

STATEMENT OF ENVIRONMENTAL EFFECTS

**Alterations and additions
to dwelling and new
garage / studio / home
business**

**Lot 259 Aumuna Road,
Terrey Hills**

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RESPONSIBLE FOR THIS REPORT:

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1 Introduction

1.1 Description of the proposed development

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

The development application seeks consent for alterations and additions to the existing dwelling and new detached garage / shed / studio (including home business) at Lot 259 Aumuna Road, Terrey Hills.

The proposal is depicted in the accompanying architectural plans by Blue Sky Building Design. A summary of the key aspects of the proposal are noted as follows:

Dwelling house alterations and additions

- Various internal changes
- New roof over
- Changes to window and door openings as marked
- Windows and addition of double doors to bedrooms (see plans)
- Internal changes to laundry and bathrooms

New detached building -comprising garage, storage, studio, home business

Ground floor level –

- Car parking spaces
- Storage
- Wine cellar
- Wash room

First floor level –

- 3 offices
- Bathroom
- Kitchenette – comprising sink, fridge, tea / coffee making
- Recreation areas – gym, golf simulator
- Deck to the north east corner

Garden areas

- Tree removal
- Retaining walls as shown
- Formalise existing (Figure XX) vehicle access from Coolowie Road
- Gravel driveway from Coolowie Road to new garage/shed/studio

Home business

The proposed home business will accommodate Syntec International which is an investment company dealing in shares and commercial property. Its operations involve:

- Currently 2 employees (residing on the property)
- Hours of operation – 9.30am to 4pm
- Business functions include sales and purchases of shares and support of any properties owned or purchased
- Visitors would typically be infrequent and include external accountant (3 to 4 times a year) and stockbroker (2 to 3 times a year).

1.2 Statement of Environmental Effects

This Statement of Environmental Effects (SEE) is prepared in response to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory and the development application may be approved by Council.

2 Site Analysis

2.1 Site and location description

The site is located at Lot 259 Aumuna Road, Terrey Hills and legally described as Lot 259 in Deposited Plan 752017. The site has a large area of approximately 18ha.

The site is triangular in shape with a south western frontage of 167.3m to Aumuna Road, northern secondary road frontage to Coolowie Road of 237.4m, and an eastern side boundary of 170.3m.

The site is a corner allotment and has frontages to both Aumuna and Coolowie Roads.

The land contains a single storey, split level brick dwelling house with tile roof, swimming pool, tennis court, and various minor sheds / outbuildings.

The site is located on the north eastern side of Aumuna Road. The topography slopes up from Aumuna Road with a level difference of approximately 12m between the south western, front boundary and the northern boundary (RL 164 at the street up to RL 176).

The streetscape character is semi-rural within the site's vicinity, comprising trees, vegetation and landscaped settings.

The property contains some bushland like vegetation, mainly to its perimeter (within the first 10-20 metres of its street frontages).

Kinma primary and pre-school is to the west of the site. Surrounding development comprises a mix of large allotments containing dwelling houses and other rural land uses within a large-lot-residential and rural setting.

The figures within the report depict the character of the property and its existing development.



Figure 1 – Location of the site within its wider context (courtesy Google Maps)

