

## STATEMENT OF ENVIRONMENTAL EFFECTS

- (1) Demolition of the existing detached garage and carport at rear
- (2) Relocation of the existing dwelling house 8.5m forward to be in line with the prevailing building line in the street
- (3) Alterations and additions to the existing dwelling house
- (4) Erection of a new front fence and a new double carport at rear
- (5) Torrens title subdivision of one lot into two lots and associated subdivision works including new driveways and stormwater facilities



**[Photo 1]: 48 Norfolk Road, Epping**

January 2022



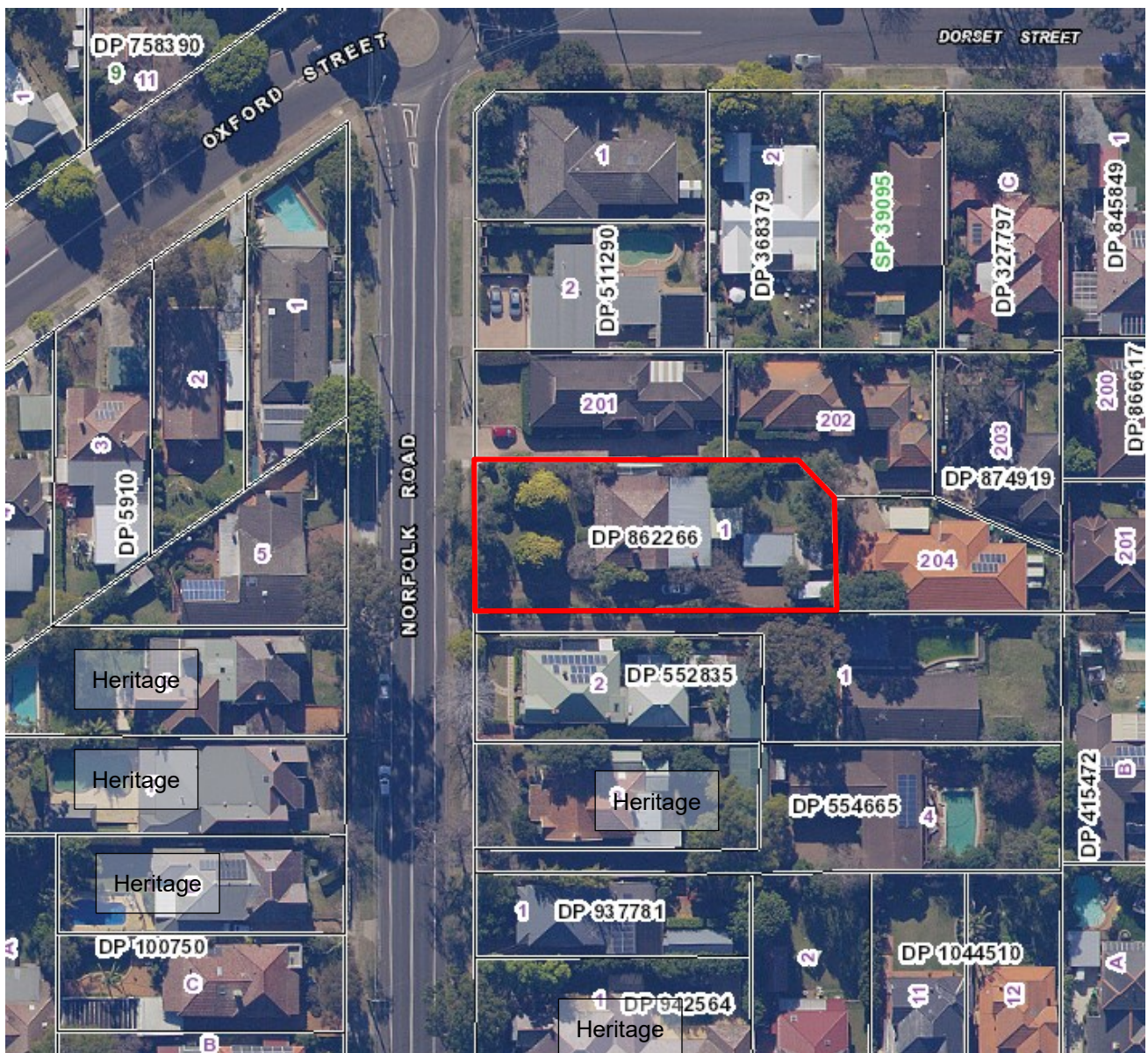
**Just Property & Planning**  
creative property development

**James Kim**

Bachelor & Grad Dip U&RP  
PO Box 3046, Putney NSW 2112

## 1. THE SITE

The site is identified as Lot 1 in DP 862266 and is known as No.48 Norfolk Road, Epping. The site is rectangular in shape with the exception of a splay corner at the north-east corner and has an area of 1,286.5m<sup>2</sup>. The site is located on the eastern side of Norfolk Road and has a frontage of 23.44m and an average depth of 55.57m.



Aerial photograph (Source: SIX Map)

Currently, the subject site contains a single storey weatherboard cottage located



centrally within the lot. A detached weatherboard garage with metal carport is located within the rear setback area which is provided with gravel driveway all along the southern side boundary.



*[Photo 2] Street view of the existing dwelling house*



*[Photo 3] The rear view of the existing house*



The site is relatively flat with existing ground levels ranging from ADH 97.23 on the south-west corner to AHD 97.96 on the south-east corner. The centre of the lot rises slightly to AHD 98.01 near the kitchen area of the existing house.



*[Photo 4] View of the existing detached garage & carport located within the rear setback area*



*[Photo 5] View of the driveway and detached garage & No.46A and 50C Norfolk Road beyond*

## **2. THE SURROUNDING AREA**

The site is located on the northern edge of Eastwood / Epping Heritage Conservation Area (C9). So, the locality shows slightly different architectural characteristics between the north and the south of the site.

The north of the subject site is more characterised by residential buildings of latter half of 20<sup>th</sup> century, whereas the south side within the heritage conservation area represents a high concentration of houses built in early 20<sup>th</sup> century architecture comprising Federation, Inter-war and Post-war styles.

### **2.1 46 & 46A Norfolk Road (South)**

To the south, the subject site is adjoined by two properties which are addressed as No.46 and 46A Norfolk Road. These properties are the result of earlier subdivision into Lots 1 and 2 in DP 552835. No.46A Norfolk Road is a battle-axe shaped lot located directly behind 46 Norfolk Road which physically separates from 48 Norfolk Road.

