



44 Kooloora Avenue, Freshwater

**Demolition of existing dwelling house,
construction of a new dwelling house and
landscaping works**

Statement of Environmental Effects

For Northern Beaches Council

Prepared by Geoff Goodyer

September 2020

Project No. 19-135

Symons Goodyer Pty Ltd
Town planning and
development consultants

Mob. 0413 361 483

PO Box 673
Balgowlah NSW 2093

info@symonsgoodyer.com.au
www.symonsgoodyer.com.au

This page is intentionally left blank

Contents

1.	Executive summary	1
2.	Introduction.....	2
3.	Pre-lodgement consultation with Council.....	3
4.	The proposal.....	4
5.	The site and surrounding area	7
6.	Warringah Local Environmental Plan 2011	12
	6.1 Aims of plan.....	12
	6.2 Zone objectives and permissibility.....	12
	6.3 Principal development standards	13
	6.4 Miscellaneous provisions	13
	6.5 Additional local provisions.....	13
7.	Warringah Development Control Plan 2011	15
	7.1 Compliance Table	15
	7.2 Planning rules	15
8.	State Environmental Planning Policies.....	25
	8.1 SEPP No. 55 - Remediation of land	25
	8.2 SEPP (Infrastructure) 2007	25
	8.3 SEPP (Building Sustainability Index) 2004.....	25
	8.4 SEPP (Coastal Management) 2018.....	25
	8.5 SEPP (Vegetation in Non-Rural Areas) 2017	26
9.	Other matters under Section 4.15 of the Environmental Planning & Assessment Act 1979	27
	9.1 The likely impacts of the development.....	27
	9.2 The suitability of the site	27
	9.3 Submissions	27
	9.4 The public interest	27
10.	Summary	28
Appendix A	Details of the Author	29

1. Executive summary

- 1.1. The proposal is to demolish the existing dwelling house and construct a new dwelling house and landscape works at 44 Kooloora Avenue, Freshwater.
- 1.2. The proposal seeks to provide a dwelling house with excellent internal amenity and facilities to meet the needs of the existing and future residents.
- 1.3. The design follows an exhaustive pre-lodgement process with Council officers and the proposal has been modified from that which was first presented. Resolving issues relating to flooding and stormwater management has involved significant investigation and manipulation of the building design.
- 1.4. The site adjoins a heritage item of local significance (46 Kooloora Avenue) and the street trees in Kooloora Avenue are also listed as local heritage items. The proposal has been designed to retain all street trees and to respect the significance of the neighbouring dwelling house by being of a compatible height, bulk and scale and providing a generous setback to the common boundary.
- 1.5. Particular care has been taken to minimize impacts in terms of views, overshadowing and privacy, recognising the relationship of the site to the neighbouring dwelling houses.
- 1.6. The site is zoned R2 Low Density Residential under *Warringah Local Environmental Plan 2011* ("WLEP 2011"). The proposal is permissible with development consent and complies with all relevant development standards, including building height.
- 1.7. The proposal generally satisfies the built form controls in *Warringah Development Control Plan 2011* ("WDPC 2011"), although raising the building to deal with stormwater and flooding constraints results in minor breaches of the wall height and building envelope controls. The proposal satisfies the requirement for landscaped open space.
- 1.8. In summary, the proposal is consistent with the aims and objectives of Council's planning controls and is considered to be suitable for approval on town planning grounds.

2. Introduction

- 2.1. This Statement of Environmental Effects has been prepared by Geoff Goodyer of Symons Goodyer Pty Limited. My details are included in Appendix A of this Statement of Environmental Effects.
- 2.2. I am a town planner with over 30 years' experience in local government and private practice. I am a Registered Planner accredited by the Planning Institute of Australia.
- 2.3. This Statement of Environmental Effects assesses the impacts of a proposal to demolish the existing dwelling house and construct a new dwelling house and landscape works at 44 Kooloora Avenue, Freshwater under section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- 2.4. In the course of preparing this Statement of Environmental Effects I have:
- inspected the site and surrounding locality;
 - taken photographs of the site and surrounding locality; and
 - reviewed relevant environmental planning instruments and Council policies, in particular *Warringah Local Environmental Plan 2011* and *Warringah Development Control Plan 2011*.

3. Pre-lodgement consultation with Council

- 3.1. The applicant held a formal pre-lodgement meeting with Council's planners and technical officers on 17 December 2019.
- 3.2. The Council provided notes from the meeting and the comments were generally supportive of the proposal and noted that the minor breaches of the building envelope and wall height controls were acceptable in the circumstances of the case.
- 3.3. Consultation with Council officers has continued throughout the design refinement process particularly with regards to issues related to flooding and stormwater management. The resolution of those issues is described in detail in the technical documents that accompany the development application. The planning outcome is the incorporation of a crest over the Council stormwater pipes that traverse the front of the property, the inclusion of a flood gate in the driveway before it descends to the basement, and the provision of a sub-floor flood retention tank under the building.

