

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

**SUBJECT PREMISES:** 11 Adrian Place,  
BALGOWLAH HEIGHTS, NSW 2093

**OWNER:** Angus & Sarah Robertson

**PROPOSED DEVELOPMENT:** Rear patio cover

**BUILDER:** Patioland Pty Ltd t/as Emanate & Co.  
24/7 Sefton Road,  
THORNLEIGH, NSW 2120

**COUNCIL:** Northern Beaches Council

**DATE:** March 2025

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## SUMMARY

Emanate & Co has prepared this Statement of Environmental Effects (SoEE) for the alterations and additions to an existing dwelling at 11 Adrian Place, Balgowlah Heights.

The site is located within the Northern Beaches Local Government Area (LGA) and is zoned R2 – Low Density Residential under the Manly Local Environmental Plan 2013 (the LEP). The size, scale and location of the proposed development is detailed on the submitted development Plans.

The site is located in Balgowlah Heights within the Northern Beaches Local Government Area and is accessible from Adrian Place. Dwelling houses including alterations and additions to dwellings are permissible with consent under the R2 Land Use Table within the LEP.

The proposed development is considered acceptable as the proposed alterations and additions to the dwelling does not result in any substantial, negative impacts on neighbouring properties. It is considered that the development results in a positive impact to the character of the area.

The proposed development will provide a well-coordinated and sustainable development while retaining and protecting the character of the surrounding area. This DA is consistent with the planning framework and the SoEE will expand on those matters that have been summarised above to assist council in completing a detailed assessment of the proposed development.

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## 1 INTRODUCTION

This Statement of Environmental Effects accompanies a development application for the alterations and additions to an existing dwelling on land identified as Lot 2 DP867933, 11 Adrian Place, Balgowlah Heights.

The objectives of this SoEE are as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s; and
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

This SoEE has been prepared in accordance with best practice principles, in particular, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure's (now the Department of Planning and Environment) guide to the Environmental Planning and Assessment Act (EP&A Act) 1979 (s4.15).

## 1.1 Site Description

### Local Character:

The development is set within a predominantly residential context where established two-storey homes contribute to a harmonious streetscape. The proposed design for the rear patio cover has been carefully conceived to complement the existing rendered residence, enhancing the overall aesthetics and character of the property. Its design intention reflects a sensitivity to the established architectural language within the neighbourhood, while embracing contemporary construction practices.

### Neighbourhood Scale & Streetscape:

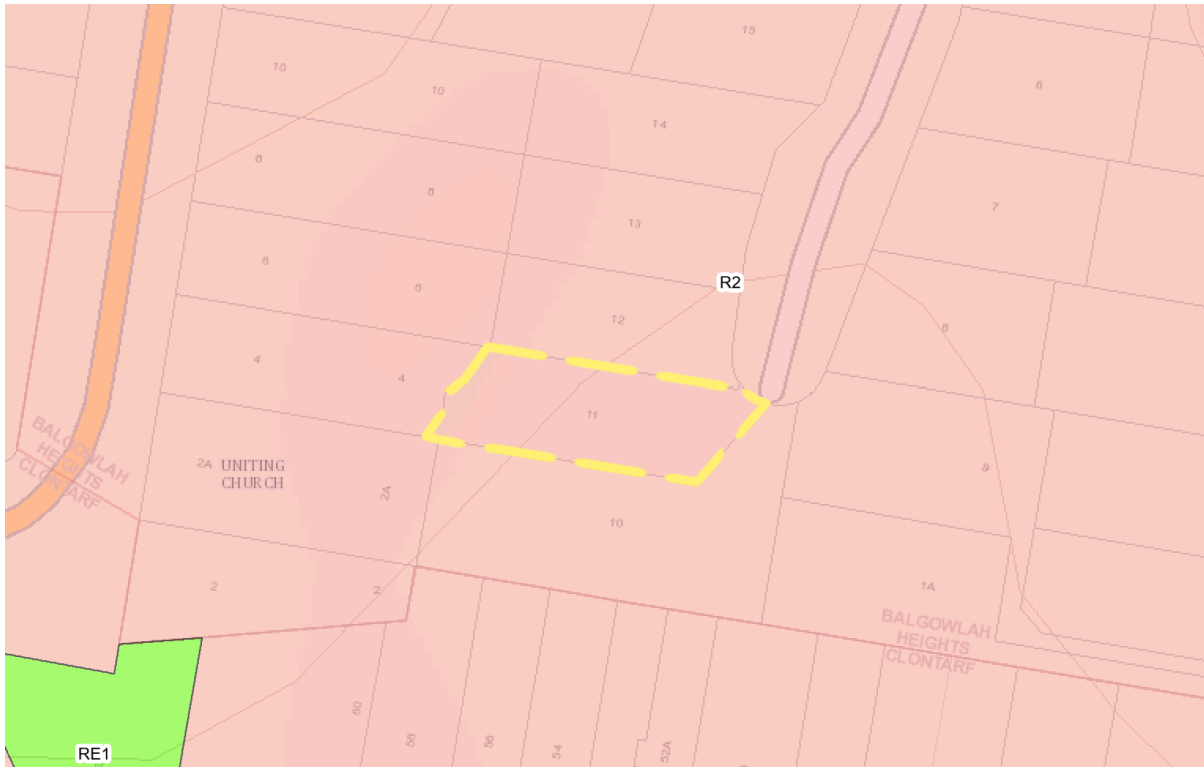
Located in an area under the R2 zoning, the property benefits from its position within a mature residential precinct governed by the Northern Beaches Council. The character of the neighbourhood is defined by its consistent building typologies and scale, with well-maintained private gardens and established streetscapes that contribute to a cohesive and attractive local setting. The integration of the new patio cover is expected to blend seamlessly with the existing streetscape and complement other local developments in the area.