These neighbouring sites are illustrated in the photographs below:



*[Photo 6] The street view of No.46 Norfolk Road*





*[Photo 7] Distance view of No.46 Norfolk Road from the front yard of the subject site*



*[Photo 8] The battle-axe handle driveway to No.46A Norfolk Road between 46 & 48*

The existing house at No.46A Norfolk Road is not readily visible from the street and from the subject site due to large trees along the front boundaries. [Photo 5] also show this property.

## **2.2 50, 50A, 50B & 50C Norfolk Road (North & East)**

To the north and east, the subject site is surrounded by four individual houses on Torren titled lots comprising Lots 201, 202, 203 and 204 in DP 874919. These houses are provided with a shared driveway all along the common boundary with the subject site.

These neighbouring properties are illustrated in the photographs below:



*[Photo 9] No.50 Norfolk Road with the shared driveway seen from the street frontage*





*[Photo 10] No.50 Norfolk Road viewed from the front garden of the subject site*



*[Photo 11] No.50A Norfolk Road viewed over the rear fence of the subject site*





*[Photo 12] Distance view of No.50B Norfolk Road from the shared driveway*



*[Photo 13] No.50C Norfolk Road viewed over the rear fence of the subject site*





*[Photo 14] No.50C Norfolk Road viewed from the rear yard of the subject site*



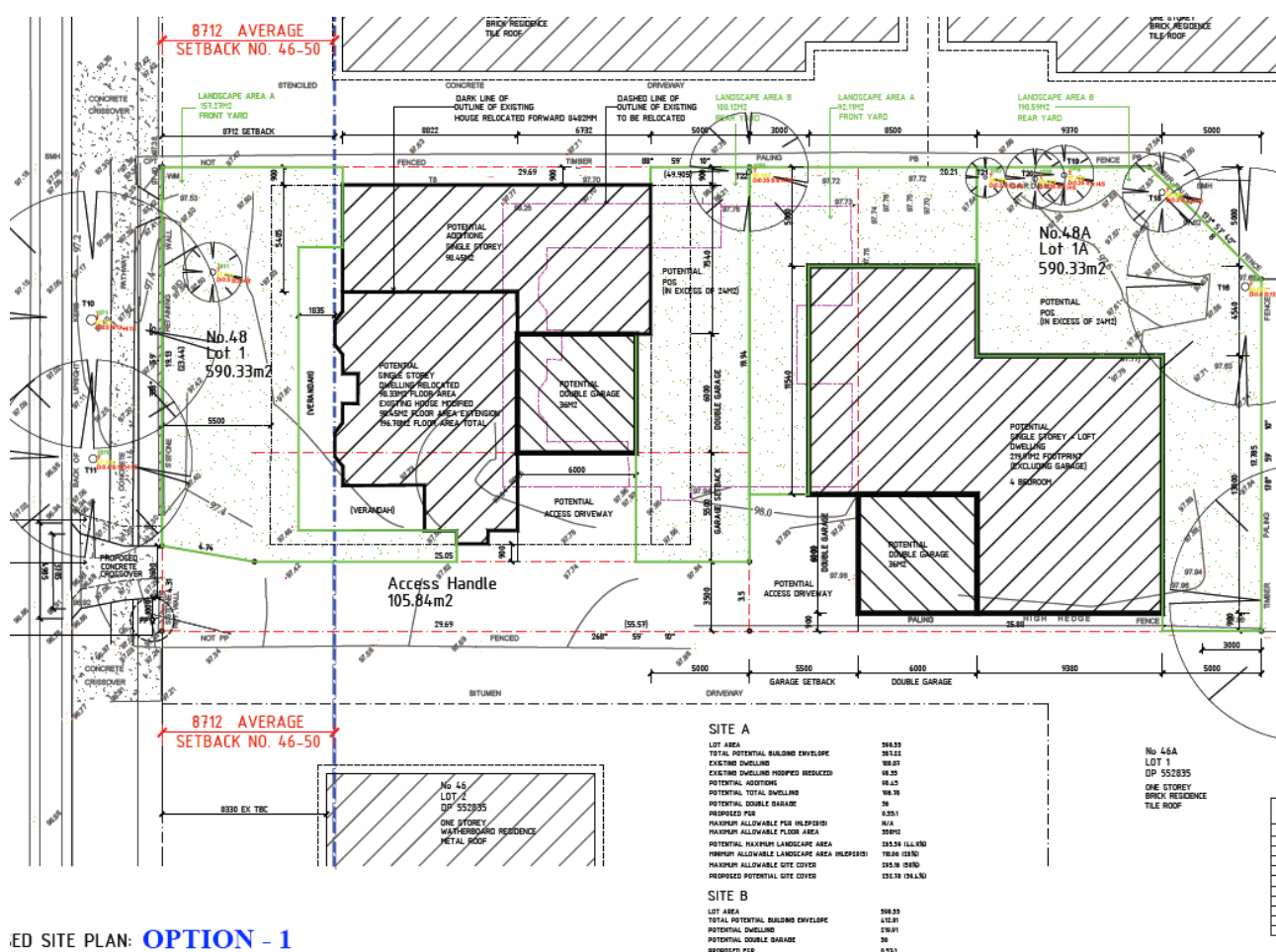
*[Photo 15] The subject house seen from the shared driveway of No.50 Norfolk Road*



