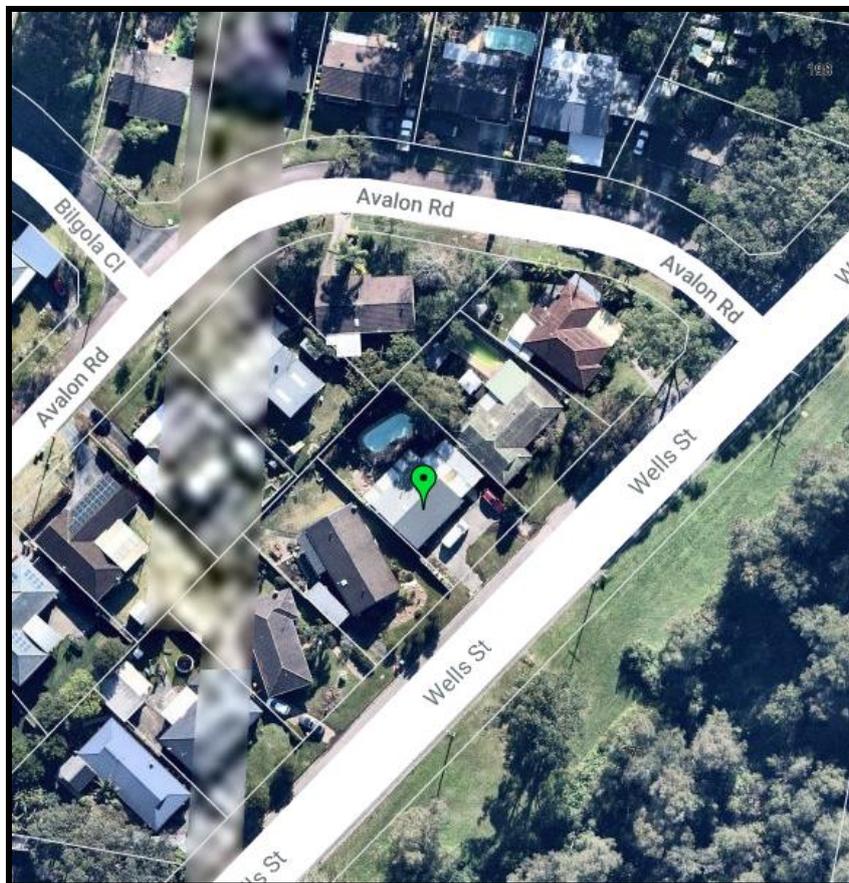


STATEMENT OF ENVIRONMENTAL EFFECTS
FOR THE PROPOSED ADDITIONS AND ALTERATIONS
TO EXISTING DWELLING AND FRONT FENCE

ON LOT 23 DP 242772
No. 190 WELLS STREET
SPRINGFIELD



Prepared on behalf of the Landowner/Applicant
Mr R and Mrs O Rezk

AUGUST 2020

1. Property Description and Proposed Development:

The land subject to this application is known as Lot 23 DP 242772, No. 190 Wells Street, Springfield.

The site is located on the north-western side of Wells Street within an established residential locality dominated by dwellings, ancillary structures and public road networks. An undeveloped bushland reserve is opposite the site on the eastern side of Wells Street. Further south-east is Coastal Open Space System (COSS) land. According to Council's online mapping, much of the bushland reserve and COSS land is identified as an Ecologically Endangered Community (EEC).

An existing single storey rendered dwelling with metal roof and inground swimming pool occupy the site and are set among managed lawn with private gardens. There are no significant vegetation communities present on site.

Allotment shape is regular with an area of approximately, 600m².

Access to the site is available directly from Wells Street via a private semi-circular concrete driveway offering separate entry and exit points. The attached single vehicle carport provides suitable covered off street car parking.

Site slopes are relatively flat, however gently fall toward Wells Street. Further detail may be obtained from the Plan showing Spot-Levels, Contours and Detail prepared by Clarke Dowdle & Associates, Reference Number 23212, dated 3 June 2020 attached to the Development Application (DA) submission.

The site is fully serviced with all essential infrastructure. A Council sewer main extends parallel to the rear, north-western property boundary.

There are no known Easements burdening or benefitting the said land.

Roof water from the existing dwelling is disposed of via appropriately positioned downpipes to the existing legal point of discharge for the site which is assumed to be the public system in Wells Street.

