

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**36 KIRKSTONE ROAD, WHEELER HEIGHTS**

**DWELLING ALTERATIONS AND ADDITIONS**

**PREPARED ON BEHALF OF  
Mr & Mrs McGoldrick**

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## 1. INTRODUCTION

This application seeks approval for the construction of alterations and additions to an existing dwelling upon land identified as Lot 66 in DP 211662 which is known as **No. 36 Kirkstone Road, Wheeler Heights**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by CMS Surveyors Pty Ltd, Job No. 4381A, dated 18/12/19.
- Architectural Plans prepared by Design House and Drafting Studio, Revision B and dated 16.03.20.
- BASIX Certificate #A371727 issued 9 March 2020.
- Geotechnical Report prepared by Croziers Geotechnical Consultants, Project No. 2015-199.1 and dated 8 April 2020.
- Shadow Diagrams prepared by Deneb Design, Ref 1704 and dated 09.03.20.

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. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that 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.

## 2. SITE DESCRIPTION AND LOCALITY

The subject site is identified as Lot 66 in DP 211662 which is known as 36 Kirkstone Road, Wheeler Heights. The site is located at the western side of Kirkstone Road with a street frontage of 15.24m. The site has an area of 557.4m<sup>2</sup> with a depth of 36.575m. The locality is depicted in the following map:



Site Location Map

The site is currently occupied by a single storey brick and tiled roof dwelling with laundry and garage under. A concrete driveway immediately adjacent to the southern boundary of the site provides vehicular access to the site. Due to the slope of the existing driveway and orientation of the garage, vehicle access to the garage is not possible. The site has a steep slope from the front north east street (RL45.0) towards the rear boundary (RL35.2).

Development Consent (DA2017/0779) for the construction of a substantial first floor addition, elevated carport and alterations to the existing dwelling. This consent is still current, however a more economic design was sought, hence this application.

The site is depicted in the following photographs:



**View of Subject Site from Driveway**

The existing surrounding development comprises a mix of one and two storey detached residential dwellings on similar sized allotments to the subject site, interspersed with some residential flat buildings. More recent development comprises larger two storey dwellings of modern appearance.

The subject site and existing surrounding development is depicted in the following aerial photograph:





**Aerial Photograph of Locality**

### 3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of alterations and additions to an existing dwelling. The proposed additions are to be constructed of external cladding with a low pitched metal roof.

The proposed additions including a new first floor level. This level is provided with a setback of 13.985m to the street frontage and setbacks of 2.605m and 5.69m to the sites northern and southern boundaries, respectively.

A new internal stair from the existing ground floor to the lower level laundry is also proposed. An existing window on the southern elevation of the ground floor will be replaced with a similar sized window and is required to comply with the current BCA.

All collected stormwater will continue to discharge to the existing stormwater system.

The proposal will result in the following numerical indices:

<b>Site Area:</b>	557.4m <sup>2</sup>
<b>Existing Landscaped Area:</b>	197m <sup>2</sup> or 35.3%
<b>Proposed Landscaped Area:</b>	197m <sup>2</sup> or 35.3%

#### 4. ZONING & DEVELOPMENT CONTROLS

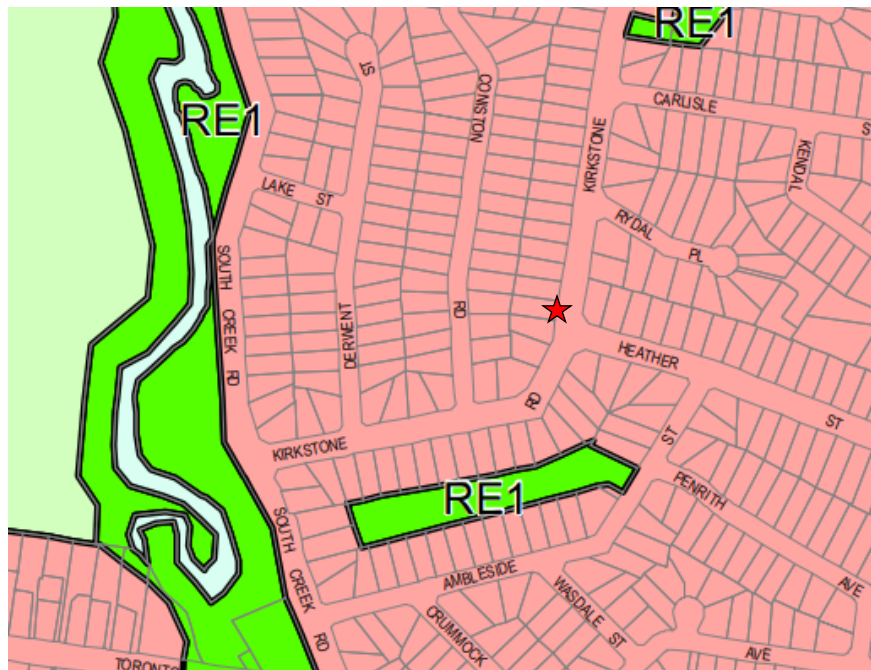
The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Warringah Council.

