

Statement of Environmental Effects

**Proposed Inground Pool, Cabana and
Associated Retaining Walls and
Landscape Works**

at

**Lot A in DP359191
No.51 Wyndora Avenue,
Freshwater. N.S.W.**

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1. Introduction

This report is tailored to support the detailed drawings and supplementary information submitted as a development application for the proposed works at Freshwater NSW. This Statement of Environmental Effects addresses relevant matters under Section 4.15 of the Environmental Planning and Assessment Act; State Environmental Planning Policies; Regional Environmental Plans and Strategies; the Warringah Local Environment Plan (LEP) 2011 and any relevant Development Control Plans. Northern Beaches Council is the consent authority.

2. Site Description

The site is described as lot A in DP359191, No.51 Wyndora Ave., Freshwater NSW. It has a site area of 600.7 sq.m (by title), is rectilinear in shape with a dual frontage to Wyndora Ave of 20.11m and to Foam St of 30.17m. The land falls from the north-east rear corner to the intersection at a grade of approx. 16%.

The subject site is currently occupied by a two-storey cottage, soon to be demolished. A new dwelling is to be constructed, approved under the *SEPP Existing and Complying Development Codes 2008* legislation (CDC 4638302). The site is fully serviced with town water, power, sewer and telephony. The land is vegetated with areas of lawn and garden beds of native and exotic shrubs and ground covers and is devoid of significant trees apart from a palm in the south-east corner, and several street trees.



No.51 Wyndora Ave., Freshwater (Rear Yard)