4. The proposal

- 4.1. The proposal is to demolish the existing dwelling house and construct a new dwelling house and landscape works at 44 Kooloora Avenue, Freshwater.
- 4.2. The objective is to provide a dwelling house with excellent internal amenity and facilities to meet the needs of the existing and future residents. Care has been taken to achieve these objectives in a way that maintains the amenity of the adjoining dwelling houses, resolves issues relating to flooding and stormwater management, and conserves the heritage significance of the adjoining dwelling house and street trees.
- 4.3. The proposed dwelling house contains:
- Basement (RL 2.80)
- Double garage (tandem)
 - Storage for bicycles, boards, bins and general storage
 - Plant room
- Level 1 (RL 5.80)
- Kitchen / living / dining room with pantry
 - Laundry
 - Powder room
 - Living room with guest space
 - Entry
- Level 2 (RL 8.80)
- Five bedrooms, one with robe and ensuite
 - Two bathrooms
 - Lounge room
 - Linen cupboard
- 4.4. The building is designed as two linked pavilions around a central courtyard that serves to provide light and natural ventilation into the building and to break up its bulk and scale. A rear terrace provides private open space appurtenant to the living areas.
- 4.5. Site landscaping designed by Dangar Bain Smith enhances the appearance of the building, provides privacy between dwellings and improves the usability and amenity of the private open space.
- 4.6. A crest is proposed within the front yard over existing Council stormwater infrastructure. A flood control gate is provided on the driveway to prevent floodwaters entering the basement. A flood retention tank (average RL 4.08) is proposed under the dwelling house.
- 4.7. The proposal is shown on the following drawings:

Dwg	Drawing:	Drawn by:
DA00	Cover sheet and locality plans	Brewster Hjorth Architects
DA01	Demolition plan and construction waste management	Brewster Hjorth Architects
DA02	Site analysis plan	Brewster Hjorth Architects
DA03	Site plan and roof plan	Brewster Hjorth Architects
DA04	Basement and level 1 plan	Brewster Hjorth Architects
DA05	Level 2 plan	Brewster Hjorth Architects
DA06	North east and south east elevation	Brewster Hjorth Architects
DA07	South west and north west elevation	Brewster Hjorth Architects
DA08	Sections	Brewster Hjorth Architects
DA09	Shadow diagrams winter existing and proposed	Brewster Hjorth Architects
DA10	Shadow diagrams summer existing and proposed	Brewster Hjorth Architects
DA11	Perspectives	Brewster Hjorth Architects
DA12	Colours and finishes sample board	Brewster Hjorth Architects
DA13	Excavation and fill plan	Brewster Hjorth Architects
LP01-D1220/E	Cover Sheet	Dangar Barin Smith
LP02-D1220/E	Rear ground - landscape plan	Dangar Barin Smith
LP03-D1220/E	Front ground - landscape plan	Dangar Barin Smith
C01/B	Driveway access plans – sheet 1	NB Consulting Engineers
C02/B	Driveway access plans – sheet 2	NB Consulting Engineers
C03/B	Proposed contour layout plan	NB Consulting Engineers
C04/B	Longitudinal sections – sheet 1	NB Consulting Engineers
C05/B	Longitudinal sections – sheet 2	NB Consulting Engineers
C06/B	Longitudinal sections – sheet 3	NB Consulting Engineers
C07/B	Longitudinal sections – sheet 4	NB Consulting Engineers
D01/A	Stormwater management drainage plan – sheet 1	NB Consulting Engineers
D02/A	Stormwater management drainage plan – sheet 2	NB Consulting Engineers
D03/A	Stormwater management drainage plan – sheet 3	NB Consulting Engineers
D04/A	Sections and details – sheet 1	NB Consulting Engineers
D05/A	Sections and details – sheet 2	NB Consulting Engineers
D10/A	Sediment and erosion control plan	NB Consulting Engineers
18354	Detail survey	CMS Surveyors

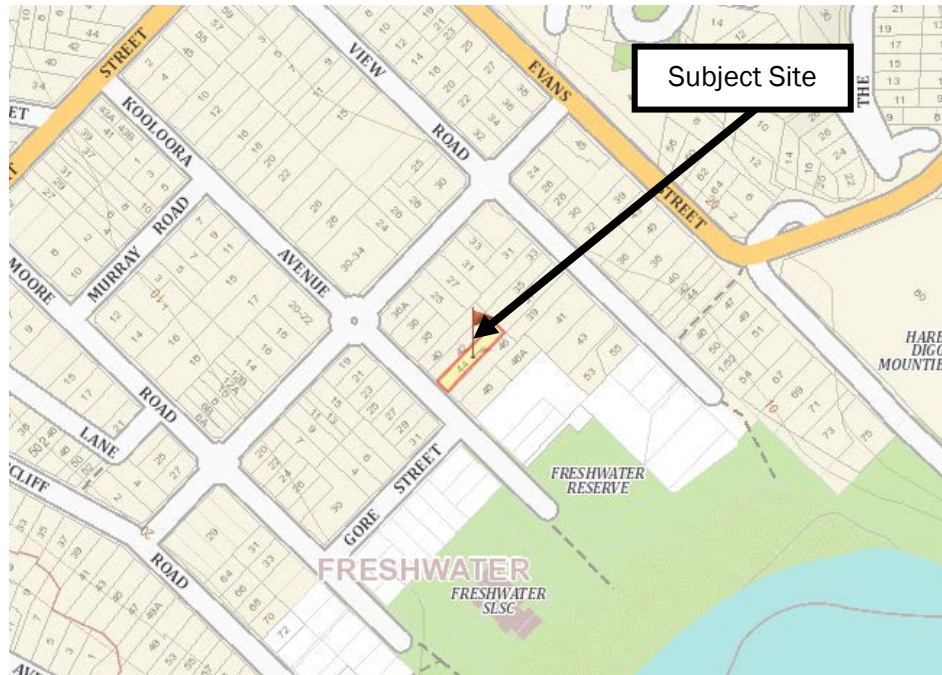
4.8. The proposal is supported by the following documents:

Title	Prepared by:	Date
BASIX Certificate No. 1129753S_02	Energy Ratings Australia	02.09.2020