The Development Application (DA) seeks approval for additions and alterations to the existing dwelling as shown on the attached Building Design Plans prepared by Sherry Denton Drafting Service, Job No. 7920, Sheets 1 to 9, dated July 2020 (Revision 4 dated 13 August 2020).

In summary, the development involves:

- demolition of existing carport and pergola on north-eastern side of existing dwelling and convert to habitable ground floor space to provide 2 x bedrooms, a bathroom and internal stairs;
- addition of garage to south-east (front) to extend outside of existing building footprint;
- extend dining room to south-east (front) slightly beyond existing building footprint;
- demolish, in part, existing patio on north-western (rear) building façade and replace with habitable floor space to provide a rumpus room. Remainder of patio to be retained and made good;
- addition of first floor over new ground floor on north-eastern side of existing dwelling to include master bedroom, ensuite, walk-in wardrobe and internal stairs.

The additional ground floor area proposed is 113m² and first floor, 48.5m². The proposed garage area is 31.5m².

Site calculations are provided on Sheet 2 of the attached Building Design Plans.

The proposed development is minor and would merely provide for additional and functional floor space and improved car parking accommodation.

The Applicant has considered relevant prescriptive and performance based criteria as stipulated within *Gosford Local Environmental Plan (GLEP) 2014* and relevant Chapters of *Gosford Development Control Plan (GDGP) 2013*. The proposed development is deemed to be compliant with all relevant provisions of Council's planning controls with the exception of a non-compliance to the front and side setback requirements set out in *GDGP 2013, Chapter 3.1: Dwelling Houses, Secondary Dwellings and Ancillary Development, Section 3.1.3.1 Setbacks – Residential Lots*. A written variation is included below.

Further details of the proposed development are provided hereunder.

2. Statutory Considerations

▪ *Environmental Planning and Assessment Act, 1979:*

Assessment of DAs lodged with Council are considered under the provisions of Part 4 – Development Assessment and Consent of the Act which outlines the specific assessment requirements for varying forms of development activities.

Division 4.3 refers to development that needs consent (except Complying Development). Specifically, Section 4.15 refers to matters a consent authority is to take into consideration as are of relevance to the development the subject of a Development Application. In this instance, the following matters are considered relevant, and have been considered during the design phase of the proposal and preparation of this Statement of Environmental Effects (SEE) Report.

Council's online mapping identifies the land as bushfire prone and within a buffer area. In accordance with Section 4.14 of the Act and the relevant provisions of *Planning for Bushfire Protection (PBP) 2019*, a Bushfire Hazard Assessment accompanies this application and was prepared utilising the NSW Rural Fire Service online assessment tool which has been designed for developments of a minor nature. The assessment found that Bushfire Attack Level (BAL) 19 and 12.5 will apply to the proposed additions and compliance with the relevant sections of *AS3959-2018: Construction of Buildings in Bushfire Prone Areas* will be required. A copy of the Bushfire Hazard Assessment accompanies the DA Submission.

▪ *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004:*

The proposed development is subject to the provisions and requirements contained within this SEPP. A BASIX Assessment has been undertaken and a BASIX Certificate issued, Certificate No.A385768. A copy of the BASIX Certificate is attached to the DA submission. If Development Consent is granted, Council will impose relevant conditions to ensure BASIX commitments are incorporated as part of the approved development.

▪ *Gosford Local Environmental Plan (GLEP) 2014:*

Under the provisions of this instrument, the land is zoned R2 – Low Density Residential. Residential land immediately adjoining the site is also zoned R2. The undeveloped bushland reserve to the east is zoned RE1 – Public Recreation and COSS land further south-east is identified as a Deferred Matter (DM).

The proposed development is consistent with relevant zone objectives and permissible with Council Consent.

Relevant clauses are addressed below:

Clause 4.3 refers to the Height of Buildings and requires that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum building height that applies to the said land is 8.5 metres.

With a maximum building height of 6.9 metres (at the 2 storey section), the proposed addition is compliant with the maximum building height development standard.

Clause 4.4 refers to Floor Space Ratio (FSR) and requires that the maximum FSR of a building on any land is not to exceed the FSR shown for the land on the FSR Map. The maximum FSR that applies to the said land is 0.5:1.

With a maximum FSR of 0.34:1, the proposed addition is compliant with the maximum FSR development standard.