No.51 Wyndora Ave., Freshwater



49 Wyndora Avenue



49 Wyndora Ave (Rear)



7 Foam Street

Diagram 1 – Locality Map

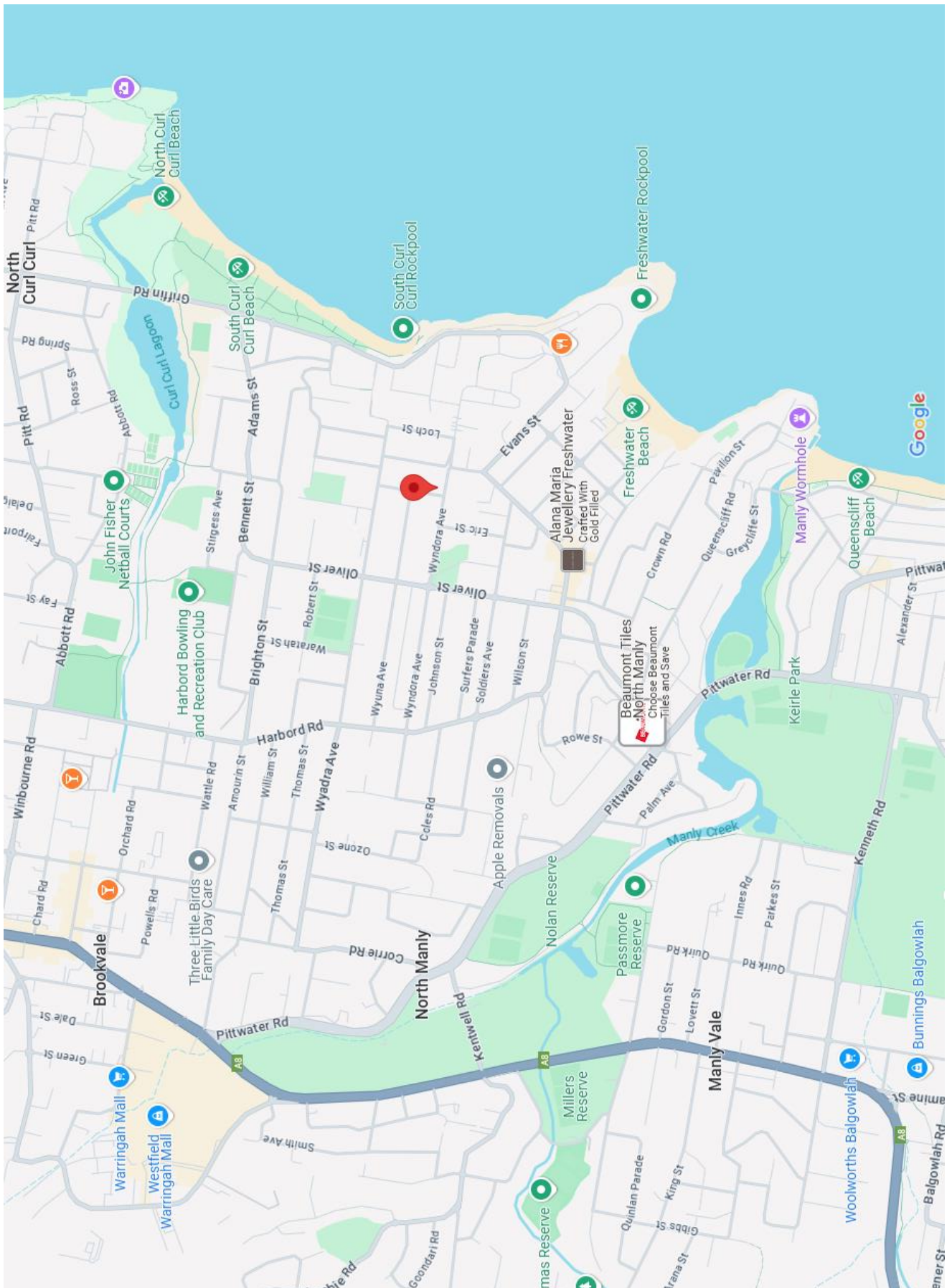
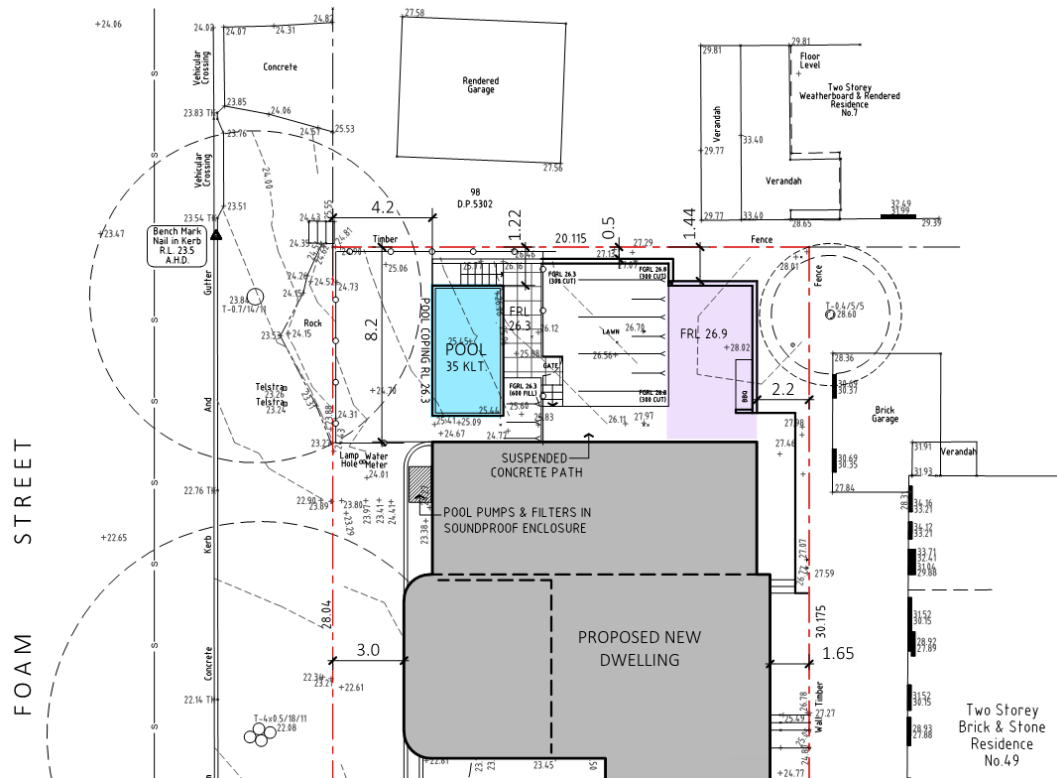


