

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR PROPOSED ALTERATIONS AND ADDITIONS TO
AN EXISTING DWELLING COMPRISING NEW DECK OVER EXISTING
GARAGE**

LOCATED AT

69 CROMER ROAD, CROMER

FOR

ANDY & AMELIA STUBBS

**Prepared
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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared by Building Design & Drafting Services, Project No. 2021-040, Drawing No. 1 & 2, dated February 2021, detailing the construction of additions and alterations to an existing dwelling at **69 Cromer Road, Cromer**.

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. As a result of this 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.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

2.0 Property Description

The subject allotment is described as 69 Cromer Road, Cromer, being Lot 77 within Deposited Plan 236651 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is not located within a conservation area.

The land is noted as being Landslip Area B. A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Ref J3166, dated 23 February 2021 and accompanies this submission.

The site is also noted as being Bushfire Prone Land. A Bushfire Risk Assessment has been prepared by Bushfire Planning & Design, Ref 3193 dated 3 February 2021 and accompanies this submission.

3.0 Site Description

The property is located on the southern side of Cromer Road and has a gradual fall towards the southern, rear boundary. The site is regular in shape, with a frontage to Cromer Road and rear boundary length of 16.785m respectively and western and eastern side boundaries of 33.53m. The total site area is 556.4m².

The site is currently developed with a two-three storey brick dwelling with a tile roof, together with a detached garage with driveway access from Cromer Road. An in ground swimming pool is located within the rear yard.

The details of the site are as indicated on the survey plan prepared by DA Surveys, File No. 4721 dated 20 February 2021, which accompanies the DA submission.



Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of subject dwelling, looking south-east from Cromer Road



Fig 3: View of subject dwelling and garage to be altered with proposed covered deck over, looking south from Cromer Road



Fig 4: View of subject dwelling and looking over adjacent front yard of the adjoining neighbour at No 67 Cromer Road, looking south-west

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single detached dwellings and associated ancillary structures such as garages, storage sheds and swimming pools.

The sites immediately to the east, west and south comprise similar one and two storey single residences.

Properties in the area enjoy expansive district views to the south-east and view corridors for the surrounding sites will be maintained past the proposed new works.

The site and its surrounds are depicted in the following aerial photograph:



Fig 5: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks consent for alterations and additions to the existing dwelling, comprising removal of the existing garage roof and construction of a new attached deck with pergola with a partial roof cover above the existing garage.

The proposed pergola over the first floor deck will be partly open and partly covered with metal roof sheeting to provide some weather protection in inclement weather.

The new works will be constructed of metal framing, with timber decking boards and vertical timber batten handrails to match the existing dwelling and will achieve the required BAL 40 construction requirement.

The proposed external finishes and colours have been detailed in the DA submission.

The works are wholly contained within the existing building footprint, and will not see any change to the available area of soft landscaping.

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal meets water, thermal and energy standards required by BASIX. A BASIX Certificate is not required in this instance as the estimated construction work is less than \$50,000.

6.3 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

Development for the purposes of a dwelling house and therefore additions and alterations to the dwelling are permissible in this zone under the WLEP 2011.



Fig 6: Extract of Warringah Local Environmental Plan 2011

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *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.*

It is considered that the proposed modest alterations and additions to the dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on the existing landscaped area or long distance views. Suitable view sharing opportunity is maintained past the new structures to the south-east for the adjoining properties.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of Cromer is 8.5m. The proposed additions to the dwelling will not see any increase in the overall ridge or roof form of the dwelling. The new deck extension will be up to 5.77m above ground level, and readily complies with Council's height control.

Clause 6.2 relates to earthworks. The proposal will not require any significant excavation of the site. All excavations will be carried out under the supervision of the Consulting Structural Engineers. A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Ref. J3166, dated 23 February 2021 and accompanies this submission.

Clause 6.4 relates to development on sloping land. The site is noted as Area B on Council's Geotechnical Risk Mapping. A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Ref J3166, dated 23 February 2021 and accompanies this submission.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

6.4 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 7.2m	<p>The existing wall height of the dwelling will be unchanged.</p> <p>The new works will be up to 5.77m above ground level and readily comply with the statutory height limit.</p>	Yes
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope and Side Setback	Building envelope 45 degrees from 4m. Setback 0.9m	<p>The new works will present a minor encroachment on the building envelope control to the north-eastern elevation of the pergola.</p> <p>The objectives of this control are as follow:</p> <ul style="list-style-type: none"> • <i>To ensure that development does not become visually dominant by virtue of its height and bulk.</i> • <i>To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</i> • <i>To ensure that development responds to the topography of the site.</i> <p>The new works are modest in bulk and</p>	Yes – on merit

		<p>scale, and readily comply with the statutory height limit.</p> <p>The proposal will maintain suitable solar access and privacy for the occupants of the subject site and neighbouring properties.</p> <p>The development will continue to respect the site's sloping topography.</p>	
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	The proposed deck will stand back 900mm from the north-eastern side boundary and is well separated from the south-western side boundary. The proposal therefore readily complies with this control.	Yes
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A
B7 – Front Boundary Setbacks	Minimum 6.5m	<p>Proposed deck will stand 6.2m from the front boundary. Compliance with this control is constrained by the siting of the existing garage, which is maintained in its current location.</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> • <i>To create a sense of openness.</i> • <i>To maintain the</i> 	Yes – on merit