### 3. THE DA HISTORY

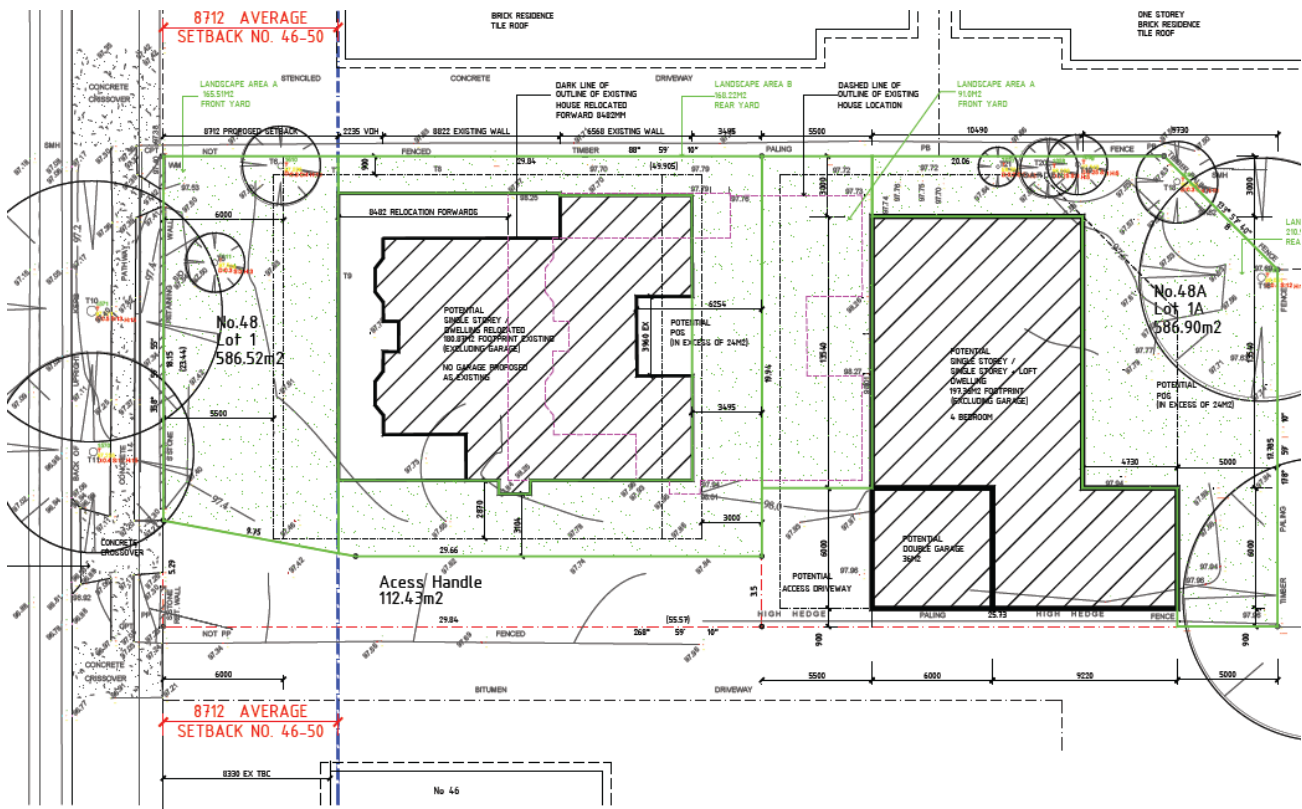
#### 3.1 Pre-DA meeting before the Original DA consent

A virtual pre-DA meeting was held on 2 December 2020 with six options being presented to Council for discussion which included the relocation of the existing house forward to be in line with the prevailing building line in the street in 'Option 1' and 'Option 2' which are extracted as below:



ED SITE PLAN: **OPTION - 1**

[Figure 1] Extract of Option 1 – House proposed to be relocated forward



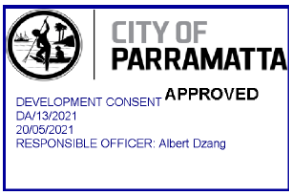
PROPOSED SITE PLAN: **OPTION - 2**

[Figure 2] Extract of Option 2– House proposed to be relocated forward

Having considered all options, Council advised that 'Option 6' is the most suitable in principle, subject to some points to be considered upon the actual DA lodgement as below:







[Figure 4] Extract of DA/13/2021 Stamped Site Plan – House remain & cut back

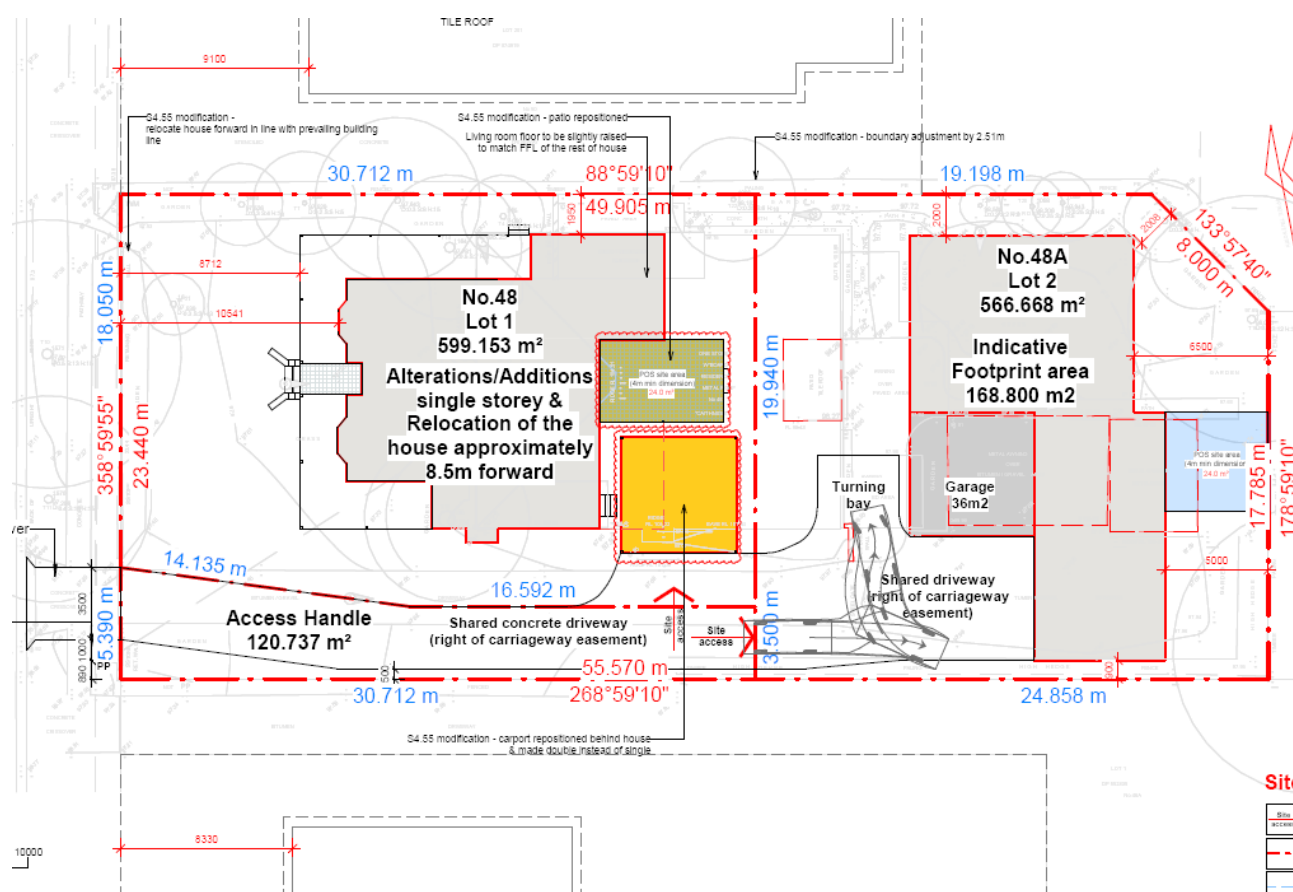
### 3.3 Pre-DA meeting for potential S4.55 modification