According to Council's online mapping the land is bushfire prone, flood affected and identified as having the potential to contain Class 3 – Acid Sulfate Soils. The land does not contain a heritage item nor is it located within a heritage conservation area.

Clause 7.1 refers to Acid Sulfate Soils. Class 3 – Acid Sulfate Soils is defined as follows:

“Class 3 – works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface”

In recognition of the level site surface and nominal disturbance anticipated, impacts to the potential acid sulfate soil affectation would be negligible. The extent of site disturbance required would not be captured under the definition of Class 3 – Acid Sulfate Soils. Further assessment of this matter is not considered necessary.

Site disturbance to the natural surface would be limited to the establishment of a reinforced concrete slab and footings to Engineers details. Refer to attached Building Design Plans for further information.

Clause 7.2 refers to flood planning. According to Council's online mapping, the site is flood affected and within Precinct 2: Flood Planning Area. Future development of the site shall have regard for the 1% AEP flood level and minimum floor level requirements.

A Flood Level Certificate dated 1 July 2020 was obtained from Council during the design phase of the proposed development. The design flood level for the site is RL 2.11m AHD and minimum floor level, RL 2.61m AHD. Part of the ground floor that is to remain unchanged will retain the existing floor level of RL 2.12m AHD. Of the new ground floor area proposed, approximately 31m² would be below the minimum floor level required as is permitted by the one-off concession provided for dwelling additions of up to 40m² as per *GDCP 2013, Chapter 6.7 – Water Cycle Management*.

The remainder of the proposed ground floor addition that is to include habitable floor space would provide a minimum floor level of RL 2.63m AHD. This is compliant with the minimum floor level that applies to the site for habitable floor space.

The proposed garage, being a non-habitable structure, would provide a minimum floor level of RL 2.12m AHD. This is compliant with the minimum floor level that applies to the site for non-habitable floor space.

Considering the nature of development proposed, being infill and small in scale, potential impacts on the existing flood hazard would be negligible. It is further considered that the safety of occupants would not be

compromised given the proposed additional floor area would comply with the minimal habitable floor level for the site.

The proposed development is thought to be compatible with the established flood hazard, would not significantly affect flood behaviour nor would adverse impacts occur to the environment through erosion, siltation or destruction of riparian vegetation. Furthermore, site density would remain as existing and together with a small-scale development proposal, the risk to life and property would not be intensified or become unmanageable.

The proposal would continue to allow for the passage of flood waters during a flood event and would not adversely affect flood behaviour or result in detrimental increases in the potential flood affectation of other development or properties.

If required, the proposed addition shall incorporate appropriate flood compatible materials deemed to be capable to withstand a flood event.

It is understood that Council will consider the application on its merits with respect to the scale of development proposed and existing site circumstances. It is anticipated that the flood affectation would not prevent the issuing of a favourable determination.

▪ **Draft Central Coast Local Environmental Plan (CCLEP) 2018**

Under the provisions of draft *CCLEP*, the site is to remain zoned R2 – Low Density Residential. The proposed development is consistent with relevant R2 zone objectives and is permissible subject to Council consent.

In accordance with Section 4.15(1)(a)(ii) of the *EP&A Act 1979*, a consent authority, in determining a DA is to take into consideration the provisions of any proposed instrument that is or has been the subject of public consultation under the *Act* and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

A review of draft *CCLEP 2018* has been undertaken in relation to the subject site and proposed development. There does not appear to be any development standards that would hinder assessment of the application or prevent the issuing of a favourable determination.

The proposed development is a permissible form of development under the provisions of the draft *CCLEP 2018* and conforms to the development standards contained therein.

▪ **Gosford Development Control Plan (DCP) 2013:**

Chapter 2.1 - Character

Under the provisions of this Chapter, the locality is identified as Springfield – Open Parkland Hillsides (Place 1). It is understood that Council must not grant development consent unless it has taken into consideration the existing and desired character of an area. The proposal involves minor additions and alterations to an existing dwelling within a well-established and low density residential locality. The proposed improvements seek to embellish and modernise the existing dwelling while providing for additional and much needed floor space and secure, covered on site parking accommodation. The proposed front fence is to be generously set back from the front property boundary, is not to extend across the full frontage of the site and is necessary to enhance security and safety from Wells Street which is a very busy collector road.