### Site Scale:

The site, encompassing 673 m<sup>2</sup>, is dominated by an existing two-storey dwelling which provides a robust residential footprint within the local context. The proposed patio cover, designed to be an extension to this residence, is refined to cause minimal impact on the overall site layout. Its configuration respects the existing building orientations and site features, ensuring continuity in terms of design and functional use while adhering to relevant environmental considerations.



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



**Figure 2:** Zoning map of the subject site

## 1.2 Proposed Development

The proposed development involves the construction of a new flat roofed patio cover located at the rear/side of an existing two-storey residential dwelling.

Designed to complement the architectural character of the existing home, the new structure will provide an enhanced outdoor area with flexible use and improved shading and ventilation.

### Design and Construction Features:

- Construction of a flat roofed patio cover with an area of 31.7 m<sup>2</sup>
- Integration of an operable aluminium louvre system (designated as “Eclipse” louvers) that can be opened and closed as desired.
- A rendered perimeter frame specifically designed to visually complement the existing dwelling.
- Installation of structural support elements including posts (285 x 285 mm) set in concrete footings (400 x 400 x 400 mm deep).
- Incorporation of new internal Colorbond guttering and a 90mm downpipe spreader mounted onto an existing tiled roof for stormwater management.

### Demolition and Site Preparation:

- Removal of an existing folding arm awning
- Execution of minimal site preparation works including shallow excavation (not exceeding 1000 mm below the surface) in light of the geotechnical conditions.





**Figure 4:** 3D render image of proposed works



**Figure 5:** Location of proposed works



**Figure 6:** Location of proposed works - looking North to neighbouring property

### 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.

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## 2 PLANNING ASSESSMENT

### 2.1 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.

#### 2.1.1 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.

Integrated development	Proposed Development
Fisheries Management Act 1994	<ul style="list-style-type: none"> <li>• s 144</li> <li>• s 201</li> <li>• s 205</li> <li>• s 219</li> </ul>
Heritage Act 1977	<ul style="list-style-type: none"> <li>• s 58</li> </ul>
Mine Subsidence Compensation Act 1961	<ul style="list-style-type: none"> <li>• s 15</li> </ul>
Mining Act 1992	<ul style="list-style-type: none"> <li>• s 63, 64</li> </ul>
National Parks & Wildlife Act 1974	<ul style="list-style-type: none"> <li>• s 90</li> </ul>
Protection of the Environment	<ul style="list-style-type: none"> <li>• ss 43(a), 47, 55</li> <li>• ss 43(b), 48, 55</li> <li>• ss 43(d), 55, 122</li> </ul>
Roads Act 1993	<ul style="list-style-type: none"> <li>• s 138</li> </ul>
Rural Fires Act 1997	<ul style="list-style-type: none"> <li>• s100B</li> </ul>
Water Management Act 2000 & Water Management Amendment (Controlled Activities) Regulation 2088	<ul style="list-style-type: none"> <li>• ss 89, 90, 91</li> </ul>

#### 2.1.2 Designated Development – Section 4.10

Schedule 3 of the Environmental Planning and Assessment Regulations 2021 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.