The applicant sought Council advice for the second time whether Council could reconsider relocation of the existing house forward to be in line with the prevailing building line in the streetscape context and to facilitate more efficient use of Lot 1 in the following details:

- (1) relocating the existing dwelling house 8.5m forward to be in line with the prevailing building line
- (2) boundary adjustment between Proposed Lot 1 and 2 by 2.51m which will make land size 599m<sup>2</sup> and 566m<sup>2</sup> respectively and
- (3) modifying the alterations & additions to the existing dwelling by retaining the living room and providing a double carport



	Original Lot 1	DA/13/2021		S4.55	
	Original Lot 1	Proposed Lot 1	Proposed Lot 2	Proposed Lot 1	Proposed Lot 2
Site area including access handle (m <sup>2</sup> )	N/A	N/A	657.28	N/A	657.28
Site area excluding access handle (m <sup>2</sup> )	1,286.5	629.22	531.27	599.15	566.67
Site width (m)	23.44	Generally 19.94	23.44	Generally 19.94	23.44
Site depth (m)	55.57	32.22	23.35	30.712	24.858
Frontage (m)	23.44	18.05	5.39	18.05	5.39



[Figure 5] Extract of pre-DA to modify the DA/13/2021 consent – House to be relocated forward

A virtual pre-DA meeting was held on 14 December 2021 and Council provided the

following written comment shortly after to confirm support subject to minor amendment and additional information:

THRESHOLD ISSUES			
2.	The proposal is not substantially the same as the original DA and <b>should not be accepted as a 4.55(2) application</b> for the following reasons. <b>The application should be lodged as a new Development Application</b>		
	Approved Application DA/13/2021	PL/142/2021	Test, substantially the same?
	Demolition of existing detached garage and carport	Construction of a double carport	Original DA sought the demolition of garage and carport. The proposed new carport on lot 1 would require
			further assessment and is therefore <b>not substantially the same</b> .
	Alterations and additions to the existing dwelling	Additional living space, patio and minor alterations and additions around the dwelling (cladding and roof)	Original application sought alterations and additions to facilitate subdivision by demolition. This seeks alterations and additions to improve and amenity of the property and is therefore <b>not substantially the same</b> .
	Torrens Title Subdivision of one lot into two lots	Boundary adjustment between lot 1 and 2 by 2.51 metres	Substantially the same as Torrens title subdivision was approved in the original application.
	No movement	Seeks to move existing dwelling forward by 8.5m	The original DA did not seek changes to the location of the existing dwelling on lot 1. It is therefore <b>not substantially the same</b> as the original application.
4.	<b>The draft Parramatta Local Environmental Plan (LEP) 2020</b> will replace existing LEP's within the Parramatta Local Government Area within the next few months. <b>1.8A Savings Provision – Hornsby DCP 2013 still in effect if the application is lodged in a timely fashion.</b>		



FURTHER ISSUES RAISED AND DISCUSSED AT THE MEETING	
1.	<p><b>The matter was further considered by Management;</b></p> <p><b>The relocation would be possible although for Council consideration the proponent must demonstrate:</b></p> <ul style="list-style-type: none"> <li>The relocation and the alignment of the building towards the street frontage is consistent with the pattern of the adjoining Lots.</li> <li>The methodology for retention of the original timber cottage. <i>Reason: to prevent and avoid damages to the timber cottage</i></li> <li>suitable site separation, retention of an adequate rear garden with plans and details that show an adequate landscape outcome. <i>Reason: to respect the heritage conservation area distinctive character and prescriptive measure related to the streetscape outlined in the DCP</i></li> <li>Double carport and space for manoeuvring are also to be in accordance with the Development Control Plan. <i>Recommendation: the carport should be in lightweight material and not visible from the street.</i></li> <li>The boundary adjustment must not exceed 1 m (currently proposed at 2.52m) from the DA approved boundary. <i>Reason: To allow some curtilage and separation around the contributory item</i></li> <li>The heritage fabric including the floor of the veranda to be detailed and reconstructed based on historic evidence and the original design feature (if tiles were used of floorboards for instance). <i>Reason: to make sure that the heritage values and significance of the cottage would be enhanced.</i></li> </ul> <p><b>In light of the above issues, Council could support the application as presented and discussed at the prelodgement meeting.</b></p> <p>Please refer to the LEP and/or DCP tables below for comments on the individual variations.</p>

Having regard to the Council advice above, the applicant now proposes:

- (1) to relocate the existing house 8.5m forward to be consistent with the prevailing building line in the street
- (2) to provide written statement by the contractor outlining the step-by-step methodology of the relocation to prevent damage to the original cottage
- (3) to apply for a new Development Application instead of S4.55(2) Modification
- (4) that the boundary adjustment between Proposed Lot 1 and 2 be only 1m forward instead of 2.51m, compared to the Original DA Consent.

### 3.4 Current DA proposal

This application seeks approval for the Torrens title subdivision of the subject lot into 2 lots on land at No.48 Norfolk Road Epping and will involve the following works:

- (1) Demolition of the existing detached garage and carport at rear
- (2) Relocation of the existing dwelling house 8.5m forward to be in line with the prevailing building line in the street
- (3) Alterations and additions to the existing dwelling house
- (4) Erection of a new front fence and a new double carport at rear
- (5) Torrens title subdivision of one lot into two lots and associated subdivision works including new driveways and stormwater facilities

	<b>Original Lot 1</b>	<b>Proposed Lot 1</b>	<b>Proposed Lot 2</b>
<b>Site area including access handle (m<sup>2</sup>)</b>	N/A	<b>N/A</b>	<b>657.28</b>
<b>Site area excluding access handle (m<sup>2</sup>)</b>	1,286.5	<b>629.22</b>	<b>531.27</b>
<b>Site width (m)</b>	23.44	<b>Generally 19.94</b>	<b>23.44</b>
<b>Access handle width (m)</b>	N/A	<b>N/A</b>	<b>3.5</b>
<b>Site depth (m)</b>	55.57	<b>32.22</b>	<b>23.35</b>
<b>Frontage (m)</b>	23.44	<b>18.05</b>	<b>5.39</b>