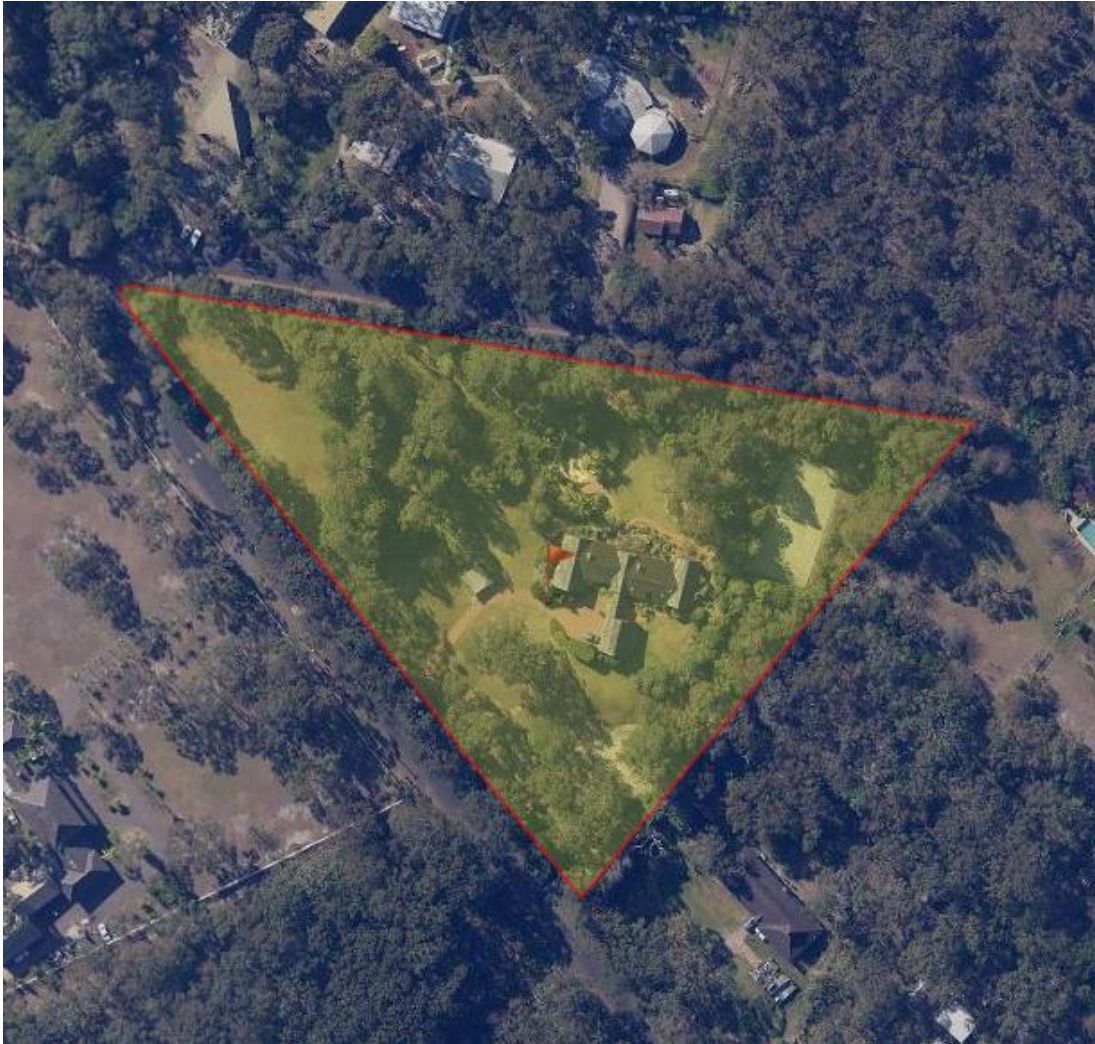


Figure 2 – Alignment, orientation and spatial layout of the subject site and surrounding land (courtesy Six Maps)

3 Environmental Assessment

3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Warringah Local Environmental Plan 2011
- State Environmental Planning Policies – as relevant
- Rural Fires Act 1997
- Warringah Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.

4 Section 4.15 (1)(i) the provisions of any environmental planning instrument

4.1 Warringah Local Environmental Plan 2011 – Zoning

The property is zoned RU4 Primary Production Small Lots Low under the Warringah Local Environmental Plan 2011 (LEP) as is most of the surrounding land.