The proposed development would essentially maintain the status quo and is appropriate for the intended use. The proposed development would not impact upon or alter the existing or desired character of the locality nor would the level of privacy and amenity currently enjoyed by neighbouring properties be

interrupted. The proposal provides for appropriate building setbacks commensurate with the scale of development proposed. It is therefore put forward that the existing level of resident amenity would be maintained.

The proposed development would not impact upon the established character of the locality and is in keeping with the scale and appearance of surrounding built form while respecting the physical features of the site and adjoining lands.

Chapter 3.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development

The application has been assessed against relevant matters within this Chapter as per Table 1 and commentary below:

TABLE 1:

CONTROL	DESIGN REQUIREMENT	PROPOSED	COMPLIES
Height of Building	8.5 metres	6.9 metres	YES
Floor Space Ratio	0.5:1	0.34:1	YES
Site Coverage	Max. 50%	< 50%	YES
Building Lines (front setback)	The average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected, or if 2 dwelling houses are not located within 40m of the lot - 4.5m	In accordance with the prescribed methodology, the required front setback should be 6.1 metres. The existing dwelling is setback approx. 9 metres. For the most part, the front setback would remain unchanged. The proposed garage addition is to be setback 4.8 metres. The first floor addition is to be setback approx. 10.8 metres.	YES in part. Proposed garage would not comply. Refer to explanation and variation below.
Side Setbacks	Where Height of Building (HOB) is: <4.5m = 0.9m >4.5m = 0.9m + ¼ HOB	South-Western side – as existing at approx. 1 metre. HOB remains unchanged at <4.5m. North-eastern side – as existing at approx. 1 metre, however where HOB increases to >4.5 metres, the side setback required = 1.325m. The development proposes a side setback of 1m and seeks a variation of 325mm.	YES – single storey element. NO – two storey element. Refer to explanation and variation below.

CONTROL	DESIGN REQUIREMENT	PROPOSED	COMPLIES
Rear Setbacks	Where HOB is: <4.5m = 0.9m for 50% of rear boundary length otherwise 3m; >4.5m = 6m	11m	YES
Articulation Zone	N/A	N/A	N/A
Garage Door Articulation	If within 7.5m of and faces primary road where lot width at building line is >12m: 6m or 60% of the width of the building (whichever is >)	Lot width measured at building line is approx. 18m. Proposed garage oriented to Wells Street with a maximum opening of 5.1m.	YES
Access and Car Parking	Parking Rate: 1 space / 3br dwellings 2 spaces / 4br + dwellings Car parking should be located behind the primary road setback and/or secondary road setback.	The existing driveway and dual access points are to be retained, however would no longer offer a drive through arrangement as illustrated on the attached Building Design Plans. The proposed garage would provide for 2 off street covered car parking spaces. Existing driveway/hard stand area will continue to provide additional on site parking, when required.	Number of parking spaces – YES Car Parking behind building line – NO Front setback variation request provided below.
Views	Land and Environment Court Planning Principles relating to view sharing.	The proposed dwelling addition would have no impact on existing view corridors.	YES
Private Open Space	Accessible from living areas of the dwelling. Lots <10m wide at the building line = 16m ² . Lots >10m wide at the building line = 24m ² . Min dim of 3m. Not > than 1:50 gradient.	Remains as existing at >24m ² and is directly accessible from living areas of the dwelling.	YES

CONTROL	DESIGN REQUIREMENT	PROPOSED	COMPLIES
Privacy	<p>Windows to main living areas and balconies must not face directly onto windows, balconies or the principal private open space (POS) of adjoining dwellings.</p>	<p>New window and door openings have been sized and positioned as practicable as possible to protect resident and neighbour amenity, be efficient, allow for views and maximise solar access opportunities.</p> <p>Windows to the proposed first floor would serve passive use rooms only (bedroom, ensuite) and are limited in number and size or are of a highlight design.</p> <p>It is noted that the adjoining dwelling to the north-east contains minimal window openings on the south-west building façade.</p>	YES
Sunlight Access	<p>On June 21, 50% of the required principal POS area for all dwellings should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm.</p> <p>On June 21, 50% of the required principal POS on adjoining land should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm.</p>	<p>The proposed first floor addition is modest and occupies only a small portion of the existing dwelling footprint directly below.</p> <p>It is anticipated that sunlight access would remain as existing.</p>	YES
Earthworks and Retaining Walls	<p>Cut: < 1m if less than 1m from any boundary, or 3m if > than 1m from any boundary.</p> <p>Fill: < 1m above existing ground level. No retaining wall for fill < 1m of a side or rear boundary unless within 1.5m of any external wall of a dwelling.</p> <p>Retaining walls that are more than 600mm above or below existing ground level and within 1m of any boundary, or more than 1m above or below</p>	<p>Earthworks associated with the proposed development would be minimal and limited to some minor scraping of the natural surface for the placement of a reinforced concrete slab and footings to Engineers details.</p> <p>There are no retaining walls required.</p>	YES – refer to attached Building Design Plans