##### 4.1 Planning for Bushfire Protection 2006

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply.

##### 4.2 Warringah Local Environmental 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) came into effect on Friday 9 December 2011.



Extract of Zoning Map

The site is zoned R2 Low Density Residential. Development for the purposes of alterations and additions to an existing dwelling house and a secondary dwelling are permissible in this zone with the consent of Council. The following Development Standards specified in the LEP are relevant to the proposed development:



Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	<8.5m (refer to plans)	Yes

The following provision is also relevant:

#### **Clause 6.4 Development on Sloping Land**

The site is classified as Class D on Council's Landslip Map. A Geotechnical Report has been prepared by Croziers Geotechnical Consultants and is submitted in support of this application.

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

#### **4.3 Warringah Development Control Plan 2011**

The Warringah Development Control Plan (DCP) has been prepared by Council and was due to come into effect upon the gazettal of the LEP 2011. The new DCP contains detailed planning controls that support LEP 2011.

The following table provides a summary of the relevant controls of the DCP:

Clause	Requirement	Compliance
B1 – Wall heights	7.2m	External wall height exceeds the 7.2m, however this is a direct result of the slope of the site. The first floor is well setback from both side boundaries and does not result in unreasonable bulk, scale or overshadowing. The proposal complies with the maximum building height controls of the LEP and the non-compliance with wall height does not result in any unreasonable impacts. It is noted that the previously approved DA provides for a significantly larger development.

Clause	Requirement	Compliance
B3 - Side Boundary Envelope	Building envelope 45 degrees from 4m. Eaves up to 675mm are an allowable encroachment	<p>There is a non-compliance on the rear elevation on the northern side. However, this non-compliance is a direct result of the slope of the site. It is not considered that this results in any unreasonable impacts and should be supported for the following reasons:</p> <ul style="list-style-type: none"> <li>• The site has a significant slope and strict compliance would prohibit a first floor level.</li> <li>• The non-compliance with the envelope is on the northern side at the rear. This does not result in any overshadowing.</li> <li>• The proposal is setback 2.605m to the northern boundary which ensures appropriate visual separation.</li> <li>• The resultant dwelling will not be of unreasonable bulk and is comparable with the adjoining development, particularly No. 34 to the north which provides for a large 3 storey dwelling.</li> </ul>
B4 – Site Coverage	Not Applicable	Not Applicable

Clause	Requirement	Compliance
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes Proposed additions are setback at 2.065m and 5.69m to the northern and southern side boundaries, respectively.
B7 – Front Boundary Setbacks	Minimum 6.5m	Yes The proposed additions are located behind the existing building line and setback at least 13.895m to the street frontage.
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6.0m	Yes The proposed additions do not encroach the existing rear setback.
B11 – Foreshore Building Setback	Not applicable	Not Applicable
B12 – National Parks Setback	Not applicable	Not Applicable
B13 – Coastal Cliffs Setback	Not applicable	Not Applicable
B14 – Main Roads Setback	Not applicable	Not Applicable
B15 – Minimum Floor to Ceiling Height	Not applicable	Not Applicable
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Yes The existing vehicular cross over is retained.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Yes The proposal does not alter the existing parking arrangements.

Clause	Requirement	Compliance
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Yes All collected stormwater will continue to be discharged to the existing stormwater system. It is noted that the proposal does not increase the existing site cover.
C5 – Erosion and Sedimentation	Soil and Water Management required	Yes A Soil Erosion Management Plan has been prepared and forms part of the submission to Council.
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable
C7 - Excavation and Landfill	Site stability to be maintained	Yes All works are located over the existing building footprint and do not require any excavation. A Geotechnical Report has been submitted with the application.
C8 – Demolition and Construction	Waste management plan required	Yes Waste Management Plan submitted.
C9 – Waste Management	Waste storage area to be provided	Yes There is sufficient area on site for waste and recycling bins.