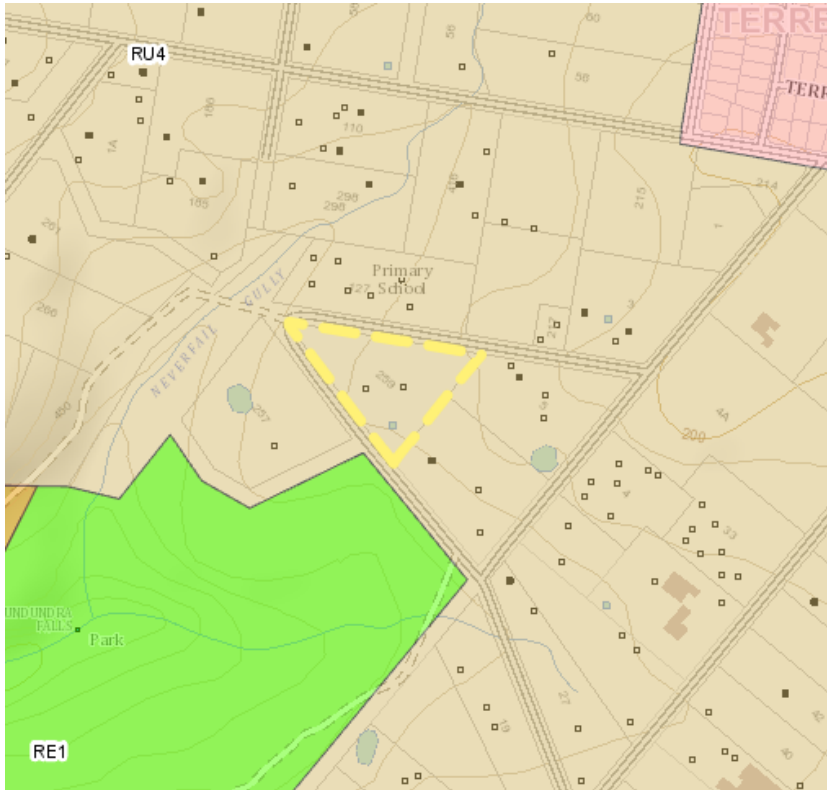


Figure 3 – zone excerpt (Council's website)

The proposal constitutes alterations and additions to the existing dwelling and a new detached structure comprising garage, shed, studio and offices. The offices are proposed for use as a *home business* noting the following definition from the LEP:

home business means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,

- (d) the exhibition of signage, other than a business identification sign,*
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,*
- but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.*

Note—

See clause 5.4 for controls relating to the floor area used for a home business.

Clause 5.4 as it relates to the floor area of the proposed home business is addressed within the table below. The proposal is permitted within the zone with Development Consent.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone' in relation to the proposal. The objectives of the zone are stated as follows:

- To enable sustainable primary industry and other compatible land uses.*
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- To minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland.*
- To maintain and enhance the natural landscape including landform and vegetation.*
- To ensure low intensity of land use other than land uses that are primary industry enterprises.*
- To maintain the rural and scenic character of the land.*

In response, the proposal is consistent with the zone objectives, in that:

- it promotes employment opportunities within the zone via the proposed home business. The proposed land use is compatible with the established employment function of the zone and the location;
- it provides an appropriate intensity of land use given the land area and the relatively small percentage of the site that the proposed development will occupy;
- it is appropriately separated from other land properties and will not result in adverse effects on other land uses;
- The proposal will maintain the rural and scenic character of the land through its significant setbacks to property boundaries, retention of a significant number of trees and vegetation, maintenance of landscaped areas around the proposed developments. The proposal maintains compliant boundary setbacks and landscaping in order to maintain the rural and scenic character of the land.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size	NA	NA
LEP Clause 4.3 – Height of Buildings - 8.5m	The proposal complies	Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses Pursuant to clause 5.4(2) of the LEP- <i>‘(2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area’.</i>	In response: <i>A Home business is permitted under the Plan with consent. The total floor area of the home business shall not exceed 50 square metres in floor area. The proposed home business is located within the first-floor level of the proposed detached studio and comprises 50 square metres – see figure 4 below.</i>	Yes
LEP Clause 5.10 Heritage Conservation	NA	NA
Part 6 of LEP – Additional Local Provisions		
LEP Clause 6.1 Acid sulfate soils	Minor excavation for footings is proposed below the existing site levels (being at approx. AHD RL 170) which is above AHD RL 5.00.	Yes
LEP Clause 6.2 Earthworks	Modest excavation for footings is proposed below the existing site levels. The proposal is accompanied by a geotechnical assessment that concludes that the proposal is appropriate for the site. The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria. Based on the above the proposed development satisfies the considerations within clause 6.2 and the site is suitable for	Yes