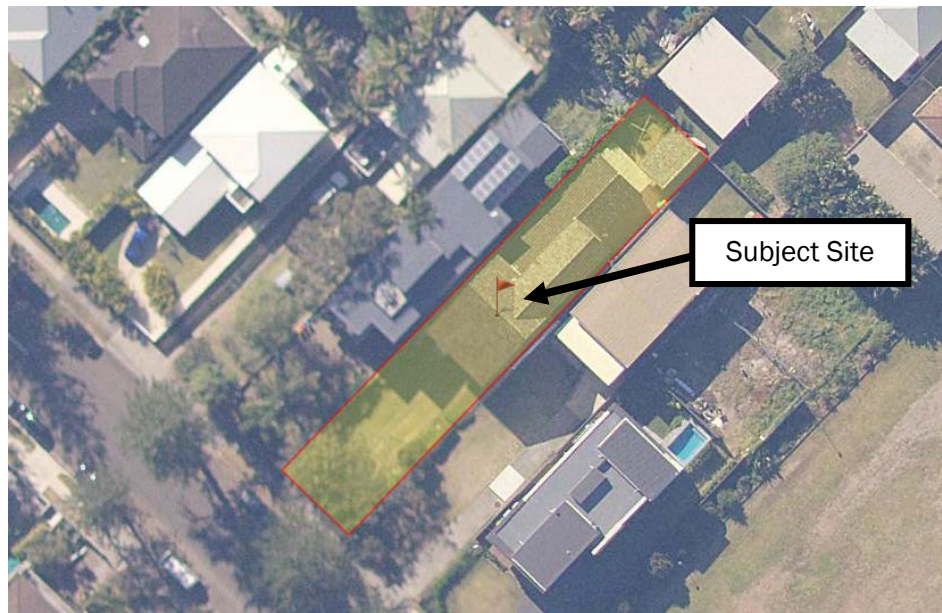
Title	Prepared by:	Date
NatHERS Certificate No. 0005134796	Matthew Graham	21.08.2020
Flood Risk Management Report	NB Consulting Engineers	08.09.2020
Geotechnical Assessment	White Geotechnical Group	25.03.2020
Statement of Environmental Effects	Symons Goodyer	September 2020
Waste Management Plan		

5. The site and surrounding area

- 5.1. The site is Lot 1, DP 171852, known as 44 Kooloora Avenue, Freshwater. It is located on the north-eastern side of Kooloora Avenue between Charles Street and Gore Street.
- 5.2. The location of the site is shown in the following maps.



Map 1 - Location (Source: sixmaps)



Map 2 - Aerial photograph (Source: sixmaps)

- 5.3. The site is rectangular in shape. It has a frontage of 10.06m to Kooloora Avenue to the south-west, a south-eastern side boundary of 57.0m, a north-western side boundary of 57.0m, and a north-eastern rear boundary of 10.06m.
- 5.4. The site area is 573.2m² (by calculation).
- 5.5. The site slopes gently down from its rear boundary to its front boundary. The total fall is approximately 2.0m, representing an average slope of 3.5% (1:35.1 or 2.0°).
- 5.6. The site is currently occupied by a part 1-storey, part 2-storey dwelling house constructed of brick with a tiled roof. There is an existing outbuilding in the rear yard. The area around the buildings is landscaped and paved.
- 5.7. Adjoining the site are 2-storey dwelling houses in landscaped settings.
- 5.8. The surrounding area has been predominantly developed for detached dwelling houses of 1-3 storeys in height in landscaped settings interspersed with other residential developments including multi-dwelling housing and residential flat buildings. The site has access to public transport, shops, services, schools and public open space.
- 5.9. 100m to the east of the site is Freshwater beach, surf life saving club, car park and public open space.
- 5.10. The following photographs show the site and surrounding area:



Photograph 1: The subject site, 44 Kooloora Avenue.



Photograph 2: The rear façade of the existing dwelling house on the subject site.



Photograph 3: The existing outbuilding in the rear yard on the subject site.



Photograph 4: The neighbouring dwelling house to the south-east, 46 Kooloora Avenue.



Photograph 5: The recently constructed dual occupancy 20m to the south-east of the site, 48 Kooloora Avenue.



Photograph 6: The neighbouring dwelling house to the north-west, 42 Kooloora Avenue.



Photograph 7: Dwelling houses on the opposite (south-western) side of Kooloora Avenue.

6. Warringah Local Environmental Plan 2011

6.1 Aims of plan

6.1.1. The proposal is considered to be consistent with the relevant aims of WLEP 2011 in clause 1.2, in particular:

2(d)(i) The proposed development protects existing residential amenity and continues the residential use of the land.

2(d)(ii) The proposed dwelling house is compatible with existing and future neighbouring development in terms of bulk, scale and appearance.

2(d)(iii) The proposal will maintain the availability of dwellings to enable population growth without having adverse effects on the character and amenity of the local government area.

2(f)(i) The dwelling house has been thoughtfully designed and represents quality urban design.

2(f)(ii) The dwelling house demonstrates sustainable use of energy and resources and is supported by a BASIX Certificate.

2(f)(iii) The site is connected to all required infrastructure.

2(f)(iv) The building enhances the streetscape.

2(f)(v) The proposal protects the natural environment subject to standard conditions regarding erosion control and construction and waste management.

2(f)(vi) The site is not subject to environmental constraints such as acid sulfate soils or bush fire risk. A preliminary geotechnical assessment raises no concerns regarding the stability of the site. Issues relating to flooding have been thoroughly investigated and addressed in the Flood Risk Management Report by NB Consulting Engineers.

6.2 Zone objectives and permissibility

6.2.1. The site is zoned R2 Low Density Residential. The proposal is permissible with development consent.

6.2.2. The proposal is considered to be consistent with the relevant objectives of the zone, as follows:

- The dwelling house meets the housing needs of the community in a low density residential environment.
- The dwelling house will provide a landscaped setting and is in harmony with the natural environment of Warringah.