Diagram 2 – Zone Map



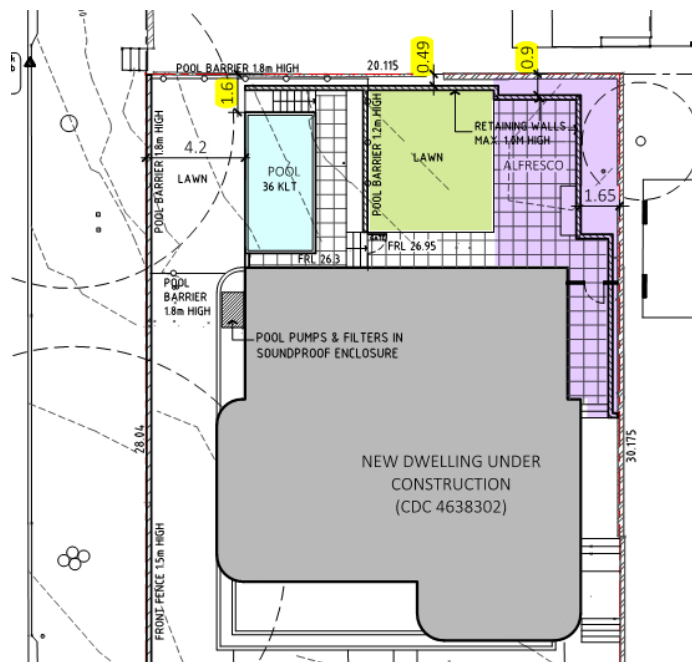
3. Development Proposal

It is proposed to amend several elements of a recently approved complying development certificate (CDC2025/0082) for a new dwelling and ancillary works including the inground concrete pool and covered outdoor area. The location of the pool and covered alfresco were restricted by the requirements of the *SEPP Exempt & Complying Development Codes 2008*, as well as the location of small retaining walls required to support existing fill on the adjoining properties. The approved structures are shown in the sketch below.



The proposed amendments include

- an increase in the length of the pool to 6m
- relocation of the covered outdoor area east with a setback of 1.65m
- The addition of several retaining walls required to either secure existing retaining structures, or level the turfed area between the pool and covered terrace.



State Environmental Planning Policies

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

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building.

The proposed volume of the reconfigured pool does not exceed 40 kilolitres and therefore does not require a BASIX Certificate.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development does not propose to remove any trees.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The planning certificate attached to the site does not nominate the land as contaminated. Available records show that the land has been used for residential development only.

Warringah Local Environmental Plan 2011

The relevant clauses of the Warringah Local Environmental Plan 2011 are addressed below.

Zoning

The land is nominated as zoned R2 Low Density Residential.

The objectives of the zone are,

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah*

The proposed structures ancillary to the dwelling are an allowed use within the zone and meet the objectives by providing facilities to accommodate the needs of the occupants in an appropriate landscape setting that is scaled to suit the site.

Demolition

No new demolition works are proposed

Minimum Lot Size

The site is mapped with a minimum lot size of 450m². The subject site is an existing undersized parcel, comprising an area of 600.7 sq.m.

Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres. A compliant building height of 4.2m is proposed. (Covered outdoor area only)

Floor Space Ratio

The proposed changes do not impact the floor space ratio

Heritage Conservation

The site is not a heritage item and is not located within a heritage conservation area.

Flood Planning

The subject site is not identified on any flood hazard map.

Acid Sulfate Soils

The site is not located in an area nominated as Acid Sulfate soils.

Earthworks

The proposed excavations required to install the pool and achieve the finished ground levels are relatively minimal and on average are less than 1.0m. Any excavations will be supported by retaining walls designed by a structural engineer

Development on Sloping Land

The site is in the area nominated the LEP maps as Area A – Slope <5 deg. & Area B slopes from 5-25 deg. The geotechnical report submitted under separate cover shows that the site is stable and founded on rock.