LEP Provision	Response	Complies
	the development proposed.	
LEP Clause 6.3 Flood planning	Council's maps do not identify the site as being flood affected.	Yes
LEP Clause 6.4 Development on sloping land	The siting and design of the proposed development has considered the matters within clause 6.4(3) of the LEP and results in appropriate outcomes against these criteria. The proposal is accompanied by a geotechnical assessment that concludes that the proposal is appropriate for the site. Based on the above the proposed development satisfies the considerations within clause 6.4 and the site is suitable for the development proposed.	Yes

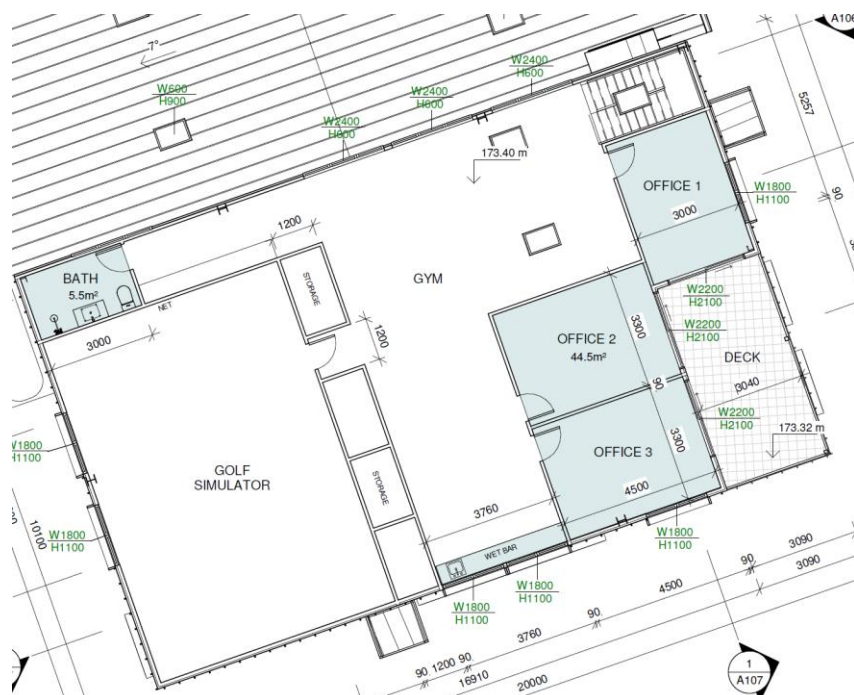


Figure 4 – the proposed *Home business* comprises 50m² as shown in the above excerpt from the architectural plans

4.3 State Environmental Planning Policy

4.3.1 State Environmental Planning Policy - BASIX

The proposed alterations and additions to the dwelling house are BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

The proposed development of the detached and new detached garage / shed / offices are not BASIX affected development as prescribed. A BASIX assessment is not required for this component of the application.

4.3.2 SEPP (Vegetation in Non-Rural Areas) 2017

Vegetation is prescribed under Part E1 of the Warringah DCP for the purposes of SEPP (Vegetation in Non-Rural Areas) 2017. The proposal involves development within proximity to vegetation and therefore the proposal is accompanied and supported by an arboricultural impact assessment report.

The report identifies that **70** trees were assessed, retention of 49 trees and removal of 21 trees is proposed. The report identifies a range of mitigation measures and these recommendations may reasonably form conditions of the development consent. Based on the above, the provisions of the policy are satisfied by the proposal.

