

STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED DEMOLITION OF EXISTING OUTBUILDINGS AND
CONSTRUCTION OF NEW SHED WITH MEZZANINE**

LOCATED AT

327 McCARRS CREEK ROAD, TERREY HILLS

FOR

DAVID & JOANNE LLOYD

**Prepared
November 2019**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared by Dane Anderson, Drawings No's 01 & 02, dated 24 April 2019 & Ranbuild, Sheets A01 – A07 dated 11 September 2019 detailing the proposed demolition of existing outbuildings and the construction of a detached shed with mezzanine level at **327 McCarrs Creek Road, Terrey Hills**.

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.

The proposal was the subject a Pre-Lodgement meeting (PLM2018/0153) with Council on 24 July 2018. The proposal has been prepared to take not account the matters raised at the pre-lodgment discussion.

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*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

2.0 Property Description

The subject allotment is described as **327 McCarrs Creek Road, Terrey Hills**, being Lot 417 within Deposited Plan 752017 and is zoned RU4 Primary Production Small Lots 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 site has been identified on the Landslip Risk Map as being within Area B. This matter will be discussed further within this statement.

The site has also been identified as Bushfire Prone Land. Accordingly, a Bushfire Report has been prepared by Bush Fire Planning Services, dated 15 February 2019 and accompanies this submission.

The proposal will

There are no other known hazards affecting the land.

3.0 Site Description

The property is located on the eastern side of McCarrs Creek Road. The north-eastern and south-western side boundaries measure 116.435m and 94.005m respectively, and the rear boundary has a total length of 80.97m. The site has a general fall to the east, with a total fall of approximately 15.26m over the site's length. The site has a total area of 8486m².

The site is currently developed with an existing dwelling and a number of outbuildings.

The details of the site are as indicated on the survey plan prepared by Warren Eldridge and Associates, Olan No GCN dated 28 April 2016, which accompanies the DA submission.