Warringah Development Control Plan 2011

The relevant sections of the Warringah DCP 2011 are addressed below.

Part A Introduction

Objectives

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

The proposed amendments meet the objectives in that they are appropriately scaled and designed to improve the amenity of the occupants without unduly impacting the neighbouring properties, streetscape or environment. The proposed bulk and scale, form, and finishes are in keeping with the local character.

Part B Built Form Controls

Wall Heights

The proposed covered outdoor area proposes privacy screens on two sides constructed of masonry 'breeze blocks'. These 'walls' are 3.3m high and comply

Number of stories

The proposed works are single storey and only form part of the *building*.

Side Building Envelope

The structures under consideration meet the side boundary envelope provisions.

Side Boundary Setbacks

The proposed side boundary setback is 1.65m. The proposal complies.

Front Boundary Setback

Not applicable. The proposed works do not impact the front setback.

Rear Boundary Setbacks

The required rear boundary setback is 6.0m. The approved dwelling is setback 8.2m and complies. The covered outdoor area and pool are located within the required setback however, at a total 7m they are less than 50% of the rear setback of 20.1m, meet the objectives of the clause, and qualify for an exception.

Objectives

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment

Areas of deep soil landscaping are maintained between the structures and within the street setback

- *To create a sense of openness in rear yards.*

Comment

The proposed covered outdoors area is in the north-eastern corner of the site with the landscaping and pool terracing down towards Foam Street. The proposed relocation of the approved structures maintains or improves the sense of an open rear yard.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment.

Proposed built, and landscaped privacy screens protect the existing amenity of the adjoining properties.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment

The proposed amendments to the locations of the subject structures does not have any negative impact on the continuity of the local built environment.

- To provide opportunities to maintain privacy between dwellings.

Comment

The approved dwelling exceeds the minimum rear setback requirement. The changes to the covered outdoor area and pool does not degrade the privacy between neighbours.

Part C Siting Factors

Traffic Access and Safety

The subject site has vehicular access and onsite parking for two cars.

Parking Facilities

Not applicable

Stormwater

Site stormwater is managed in accordance with the stormwater plan submitted with the complying development certificate and is not changed by the relation of the subject works.

Excavation and Landfill

Minimal earthworks are proposed. All excavation will be controlled engineer design retaining walls. Erosion and sediment control measures will be implemented to protect public assets.

Demolition and Construction

No additional demolition is proposed as part of the subject works.