## 4. PLANNING INSTRUMENTS AND POLICIES

### ***SEPP No. 55 – Remediation of Land***

The provisions of SEPP 55 require consent authority to consider the potential for a site to be contaminated. Clause 7 of SEPP No 55 requires that:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is use for that purpose.”*

The property has been used as residential dwelling house so far. The site is not identified in Council’s records as being contaminated or is declared to be an investigation area under Division 2, Part 3 of the Contaminated Land Management Act 1997 in the Section 10.7 (Previously 149) Planning Certificate. Also, the site is not known to have a history of a previous land uses that may have caused contamination under Table 1 ‘*Some Activities that may cause Contamination*’ of Contaminated Land Planning Guidelines.

As such, the site is unlikely to be contaminated and consequently a preliminary contamination assessment is not warranted. The proposal is satisfactory having regard to the relevant matters for consideration under SEPP 55 and the site is suitable for residential use to continue without the need for remediation works.

### ***SEPP (BASIX) 2004***

The proposed alterations and additions to the existing house is subject to SEPP (BASIX) 2004. As such, a valid BASIX certificate is provided confirming that the development meets the reduction targets of water and energy consumption.

## ***Hornsby Local Environmental Plan 2013***

The subject site is zoned R2 (Low Density Residential) under Hornsby LEP 2013. The proposed development is consistent with the objectives of the zone specified under the LEP 2013. In that, the proposal will maintain the existing low density nature of the area and will blend into the character of the neighbourhood.

### ***Objectives of zone***

- *To provide for the housing needs of the community within a low density residential environment.*

**Comment:** The development will maintain a low density residential environment whilst providing an additional residential allotment for the housing needs of the community.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

**Comment:** N/A, the development is residential land use only.

Relevant provisions are discussed below:

<b>Planning standards</b>	<b>LEP Requirement</b>	<b>Compliance</b>
Minimum subdivision lot size (C4.1)	500m <sup>2</sup> excluding access handle	Proposed Lot 1: 629.22m <sup>2</sup> (Yes) Proposed Lot 2: 531.27m <sup>2</sup> (Yes)

## ***Part 5 Miscellaneous provisions***

### ***5.1 Relevant acquisition authority***

**Comment:** The subject land is not subject of acquisition.

### ***5.2 Classification and reclassification of public land***



**Comment:** N/A

### **5.3 Development near zone boundaries**

**Comment:** N/A

### **5.4 Controls relating to miscellaneous permissible uses**

**Comment:** N/A

### **5.6 Architectural roof features**

**Comment:** N/A

### **5.7 Development below mean high water mark**

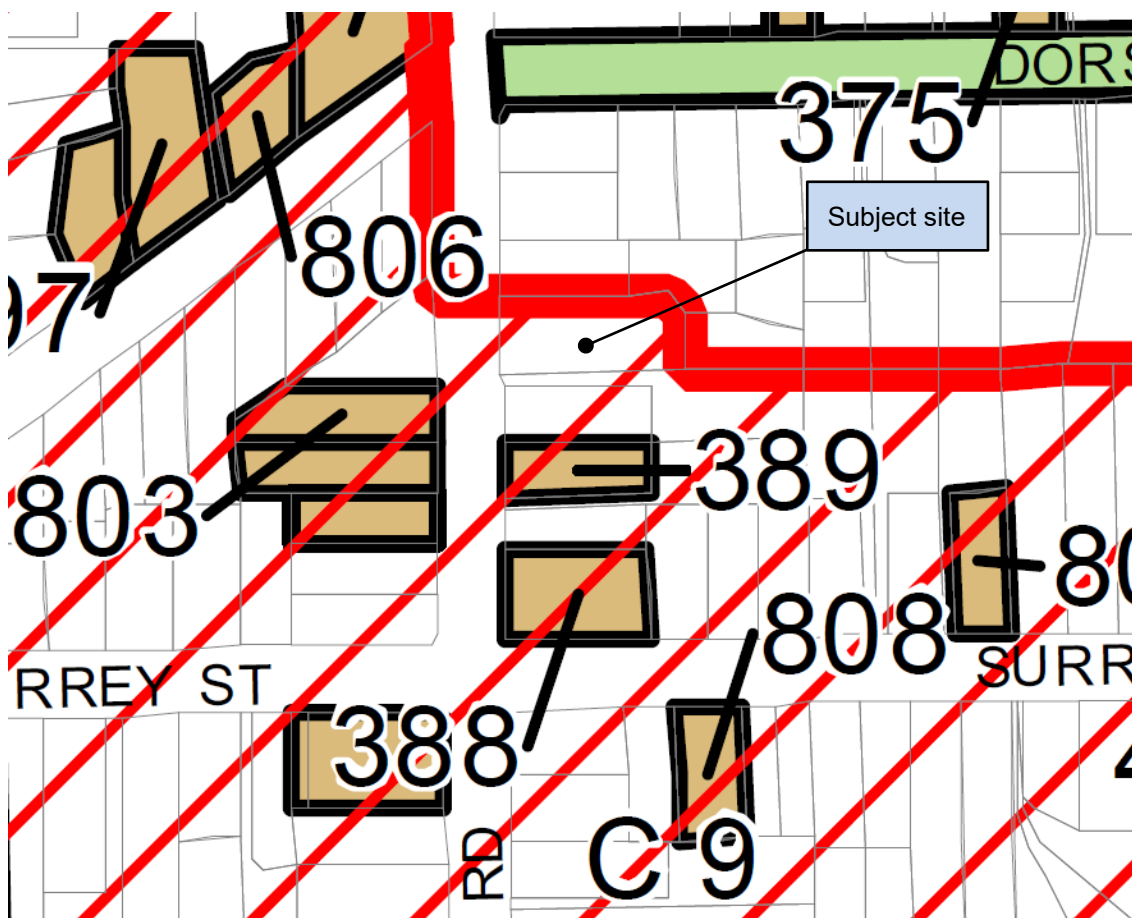
**Comment:** N/A

### **5.9 Preservation of trees or vegetation**

**Comment:** An arborist report has been prepared to assess the impact of the original cottage relocation and potential building footprint on Proposed Lot 2. In summary, the development will not result in removing any significant trees. Please refer to the report for detail discussion.