Clause	Requirement	Compliance
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	The proposal provides for a landscaped open space of 197m <sup>2</sup> or 35.3%. Whilst this does not strictly comply with the numerical requirements it is noted that the proposed works are located over the existing building footprint and do not reduce the amount of soft landscaping on site.
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m <sup>2</sup> with min dimension 5m	Yes Proposal retains the existing private open space in the rear yard which complies with this clause.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Not Applicable
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	Yes The proposed additions will receive good solar access throughout the year. A BASIX certificate has been issued and forms part of the submission to Council.

Clause	Requirement	Compliance
D6 – Access to sunlight	The controls require that sunlight to at least 50% of the private open space of both the subject and adjoining properties' private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	Yes Shadow diagrams have been prepared and are submitted with the application. The shadows depict some additional shadow in the rear yard of No. 38 Kirkstone Road. However, by 12noon there is no additional shadow cast on the rear private open space of No. 38 Kirkstone Road. The proposal maintains at least 3 hours of solar access to at least 50% of private open space of the adjoining dwellings.
D7 - Views	View sharing to be maintained	Yes The subject and adjoining properties enjoy district views to the west. The proposed additions will not obstruct any views. This has been achieved by maintaining the existing rear setback. Further the slope of the site is such that views from those properties on the opposite side of Kirkstone will not be affected by the proposal.
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	Yes The additions have been designed to ensure privacy of the adjoining properties is maintained.



Clause	Requirement	Compliance
		The new upper level, whilst comprising a living area, is orientated towards the west to maximise views and ensure privacy of the adjoining properties are maintained.
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	Yes Given the significant slope of the site, the resultant dwelling will not be prominent in the streetscape. The proposal provides for a significantly smaller dwelling than that previously approved (DA2017/0779) and provides for ample setbacks to the boundaries of the site. The dwelling is compatible in terms of bulk and scale with the surrounding development.
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Yes External finishes selected to be compatible with the existing surrounding development and the natural environment.
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Yes The proposal provides for additions with a low pitched roof form to minimise height and is compatible with the surrounding development.

Clause	Requirement	Compliance
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimized.	Yes The proposal will not result in unreasonable glare or reflection.
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.	Not Applicable
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.	Yes Existing facilities retained.
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991.	Not Applicable
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.	Not Applicable
D17 – Tennis Courts	N/A	Not Applicable
D18 - Accessibility	Safe and secure access for persons with a disability to be provided where required.	Not Applicable

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
D19 – Site Consolidation in the R3 and IN1 Zone	Not Applicable	Not Applicable
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	Yes The dwelling will continue to provide a good outlook of dwelling approach and street.
D21 – Provision and Location of Utility Services	Utility services to be provided.	Yes Existing facilities on site.
D22 – Conservation of Energy and Water	A BASIX Certificate is required.	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 or potentially hazardous road features or traffic control devices.	Not Applicable
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	Not Applicable
E2 – Prescribed Vegetation	Not identified on map	Not Applicable
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable
E4 – Wildlife Corridors	Not identified on map	Not Applicable
E5 – Native Vegetation	Not identified on map	Not Applicable

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Not Applicable
E7 – Development on land adjoining public open space	N/A – not identified on map	Not Applicable
E8 – Waterways and Riparian Lands	Not identified on map	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable
E10 – Landslip Risk	Identified on map as D	Yes A Geotechnical report has been submitted with the application.
E11 – Flood Prone Land	Not Applicable	Not Applicable

There are no other provisions of the DCP that apply to the proposed development.

## **5. EP & A ACT - SECTION 41.5**

### **The Provisions of any Environmental Planning Instruments**

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned R2 Low Density Residential under the provisions of the LEP. Construction of alterations and additions to an existing dwelling house are permissible with the consent of Council in this zone. It is considered that the provisions of this document have been satisfactorily addressed within this report and that the proposal complies with the relevant provisions.

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

### **The Likely Impacts of the Development**

It is considered that the development will provide for alterations and additions to an existing dwelling without any detrimental impact on the environment, social and economic status of the locality.

### **The Suitability of the Site for the Development**

The subject site is zoned R2 Low Density Residential and the construction of alterations and additions to an existing dwelling house in this zone is permissible with the consent of Council. The resultant dwelling is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons it is considered that the site is suitable for the proposed development.

### **The Public Interest**

It is considered that the proposal is in the public interest in that it will provide alterations and additions to an existing dwelling that is consistent with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

## 6. CONCLUSION

This application seeks approval for the construction of alterations and additions to an existing dwelling. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011. The proposed development does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed construction of alterations and additions to an existing dwelling at **No. 36 Kirkstone Road, Wheeler Heights** is worthy of the consent of Council.

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