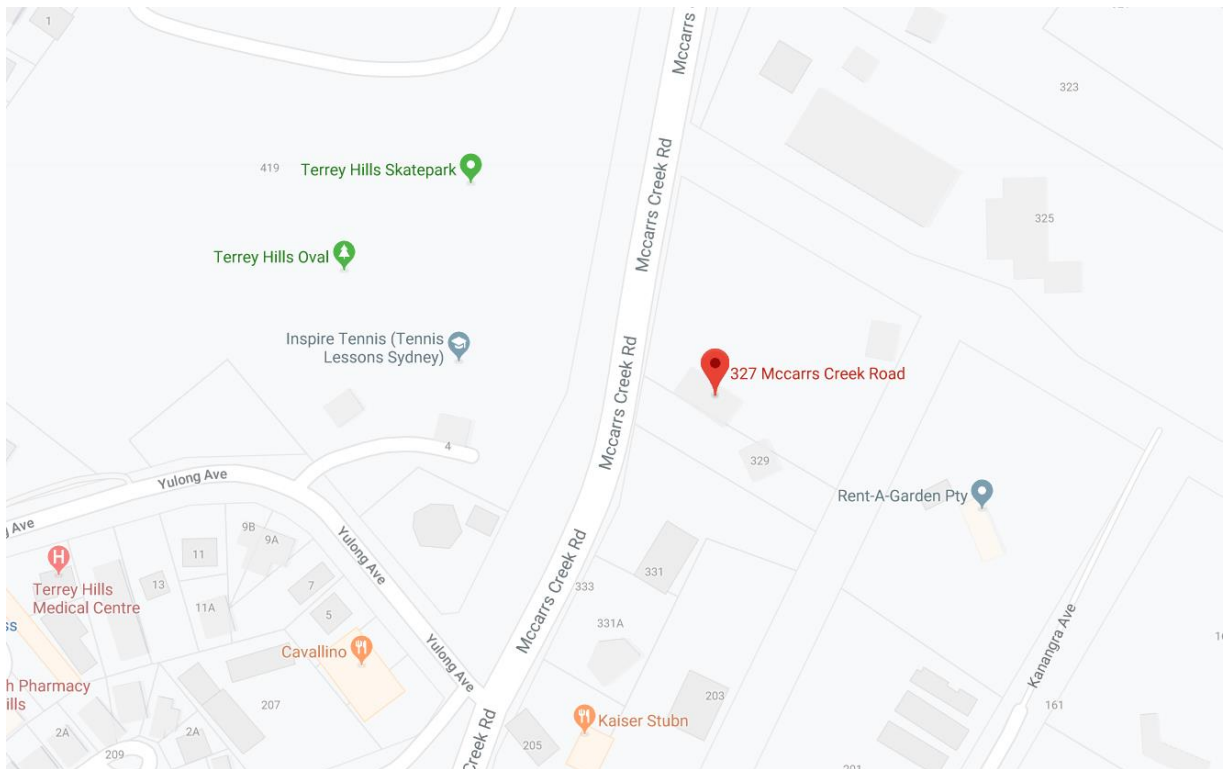


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of entry driveway to the subject site, looking east from McCarrs Creek Road



Fig 3: View of existing dwelling, looking north-east from McCarrs Creek Road



Fig 4: View of location of proposed outbuilding and relationship with the street, looking north-east from McCarrs Creek Road

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single and two storey residential dwellings and a range of commercial uses on larger, non-urban lots. The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a varied scale and form, with no consistent setback to the public domain.



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

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks approval for the demolition of some existing outbuildings and the construction of a new storage shed with a mezzanine level.

The proposed shed will include internal access stairs to the proposed mezzanine level. A balcony is provided to the eastern elevation of the shed, with access from the internal mezzanine level.

The external finishes of the new structure will comprise custom orb sheeting. The colours and finishes of the have been selected to complement the dwelling, together with the natural landscape of the locality.

The proposal seeks to remove a number of trees (12) to accommodate the proposed development. The proposal is accompanied by an Arboricultural Impact Assessment Report prepared by RainTree Consulting, Reference No. RTC-8419, dated 11 June 2019, to address the proposed tree removal and protection measures.

A 5-Part Test to assess the impacts of the development on the Duffys Forest Community within the site has been prepared by Kingfisher Urban Ecology and Wetlands, dated June 2019 and is provided with the DA submission.

Notwithstanding the proposed tree removal, a substantial number of trees will be retained throughout the site. A generous area of soft landscaping is maintained.

The development indices for the site are:

Site Area	8486m ²
Required Landscaped Area	30% or 2545.8m ²
Proposed Landscaped Area	86.22% or 7316.29m ²

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Warringah Local Environmental Plan 2011.

The aims of the SEPP are detailed in Clause 3 and note:

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

The proposal will require the removal of a number of trees (tree no. 1, 4, 8, 9, 10, 17, 18, 19, 20, 21, 22 & 23) in order to accommodate the proposed shed. A number of exempt trees will also be removed.

Accordingly, an Arboricultural Assessment & Development Impact Report has been prepared by RainTree Consulting, dated 11 June 2019, and accompanies the DA submission.

Subject to compliance with recommendations contained within the report including tree protection measures, the proposal is considered to be consistent with the aims of the SEPP.

Furthermore, a Flora & Fauna Assessment has been prepared by Ecological Consultants Australia Pty Ltd, dated June 2019, and accompanies the DA submission. No threatened flora or fauna was found on site.

6.2 Warringah Local Environmental Plan 2011

The land is zoned RU4 Primary Production Small Lots under the provisions of the WLEP 2011.

