5 metre rear boundary setback for an upper floor addition to the existing dwelling is not feasible. Therefore a consideration of this setback requirement on merit is more appropriate

The proposed design response has nevertheless sensitively considered the location of the upper floor so that the objectives of the development control can still be met. The proposed upper floor has been setback significantly from the ground floor by between 1.8 – 3.54 metres, so that it provides an overall setback of between 2.77 – 4.5 metres from the south-eastern boundary. This setback supports the objectives of the rear setback requirement in that:

- the 2.77 – 4.5 metre setback for the upper floor is sufficient to ensure it will not be visually dominant to the nearest adjoining property (805A Pittwater Road) and noting the compliant wall height (7.2 metres)

and maximum building height (8.42 metres), it will maintain a sense of openness for the rear yard on this adjoining property;

- the windows on the south-eastern facing elevation are provided with fixed closed frosted glazing up to a (or are provided with a minimum sill) height of 1.5 metres to maintain privacy between dwellings and ensures there is no opportunity for overlooking to the adjoining property (see section x.x below); and
- the upper floor addition ensures a reasonable amount of solar access is provided to the adjoining property (805A Pittwater Road)
- the proposed upper floor is positioned in a manner that is focused toward the centre of the existing single storey dwelling and will maintain the existing visual continuity and established building pattern on the site and the street more generally.

Part C – Siting Factors

C8 Demolition and Construction & C9 Waste Management

A waste management plan outlining how waste will be managed during the demolition and construction phases has been provided as part of the submitted plans.

Part D – Design

D1 Landscaped Open Space and Bushland Setting & D2 – Private Open Space

All proposed works are located within the existing building footprint and there is no change proposed to the landscaping on the site. The existing dwelling is provided with a private open space area in the north eastern side setback area (wrapping around the northern corner of the dwelling) adjacent to the swimming pool. This area is proposed to be retained in its current design and function.

D3 – Noise

The proposed upper floor includes bedrooms, living and storage areas as part of the existing dwelling house and its use will not result in any undue noise impacts to adjoining properties or the nearby residential area.

D6 – Access to Sunlight

The shadow diagrams submitted with the application (drawings DA09 – DA12) indicate that only one property will be materially affected by additional overshadowing at mid-winter, being the adjoining dual occupancy residence located to the south, at No. 805A Pittwater Road. In particular the shadow diagrams provided indicate:

- at 9am there will be no additional overshadowing to this property.
- at midday there will be some additional overshadowing in the rear yard and to the rear elevation of the dwelling, however the elevational shadow diagrams provided demonstrate that the main window will remain relatively unaffected and enjoy near full access to sunlight at this time.
- at 3pm there is no additional overshadowing to this area, however this property will be affected by existing shadowing at this time.

Noting that the existing dwelling at No 11 Billarong Ave is located directly to the north of No 805A Pittwater Road, some overshadowing is inevitable as any reasonable first floor addition to this dwelling will have some overshadowing impact to this southern adjoining property. As set out above, the proposed first floor complies with the maximum building height development standard, the maximum wall height control and has been considerably setback by between 2.77 – 4.5 metres from the common boundary to reduce shadow impacts.

Noting this, the rear patio area and elevation of the residence No. 805A Pittwater Road will still enjoy good access to sunlight through the morning hours and is considered to be reasonable in the circumstances.

D7 – Views

The DCP requires that development shall provide for the reasonable sharing of views. Site inspection of the subject site has been undertaken and it is considered that no views will be impacted as a result of the proposed development.

D8 - Privacy

The proposed development will not affect the visual privacy and amenity of neighbouring properties.

Living room windows are oriented toward the street or overlook the site's own private open space area in the north eastern side setback area. Other windows provided to the master bedroom, ensuite and WC are designed with sills to a height of 1.5 metres, or with louvred or fixed frosted glass to ensure there is no opportunity for overlooking to adjoining properties.

A modestly sized first floor balcony (area 12.5sqm) is proposed to be located on the northern corner of the first floor and will overlook the site's own private open space and pool area as well as enjoying an outlook to the street. It is well separated from the north-eastern boundary (approximately 10 metres) with planting along the boundary maintaining visual separation to the adjoining property, No. 9 Billarong Ave.

It is considered that the development will not give rise to any privacy impacts.

D9 – Building Bulk

The proposed additions do not create inappropriate bulk. The proposal is provided with setback and is suitably articulated and a range of architectural features to provide visual interest. The proposed building is consistent with the character of the surrounding dwellings and the streetscape, with the overall impact being an aesthetically pleasing and complementary addition to Billarong Ave.