## **2.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)**

### **2.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021**

THE SEPP 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 THE SEPP. The significant clause of THE SEPP is Clause 4.6, which is outlined below.

Clause 4.6 - Contamination and remediation to be considered in determining development application

Under Clause 4.6, 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 4.6 of THE SEPP, 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.

### **2.2.2 State Environmental Planning Policy (Transport and Infrastructure) 2021**

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 the SEPP is not triggered in this instance.

### 2.3 Manly Local Environmental Plan 2013

Manly Local Environmental Plan is the applicable local planning instrument for the site.

Local Environmental Plan	
Matter	Relevant Control
Zoning	R2 Low Density Residential
Zone Objectives	The objectives of this Residential zone are: <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>
Permitted without consent	Environmental protection works; Home occupations
Permitted with consent	Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Flood mitigation works; Group homes; Home-based child care; Home businesses; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water reticulation systems
Prohibited	Backpackers' accommodation; Farm stay accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3
Height of Building	The site is located within the 8.5m height of building limit area
Floor Space Ratio	0.4:1
Minimum Lot Size	950sqm
Heritage	Not identified as heritage significance
Land Acquisition	Not identified for acquisition.
Foreshore Building Line	N/A
Local Provisions	950
Scenic Protection Land	Scenic Protection

#### 2.3.1 Permissibility

Under the Land Use Table- Zone R2 of the LEP, a dwelling house is permissible with development consent. It is noted that the proposed development is for alterations and additions to the existing dwelling and will not result in any changes to the overall use of the land.

#### 2.3.3 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 8.5m. The proposed development complies with the standard.

#### 2.3.4 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.

## 2.3.5 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.

## 2.4 Manly Development Control Plan 2013 - Part 4.1 Residential Development Controls

The *Manly 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.

Development Control	Compliance
<b>4.1.1 Dwelling Density, Dwelling Size and Subdivision</b>  Relevant DCP objectives to be satisfied in relation to this part include:	
Objective 1) To promote a variety of dwelling types, allotment sizes and residential environments in Manly.	
Objective 2) To limit the impact of residential development on existing vegetation, waterways, riparian land and the topography.	
Objective 3) To promote housing diversity and a variety of dwelling sizes to provide an acceptable level of internal amenity for new dwellings.	
Objective 4) To maintain the character of the locality and streetscape.	
Objective 5) To maximise the use of existing infrastructure.	
<b>4.1.1.1 Residential Density and Dwelling Size</b>  This section contains maximum permissible residential density controls which generally apply to land identified on the LEP Lot Size Map and determine the maximum number of dwellings that may be achieved on any one parcel of land.	N/A Remains unchanged
a) The maximum permissible residential density control at Figure 24 - Minimum Residential Density applies to land identified in Residential Density Areas on the Minimum Residential Density Map at Schedule 1 - Map A in this plan. Figure 24 - Minimum Residential Density determines the maximum number of dwellings that	

may be achieved on any one development site. This figure indicates the minimum site area required for every dwelling contained on a site.

For example, if a density control of 300sqm per dwelling applies to a site with a site area of 600sqm the density control would allow for a maximum of 2 dwellings.

- b) For the purposes of calculating the residential density control for battle-axe lots, the area of the access handle is excluded from the site area, consistent with the provisions for minimum subdivision lot size in LEP clause 4.1(3A).

<u>Residential Density Areas:</u>	<u>Min. Residential Density</u>
D8	950 sqm of site area required per dwelling

- c) Notwithstanding the minimum Residential Density in Figure 24, no more than 2 dwellings may be constructed on lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15 -17 Suwarrow Street Fairlight.

- d) Dwelling Size: Dwellings are required to have the following minimum internal areas:

Studio dwellings: 35sqm  
 1 bedroom dwellings: 50sqm  
 2 bedroom dwellings: 70sqm  
 3 bedroom dwellings: 90sqm

The minimum internal areas include only 1 bathroom. Additional bathrooms increase the minimum internal area by 5sqm.

A 4th bedroom and further additional bedrooms increase the minimum internal area by 12sqm each.