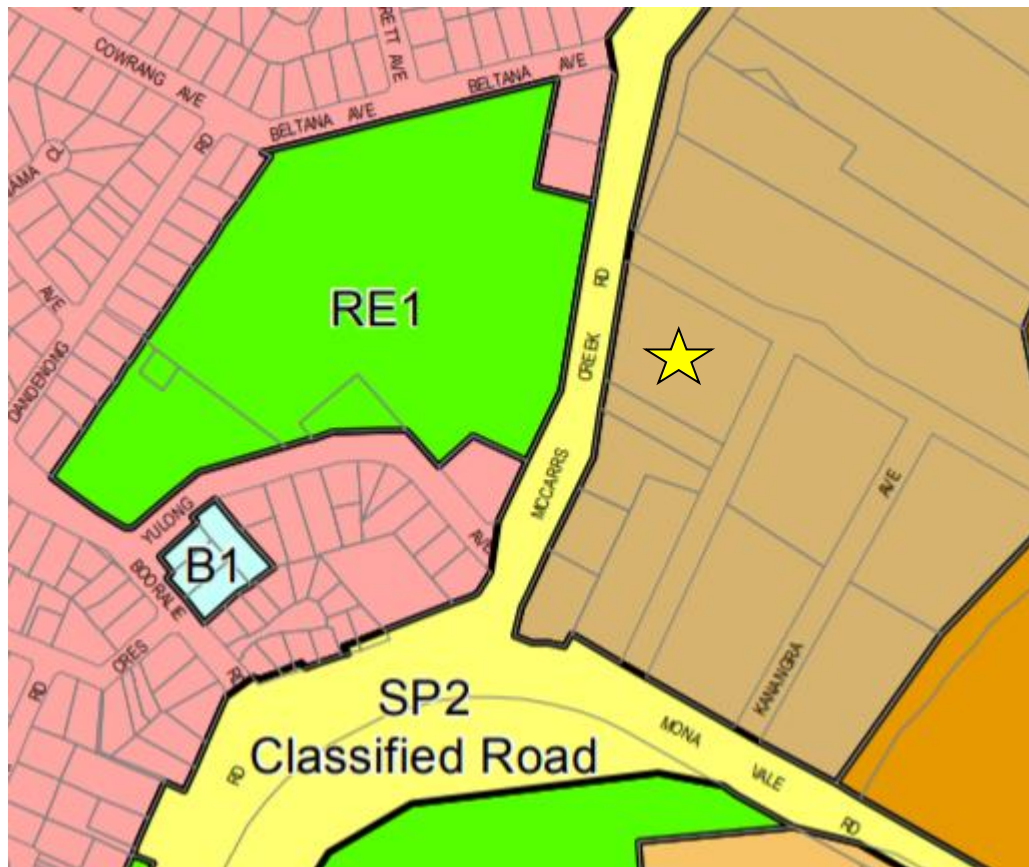


Fig 6: Extract of Warringah Council Local Environmental Plan 2011

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

- *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.*

It is considered that the proposed studio addition 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 rural-residential structures in the vicinity and therefore complements the locality. The proposal provides for construction of an ancillary structure which is residential in scale and form, and by being located well clear of the side boundaries of the site, will not result in any significant impacts to the adjoining premises.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.

Clause 4.3 – 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 Terrey Hills is 8.5m. The proposed outbuilding provides a maximum height of 7.85m. The proposal therefore complies with this control.

Clause 6.2 – Earthworks

The Clause seeks to achieve the following objectives:

- *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- *to allow earthworks of a minor nature without requiring separate development consent.*

The proposal will not see any substantial disturbance of the existing site conditions. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer and will therefore satisfy the provisions of this clause.

Clause 6.4 – Development on sloping land

The site has been identified on the Landslip Risk Map as being within Area B. As per the Checklist for Council's Assessment of Site Conditions and Need for Geotechnical Report in Class B and D, no further investigation is required.

Accordingly, the proposal is considered to satisfy the provisions of this clause.

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.