6.3 Principal development standards

- 6.3.1. Clause 4.3 of WLEP 2011 prescribes a maximum building height of 8.5m. The proposal, with a maximum building height of 7.85 metres, complies with this requirement. The maximum building height occurs at the southern corner of the building where the top of the roof (RL12.05) is situated over an existing ground level of RL4.20.
- 6.3.2. The proposal achieves the objectives of the building height control. It is compatible with the height and scale of surrounding and nearby dwelling houses. It maintains view sharing, privacy and solar access to neighbouring residents. The scenic quality and visual amenity of the area is enhanced.

6.4 Miscellaneous provisions

- 6.4.1. The site is not a heritage item and is not within a conservation area. The site is adjacent to the dwelling house known as “Felicita” at 46 Kooloora Avenue and to street trees in Kooloora Avenue, which are identified as heritage items of local significance.
- 6.4.2. The proposal has been designed to maintain the significance of these heritage items.
- 6.4.3. With regards to the adjacent dwelling house at 46 Kooloora Avenue, a generous side setback of 2.0m is proposed adjacent to the building widening to 5.0m at the courtyard, which is adjacent to the distinctive enclosed front upper level verandah of 46 Kooloora Avenue. The height of the proposal is commensurate with the height of 46 Kooloora Avenue and sits comfortably in the streetscape, as shown in the following diagram:



- 6.4.4. The proposal retains the existing driveway crossing and has no impact on the health of the heritage listed street trees.
- 6.4.5. The proposal satisfies clause 5.10 of WLEP 2011.

6.5 Additional local provisions

- 6.5.1. The site is not identified within any Class on the Acid Sulfate Soils Map. No further assessment of the proposed works is required in terms of acid sulfate soils under clause 6.1 of WLEP 2011.

6.5.2. Earthworks are required for the proposal to provide for the basement garage and storage rooms. Hydraulic engineering plans have been prepared to ensure no detrimental impact on existing drainage patterns and soil stability. Standard soil erosion controls will be implemented during construction to prevent adverse impacts on any watercourse. The proposal complies with clause 6.2 of WLEP 2011.

6.5.3. The site has been identified by Council as being prone to flooding. Detailed investigations in this regard have been carried out by NB Consulting Engineers. Their report concludes:

In accordance with accepted engineering practice, NBCE has undertaken a flood study of the stormwater drainage system at 44 Kooloora Avenue in Freshwater and can confirm the accuracy of the calculated results based on the DRAINS modelling. The proposed development will be safeguarded from flooding and will not adversely affect other structures or properties as a result of the proposed development.

6.5.4. The recommendations of the report by NB Consulting Engineers have been incorporated into the proposal. Subject to the enforcement of these recommendations by conditions of consent, the proposal satisfies the requirements of clause 6.3 of WLEP 2011.

6.5.5. The site is within Area A on the Landslip Risk Map. A Geotechnical Investigation has been carried out White Geotechnical Group, which identifies the following geotechnical hazards and risks:

No geotechnical hazards were observed above, below or beside the property. The proposed excavations are a potential hazard until the retaining walls are in place (Hazard One). The proposed excavations undercutting the footings of nearby structures is a potential hazard (Hazard Two).

6.5.6. Section 13 of the Geotechnical Investigation includes recommendations which, if adopted, ensure that the level of risk to life and property associated with these hazards is acceptable. Subject to enforcement of these recommendations as conditions of development consent the proposal satisfies the requirements of clause 6.4 of WLEP 2011.

7. Warringah Development Control Plan 2011

7.1 Compliance Table

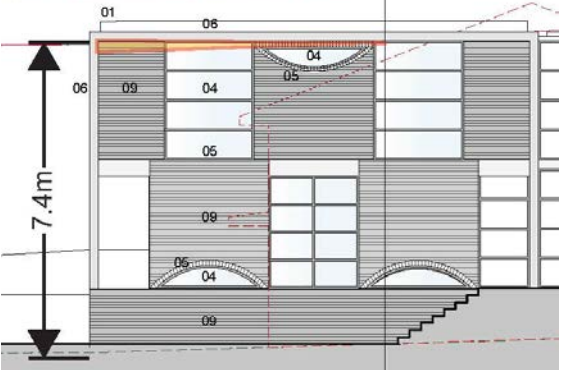
7.1.1. The following table summarises the relevant numerical controls in WDCP 2011:


Development Standard	Required	Proposed	Complies?
B1 Wall height	7.2 metres	North-west: 7.2m South-east: 7.4m	Yes No
B3 Side boundary envelope	4 metres + 45°	Outside envelope: North-west: up to 1.7m for a length of 8.9m. South-east: up to 1.7m for a length of 29m.	No No
B5 Side boundary setback	0.9 metres	North-west: 0.9m South-east: 1.1m – 2.0m	Yes Yes
B7 Front boundary setback	6.5 metres	18.6 metres	Yes
B9 Rear boundary setback	6 metres	7.9 metres	Yes
C3 Parking facilities	2 car spaces	2 car spaces	Yes
D1 Landscaped open space and bushland setting	40% of site area 229.3m ²	40% of site area 229.3m ²	Yes
D2 Private open space	60m ² , minimum dimension 3m	> 60m ² , minimum dimension 3m	Yes
D6 Access to sunlight	3 hours sunlight in midwinter	> 3 hours sunlight in midwinter	Yes