#### 4.1.1.2 Residential Land Subdivision

N/A

#### 4.1.2 Height of Buildings

(Incorporating Wall Height, Number of Storeys & Roof Height)

Note: While the LEP contains Height of Buildings development standard and special height provisions, these paragraphs control the wall and roof height and the number of storeys within and in support of the LEP provisions in relation to residential development.

Complies

<p>LEP objectives for the Height of Buildings at clause 4.3 are particularly applicable to controls at paragraph 4.1.2 of this DCP.</p> <p>See also paragraph 4.1.7 First Floor and Roof Additions.</p> <p>See also LEP clause 4.6 Exceptions to Development Standards.</p> <p>a) <u>LEP Zones where numeric height controls in this DCP apply</u> Height controls under paragraph 4.1.2 of this plan apply to development in LEP Zones R1, R2, R3, E3 and E4. This part of the DCP does not apply to development of other lands subject to the LEP Height of Building standard identified on the LEP Height of Building Map. See also paragraph 4.2 of this plan in relation to height controls and considerations in the LEP Business Zones</p> <p>b) <u>Exceptions to Height</u> Where an existing building exceeds the maximum height controls in this plan or the height of building standards in the LEP, any alterations and/or additions to the building must not increase the overall height of the existing building. See also paragraph 4.1.7.2 Habitable Rooms in the Roof Structure.</p>	
<p><b>4.1.2.1 Wall Height</b></p>	<p>N/A Remains unchanged Complies</p>
<p><b>4.1.2.2 Number of Storeys</b></p>	<p>N/A Remains unchanged Complies</p>
<p><b>4.1.2.3 Roof Height</b></p> <p>a) Pitched roof structures must be no higher than 2.5m above the actual wall height *, calculated in accordance with Figure 29. Note: In this paragraph 'actual wall height' means the wall height that is either existing or proposed rather than the maximum achievable wall height control in this plan.</p> <p>b) Roof parapets may extend up to 0.6m above the actual wall height where Council considers that a parapet is considered to be appropriate to the design of the development and satisfies the objectives of this DCP and the LEP. For example, a parapet roof should not result in the appearance of lift structures and the like that protrude above the roof.</p> <p>Note: As the LEP definition 'Building Height' incorporates plant and lift overruns, these structures must be similarly contained and not protrude above the maximum roof height.</p>	<p>Complies</p>

<p>Roof Pitch:</p> <p>c) The maximum roof pitch must be generally no steeper than 35 degrees. A roof with a steeper pitch will be calculated as part of the wall height. In this regard the wall height controls at paragraph 4.1.2.1 of this plan will apply to the combined wall height and the height of the roof steeper than 35 degrees.</p>	
<p><b>4.1.3 Floor Space Ratio (FSR)</b></p> <p>Note: FSR is a development standard contained in the LEP and LEP objectives at clause 4.4(1) apply. In particular, Objectives in this plan support the purposes of the LEP in relation to maintaining appropriate visual relationships between new development and the existing character and landscape of an area as follows:</p> <p>Objective 1) To ensure the scale of development does not obscure important landscape features</p> <p>Objective 2) To minimise disruption to views to adjacent and nearby development.</p> <p>Objective 3). To allow adequate sunlight to penetrate both the private open spaces within the development site and private open spaces and windows to the living spaces of adjacent residential development.</p>	<p>N/A Remains unchanged Complies</p>
<p><b>4.1.4 Setbacks (front, side and rear) and Building Separation</b></p> <p>Note: This section addresses the buildings' setback from its various property boundaries.</p> <p>Relevant DCP objectives to be met in relation to this part include:</p> <p>Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street</p> <p>Objective 2) To ensure and enhance local amenity by:</p> <ul style="list-style-type: none"> <li>• providing privacy;</li> <li>• providing equitable access to light, sunshine and air movement; and</li> <li>• facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.</li> <li>• defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and</li> <li>• facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.</li> </ul> <p>See also objectives at paragraph 3.4 Amenity.</p>	