6.2 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	Max wall height 6.85m	Yes
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope and Side Setback	No requirement identified on map		N/A
B4 – Site Coverage	N/A	N/A	N/A
B5 – Side Boundary setbacks	Min 10m	<p>Minimum proposed north-eastern side setback 5m due to the angled nature of the north-eastern side boundary. The proposal is well separated from the south-western side boundary.</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> • To provide opportunities for deep soil landscape areas. • To ensure that development does not become visually dominant. • To ensure that the scale and bulk of buildings is minimised. • To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained. 	Yes – on merit

		<ul style="list-style-type: none">• <i>To provide reasonable sharing of views to and from public and private properties.</i> <p>The proposal seeks to provide for a new shed, ancillary to the existing dwelling, the siting of which is constrained by the angled nature of the north-eastern side boundary.</p> <p>The side boundary adjoining the proposed shed is maintained as deep soil, and is capable of accommodating additional plantings.</p> <p>The proposed shed is modest in bulk and scale, readily complies with the statutory height limit, and will not be overbearing within the locality.</p> <p>The north-eastern side boundary adjoins an unformed road, and the proposed shed will therefore not result in any adverse impacts for and adjoining properties.</p> <p>Notwithstanding the variation to the side setback control, the proposal meets the desired outcomes of</p>	
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		this clause and is worthy of support on merit.	
B7 – Front Boundary Setbacks	Min 20m	<p>Minimum proposed front setback 9.2m and therefore does not comply with this control.</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 visual continuity and pattern of buildings and landscape elements.</i> • <i>To protect and enhance the visual quality of streetscapes and public spaces.</i> • <i>To achieve reasonable view sharing.</i> <p>Whilst the siting of the proposed shed does not comply with the front setback control, the shed will replace a number of existing outbuildings in a similar location. Plantings are provided along the front boundary which assist with screening the built form of the shed.</p> <p>The proposed structure is modest in bulk and scale, and is considered to provide suitable separation</p>	Yes – on merit

		<p>from the front boundary.</p> <p>The proposed shed will not result in any adverse impacts for neighbouring properties, and maintains a sense of openness as it presents to the street.</p> <p>Notwithstanding the variation to the front setback control, the proposal meets the desired outcomes of this clause and is worthy of support on merit.</p>	
B8 – Merit assessment of front boundary setbacks	N/A	N/A	N/A
B9 – Rear Boundary Setbacks	Min 10m rear setback	Minimum proposed rear setback >10m	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 vehicular crossing remains unchanged	N/A
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	No change to existing parking arrangements	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 submitted Location Plan details the proposed stormwater arrangements for the site. Stormwater will be directed to a new 10,000L rainwater tank, with overflow directed to a dispersion pit in the rear, eastern corner of the site.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Erosion and sediment control measures to be provided as required.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A	N/A	N/A
C7 – Excavation and Landfill	Site stability to be maintained	The site has been identified on the Landslip Risk Map as being within B. Due to the nature of the site and proposed development, no further investigation is required. The works will be carried out in keeping with the advice of a qualified Structural Engineer.	Yes

C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed.	Yes
C9 – Waste Management – Residential accommodation	Waste storage area to be provided	Bin storage available.	Yes
Part D – Design			
D1 – Landscaped Open Space and Bushland	Min landscaped area 30%	<p>The proposal will provide for a landscaped area of 86.22% or 7316.29m² which complies with the control.</p> <p>The new works have been designed to achieve the Objectives of the controls, which are noted as:</p> <p>Objectives</p> <ul style="list-style-type: none"> • To enable planting to maintain and enhance the streetscape. • To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife. • To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building. • To enhance privacy between buildings. • To accommodate 	Yes

		<p><i>appropriate outdoor recreational opportunities that meets the needs of the occupants.</i></p> <ul style="list-style-type: none"> • <i>To provide space for service functions, including clothes drying.</i> • <i>To facilitate water management, including on-site detention and infiltration of stormwater.</i> <p>The proposal will retain sufficient area for the private open space and recreational requirements of the owners, whilst maintaining good areas of deep soil planting within the setback areas.</p>	
D2 – Private Open Space	<p>Dwelling houses with three or more bedrooms</p> <p>Min 60m² with min dimension 5m</p>	The existing private open space is to be maintained.	Yes
D3 – Noise	<p>Mechanical noise is to be attenuated to maintain adjoining unit amenity.</p> <p>Compliance with NSW Industrial Noise Policy Requirements</p>	No new mechanical equipment to be provided.	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	N/A	N/A	N/A
D6 – Access to sunlight	This control requires that sunlight to at least 50% of private open space to adjoining	The proposed shed is well separated from the existing dwelling on the site, and the	Yes