		<p><i>visual continuity and pattern of buildings and landscape elements.</i></p> <ul style="list-style-type: none"> • <i>To protect and enhance the visual quality of streetscapes and public spaces.</i> • <i>To achieve reasonable view sharing.</i> <p>The proposed deck is uncovered and will present a modest bulk and scale to Cromer Road and neighbouring properties.</p> <p>Suitable separation is maintained to the street, and the proposal is not considered to result in an adverse visual impact on the streetscape.</p> <p>The proposal is in keeping with the desired outcomes of this clause, and is worthy of support on merit.</p>	
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	Min 6m rear setback	The existing rear setback remains unchanged.	Yes
B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A

B13 – Coastal Cliffs Setback	No requirement identified on map		N/A
B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A

Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Existing driveway access from Cromer Road to be maintained.	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	The proposal will retain the existing double garage.	Yes
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	The proposal will not alter the existing impervious area of the site and the new timber deck areas will not substantially the existing stormwater runoff. Given all new works are over the existing building footprint, the existing stormwater provisions will be adequate.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	No substantial change to the existing site conditions. Suitable sediment and erosion control measures to be provided during construction.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A		N/A
C7 – Excavation and Landfill	Site stability to be maintained		Yes
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage available within the yard areas surrounding the dwelling.	Yes

Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	The new works are wholly contained within the existing building footprint and the existing landscaped area will be retained.	Yes
D2 – Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	The existing private open space area within the rear yard is maintained, and will be supplemented with the introduction of the proposed new decking.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Existing swimming pool unchanged.	N/A
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
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	The site enjoys a good north-easterly aspect and access to northern sun to the front yard areas.	Yes
D6 – Access to sunlight	This control requires that sunlight to at least 50% of private open space to adjoining properties is not to be reduced to less than 2 hours between 9am and 3pm on the winter solstice.	The proposal is accompanied by shadow diagrams which demonstrate that the proposed minor additions to the dwelling will not unreasonably reduce the subject dwellings' or neighbouring properties' access to less than two hours	Yes

		sunlight between 9.00am – 3.00pm in mid winter.	
D7 – Views	View sharing to be maintained	The controls require that development should enable the reasonable sharing of views. The proposed alterations and additions comfortably comply with Council's maximum building height control and retain view corridors for uphill properties.	Yes
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	Privacy screening is provided along the north-eastern edge of the proposed deck and will not unreasonably reduce the privacy enjoyed by the neighbours.	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	The existing surrounding development comprises a mix of development between one and three storeys. The form of the proposed additions will maintain a height and scale that complements the prevailing scale of the surrounding development.	Yes
D10 – Building Colours and materials		The new works will utilise recessive colours and finishes to match the surrounding area.	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposal maintains the existing primary roof form.	Yes

D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The proposed external timber finishes will complement the existing dwelling. No significant glare impacts will result from proposed new works.	Yes
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.	Existing fencing will be retained.	N/A
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	No change to garbage storage areas or mail box	N/A
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	Side fences unchanged.	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.	N/A	N/A
D17 – Tennis Courts	N/A		N/A
D18 – Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A
D20 – Safety and Security	Buildings to enhance	The proposed works	Yes

	<p>the security of the community.</p> <p>Buildings are to provide for casual surveillance of the street.</p>	<p>will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the dwelling to the street over and through the front landscaped area.</p>	
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate is not required in this instance as the estimated construction cost of the works is less than \$50,000.	Yes
D23 - Signs	<p>Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality.</p> <p>Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.</p>	No signage proposed	N/A
Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	No significant protected trees are affected by the works.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 - Retaining unique environmental	Not identified on map	No significant features within site	Yes

features			
E7 – Development on land adjoining public open space	Not identified on map	The works are wholly within the private land and will not have any direct impact on the adjacent public land. The modest height and scale of the works will not present any significant visual impacts either to or from the public areas surrounding the site.	Yes
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area B.	The land is noted as being Landslip Area B. A Preliminary Geo-technical Assessment has been prepared by White Geotechnical Group, Ref J3166, dated 23 February 2021 and accompanies this submission.	Yes
E11 – Flood Prone Land	Not identified on map	The site is not noted as flood prone land.	N/A
Bushfire Prone Land	Identified on RFS Map	The site is noted as being bushfire prone land. A Bushfire Risk Assessment has been prepared by Planning for Bushfire Protection, Ref 3193, dated 3 February 2021 and accompanies this submission.	Yes

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Local Environmental Plan 2011. It is considered that the provisions of these environmental planning instruments have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

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

7.2 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

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the building envelope control and landscaped area control is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the landscaped area criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 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

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for alterations and additions to an existing dwelling, which have been located and designed to appropriately minimise impacts on the amenity of adjoining properties and are compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the SEPPs, together with Council's LEP and DCP.

7.7 The suitability of the site for the development

The proposal will provide for additions and alterations to the existing dwelling and the site is considered suitable for the proposed development.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

7.8 Submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment; the modest extent of the new works will mitigate any unreasonable visual impacts on the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for alterations and additions to an existing dwelling which will not have a detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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