<p>Objective 3) To promote flexibility in the siting of buildings.</p> <p>Objective 4) To enhance and maintain natural features by:</p> <ul style="list-style-type: none"> <li>• accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;</li> <li>• ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and</li> <li>• ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.</li> </ul> <p>Objective 5) To assist in appropriate bush fire asset protection zones.</p> <p>Note: In addition to the setbacks required in this plan, residential development subject to the Residential Apartment Code is subject to additional setback requirements for adequate building separation to achieve reasonable levels of privacy e.g. 12m separation between habitable rooms and balconies between buildings up to 4 storeys either on the same site or across a site boundary to a neighbouring building.</p>	
<p><b>4.1.4.1 Street Front setbacks</b></p>	<p>N/A</p>
<p><b>4.1.4.2 Side setbacks and secondary street frontages</b></p> <p>(a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.</p> <p>(b) Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony.</p> <p>(c) All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries;</p> <p>(d) For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets.</p> <p>(e) Side setbacks must provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties. See also paragraph</p>	<p><i>“Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony.”</i></p> <p><input checked="" type="checkbox"/> A smaller side setback, although achievable, would due to the limited size of the roof, would render the area useless, plus the aesthetic appeal of the design would be lost with such a major compromise.</p> <p><input checked="" type="checkbox"/> There is no adverse impact onto the Northern neighbouring property due to the topography of the land &amp; the height of the existing side fence.</p>

<p>4.1.4.3.b.vi.of this plan.</p> <p>(f) In relation to the setback at the street corner of a corner allotment the setback must consider the need to facilitate any improved traffic conditions including adequate and safe levels of visibility at the street intersection. In this regard Council may consider the need for building works including front fence to be setback at this corner of the site to provide for an unobstructed splay. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.</p>	<p>Refer to <i>Figure 6</i>: Location of proposed works - looking North to neighbouring property.</p> <p><input checked="" type="checkbox"/> Side property access is unaffected by this proposal</p> <p><input checked="" type="checkbox"/> Privacy to the surrounding neighbouring properties will remain unchanged</p>
<p><b>4.1.4.4 Rear Setbacks</b></p> <p>(a) The distance between any part of a building and the rear boundary must not be less than 8m.</p> <p>(b) Rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space. The character of existing natural vegetated settings is to be maintained. See also paragraph 3.3 Landscaping.</p> <p>(c) On sloping sites, particularly where new development is uphill and in sensitive foreshore locations, consideration must be given to the likely impacts of overshadowing, visual privacy and view loss.</p> <p>(d) Rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity to minimise overshadowing, visual privacy and view loss.</p>	<p>N/A Remains unchanged Complies</p>
<p><b>4.1.4.5 Foreshore Building Lines and Foreshore Area</b></p>	<p>N/A</p>
<p><b>4.1.4.6 Setback for development adjacent to LEP Zones RE1, RE2, E1 and E2</b></p>	<p>N/A</p>
<p><b>4.1.4.7 Setback for development of certain land at Boronia Lane and Rignold Street, Seaforth</b></p>	<p>N/A</p>
<p><b>4.1.5 Open Space and Landscaping</b></p> <p>Relevant DCP objectives to be met in relation to these paragraphs include the following:</p> <p>Objective 1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.</p>	<p>Remains unchanged</p> <p>N/A</p>

Objective 2) To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland

Objective 3) To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.

Objective 4) To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.

Objective 5) To minimise the spread of weeds and the degradation of private and public open space.

Objective 6) To maximise wildlife habitat and the potential for wildlife corridors.

#### 4.1.5.1 Minimum Residential Total Open Space Requirements

Numeric Controls:

- a) Open Space must be provided on site in accordance with Figure 34 - *Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground.*

The minimum total open space requirement is determined as a percentage of the site area in Figure 34 and applies to residential accommodation and other permissible development in the LEP Zones R1, R2, R3, E3 & E4 and residential development in any other zone excluding shop top housing in LEP Zone B1 Neighbourhood Centre (see paragraph 4.2.8.3) and Zone B2 Local Centre.

**Figure 34 – Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground**

<u>Residential Open Space Areas at DCP Schedule 1 – Map B</u>	<u>Total Open Space (minimum percentage of site area)</u>	<u>Landscaped Area (minimum percentage of Total Open Space Open Space)</u>	<u>Above Ground (maximum of Total Open Space)</u>
Area OS4	at least 60% of site area	at least 40% of open space	-In relation to dwelling houses: no more than