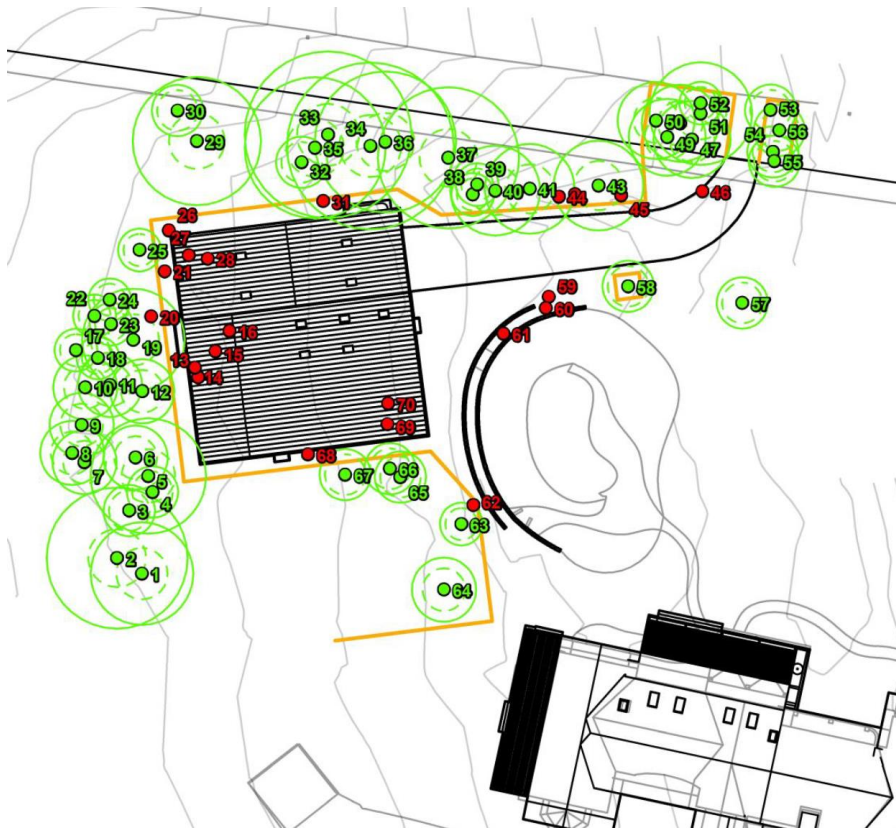


Figure 5 – location of trees to be retained (green) and removed (red)

4.3.3 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

4.4 Bushfire Prone Land - Rural Fires Act 1997

The site is within a bushfire prone area and subject to the provisions of the Rural Fires Act 1997. As a result, the proposal is accompanied and supported by a bushfire protection assessment report. Subject to compliance with the report's recommendations, the proposal satisfies planning for bushfire protection requirements.

5 Development Control Plan

5.1 Overview

In response to Section 4.15 (1)(iii) of the Act, the Warringah Development Control Plan (DCP) is applicable to the property. Relevant provisions of the DCP are addressed below.

5.1.1 Part B - Built Form Controls

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows.

The site is a corner lot which has frontages to Aumuna and Coolowrie Roads,

Under XX corner lots do not have a rear boundary.

The site has 1 side boundary being the eastern boundary interface with XXXX

Clause	Requirement	Proposed	Complies?
B1 Wall Height	7.2	Approx. 5m to 8.020m	No*
Control objectives ▪ <i>'To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</i> ▪ <i>To ensure development is generally beneath the existing tree canopy level.</i> ▪ <i>To provide a reasonable sharing of views to and from public and private properties.</i> ▪ <i>To minimise the impact of development on adjoining or nearby properties.</i> ▪ <i>To ensure that development responds to site topography and to discourage excavation of the natural landform.</i> ▪ <i>To provide sufficient scope for innovative roof pitch and variation in roof design'.</i>		An exception is proposed to the wall height of the new detached garage / shed / studio by upto approx. 780mm or 10.8% of the numerical control. The numerical variation is acknowledged, and justification is provided in response to the control objectives, the circumstances of the site, and the merits of the proposal, as noted below: ▪ The large boundary setbacks will maintain trees within the setbacks to the road frontages meaning that the exception will generally be within and beneath the existing tree canopy. ▪ The proposal complies with the height of buildings development standard which is the principal standard controlling building height. ▪ The extent of the exception (being 10.8%) is relatively minor. ▪ The proposal includes a low profile, skillion roof which assists the design in minimising its visual bulk and compensating for the modest exception. ▪ The proposed wall height will be mitigated by the site's large boundary setbacks that are characteristic of its rural setting. ▪ The proposal is not anticipated to result in view	