### **5.10 Heritage conservation**

**Comment:** The site is located within Eastwood / Epping Heritage Conservation Area (C9) and is in the vicinity of heritage items at No.40 and 44 Norfolk Road Epping on the south and several other items on the opposite side of Norfolk Road. As such, Statement of Heritage Impact is provided for Council consideration in the DA package.



LEP 2013 - Heritage Map Extract

#### **5.11 Bush fire hazard reduction**

Comment: N/A

#### **5.12 Infrastructure development and use of existing buildings of the Crown**

Comment: N/A

#### **5.13 Eco-tourist facilities**

Comment: N/A

#### **Part 6 Additional local provisions**



### **6.1 Acid sulphate soils**

**Comment:** N/A

### **6.2 Earthworks**

**Comment:** The site is very flat, so Council's Development Engineer requested to fill the soil level up in Proposed Lot 2 to achieve adequate gradient to allow for gravity drainage to the street upon the original DA/13/2021. As such, a separate cut and fill plan is enclosed in the DA package for Council assessment which should be the same as approved DA.

### **6.3 Flood planning**

**Comment:** N/A, the site is not a flood controlled lot.

### **6.4 Terrestrial biodiversity**

**Comment:** N/A, the subject site is not located within land identified as 'Terrestrial biodiversity' area.

### **6.5 Limited development on foreshore area**

**Comment:** N/A, the site is not located on the foreshore area.

### **6.6 Restrictions on certain development in Dural Village**

**Comment:** N/A

### **6.7 Location of sex services premises**

**Comment:** N/A

### **6.8 Design excellence**

**Comment:** N/A

**Draft Parramatta Local Environmental Plan 2020**

The subject site is proposed to remain zoned for R2 (Low Density Residential) under Draft Parramatta LEP 2020 which contains the following development standards for residential subdivision.

<b>Planning standards</b>	<b>LEP Requirement</b>	<b>Compliance</b>
Minimum subdivision lot size (C4.1)	(6) 550m <sup>2</sup> (min) for standard lots (7) 670m <sup>2</sup> (min) for battle-axel lots excluding access handle	Proposed Lot 1: 629.22m <sup>2</sup> (Yes)  Proposed Lot 2: 531.27m <sup>2</sup> (No)

**Comment:** Nevertheless, the Draft LEP includes savings provision as below and Council must determine the DA as if the Draft LEP had not commenced:

**1.8A Savings provision relating to development applications**

*"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."*

*Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable."*



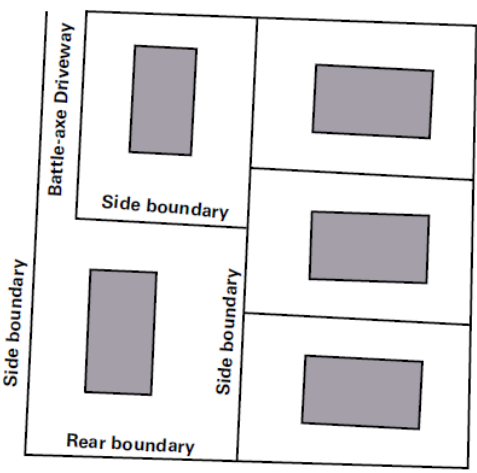
## ***Hornsby Development Control Plan 2013***

Relevant provisions of Hornsby DCP 2013 for subdivision are discussed below:

### ***Part 6 – Subdivision***

<b>Design standards</b>	<b>DCP Requirement</b>	<b>Compliance</b>
<b>6.1.1 General provisions</b>		
Desired outcome	Subdivision design to relate to site conditions	The proposed subdivision layout is considered the most appropriate having regard to (1) retention of the existing dwelling house which contributes to the heritage significance of the conservation area whilst providing the consistent building line setback in the streetscape context and facilitating efficient use of the resulting lots; (2) providing the consistent subdivision pattern in the street; (3) providing compliant lot sizes with an appropriate footprint for the rear lot so as to protect all the significant trees on the subject site and neighbouring sites.
Retention of landscape features	Sufficient setbacks to watercourses and significant bushland	The site is not located adjacent to watercourses or significant bushland. (N/A)
Water management	Stormwater to be gravity drained to Council system  Easement over down-stream properties	All new stormwater generated as a result of the subdivision can be gravity drained to Council's drainage infrastructure in the street. (Yes) – Please refer to the

		stormwater management plans for consideration which have been prepared in accordance with Council Development Engineer's advice to date
Flood prone land	Developable area to be over 1:100 ARI level	The site is not affected by flood (N/A)
Bushfire APZs	Subdivision design and the siting of building envelopes to accommodate required bushfire APZs on the site	The site is not within a bushfire prone area. (N/A)
<b>6.2.1 Residential lands subdivisions</b>		
Desired outcome	<p>Subdivision design to maintain appropriately shaped lots to accommodate a dwelling</p> <p>Subdivision design to provide setbacks to developable areas that will:</p> <ul style="list-style-type: none"> <li>• complement the streetscape,</li> <li>• provide for landscaping,</li> <li>• protect landscape features, and</li> <li>• provide separation between existing and future dwellings</li> </ul>	<p>The proposed subdivision layout with the original cottage relocation in line with the prevailing building line is considered the most appropriate having regard to the Council town planners' comments from the latest pre-DA meeting in accommodating a more efficient and complying lots whilst still preserving the heritage significance in the streetscape context (Yes)</p> <p>The proposed development comprises of an indicative building envelope on Proposed Lot 2 that:</p> <ul style="list-style-type: none"> <li>(1) complements the streetscape,</li> <li>(2) ensures sufficient areas for landscaping around the perimeter,</li> <li>(3) ensures retention of the significant tree (i.e. Tree 15) and</li> <li>(4) provides appropriate separation between the buildings.</li> </ul> <p>(Yes)</p>