	properties is not to be reduced to less than 3 hours between 9am and 3pm on the winter solstice.	proposed works are not therefore considered to result in overshadowing to the existing dwelling. Additionally, the proposed structure is located within the northern portion of the site and will not result in any adverse impacts for any neighbouring properties.	
D7 – Views	View sharing to be maintained	The controls require that development should enable the reasonable sharing of views. It is not considered that the proposal will have a significant impact on any existing views currently enjoyed by surrounding properties. The site and surrounding properties enjoy a district outlook.	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	The works will not unreasonably reduce privacy for the neighbouring properties.	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	The existing surrounding development comprises a mix of one and two level dwellings and a range of commercial uses. The design of the new shed	Yes

	visually dominate the street or surrounding spaces	will maintain the general scale and retain a height and scale which compares favourably with other developments in the area.	
D10 – Building Colours and materials	The DCP requires colours and materials of new or altered buildings and structures to be sympathetic to surrounding environment.	The new works will be provided with recessive colours and finishes to respect the surrounding residential locality.	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposal will provide for a new skillion roof, which is modest bulk and scale, and will not dominate the skyline. The new roof form will not have any impact on views for adjoining properties.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The external finishes and colours will be selected to reflect the surrounding residential locality. No significant glare impacts will result from proposed new works.	Yes
D13 – Front Fences and Front Walls		N/A	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 existing site facilities.	Yes

D15 – Side and Rear Fences	N/A	N/A	N/A
D16 – Swimming Pools and Spa Pools	N/A.	N/A	N/A
D17 – Tennis Courts	N/A	N/A	N/A
D18 – Accessibility	N/A	N/A	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A	N/A	N/A
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	The proposed works 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.	Yes
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 provided to support the new development.	Yes
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.	No signage proposed	Yes

Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	<p>Accordingly, an Arboricultural Assessment & Development Impact Report has been prepared by RainTree Consulting, dated 11 June 2019, and accompanies the DA submission.</p> <p>Subject to compliance with recommendations contained within the report including tree protection measures, the proposal is considered to be consistent with the aims of the SEPP.</p>	Yes
E2 – Prescribed Vegetation			N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Identified on map	<p>A Flora & Fauna Assessment has been prepared by Ecological Consultants Australia Pty Ltd, dated June 2019, and accompanies the DA submission. No threatened flora or fauna was found on site.</p> <p>Subject to compliance with recommendations contained within the report, the proposal is considered to be consistent with the provisions of this clause.</p>	N/A

E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
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.	<p>The site has been identified on the Landslip Risk Map as being within Area B. As per the Checklist for Council's Assessment of Site Conditions and Need for Geotechnical Report in Class B and D, no further investigation is required.</p> <p>Accordingly, the proposal is considered to satisfy the provisions of this clause.</p>	Yes
E11 – Flood Prone Land	Not identified on map		N/A

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 Warringah Local Environmental Plan 2011. It is considered that the provisions of this environmental planning instrument 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 draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

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.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

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

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 the development, including environmental impacts on both the natural and built environments, and the social and economic impacts within the locality.

It is considered that the proposal, which seeks consent for the demolition of existing outbuildings and construction of a new shed, will not unreasonably impact upon the amenity of adjoining properties. The proposal is considered to complement the existing rural/residential character of the area.

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

7.7 The suitability of the site for the development

The site is considered suitable for the proposed development.

The proposal will provide for demolition of existing outbuildings and construction of a new shed. The size and shape of the rural/residential lot does not present any significant challenges to the proposed development. The natural hazards and characteristics of the site have been effectively addressed in the design.

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 character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for the demolition of existing outbuildings and construction of a new shed, which will not have any 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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