Clause	Requirement	Proposed	Complies?
		loss. - The proposal will not negatively impact upon the amenity of adjoining or nearby properties. - The proposal will not result in excessive 'cut and fill' and will therefore relate appropriately to the topography of the site. For these reasons the objectives of the control are assessed as being satisfied and the circumstances are appropriate for council to be flexible in applying the numerical provisions of the control.	
B5 Side Setback	10m	East side New detached garage / shed / studio: approx. 89m to 103m Dwelling house – setbacks generally maintained; greater than 25m	Yes
B7 Front Setback	Primary 20m to Aumuna Rd The property's Aumuna Rd frontage is deemed to be its front boundary.	Detached garage/shed/studio - 43.2m Dwelling house setback maintained at significantly greater than 20m	Yes
Secondary	B7 Front Setback - secondary road frontage exception <i>Land Zoned RU4 or E3</i> <i>On corner allotments or allotments with double road frontages and where such allotments have a frontage to Mona Vale Road, Forest Way or Wakehurst Parkway:</i> <i>Minimum front building setback to roads other than Mona Vale Road, Forest Way or Wakehurst Parkway (the secondary road frontage): 10 metres, provided that the secondary road setback variation considers:</i> <i>the character of the secondary</i>	Detached garage/shed/studio - 10 to 15.4m. The control does not set a numerical requirement, but rather, it establishes that the proposal respond to the character of setbacks within the street. Consideration of this character is made as follows: - The property has a northern boundary length of 237 metres and the proposed new garage/shed/studio building is positioned within 10 to 15.4m of the northern boundary for a length of 20m, or 8.4% of the boundary length. - There is no regularity to the pattern	Yes

Clause	Requirement	Proposed	Complies?
	road; and the predominant setback existing in that road	of buildings fronting Coolowie Rd which is a relatively short, 420 metre length of road, with five developed properties fronting it. - The topography is undulating, the property boundaries are angular, and the building setbacks are therefore variable. - The adjacent property to the east at 5 Larool Rd contains a dwelling house and various buildings within 3.85m to 9.3m of the property's Coolowie Rd boundary. - The property to the north east at Lot 217 Coolowie Rd contains a dwelling house and various buildings within 4 to 17m of the property's Coolowie Rd boundary. - The Kinma School, opposite to the north west of the site, has setbacks at approx. 20m with parking areas closer to the street that are characteristic of a school. Based on the above: - The proposal provides a compatible building setback to Coolowie Rd. - The subject site's boundary interface with Coolowie Rd is characterised by a significant extent and density of vegetation. As documented within the arboricultural impact assessment report, retention of 49 trees near the proposed structure is proposed. The trees will visually screen the proposed building. Having regard for these circumstances, the proposed set back to Coolowie Rd is assessed as entirely appropriate in satisfying the control objectives and exception provisions.	
B9 Rear Setback	The control defines the rear building setback as: <i>The rear building setback is the</i>	In applying the definition of the rear setback to the subject site the furthest boundary from a public street is the eastern boundary, which is also the side boundary. Both the rear and side	Yes

Clause	Requirement	Proposed	Complies?
	<i>distance measured perpendicular to the boundary furthest from a public street up to any building on the allotment</i>	boundary setback requirements are 10m. The proposal complies with this requirement as detailed above in response to side setbacks.	
D1 Landscaped Open Space	30%	Current: 16,385.5m ² /90.6% Proposed:15,497.5m ² /85.8%	Yes



Figure 6 – the existing driveway leading from Aumuna Rd to the dwelling house



Figure 7 – the existing driveway leading from Aumuna Rd to the dwelling house



Figure 8 – the approximate location within the site of the proposed new detached garage / shed / studio building



Figure 9 – the second vehicle access point is established on the site within the allotments Coolowie Road frontage



Figure 10 – the proposal is appropriately articulated, of a characteristic form and mass, and will be positioned appropriately within the semi-rural setting of the property



Figure 11 – there is no regularity to the pattern of buildings fronting Coolowie Rd which is a relatively short, 420 metre length of road, with five developed properties fronting it (courtesy NBC Maps).

