

**STATEMENT OF ENVIRONMENTAL EFFECTS
SECTION 96(1A) APPLICATION**

3 OCEAN GROVE, COLLAROY

**CONSTRUCTION OF A NEW DWELLING HOUSE –
AMENDED PLANS**

**PREPARED ON BEHALF OF
MR & MRS GRAHAM**

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1. INTRODUCTION

This application seeks to amend the approval relating to the demolition of the existing structures and the construction of a new dwelling (DA 2013/1380) upon land at **Lot 1 in DP 211132**, which is known as **No. 3 Ocean Grove, Collaroy**.

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 Plans 2011.

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

- Architectural Plans prepared by All Australian Architecture, Sheet s96.00 to s96.12, Issue A, dated 12 November 2014.

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 79C(1) 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 site is identified as proposed Lot 1 in DP 211132, which is known as No. 3 Ocean Grove, Collaroy. The site is a battle axe allotment with an area of 708.2m². The site is located on the northern side of Ocean Grove Road with the access handle having a width of 4.57m. The locality is depicted in the following map:



Site Location Map

The site falls away from the street towards the rear northeast corner of the site. The site is currently occupied by a two storey brick and weatherboard dwelling with tiled roof. The site's eastern boundary adjoins public open space which fronts Fishermans Beach.

Development Consent (DA 2013/1380) was granted on 6 February 2014 for the demolition of the existing structures and construction of a new part three storey dwelling with internal garage. This application seeks to modify the approved plans.

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



Aerial Photograph of Locality

3. PROPOSED MODIFICATION

The proposed amendments provide for modifications to the approved dwelling and includes the following:

Basement Level:

- Increase in size of subfloor plant area to the southwest corner and additional excavation to allow for access.
- Change location of powder room and increase size of bathroom.
- Minor window change to bathroom on northern elevation.
- Replace hallway window on southern elevation to provide door and window.

Ground Floor:

- Window changes to media room, powder room and living room.
- Balcony on the eastern elevation squared off.
- Lower roof pitch over ground floor living and dining room.

Upper Level:

- Enclose portion of balcony to create additional floor area.
- Minor window changes and reconfigure floor plan.

The proposal will result in the following numerical indices:

Site Area: 708.2m²

Proposed Landscaped Area: 256m² or 44%
(as defined)

4. LEGISLATION, 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 Environmental Planning and Assessment Act

Section 96(1a) of the Act states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*

Comment: The Consent granted approval for the demolition of the existing structures and construction of a new part three storey dwelling. This application seeks to provide minor amendments to the approved plans that do not significantly alter the building footprint or envelope. This is considered to be of minimal environmental impact.

- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The original consent granted approval for the construction of a new dwelling. This application seeks to provide minor alterations to the approved dwellings house which is considered to be substantially the same development.

- (c) *it has notified the application in accordance with:*
- (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

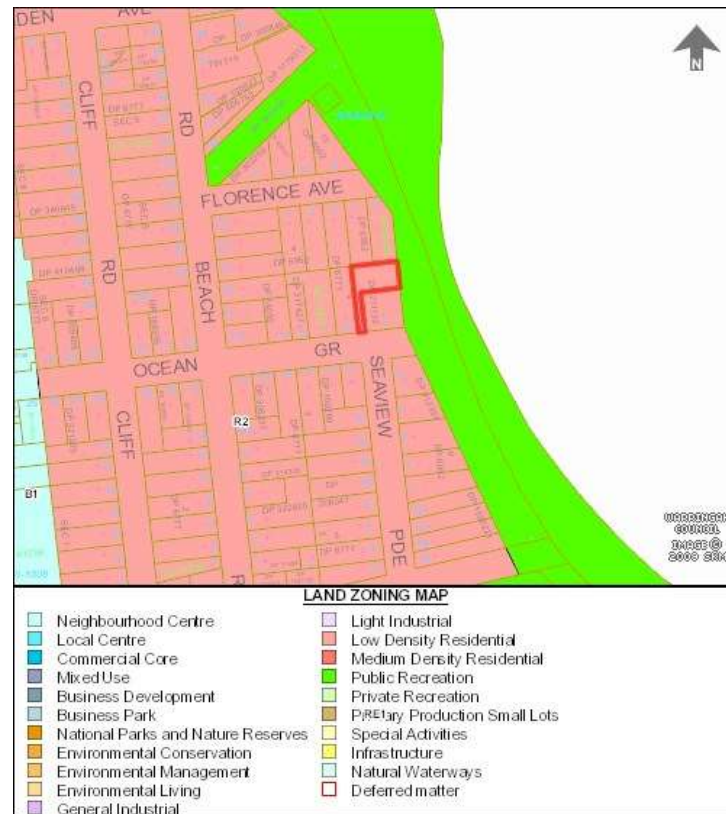
Comment: The application will be notified in accordance with Council guidelines.

4.2 SEPP 71 – Coastal Protection

The recommendations of the Coastal Engineering Report will be implemented throughout the proposal.

4.3 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 a dwelling house is permissible in this zone with the consent of Council. It is considered that the proposal is consistent with the objectives of the R2 zone for the following reasons:

- The proposal provides for a single detached dwelling which is compatible with the existing surrounding development.
- The proposal does not require the removal of any significant protected vegetation.

The following provisions of the LEP are relevant to the proposed development:

Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	Refer to plans	The proposed amendments do not increase the height of the approved dwelling (RL15.12) and there is no further encroachment of the maximum building height.