7.2 Planning rules

7.2.1. The following table details the performance of the proposal against the relevant planning rules in WDCP 2011:

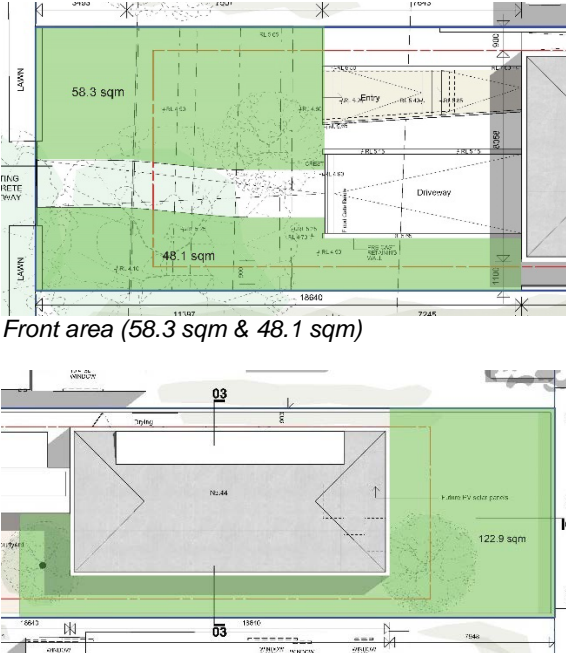
General Principles	Applies	Comments	Complies
B1 Wall heights	YES	<p>The proposal complies with the wall height almost entirely except for a small area at the southern corner of the building on the south-eastern façade, where a variation of up to 200mm occurs.</p> <p>The north-western façade complies entirely with the wall height control, with the maximum wall height of 7.2m occurring at the western corner of the building (underside of ceiling RL11.6 over existing ground level RL4.4).</p> <p>The wall height at the southern corner of the building is 7.4m (underside of ceiling RL11.6 over existing ground level RL4.2). The extent of the non-compliance is shown in the following diagram in orange:</p>	YES On merit

General Principles	Applies	Comments	Complies
		 <p data-bbox="683 703 954 730"><i>Part south-east elevation</i></p> <p data-bbox="683 786 1230 1032">The exceedance of the wall height control is a consequence of the raising of the habitable floor level of the building above the flood level (plus freeboard) as established by Council. The circumstances are specific to this site and approval of the development will not set a precedent. The floor-to-ceiling allowances are not excessive and provide for reasonable internal amenity and do not unreasonably contribute to a breach of the control.</p> <p data-bbox="683 1061 1230 1140">Notwithstanding this numerical non-compliance, the proposal satisfies the objectives of the wall height control:</p> <ul data-bbox="683 1169 1246 1800" style="list-style-type: none"> ✓ The visual impact is minimised by providing a well-articulated building. ✓ The proposal is commensurate in scale with proposed landscaping. ✓ Reasonable view sharing is maintained as there is no impact on any views. ✓ There is minimal impact on neighbouring properties in terms of privacy, views and overshadowing. Privacy is maintained, as discussed in relation to Control D8 below. The shadow diagrams demonstrate that more than 3 hours of sunlight is maintained to the neighbours' private open space and living room windows. ✓ Excavation is to be managed in accordance with the recommendations of the Geotechnical Investigation by White Geotechnical Services to ensure that risks are minimised and the impact on the landform is reasonable. <p data-bbox="683 1830 1230 1937">It is noted that the variation to the wall height control was addressed in the pre-lodgement notes from Council and the variation considered to be reasonable.</p>	
B2 Number of storeys	NO	No Comment	N/A
B3 Side boundary envelope	YES	The proposal exceeds the building envelope control. The breach of the control ranges up to 1.7m on both	YES On merit


General Principles	Applies	Comments	Complies
		<p>sides of the building. The extent of the breach is shown in the following diagrams in orange:</p>  <p><i>South-east elevation</i></p> <p><i>North-west elevation</i></p> <p>The breach of the control is a function of two site-specific circumstances. Firstly, the need to raise the floor level of the habitable floors above the flood level (plus freeboard) as established by Council. Secondly, the narrow width of the allotment (10.06m). Consequently, approval of the proposal will not set a precedent for other development.</p> <p>The floor-to-ceiling allowances are not excessive and provide for reasonable internal amenity and do not unreasonably contribute to a breach of the control.</p> <p>The proposal provides a generous setback on the south-eastern side of 1.1m – 2.0m, and 5.0m for the central courtyard. These setbacks help to reduce the extent of the non-compliance and achieve the objectives of the control. They also provide a greater separation to the neighbouring dwelling house, 46 Kooloora Avenue, and contribute to maintaining the heritage significance of that building.</p> <p>The proposal satisfies the objectives of the control:</p> <ul style="list-style-type: none"> ✓ The building height and bulk is minimised. The building is well articulated. Landscaping will screen and soften the building. ✓ Privacy and reasonable solar access is maintained. The development complies with the requirements of WDCP 2011 with regards to neighbouring solar access. ✓ The building conforms to the topography of the land. <p>It is noted that the breach of the building envelope control was addressed in the pre-lodgement notes provided by Council and the variation was considered to be reasonable.</p>	
B4 Site coverage	NO	No Comment	N/A