Remains unchanged by the proposed development

N/A

Complies

			25% of Total Open Space. -In relation to all other land uses permitted in the Zone: no more than 40% of Total Open Space.
<p><u>Minimum dimensions and areas for Total Open Space</u></p> <p>b) Total Open Space (see Dictionary meanings including landscape area, open space above ground and principal private open space) must adhere to the following minimum specifications:</p> <ul style="list-style-type: none"><li>i) horizontal dimension of at least 3m in any direction; and</li><li>ii) a minimum unbroken area of 12sqm.</li><li>iii) A variation to the minimum specifications in i) and ii) above may only be considered for Above Ground Open Space where it can be demonstrated that lesser dimensions or areas will better serve to minimise amenity impacts on neighbours. A lesser areas of above ground open space may be included or calculated under the minimum requirements in the circumstances of the case. In all other cases open space that does not comply with the minimum specification is not included or calculated under the minimum requirements for total open space.</li></ul>			
<p><b>4.1.5.2 Landscaped Area</b></p> <p><u>Numeric Controls</u></p> <p>a) Landscaped Area must be provided on site in accordance with above Figure 34 - <i>Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level</i>. The minimum landscaped area requirement is a percentage of the actual* total open space onsite.</p> <p><b>*Note:</b> ‘Actual’ space refers here to proposed (or existing where no change proposed), rather than the minimum requirement for open space in this plan.</p> <p><u>Minimum Dimensions and Areas</u></p> <p>b) Minimum dimensions and areas must provide for the following:</p> <ul style="list-style-type: none"><li>i) soil depth of at least 1m for all landscaped areas either in ground or above ground in raised planter beds; and</li></ul> <p>See also paragraph 4.1.5.1.c regarding the extent of open space</p>			<p>Remains unchanged by the proposed development</p> <p>N/A</p>

above ground.

- ii) a minimum horizontal dimension of 0.5m measured from the inner side of the planter bed/ box, wall or any other structure which defines the landscaped area and incorporating an appropriate drainage and irrigation regime.

See also paragraph 3.3 *Landscaping* regards requirements for design and planting principles.

c) Minimum Tree Plantings

- i) The minimum tree numbers must be in accordance with Figure 37 *Number of Native Trees Required*.
- ii) The minimum tree requirement may include either existing established native trees or new native trees planted at a pot/container size to be at least 25 litres capacity and being a species in accordance with Schedule 4 Part B - Native Tree Selection.
- iii) The required minimum number of native trees required under this paragraph must be planted in a deep soil zone as defined in this plan's Dictionary.

**Note:** Suggested minimum soil volumes for tree planting generally are as follows: Large size trees (13-18m high with 16m spread) required 80 cubic metres of soil. Medium size trees (9-12m high with 8m spread) requires 35 cubic metres of soil. (Source: NSW Apartment Design Code 2015).

**Figure 37 - Minimum Number of Native Trees Required**

**Note:** to be read in conjunction with the LEP Lot Size Map.

Site Area (sqm)	Areas in the LEP Lot Size Map	Minimum number of native trees listed in Schedule 4 Part B
between 500 and 800	all Areas on the LEP Lot Size Map	3 trees

**4.1.5.3 Private Open Space**

Note: Private open space is in addition to the provision of communal open space for residential accommodation with more than 1 dwelling. Guidelines for the provisions of communal open space are contained in the Residential Flat Design Code referenced in this plan.

Principal Private Open Space

- a) Principal private open space is to be provided in accordance with the following minimum specifications:

Complies

<p>i) Minimum area of principal private open space for a dwelling house is 18sqm</p> <p>ii) Minimum area of principal private open space for residential accommodation with more than 1 dwelling on the site is 12sqm for each dwelling.</p> <p>Note: Principal private open space is both part of the private open space as defined in the LEP and the total open space requirement defined in the DCP and must also comply with the meanings and provisions for these spaces provided in the LEP and elsewhere in this DCP.</p>	
<p><b>4.1.6 Parking, Vehicular Access and Loading</b> (Including Bicycle Facilities)</p>	<p>N/A Remains unchanged</p>
<p><b>4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas</b></p>	<p>N/A Remains unchanged</p>
<p><b>4.1.6.1 Development on Sloping Sites</b> Relevant DCP objectives to be met in relation to these paragraphs include:</p> <p>Objective 1) To ensure that Council and the community are aware of, and appropriately respond to all identified potential landslip &amp; subsidence hazards.</p> <p>Objective 2) To provide a framework and procedure for Identification, analysis, assessment, treatment and monitoring of landslip and subsidence risk and ensure that there is sufficient information to consider and determine DAs on land which may be subject to slope instability.</p> <p>Objective 3) To encourage development and construction this is compatible with the landslip hazard and to reduce the risk and costs of landslip and subsidence to existing areas.</p>	<p>N/A</p> <ul style="list-style-type: none"> <li>• Area G2</li> <li>• Site Stability Report deemed N/A</li> <li>• No excavation greater than 1000mm</li> <li>• No potential Geotechnical hazards identified</li> </ul>
<p><b>4.4.2 Alterations and Additions</b> Council promotes the retention and adaptation of existing buildings rather than their demolition and replacement with new structures. See also paragraph 3.2.2 Alterations and Additions to Heritage Items and Conservation Areas. See also paragraph 4.1.7 First Floor and Roof Additions (for Residential Development). See also paragraph 4.4.1 Demolition.</p>	<p>N/A Complies</p>