5.1.2 Broader DCP Compliance Assessment

Clause	Compliance with Requirement	Consistent with aims and objectives
Part C - Siting Factors		
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater The proposal is accompanied and supported by stormwater management plans.	- Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D - Design		
D2 Private Open Space Required: 3 bedroom dwellings A total of 60m ² with minimum dimensions of 5 metres Response: The existing dwelling comprises three or more bedrooms and is required to have 60 m ² of Private Open Space. The existing dwelling has more than 60 m ² of private open space.	Yes	Yes
D6 Access to Sunlight The DCP requires: <i>'1. Development should avoid unreasonable overshadowing any public open space. 2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21'.</i> Given the significant spatial separation to neighbouring properties and the siting of the proposed additions, the proposal will not unreasonably impede established solar access to the private open space of the adjoining land by more than 3 hours between 9am and 3pm on 22	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
June. Therefore, it is concluded that the provisions of the control are satisfied.		
D7 Views – Given the sloping topography, significant spatial separation to neighbouring properties, and the siting of the proposed development, it is not anticipated to significantly or unreasonably impede established views from surrounding residential properties or any public vantage points and satisfies the control. It is noted that access has not been gained to nearby properties in assessing this aspect; this may be undertaken when the DA is publicly exhibited to neighbouring properties. It is assessed that the proposal is unlikely to significantly impede on any significant established views from surrounding residential properties or public vantage points.	Yes	Yes
D8 Privacy – Privacy has been considered in the proposed design and satisfies the DCP's objectives. The following aspects of the proposal are noted: ▪ Appropriate building setbacks are provided by the proposal noting the significant setbacks to the proposed new detached garage / shed / studio. ▪ No upper floor balconies are proposed that are adjacent to sensitive living areas within the neighbouring properties. ▪ Side boundary facing window openings are appropriate in terms of their function (the rooms that they serve), location, sill height, and extent. Considering these matters, it is concluded that the proposal will not significantly or unreasonably affect the visual privacy of the neighbouring properties.	Yes	Yes
D9 Building Bulk The proposal is appropriately sited and designed noting that: ▪ The proposed studio, home business structure is appropriately setback from boundaries and will be located within a treed, semi-rural setting. ▪ The building modulates its building form and	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
steps from the southern side boundary responsive to the slope of the land. The building form is appropriately articulated, ensuring that the bulk, and scale of the proposed building is appropriate.		
D10 Building Colours and Materials The proposal will employ appropriate materials and finishes to blend with the existing dwelling house and its setting.	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front fences and front walls	NA	NA
D14 Site facilities	Yes	Yes
D15 Side and rear fences	NA	NA
D16 Swimming Pools and Spa Pools	Yes	Yes
D17 Tennis courts	NA	NA
D18 Accessibility	Yes	Yes
D19 Site consolidation in the R3 and IN1 zone	Yes	Yes
D20 Safety and security	Yes	Yes
D21 Provision and location of utility services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E - The Natural Environment		
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation – report accompanying	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	NA	NA
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	NA	NA

Clause	Compliance with Requirement	Consistent with aims and objectives
E7 Development on land adjoining public open space	NA	NA
E8 Waterways and Riparian Lands	NA	NA
E9 Coastline Hazard	NA	NA
E10 Landslip Risk – report accompanying	Yes	Yes
E11 Flood Prone Land	NA	NA

6 Section 4.15 the Environmental Planning and Assessment Act 1979 – Summary

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction and operational phases of the development;
 - Economic benefits, arising from the investment in improvements to the land;
 - Social (and environmental) benefits arising from the renewal of existing housing stock and the enhanced capacity for the owners/ occupants to work from home.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of the council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

7 Conclusion

The application seeks development consent for alterations and additions to the dwelling and new detached garage / shed / studio (including home business) at Lot 259 Aumuna Road, Terrey Hills.

The proposed development is permissible and consistent with the provisions of the planning controls as they are reasonably applied to the site. The proposal satisfies the LEP and DCP built form controls and the other relevant planning considerations relating to the site.

This report demonstrates that the proposal is appropriately located and configured to complement the property's established neighbourhood character. This report demonstrates that the proposed development will not give rise to any unacceptable residential amenity or streetscape consequences.

The proposal will not give rise to any significant or unreasonable adverse environmental consequences. The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 and should be granted development consent.

BBF Town Planners



Michael Haynes
Director