Note: It is noted that a Clause 4.6 variation is not required for a Section 96 application.

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

4.4 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	Not Applicable	Not Applicable
B2 – Number of storeys	Not Applicable	Not Applicable
B3 - Side Boundary Envelope	Building envelope 45 degrees from 4m. Eaves up to 675mm are an allowable encroachment	Yes The proposed amendments proposed under this section 96 do not result in any encroachment the building envelope.
B4 – Site Coverage	Not Applicable	Not Applicable
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes. Setbacks ranging from 2.1m to 4.2m retained.
B7 – Front Boundary Setbacks	Minimum 6.5m	Not Applicable

Clause	Requirement	Compliance
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6m rear setback required The rear boundary setback may be encroached by swimming pools and outbuildings which, in total, do not exceed 50% of the rear setback area	Yes Dwelling setback 7.11m to 8.689m to the rear eastern boundary.
B11 – Foreshore Building Setback	Reduced foundation capacity line	See discussion in response to Clause E9 Coastline Hazard. Proposed balcony slightly encroaches the reduced foundation capacity line.
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 Existing crossing to be utilised.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1 2 spaces per dwelling required	Yes There is no alteration to the approved garage.
C4 - Stormwater	To be provided in accordance with Council's Stormwater	Yes Stormwater disposal will comply with the conditions of consent.

Clause	Requirement	Compliance
	Drainage Design Guidelines for Minor Developments & Minor Works Specification.	
C5 – Erosion and Sedimentation	Soil and Water Management required	Yes The Soil and Water Management Plan approved will be implemented during construction.
C6 - Building over or adjacent to Constructed Council Drainage Easements	On land burdened by a Council stormwater drainage system and or easement the construction of the building is to be in accordance with Councils policy, Building over or adjacent to constructed Council drainage systems and easements: PAS-PL 130.	Not applicable
C7 - Excavation and Landfill	Site stability to be maintained	Some alteration is proposed to the subfloor area requiring additional excavation. This excavation is located within the approved building footprint and as such will not have any detrimental impact on the adjoining properties or existing vegetation.
C8 – Demolition and Construction	Waste management plan required	Yes Approved Waste Management Plan to be implemented.
C9 – Waste Management	Waste storage area to be provided	Yes There is sufficient area on site for waste and recycling bins.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	Yes Proposal provides for landscaped area of 44% of the site.

Clause	Requirement	Compliance
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	Yes There is no amendment to the approved private open space.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Yes Any air-conditioning will comply with this clause.
D4 – Electromagnetic Radiation	Not Applicable	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 dwelling will receive good solar access throughout the year. An amended BASIX certificate has been issued and forms part of the submission to Council.
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 The proposal does not alter the building footprint or building envelope and as such the proposed amendments do not result in any additional overshadowing.

Clause	Requirement	Compliance
D7 - Views	View sharing to be maintained	Yes The proposal retains the existing approved ridge height and does not increase the building footprint or envelope and as such there will be no loss of views as a result of the proposed amendments.
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 proposal provides for the majority high use living areas on the ground floor. The proposed seeks to reduce the area of the upper level balcony to provide additional floor area which does not result in any loss of privacy. The proposal incorporates minor window changes however these amendments do not result in any direct overlooking.
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 The proposed amendments do not increase the approved building envelope and therefore there is no increase in bulk or scale.
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Yes Approved external finishes unchanged.
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Yes The proposal provide for a conventional pitched roof which is compatible with the existing surrounding development. It is noted that the proposal reduces the roof pitch of the ground floor roof over the living/dining room. This amendment is considered to be in keeping with the predominant roof form in the locality.

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 Facilities will be incorporated into the construction of the dwelling.
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.	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

Clause	Requirement	Compliance
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 proposed dwelling will continue to provide a good outlook of the driveway and site approach.
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 signage to be appropriate for use & 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 Works do not require the removal of any vegetation.
E2 – Prescribed Vegetation	Not identified on map	Not Applicable
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable

Clause	Requirement	Compliance
E4 – Wildlife Corridors	Site is identified on map	The site is identified as wildlife corridor. The proposed amendments do not increase the building footprint nor require removal of any vegetation. As such there is no impact on the wildlife corridor.
E5 – Native Vegetation	Not identified on map	Not Applicable
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	Site is identified on map	Yes The sites eastern boundary adjoins public open space. The proposal is consistent with the requirements of this clause for the following reasons: • The dwelling is designed to be orientated towards the public open space. • The living areas are orientated towards the public open space. • The proposal maintains views to and from the public open space. • The proposal does not have any impact on the vegetation on the adjoining reserve. • The proposal will enhance the landscaped character of the public open space. • The amendments proposed are relatively minor and do not have any impact on the adjoining public open space.
E8 – Waterways and Riparian Lands	Not identified on map	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable

Clause	Requirement	Compliance
E10 – Landslip Risk	Identified on map as A	Yes A geotechnical report is not required.
E11 – Flood Prone Land	Not identified on map	Not Applicable

5. CONCLUSION

This Section 96 application seeks approval for amendment to plans relating to the approved construction of a new dwelling. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011 and the Warringah DCP. The proposed works do 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 amendments to the approved dwelling house upon land at **No. 3 Ocean Grove, Collaroy** is worthy of the consent of Council.

Natalie Nolan
Grad Dip (Urban & Regional Planning) Ba App Sci (Env Health)
Nolan Planning Consultants
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