Extent to which this Plan Applies to Alterations and Additions

a) This paragraph defines alterations and additions in respect of how much of the building is to be demolished. If alterations and additions involve demolition of more than half of the building then the development will be assessed as new work and the controls of this plan will apply to the whole building i.e. to both existing and new development.

b) In paragraph a) above, the extent of demolition is calculated as a proportion of the existing external fabric being demolished including the surface area of the walls, the roof measured in plan form and the area of the lowest habitable floor.

### 3 SITE CHARACTERISTICS AND KEY DEVELOPMENT ISSUES

#### 3.1 THE LIKELY IMPACTS OF THAT DEVELOPMENT

Section 4.15 – (1) Matters for consideration – general of the *Environmental Planning and Assessment Act 1979* states:

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

- i. any environmental planning instrument, and*
- ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- iii. any development control plan, and*
- iv. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- vi. any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.*

#### 3.2 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 surroundings through its consistency with the existing residential development of the area.

#### 3.3 VISUAL IMPACT

The proposed development will not negatively impact on the visual amenity of the locality through the appropriate sitting and style of the development. The development has been designed in a way and style that complements the area and its close links to the locality. The development is not expected to create an eye sore to the surrounding community.

#### 3.4 ACCESS, TRANSPORT AND TRAFFIC

Existing access is suitable and has been in existence for many years and is retained as part of the development.

#### 3.5 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 in accordance with the Development Contributions Framework.

### **3.6 SERVICES**

Electricity, telephone and physical, legal and emergency service access exists to the existing development.

### **3.7 HERITAGE**

The site is not a heritage listed item, nor is it in proximity to a heritage listed item.

### **3.8 ECOLOGY**

The physical works that will result from the proposed development will involve some minor earthworks for the footings.

### **3.9 BUSHFIRE**

The proposed development is not located within a bushfire zone.

### **3.10 ARCHAEOLOGY**

The site has no known Aboriginal artifacts or European historical significance. Excavation works are not required to enact potential development consent. If artifacts are discovered during the construction phase, then they will be managed in accordance with the regulations.

### **3.11 NOISE AND VIBRATION**

No potential for noise or vibration impacts have been identified. Construction noise will be as per normal construction times/processes.

### **3.12 SAFETY, SECURITY AND CRIME PREVENTION**

No safety, security for crime prevention measures are required.

### **3.13 TOPOGRAPHY AND STORMWATER MANAGEMENT**

Stormwater will be collected onsite and directed to the existing stormwater system.

### **3.14 FLOODING**

The site is not mapped as being flood impacted.

### **3.15 CUMULATIVE IMPACTS**

There are no tangible cumulative impacts arising from the proposal, given the small-scale nature and appropriateness of the development in conjunction with the site.

### **3.16 CONSULTATION**

As part of the DA consideration process it is envisaged Council may place the proposal on public exhibition and send neighbours notification letters to adjoining or adjacent properties.

### **3.17 SOCIAL AND ECONOMIC IMPACT ON THE LOCALITY**

The proposed development is not considered to produce any adverse social or economic impact on the locality. Rather the proposed development provides positive economic and social impacts by facilitating construction activity.

### **3.18 SUITABILITY OF THE SITE AND PUBLIC INTEREST**

The proposed development is considered to be a suitable use of the site. This development is permissible under the LEP and has addressed any relevant concerns through this statement environmental effects and is considered to be within the public's interest.

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## CONCLUSION

This Statement of Environmental Effects comprehensively demonstrates that the proposed *alterations and additions to an existing dwelling* 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. Hornsby Development Control Plan has also been considered and results in an acceptable development when assessed against 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.