General Principles	Applies	Comments	Complies
B5 Side boundary setbacks	YES	<p>The proposal complies with the side boundary setbacks control. The proposal achieves the objectives of the control:</p> <ul style="list-style-type: none"> ✓ Deep soil landscaped areas satisfy the requirements of WDCP 2011. ✓ The articulated design of the building, the varied side setbacks, together with the proposed landscaping ensure that the building is not visually dominant. ✓ The bulk is reduced through fenestration and articulation and a flat roof form. It is in scale with its neighbours. ✓ Privacy is maintained. There are no living area windows overlooking neighbouring properties. Solar access exceeds the requirements of the WDCP 2011. ✓ There is no impact on public and private views. 	YES
B6 Merit assessment of side boundary setbacks	NO	No Comment	N/A
B7 Front boundary setbacks	YES	<p>The proposal provides a front setback that satisfies the minimum requirement of 6.0m. It is well articulated and will enhance the streetscape. The proposal achieves the objectives of the control:</p> <ul style="list-style-type: none"> ✓ The front setback exceeds the control and provides a sense of openness. ✓ The building is consistent with its neighbours and the streetscape. ✓ The building is a contemporary design and well articulated and, together with the proposed landscaping, will improve the quality of the public space. ✓ There is no impact on views from public and private places. 	YES
B8 merit assessment of front boundary setbacks	NO	No Comment	N/A
B9 Rear boundary setbacks	YES	<p>The proposal exceeds the rear boundary setback requirements and achieves the objectives of the control:</p> <ul style="list-style-type: none"> ✓ Deep soil areas within the rear yard are increased and satisfy the requirements of the WDCP 2011. ✓ The proposal provides for a sense of openness in the rear yard. ✓ Neighbouring amenity, including privacy, is maintained. ✓ The pattern of rear setbacks with the neighbouring properties is maintained. 	YES
B10 Merit assessment of rear boundary setbacks	NO	No Comment	N/A

General Principles	Applies	Comments	Complies
B11 Foreshore building setback	NO	No Comment	N/A
B12 National Parks setback	NO	No Comment	N/A
B13 Coastal cliffs setback	NO	No Comment	N/A
B14 Main roads setback	NO	No Comment	N/A
C1 Subdivision	NO	No Comment	N/A
C2 Traffic, access and safety	YES	Access to the site is provided by a driveway to Kooloora Avenue. The driveway configuration satisfies the relevant provisions of AS2890.1:2004 and Council's requirements for driveway crossings.	YES
C3 Parking facilities	YES	The proposal provides a double garage in a tandem formation. The garage has been designed to complement the design of the dwelling house.	YES
C3(A) Bicycle parking and end of trip facilities	NO	No Comment	N/A
C4 Stormwater	YES	A drainage concept plan has been prepared by NB Consulting Engineers. Stormwater is to be collected and disposed of to Council's stormwater system which traverses the front portion of the site.	YES
C5 Erosion and sedimentation	YES	Erosion and sedimentation is proposed to be managed in accordance with the details provided by NB Consulting Engineers (Drawing No. D10/A) and can be controlled by standard conditions imposed by Council.	YES
C6 Building over or adjacent to constructed Council drainage easements	YES	The proposal has been designed following extensive consultation with Council's technical officers regarding the treatment of works over existing stormwater infrastructure that traverses the front setback of the site. Details of the resolution of these issues is provided in the Flood Risk Management Report and the civil and hydraulic plans prepared by NB Consulting Engineers.	N/A
C7 Excavation and landfill	YES	Excavation is proposed to provide for the garage and basement level storage rooms. Sedimentation will be controlled in accordance with the Sediment and Erosion Control Plan prepared by NB Consulting Engineers and standard conditions of consent.	YES
C8 Demolition and construction	YES	Demolition will be carried out in accordance with AS 2601-2001 and this can be conditioned in Council's normal manner. A Waste Management Plan accompanies the development application.	YES
C9 Waste management	YES	Bin storage is provided in the garage.	YES

General Principles	Applies	Comments	Complies
D1 Landscaped open space and bushland setting	YES	<p>The proposal provides a landscaped area that satisfies the requirements of WDCP 2011. A total landscaped area of 229.3m², equivalent to 40% of the site area, is provided. All areas included in the calculation of landscaped area satisfy the criteria provided in Part D1 of WDCP 2011, being a minimum of 2m in width, at finished ground level and with a soil depth greater than 1m. The areas included in the calculation of landscaped area are shown in the following diagrams:</p>  <p>Front area (58.3 sqm & 48.1 sqm)</p> <p>Rear area (122.9 sqm)</p> <p>The landscaping scheme has been designed by landscape architects. It will soften the appearance of the building and provides suitable areas of private open space for the residents of the dwelling house. The landscaping assists in providing habitat for local fauna and will assist in providing privacy between dwellings.</p>	YES
D2 Private open space	YES	The rear yard provides private open space in excess of the requirements of WDCP 2011.	YES
D3 Noise	YES	Noise will be domestic level only and comply with the requirements of the POEO Act and the <i>NSW Industrial Noise Policy</i> .	YES
D4 Electromagnetic radiation	NO	No Comment	N/A
D5 Orientation and energy efficiency	YES	Excellent natural cross ventilation is provided in the design. The rear yard receives sunlight throughout the year. A BASIX Certificate has been provided.	YES
D6 Access to sunlight	YES	<p>Shadow diagrams have been prepared (Drawing DA09) which identify the overshadowing impacts of the proposal.</p> <p>Control D6 requires 3 hours sunlight be provided to 50% of the required area of private open space (ie: 30m²) of the subject site and of adjoining dwellings in midwinter. The shadow diagrams demonstrate compliance with this requirement.</p>	YES

General Principles	Applies	Comments	Complies
		It is noted that the control does not provide requirements for solar access to living room windows. Notwithstanding this, the shadow diagrams demonstrate that in midwinter there is minimal impact on solar access to living room windows. At 9am there is no overshadowing of the neighbour's windows as all shadows fall over the front yard of the subject site. At 12pm and 3pm in midwinter the neighbour's windows (46 Kooloora Avenue) are currently in shadow and the proposal does not change this situation. Solar access is maintained to the windows of the property beyond (48 Kooloora Avenue) for more than 3 hours from 9am to 12pm in midwinter.	
D7 Views	YES	The proposal will have minimal impact on public and private views and retains reasonable view sharing.	YES