CONTROL	DESIGN REQUIREMENT	PROPOSED	COMPLIES
	existing ground level in any other location, must be designed by a professional engineer.		
Drainage	Drainage must be conveyed by a gravity fed or charged system to a public drainage system or interallotment drainage system.	A portion of roof water shall be captured and directed to a proposed 5000 litre rainwater tank. Overflow and the balance of roof water shall be directed to the existing legal point of discharge for the site which is understood to be the public system in Wells Street.	YES
Fencing	Front fencing – 1.2m to local road or 1.8 to collector road. Side and rear fencing – 1.8m	Decorative front fencing is proposed to a maximum height of 1.8 metres, setback from the front property boundary approx. 2.5 metres and includes an automatic sliding gate. The fence would not extend across the full frontage of the site and is necessary to enhance security and safety from Wells Street which is a very busy collector road. Materials include brick piers and powder coated aluminium fence infill panels. A 100mm opening shall be provided to allow for the unobstructed passage of flood waters.	YES

Written Variation – Front Setback:

In accordance with the methodology as prescribed under *Section 3.1.3.1*, which is based on the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40 metres of the lot on which the dwelling house is erected, the required front setback is calculated to be 6.1 metres.

For the most part, the existing front setback of approximately 9 metres would remain unchanged. However, due to the presence of existing structures on site and internal floor plan considerations, it is necessary that the proposed garage be located forward of the existing dwelling with a proposed front setback of 4.8 metres (variation of 1.3 metres).

The front façade of the garage is approximately 5.1 metres in width. The width of the lot when measured at the building line is approximately, 18 metres. The width of the garage represents less than a third of the lot width and is not considered to be visually dominant or intrusive.

Existing plantings along the north-eastern property boundary would assist to soften the appearance of the proposed garage when viewed from this aspect.

It is noted that several other properties along this stretch of Wells Street include car parking accommodation forward of the dwelling and which is setback approximately 4 to 5 metres. As such, the proposed garage would not set a precedent or be dissimilar to established setbacks.

The proposed garage would be of a modern design with low pitch roof to match existing and decorative architectural features such as timber trim to the gable end. The proposed garage would provide a suitable form of articulation to the overall front building façade and make a positive contribution to the streetscape.

Front setbacks along this section of Wells Street are slightly varied due to factors such as topography, irregular shaped allotments, orientation of existing dwellings and proximity to a roundabout intersection. These characteristics contribute to shaping the existing streetscape character which, in terms of front setbacks, creates a subtle yet staggered built form impression that affords visual interest and allows for a reasonable level of diversity.

The proposed 4.8 metre front setback would preserve existing sight line distances to facilitate safe site ingress/egress for vehicles and pedestrians.

Considering the above factors together with existing site circumstances and design limitations, the front setback variation is not significant or unwarranted. Consequently, it is put forward that detrimental impacts on the streetscape or the amenity of adjoining lands is unlikely.

Written Variation – Side Setback:

In accordance with the methodology as prescribed under *Section 3.1.3.1*, which is essentially based on the overall height of a building, the side setback requirement to the two (2) storey section on the north-eastern side of the proposed addition should be 1.325 metres. This is based on a building height of 6.2 metres. The side setback proposed is 1 metre resulting in a variation of 325mm.

As the land is flood affected, future development of the site is required to comply with the set minimum floor level of RL 2.61m AHD. This has resulted in the building height being greater than that required if the land was not flood affected. Consequently, this requires a greater side setback.

Due to the presence of existing built form and internal floor plan arrangement, compliance with the 1.325 metre side setback control is not possible nor would it provide a better design outcome in this instance.

Siting and design of the proposed development is considered the most practical and functional having regard to the layout of the existing dwelling together with the site's opportunities and constraints.