D10 – Building Colour and Materials, D11 - Roofs & D12 - Glare and Reflection

The proposed alterations and additions will be of weatherboard construction with new metal roof. Colours (as indicated on the submitted plans) have been selected to match the existing dwelling and coastal surrounds as well there are no unreasonable reflectivity impacts to nearby properties. The proposed roof will provide an aesthetically pleasing Colourbond material and will have a 22 degree fall with eaves incorporated for shading.

D 20 - Safety and Security:

Casual surveillance of the street is improved by the by the proposed upper floor that provides large windows and a balcony with direct sightlines to the front garden area and road frontage.

Part E – The Natural Environment

E11 – Flood Prone Land

The site is identified in the *Dee Why and Curl Curl Lagoons Floodplain Risk Management Plan Final Report (November 2005)* and being flood affected land. The site is also identified as being located within the Medium Risk Precinct on the NBC Flood Hazard Map. Having regard to this identified risk, a detailed review and assessment of the prescribed DCP controls for residential development in medium flood risk precincts has been undertaken, as set out in the table below

Development Control	Compliance	
	Not Applicable	Yes / No
A Flood effects caused by development	There are no flood effects caused by the development as there is no jetty, no changes to fill and no changes to structures at or near ground level.	
B Drainage infrastructure	There are no changes to existing	

and creek works	stormwater systems, infrastructure or water courses, as all proposed works are limited to an upper level on an existing building.	
C Building components and structural soundness	There are no building or structural changes proposed at or near ground level.	
D Storage of goods	No storage areas are proposed at or near ground level. New storage areas are proposed of first floor above the identified PMF.	
E Flood emergency response		The proposed development provides improved opportunity to safely shelter in place above the PMF level, with appropriate access provided through the existing dwelling, in accordance with the requirements of E2
F Floor levels		All new floor levels are proposed above the PMF in accordance with the requirements of F8, with no changes to existing ground floor levels.
G Car parking	There are no new car parking areas proposed, nor any proposed changes to existing car parking areas.	
H Fencing	There is no new fencing proposed, nor any proposed changes to existing fencing	
I Pools	There is no proposed change to the existing pool structure and related equipment	

4.5 PLANNING FOR BUSHFIRE PROTECTION 2019

The site is well separated from nearby bushland surrounding Dee Why Lagoon. However it is identified as being within Bush Fire Prone Land, located toward the outer edge of the Vegetation Buffer area that is associated with the Dee Why Lagoon Reserve, which is identified as Bushfire Prone Land - Vegetation Category 1.

A separate report has been prepared to assess and address the requirements of the NSW Rural Fire Service *Planning For Bushfire Protection* (November 2019) guideline, to ensure that the proposed additions to the existing dwelling are constructed in a manner commensurate with the level of bush fire risk.

5. OTHER MATTERS FOR CONSIDERATION UNDER S 4.15

Section 4 of this report considered the application against the required heads of consideration under Section 4.15 (1) (a) of the Environmental Planning and Assessment Act 1979. The remainder of Section 4.15 outlines further matters for consideration in the assessment of the development application:

Section 4.15 (1)(b)

Section 4.15 (1) (b) of the Act requires consideration of “the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”.

The applicable planning instruments considered in Section 4 are primarily concerned with controlling impacts arising from the development. In this manner environmental impacts relating to impacts on the streetscape and character of the area and amenity impacts to neighbouring premises have been assessed and as demonstrated in this report, the proposal will not result in any undue environmental impacts to the locality. As it is proposed to retain a single dwelling house on the site, no social or economic impacts arise from the proposal.

Section 4.15 (1)(c)

The “*suitability of the site for the development*” must be considered under Section 79C(c) of the Act.

The zoning and development controls applicable to site envisage both larger scale development and single dwelling houses including alterations and additions to those dwellings. There are no extraordinary constraints applicable to the site that would preclude the type of development proposed. The site is therefore considered suitable for the proposed dwelling house.

Section 4.15 (1)(d)

Section 79C(d) requires “*consideration of any submission made in accordance with Act or the regulation.*” This is a matter for Council’s consideration.

Section 79C (1)(e)

Section 79C(e) requires “*consideration of the public interest*”. Compliance with the zoning objectives and objectives of the planning controls demonstrates consistency with the public interest. There are no extraordinary aspects of the proposal that would result in any detriments to the general public.

6. CONCLUSION

The proposed dwelling and associated works are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposal, given the constraints imposed by the existing site layout.

At the same time the proposal will result in a significant improvement to the amenity of the dwelling and will provide additional space for the owners and residents, as a growing family.

It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent as it is shown to comply with all statutory planning instruments and satisfies Council planning controls applicable to the site. It is also shown to satisfy the requirements of all other policies and relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 a it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.