Lot size	500m <sup>2</sup> (min) excluding access handle	Proposed Lot 1: 629.22m <sup>2</sup> (Yes) Proposed Lot 2: 531.27m <sup>2</sup> (Yes)
Lot shape	Width: 12m (min) at building line  Subdivision design to result in max cut & fill of 1m  Subdivision design to identify a potential developable building envelope of 200m <sup>2</sup> with a min dimension of 10m, POS, 2 car spaces behind the building line	Proposed Lot 1: 19.94m Proposed Lot 2: 23.44m  The subject site is relatively flat in gradient and any future house can easily be designed with less than 1m in cut & fill (Yes)  A suitable prospective building footprint of greater than 200m <sup>2</sup> including double garage space is provided in the proposal. It also incorporates a sufficient POS area behind the building line. (Yes)
Setbacks (building footprint) – Relating to Proposed Lot 2	Front – 6m (min)	Proposed Lot 2: This is a battle-axe lot (N/A)
	Side – 0.9m (min)	Proposed Lot 2: Greater than 0.9m to the north, south and west boundaries (Yes)
	Rear – 5m (min)	Proposed Lot 2: Greater than 5m to the east boundary (Yes)
<p style="text-align: center;">PRIMARY STREET FRONTAGE</p>  <p>Figure 6.2 (d): Setbacks on battle-axe lots.(I)</p>		



**Note:** Refer to Part 3.1 of the DCP below for the alterations and additions to the existing house on Proposed Lot 1.

Open space & landscaping	<p>Subdivision design to provide a POS of 24m<sup>2</sup> for each lot which is generally level, with a minimum width of 3 metres, sited adjacent to the building envelope and behind the front setback</p> <p>Landscaped area Up to 599m<sup>2</sup> – 20% (min) 600m<sup>2</sup> 899m<sup>2</sup> – 30% (min)</p> <p>Landscaped area dimensions – 1.5m (min)</p> <p>At least 50% of the minimum landscaped area to be behind the building line</p> <p>Min 25% of the front yard to be landscaped (less than 18m width)</p>	<p>Both Lots 1 &amp; 2 can provide a POS of greater than 24m<sup>2</sup> with a minimum width of 3m behind the building line (Yes)</p> <p>Proposed Lot 2: Much greater than 20% (Yes) Proposed Lot 1: Much greater than 30% (Yes)</p> <p>Landscaped area less than 1.5m in dimensions is not included (Yes)</p> <p>Proposed Lot 1: 169.7m<sup>2</sup> which is much greater than 50% of the minimum required landscape area behind the building line (Yes) Proposed Lot 2: 151.1m<sup>2</sup> which is much greater than 50% of the minimum required landscape area behind the building line (Yes)</p> <p>Proposed Lot 1: Well above 25% (Yes) Proposed Lot 2: Greater than 25% achievable (Yes)</p>
<b>6.4.1 Residential &amp; rural lands accessway design</b>		
Desired outcome	Accessways to be simple, safe & direct	Simple and direct driveway access to Lot 1 and 2 can be provided (Yes)

	Not to be visually intrusive	A single driveway is proposed which will be shared by both the lots which will prevent visual intrusion in the streetscape. The proposed access handle will provide a sufficient width at the frontage to allow for landscaped area along the south boundary to visually soften the driveway (Yes)
General design	<p>Carriageway width for 1-3 dwellings: 3m including kerbs (min)</p> <p>Landscape verge: 0.5m (min)</p> <p>Max gradients: 20%</p>	<p>3m driveway width (Yes)</p> <p>0.5m wide landscape verge along the south boundary &amp; 2.39m wide landscaped area in the frontage to soften the visual impact of the driveway (Yes)</p> <p>The site is relatively flat and the driveway gradient will not be greater than 20% as confirmed in the civil design drawings (Yes)</p>
Common turning areas	A common turning area is required if the site has a slope greater than 15%	The site is less than 15% in gradient. Nevertheless, a turning area is provided for the double carport for Lot 1 and the double garage for Lot 2. (Yes)

### **Part 3.1 – Dwelling Houses (relating to Lot 1)**

The following discussion relates to the proposed alterations and additions to the original dwelling house which will also be relocated forward to be in line with the prevailing building line in the streetscape on Proposed Lot 1:

<b>Design standards</b>	<b>DCP Requirement</b>	<b>Compliance</b>
<b>3.1.1 Scale</b>		
Building height	8.5m (max)	Well below 8.5m (Yes)
No. of storey	2 storey + attic (max)	1 storey (Yes)
Roof pitch	35 degrees (max)	The existing terracotta tile roof pitch to remain for the original section of the house & the new roof pitch to match the existing skillion metal roof at rear (N/A)
Site coverage	50% for site ranging 450-899m <sup>2</sup>	Proposed Lot 1: 25.06% (Yes)
Floor area	330m <sup>2</sup> (max) for dwelling house  45m <sup>2</sup> (max) for outbuilding	Proposed Lot 1: 157.7m <sup>2</sup> (Yes)  The proposed double carport is less than 45m <sup>2</sup> in area (Yes)
<b>3.1.2 Setbacks</b>		
Front boundary	6m (min)	8.712m to verandah (Yes) 10.54m to front wall (Yes) – consistent with the prevailing building line in the streetscape
Side boundary	1 storey = 0.9m (min) 2 storey element = 1.5m (min)	Greater than 0.9m (Yes)
Rear boundary	1 storey = 3m (min) 2 storey element = 8m (min)	3m to the rear patio (Yes) 5.898m to the rear wall (Yes)
Permissible encroachment into building	1.5m (max) for a distance equal to 1/3 of the width of the dwelling	All components of the original cottage will be behind the prevailing building line (Yes)



setback		
<b>3.1.3 Landscaping</b>		
Landscaping	30% (min) for site ranging 600-899m <sup>2</sup>	Proposed Lot 1: 52.8% (Yes)
Landscaping width	1.5m in width (min)	Landscape area less than 1.5m is not included in the calculation (Yes)
Landscaping – behind building line	50% (min)	Proposed Lot 1: 169.7m <sup>2</sup> which is much greater than 50% of the minimum required landscape area behind the building line (Yes)
Landscaping – front yard	50% (min) of the front yard	Proposed Lot 1: 162.4m <sup>2</sup> which is well above 50% of the front yard (Yes)
Fencing	1.2m (max)	1.2m picket fencing proposed (Yes)
<b>3.1.4 Open space</b>		
Private open space	24m <sup>2</sup> (min) 3m (min) dimensions	Proposed Lot 1 can provide POS over 24m <sup>2</sup> in area & greater than 3m in dimensions behind the building line (Yes)
<b>3.1.5 Sunlight</b>		
Subject site POS	3 hours (min) to ½ of the area of the POS in midwinter	Greater than 3hrs of solar access to the living room & POS will be achieved as demonstrated in the shadow diagrams (Yes)
Adjoining site POS	3 hours (min) to ½ of the area of the POS in midwinter	Greater than 3hrs (Yes) – No adjoining neighbours will be unduly affected by the proposed development.
<b>3.1.6 Privacy</b>		
Privacy screen for windows	Privacy screen required for windows of habitable rooms (other than bedroom) if: <ul style="list-style-type: none"> <li>• FFL over 1m above existing ground level</li> </ul>	The existing dwelling house to be relocated and modified is single storey in height and is not overly raised high off the existing natural ground level which fundamentally