General Principles	Applies	Comments	Complies
D8 Privacy	YES	<p>The proposal retains a reasonable level of privacy between dwellings. The living areas and appurtenant deck are oriented towards the rear boundary.</p> <p>On the south-eastern side, privacy is maintained with windows being offset or screened by the boundary fence. The exception is the windows to bedrooms 1 and 3. With regards to bedroom 3, the window in the adjoining property (46 Kooloora Avenue) is a bathroom with frosted glazing which satisfactorily mitigates potential privacy impacts. With regards to bedroom 1, the window is adjacent to the glazed enclosed front verandah of 46 Kooloora Avenue which acts as an extension of the living area. The separation distance is approximately 3 metres which is insufficient to provide privacy. It is recommended that obscure glazing or other appropriate measure is provided to the east-facing window of bedroom 1 to a height of 1.6m above finished floor level to maintain mutual privacy between dwellings. If Council considers this to be appropriate then the mater may be addressed with a suitable condition of consent.</p> <p>On the north-western side, there are no windows to habitable rooms. The only windows are to the stairwell, which is a transitional area and will not result in unreasonable overlooking of the neighbouring property, 42 Kooloora Avenue. It is further noted that the windows in 42 Kooloora Avenue facing the subject site opposite the proposed stairwell windows are highlighted or screened, as shown in the following photograph:</p> 	YES
D9 Building bulk	YES	All wall planes are broken up to reduce the building bulk. The building conforms to the topography of the land. The building has been designed to complement the landscape.	YES
D10 Building colours and materials	YES	Details of finished materials and colours are shown on drawing DA12. The materials will not result in excessive glare or reflection.	YES

General Principles	Applies	Comments	Complies
D11 Roofs	YES	The dwelling house is contemporary in style and adopts a flat roof form.	YES
D12 Glare and reflection	YES	Domestic lighting only is proposed. Roofing materials are non-reflective and coloured to not result in excessive glare.	YES
D13 Front fences and front walls	YES	The existing front fence is to be retained and provided with a new cement render and painted finish to improve its appearance and contribution to the streetscape.	YES
D14 Site facilities	YES	Bin storage is available in the garage. A domestic letter box is provided at the front of the site. There is room in the rear yard for a drying area.	YES
D15 Side and rear fences	YES	No works are proposed to the existing side and rear fences and any works in this regard would be constructed as exempt development.	YES
D16 Swimming pools and spa pools	NO	No Comment	N/A
D17 Tennis courts	NO	No Comment	N/A
D18 Accessibility	NO	No Comment	N/A
D19 Site consolidation in the R3 and IN1 zone	NO	No Comment	N/A
D20 Safety and security	YES	Casual surveillance of the street is maintained. Building entrances are clearly identifiable.	YES
D21 Provision and location of utility services	YES	The site is connected to all relevant utility services.	YES
D22 Conservation of energy and water	YES	The building has excellent natural cross-ventilation. A BASIX Certificate has been provided.	YES
D23 Signs	NO	No Comment	N/A
E1 Preservation of trees or bushland vegetation	YES	No trees will be affected by the proposal.	YES
E2 Prescribed vegetation	YES	The site is not in a wildlife corridor and does not contain native vegetation or any threatened or high conservation habitat.	YES
E3 Threatened species, populations, ecological communities	NO	No Comment	N/A
E4 Wildlife corridors	NO	No Comment	N/A
E5 Native vegetation	NO	No Comment	N/A
E6 Retaining unique environmental features	YES	No unique environmental features are affected by the proposed works.	N/A
E7 Development adjoining public open space	NO	No Comment	N/A
E8 Waterways and riparian lands	NO	No Comment	N/A
E9 Coastline hazard	NO	No Comment	N/A

General Principles	Applies	Comments	Complies
E10 Landslip risk	YES	<p>The site is within Landslip Risk Area A. A Geotechnical Investigation has been undertaken by White Geotechnical Group, which identifies the following geotechnical hazards and risks:</p> <p><i>No geotechnical hazards were observed above, below or beside the property. The proposed excavations are a potential hazard until the retaining walls are in place (Hazard One). The proposed excavations undercutting the footings of nearby structures is a potential hazard (Hazard Two).</i></p> <p>Section 13 of the Geotechnical Investigation includes recommendations which, if adopted, ensure that the level of risk to life and property associated with these hazards is acceptable. Subject to enforcement of these recommendations as conditions of development consent the proposal satisfies the requirements of clause 6.4 of WLEP 2011.</p>	YES
E11 Flood prone land	YES	<p>The site is identified by Council as being prone to flooding. A Flood Risk Management Report has been prepared by NB Consulting Engineers which relevantly concludes:</p> <p><i>In accordance with accepted engineering practice, NBCE has undertaken a flood study of the stormwater drainage system at 44 Kooloora Avenue in Freshwater and can confirm the accuracy of the calculated results based on the DRAINS modelling. The proposed development will be safeguarded from flooding and will not adversely affect other structures or properties as a result of the proposed development.</i></p>	YES
F1 Local and neighbourhood retail centres	NO	No Comment	N/A
F2 Brookvale brickworks	NO	No Comment	N/A
F3 Special activities	NO	No Comment	N/A
F4 SP2 Infrastructure zone	NO	No Comment	N/A
G1 Dee Why mixed use area	NO	No Comment	N/A
G2 Medium density residential land in B4 Mixed Use zone	NO	No Comment	N/A
G3 Belrose corridor	NO	No Comment	N/A
G4 Warringah Mall	NO	No Comment	N/A
G5 Freshwater Village	NO	No Comment	N/A
G6 Dee Why RSL Club	NO	No Comment	N/A
G7 Evergreen Estate	NO	No Comment	N/A

8. State Environmental Planning Policies

8.1 SEPP No. 55 - Remediation of land

- 8.1.1. Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.
- 8.1.2. The site has been used for residential purposes for approximately 80 years prior to which it was probably vacant. The historical uses of the site are not listed in Table 1 to the Planning Guidelines under SEPP 55 as being activities likely to cause contamination. It is considered unlikely that the site has experienced any contamination, and no further assessment is considered necessary.

