

Site Analysis and Statement of Environmental Effects For a modification to consent under Section 96

8 Everton Road Belrose

Description of Locality:

The general locality description is typical Frenchs Forest/Belrose suburban residential with an eclectic mix of housing styles.

The area is serviced by the nearby **Glenrose and Forestway Shopping Centres**.

There are a number of recreational facilities nearby, including **Garigal National Park, Hews Reserve and Lionel Watts Park**.

The area is well serviced by educational facilities.

There is a regular bus service close by.

Description of proposal:

The proposal takes the form of modifications to doors and windows, modification to bathrooms, extension to rear balcony, modifications to entrance columns and ceiling height to the ground floor.

Overall height of the roof remains unchanged.

This proposal is essentially the same as the original approved Development Application.

Traffic Management:

This proposal has no detrimental effect on traffic flow as there is currently on site parking.

Everton Road is not a major through road.

Feasibility of proposal:

The proposal is in keeping with similar alterations and additions in the immediate vicinity.

Development Controls:

The proposal complies with the intent of the local DCPs in regard to height.

Desired Future Character of the area:

The area is characterized by single and two storey dwellings with undercover off street parking.

This development will be sympathetic to the existing character of the street.

Streetscape:

The proposal remodels the front of the house and provides an attractive streetscape commensurate with recently remodeled houses in the area.

Impact on existing and future amenity of the area:

As stated in the clause above this proposal re-models the front of the dwelling.

It also retains the front landscaped garden and therefore improves the future amenity of the area.

Councils LEP2000 calls for parking behind the building line of 6.5 Metres. It is our contention that this proposal goes on step further than the requirements of the LEP and in so doing allows for a sizable landscaped area..

Effect on archeological and historical features:

There is no evidence of either of these features on site.

Social effects:

This proposal has no detrimental effect on the social fabric of the area.

Built Form Controls:

The proposal complies with the desired future character of the area in regard to bulk and scale, distances to boundaries and building height. The area is predominately one and two storey homes.

Maintenance of views from Adjoining Properties:

DCP Controls:

Objectives

The objectives for the maintenance of views are:

To maintain continued access to existing views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths);

To minimise loss of views from adjoining or nearby properties and public places, whilst recognising development may take place in accordance with the other provisions of this Plan;
and

To maintain and share views with existing and future adjoining residents.

Controls

The following controls apply to the maintenance of views:

The design of any development is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.

Views between and over buildings are to be maximised and variations to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas.

Note: The assessment to determine the extent of and impact on views shall be made at eye height in a standing position (eye height is 1.6m above floor level) from within the main living areas (and associated terraces/balconies) of the proposed and existing, adjacent and nearby developments, as well as public spaces. The ultimate assessment of views and view loss shall be in accordance the following Planning Principles established by the NSW Land and Environment Court

Land and Environment Court Planning Principles

VIEW ASSESSMENT:

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial

views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Design Justification:

The proposal does not exacerbate any view loss from adjoining properties.

Environmental planning and Assessment Act:

79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) 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 (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
 that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Justification for Development in relation to Act:

It is our contention that we comply with the intent of all aspects of the DCP for the residential Zone and The Environmental Assessment Act.

While accepting that Council is bound to comply with the provisions of the above clause 79C we would like to make the following points in support of our proposal relating to specific clauses above.

- (a) Our proposal will have no adverse impact on either the natural or built environments nor will it have any adverse impact on the social or economic fabric of the immediate area.
- (b) The site is suitable for the development proposed as it is substantially the same as the existing dwelling with the exceptions of a new upper floor and some ground floor modifications.
- (c) This proposal will have no adverse effect on the general public interest at large.

Traffic Management:

The proposal poses no addition traffic threat as there is an existing residence with garage and carport on site.

Solar Access:

Proposed Additions:

The proposal takes note of the requirements for sun access and a Basix certificate accompanies this application.

Adjoining Properties:

The adjoining dwellings will not be disadvantaged by additional loss of sunlight from the proposal.

Shadow diagrams were submitted with the original DA and these remain unchanged.

Stormwater Drainage

This proposal will be connected to the existing stormwater system.

Sedimentation / Silt Control:

Silt control curtains will be erected around the perimeter of any excavation before any excavation commences. All excess soil or silt will be removed from site at the completion of construction.

Visual Privacy:

Care has been taken to protect the privacy of adjoining neighbours.

Acoustic Privacy:

No additional effect.

Safety and Security:

The site is fenced and un-authorised persons will be excluded from entering.

Description of Site:

The site has an area of **698.6 Sq. Metres** of relatively level land.

Landscaping and Open Space:

Open Space:

This proposal includes an area of **331 Sq. Metres**, which will be set aside as open outdoor entertaining area and garden. This represents **47.38%** of the total site.

Landscaped area:

Included in this open space is an area of **320 Sq. Metres** of soft landscaping. This represents **45.8%** of the total site.

Site Coverage:

This proposal has a total site coverage of **378.6 Sq. Metres**. This represents **54.19%** of the total site. This is an increase of less than 20 Sq. Metres from existing

Building Setbacks:

The front building setback is 8.5 Metres and is existing.

The rear building setback is existing and is in excess of 8 Metres

The side setbacks are existing and remain unchanged.

Building Height:

The overall height of the buildings to the new ridge lines is **8.4 Metres above existing ground line**

General Building Appearance:

The building has a tiled hip roof.

The external walls are brick veneer.

The fascia boards are timber.

The gutters and downpipes are colorbond steel.

The eaves soffit lining is fibre cement sheeting.

Site Facilities:

Water, Sewerage and Electricity are connected to the subject site.

Site Management:

It is proposed during construction to limit the access of personnel to the site.

Waste Disposal:

It is proposed during construction to use a skip bin for the removal of excess construction materials.