	<ul style="list-style-type: none"> <li>• Less than 3m from boundaries</li> <li>• Sill less than 1.5m</li> </ul>	<p>protects the privacy of the adjoining properties all around. (Yes)</p> <p>Also, privacy impact which may arise from residential development on Proposed Lot 2 will need to be subject to a separate DA. Nevertheless, the indicative building footprint provided on Proposed Lot 2 complies with Council DCP and is appropriate to ensure a reasonable level of residential amenity can be achieved. (Yes)</p>
Privacy screen for balconies, decks or the like	<p>Privacy screen required for balconies or decks if:</p> <ul style="list-style-type: none"> <li>• FFL over 0.6m above existing ground level</li> <li>• Less than 9m of POS of adjoining site</li> </ul>	The FFL of the new open patio area will be less than 0.6m above the NGLs to prevent undue privacy impact (Yes)
<b>3.1.7 Vehicle access &amp; parking</b>		
Car parking	Behind building line	A double carport is proposed behind the original cottage. A turning bay is provided to allow for vehicle ingress and egress in a forward direction at all time. (Yes)
Driveway setback	0.5m from side boundary	A shared driveway is proposed which is setback 0.5m from the neighbouring property on the south. (Yes)
<b>3.1.8 Design details</b>		
Dwelling orientation	Address towards the street	The original house will remain addressing to the street (Yes)
Façade	Blank or unarticulated wall to be avoided	The original cottage is appropriately articulated in overall

		design (Yes)
Garage setback	1m behind the building line	The new carport will be behind the original cottage and will not be visually evident when viewed from the public domain. (Yes)
Garage door width	6m in width (max)	N/A
Garage door height	2.4m (max)	N/A
Dormer windows		Not proposed (N/A)
View sharing	<p>Development should allow for the reasonable sharing of significant views by:</p> <ul style="list-style-type: none"> <li>• appropriately siting the building,</li> <li>• appropriately designing the bulk of the building,</li> <li>• using open materials for balustrades on balconies and decks, and/or</li> <li>• new landscaping comprising a light open foliage.</li> </ul>	The proposed development will not unreasonably restrict any significant view of the neighbours (Yes)

## 5. HORNSBY S7.11 CONTRIBUTIONS PLAN

The proposed development is subject of payment of S7.11 contributions. It is noted that credit should be given for the existing dwelling house to remain.



## **6. CONSIDERATION UNDER S 4.15 OF THE EP&A ACT**

### **6.1 The likely impacts of the development**

The proposed development is not likely to result in an adverse impact on the surrounding environment. The potential impact of the prospective building footprint in Proposed Lot 2 and the original cottage relocation in Proposed Lot 1 has been carefully considered in the heritage and residential amenity grounds.

### **6.2 The suitability of the site**

The site is considered suitable for the development for the following reasons:

- The site is a residential allotment in an established suburban area where all forms of public infrastructure are available for augmentation including water, sewer, stormwater, road, electricity and telecommunication.
- The site is not environmentally sensitive or contaminated.
- The site is not located on a major road where traffic safety can be an issue.
- The site is not affected by flooding or bushfire.

The constraints of the site have been carefully considered throughout the design of the proposed subdivision and indicative building envelope so that any adverse impact on the adjacent properties is minimised and the site can provide for the housing needs of the community within a low density residential environment.

It is therefore considered the site being suitable for the proposed subdivision.

### **6.3 Submissions**

Council will need to notify the application in accordance with the relevant legislation and DCP.

### **6.4 The public interest**

The proposed development is considered to be in the public interest as it will provide

one additional lot for new residential development which will meet the housing needs of the community.

'The Guide to Section 79C (Currently Section 4.15)' published by the previous Department of Planning refers '(e) – the public interest' to be '*Federal, State and Local government interests and community interests*' as below:

*(e) – The public interest*

<i>Primary Matters</i>	<i>Specific Considerations</i>
Federal, State and Local government interests and community interests	<ul style="list-style-type: none"> <li>▪ Do any policy statements from Federal or State Governments have relevance?</li> <li>▪ Are there any relevant planning studies and strategies?</li> <li>▪ Is there any management plan, planning guideline, or advisory document that is relevant?</li> <li>▪ Are there any credible research findings, which are applicable to the case?</li> <li>▪ Do any covenants, relevant issues raised in public meetings and inquiries?</li> <li>▪ Have there been relevant issues raised in public meetings or inquiries?</li> <li>▪ Was there consultations and submissions made in addition to (d) above?</li> <li>▪ How will the health and safety of the public be affected?</li> </ul>

To apply the specific considerations in the table to the proposed development, the following assessment is made:

- Numerous policy statements and planning studies and strategies (e.g. The Sydney Metropolitan Strategy 2031) have been published by the NSW Department of Planning and Environment in recent years to facilitate housing supply and urban consolidation so as to keep up with the increasing housing demand in NSW, whilst best protecting the environment. The subject site is a substantial allotment of 1,286.5m<sup>2</sup> in area which will comfortably provide a suitable platform for a new house in the vacant rear lot. As such, approval to the proposed development is considered to be in the interest of the state of NSW facilitating housing supply and urban consolidation without adversely

compromising the environment.

- Upon the minutes of the latest pre-DA meeting, Council has confirmed provisional support of the development subject to minor amendments and additional information. The current DA has been prepared generally in accordance with Council advice. As such, the development is considered to be in the interest of Council.
- No covenant or registered easement exists that could possibly undermine the public interest.
- All written submissions objecting to the proposal can be adequately dealt with during Council's DA conciliation process if received.
- The health and safety of the public will not be adversely affected by the proposed variation.

## **7. CONCLUSION**

The proposed development is consistent with the objectives of the R2 (Low Density Residential) Zone and will not adversely compromise the built and natural environment of the area and the amenity of adjoining residential properties. Therefore, the proposed development is worthy of Council support.

Yours faithfully,



James Kim of Just Property & Planning (B. U&RP & Grad. Dip. U&RP)  
PO Box 3146, Putney NSW 2112  
Mob) 0425 346 411, Email) justplanning@live.com.au