8.2 SEPP (Infrastructure) 2007

- 8.2.1. Clause 45 of SEPP Infrastructure requires the Consent Authority to notify the electricity supply authority of any development application (or an application for modification of consent) for any development proposal:
- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
 - immediately adjacent to an electricity substation,
 - within 5m of an overhead power line
 - that includes installation of a swimming pool any part of which is within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line
- 8.2.2. No works are proposed in proximity to electricity infrastructure. However, Council may wish to notify the electricity supply authority of the proposal in accordance with its usual practice.

8.3 SEPP (Building Sustainability Index) 2004

- 8.3.1. The proposal is “BASIX affected development” for the purposes of State Environmental Planning Policy (building Sustainability Index: BASIX) 2004 (“SEPP (BASIX)”).
- 8.3.2. Under clauses 8 and 9 of SEPP BASIX, other planning instruments and DCP’s do not apply to BASIX commitments. A BASIX Certificate accompanies the proposal.
- 8.3.3. A BASIX Certificate accompanies the proposal.

8.4 SEPP (Coastal Management) 2018

- 8.4.1. The site is not located within the area of application of SEPP (Coastal Management) 2018 applies to the development. The following map was generated by the NSW Department of Planning and Environment’s online

map tool, with the red line showing the area of application of SEPP (Coastal Management) 2018 and the yellow circle indicating the subject site:



- 8.4.2. Consequently, the provisions of SEPP (Coastal Management) 2018 do not apply to the proposal.

8.5 SEPP (Vegetation in Non-Rural Areas) 2017

- 8.5.1. Under clause 10 of SEPP (Vegetation in Non-Rural Areas) 2017, Council may issue a permit to clear vegetation in any non-rural area of the State. The proposal does not involve the removal of any vegetation.

9. Other matters under Section 4.15 of the Environmental Planning & Assessment Act 1979

9.1 The likely impacts of the development

9.1.1. These have been addressed above.

9.2 The suitability of the site

9.2.1. The site has been identified in WLEP 2011 as being suitable for housing development. It is zoned R2 Low Density Residential.

9.2.2. There are no unique environmental features on the site that render it unsuitable for development. The site does not have a history of use that would result in land contamination (per SEPP 55). Issues relating to flooding have been thoroughly investigated and, in consultation with Council's technical officers, those issues have been resolved.

9.2.3. In summary the site is considered to be suitable for the type of development proposed.

9.3 Submissions

9.3.1. None relevant at this time.

9.4 The public interest

9.4.1. The public interest is served by developing the land in an efficient and economic way that maintains the character of the area and the amenity of the neighbourhood.

9.4.2. The Council's LEP and DCP encourage such development in this locality.

10. Summary

- 10.1. The merits of this application have been identified in this assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, *Warringah Local Environmental Plan 2011* and the *Warringah Development Control Plan*.
- 10.2. The proposal satisfies the aims and objectives of Council's planning controls. Careful consideration has been given to the design to ensure that adjoining and nearby residents continue to enjoy reasonable solar access, privacy and views. The contemporary dwelling will enhance the streetscape and character of the area. The building respects the setting of the neighbouring heritage item by providing generous setbacks and a commensurate, and not dominating, bulk and scale.
- 10.3. Overall the aims and objectives of Council's development controls are achieved and the proposal is considered to be suitable for approval on town planning grounds.

Appendix A Details of the Author

ACADEMIC QUALIFICATIONS

Bachelor of Town Planning (Honours), University of New South Wales (1988).
Master of Professional Accounting (Distinction), University of Southern Queensland (1999).

PROFESSIONAL EXPERIENCE

1997 to present SYMONS GOODYER PTY LTD

Principal town planning consultant responsible for providing expert town planning advice to a diverse range of clients.

Expert witness in the Land and Environment Court.

Statutory and strategic projects within numerous Council areas, including Ashfield, Bankstown, Canterbury, Hornsby, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Mosman, North Sydney, Pittwater, Randwick, Rockdale, Sutherland, Warringah, Waverley, and Woollahra.

1988 to 1997 WARRINGAH COUNCIL

Manager, Planning and Urban Design Branch (1994-7). Responsible for drafting of operative provisions of the Warringah Local Environmental Plan 2000.
Senior Strategic Planner (1993-1994)
Development Assessment Officer (1988-1993)

1986 to 1988 MARRICKVILLE MUNICIPAL COUNCIL

Town Planner

1986 EDWARDS MADIGAN TORZILLO BRIGGS INTERNATIONAL PTY LTD

Town Planner

1984 RYDE MUNICIPAL COUNCIL

Student Town Planner

PUBLICATIONS

Goodyer, G (1988)
Retail and office activities in industrial areas in the Sydney region. University of New South Wales.

Goodyer, G (1989)
Hi-tech industry. Planning Law and Practice, UNSW, 1989.

Goodyer, G (1995)
Modern Planning Instruments. Health and Building Surveyors' Association (NSW) Conference, 1995.