The 325mm departure is marginal and relates to a short wall length of approx. 9 metres. The respective side property boundary is approx. 33 metres in length. The non-compliant section of wall represents less than a third of the boundary length and would not be visually obvious, dominant or intrusive. The remainder of the north-eastern building façade is single storey and proposes a compliant side setback of 1 metre.

Windows to the first floor of the north-eastern building façade would serve passive use rooms only (ie: bedroom and ensuite) and would not generate visual impacts on adjoining development.

The numerical non-compliance of 325mm to a small section of the proposed addition is not considered significant. The extent of variation affects only a portion of the north-eastern building façade. Remaining wall facades (existing and proposed) would be compliant and in some cases in excess of the minimum building setbacks required.

Minor departures to Council's adopted prescriptive controls particularly when applied to existing infill development proposals where potential impacts are deemed to be minimal or negligible, should be considered with a degree of flexibility, leniency and afforded a common sense approach.

The justification provided above is considered adequate to support the proposed variations to the front and side setback planning controls. The resultant departures satisfy the objectives of DCP 2013 and are unlikely to have a detrimental impact on the built and natural environment or the amenity of the street and adjoining land. Based on the above justification, strict compliance in this regard would be unreasonable and unnecessary. The proposed development is suitable for the site and should be assessed favourably by Council.

General:

Tree removal is not required to accommodate the proposed development. If required, suitable tree protection measures shall be established on site prior to and during all construction works.

All works associated with the proposed development shall be carried out in accordance with relevant Australian Standards and the current edition of the National Construction Code (NCC).

Where necessary, adequate erosion and sediment control devices would be established on site prior to, during and post construction works in accordance with the requirements of Council.

Waste generated from works associated with the proposed development is likely to be minimal. Any leftover building materials should be reused onsite or appropriately recycled on or off site.

A Waste Management Plan has been prepared and is attached to the DA Submission.

Chapter 6.7 – Water Cycle Management

Impervious areas on site would not change dramatically from existing. The proposed dwelling additions are to be sited largely within the existing building footprint and over existing hard stand areas.

The land is flood affected and in accordance with the requirements of this Chapter, the proposed development is to adopt the minimum floor level that applies to the site. However, approximately 31m² would be below the minimum floor level required and seeks to rely on the one-off concession clause for dwelling additions of up to 40m² as permitted by this Chapter. The matter of flooding is previously addressed in this SEE Report under Clause 7.2 of *GLEP 2014*.

A 5,000 litre rainwater tank is proposed and will capture a portion of roof water from the dwelling with overflow directed to the existing legal point of discharge for the site which is understood to be the public system in Wells Street. The balance of roof water including surface water runoff would also be disposed of to the existing street drainage system.

Surface water runoff from any additional hard stand areas shall be appropriately graded and drained.

There are no retaining walls associated with the proposed development.

In addition to the above statutory requirements, the following relevant "heads of consideration" as prescribed by Section 4.15 of the *EP&A Act, 1979* have been considered and addressed throughout this SEE Report:

Context and Setting – The proposed development would not adversely impact on the character, amenity of the locality or streetscape. The scale, form and density of the development is acceptable within a residential setting.

Access and Traffic – Previously addressed within this SEE Report.

Utilities – Previously addressed within this SEE Report.

Heritage – There are no known items of heritage significance found on or adjoining the subject site.

Water – Previously addressed within this SEE Report.

Waste – Previously addressed within this SEE Report.

Soils - The site and soil conditions are conducive to the proposed development.

Natural Hazards – Previously addressed within this SEE Report.

Construction – Previously addressed within this SEE Report.

Cumulative Impacts – The implementation of suggested control measures, including erosion and sedimentation controls, retention of vegetation on site, ongoing stormwater management, nominal earthworks and waste minimisation would reduce the likelihood of synergistic effects resulting from the proposed development.

3. Conclusion:

The proposed development has been assessed against the relevant heads of consideration as demonstrated above together with all applicable planning instruments and policies. Potential constraints have been duly considered and the site is deemed to be suitable for the proposed development. Subject to the imposition of appropriate mitigation measures, the proposed development is not expected to have an adverse impact on the built or natural environment. It is also considered that the proposed development would complement the existing residential setting and meet the desired future character of the area.

In conclusion, it is submitted that the proposed dwelling additions are appropriate for the site and should be supported by Council through the issuing of a favourable determination.

Yours faithfully

Sherry Denton

**Sherry Denton
Sherry Denton Drafting Service
Phone: 0408 296283**