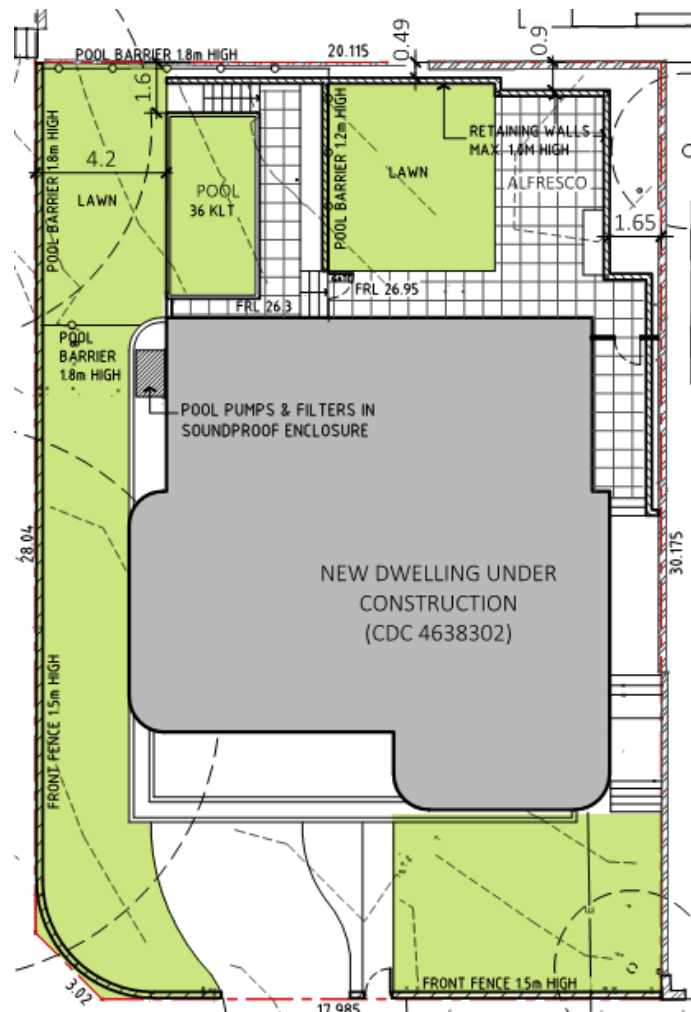
Waste Management

Waste management will be in accordance with Council guidelines. Refer to the waste management plan provided under separate cover for details.

Part D Design

Landscaping and Open space and bush land setting

The DCP requires 40% landscaping on the site which is calculated as 240 sq.m. The proposed available landscape area is 208 sq.m or 34.6%



A variation to the minimum requirement is justified through compliance with the objectives of the DCP.

Objectives

- *To enable planting to maintain and enhance the streetscape.*

Comment

Street setbacks comply and contribute to the available planting areas needed to maintain the streetscape.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment

The subject works do not impact the indigenous vegetation, topographical features, or habitat for wildlife.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

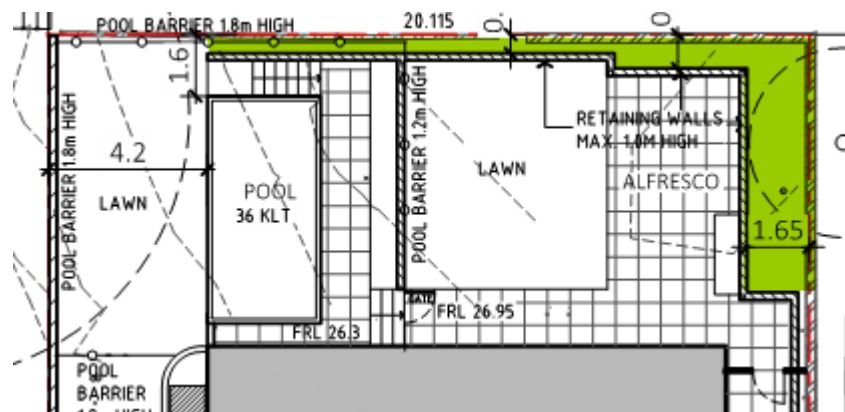
Comment

The open space areas are located and scaled such that a range of plantings and species are available to produce an enhanced landscape which is appropriately scaled to the local character.

- *To enhance privacy between buildings.*

Comment

In addition to the compliant landscape areas, there are corridors of available deep soil between the common boundary and the proposed structures that are to be screen planted, thereby further enhancing privacy between dwellings



- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment

The combination of built structures and soft landscape areas provide private and accessible outdoor areas for the occupants.

- *To provide space for service functions, including clothes drying.*

Comment

A service yard is provided for clothes drying and plant that is screen from view and located to minimise any amenity impacts on neighbours, whilst remaining functional for the occupants.

- *To facilitate water management, including on-site detention and infiltration of stormwater*

Comment

The approved complying development certificate provides stormwater management and on-site detention. Refer to the plans provide under se3parate cover.

Private open space

The DCP requires a minimum 60m2 private open space. 166 sq.m is provide in the rear yard. The proposal complies.

Noise

The amendments to the approved plans do not increase any impacts from noise..

Access to sunlight

Thew proposed amendments do not impact on existing access to sunlight, which is compliant.

Views

There is no additional impact on the views of adjoining properties.

Privacy

Privacy between neighbours is maintained through compliant setbacks and the provision of built, and landscape privacy screens.

Building Bulk

The building bulk remains unchanged from the approved plans.

Building Colours and Materials

The proposed building colours and materials are integrated with the approved dwelling and reflect the existing character of the area.

Roofs

The proposed flat roof of the covered outdoor area is consistent with the approved dwelling and minimises amenity impacts on neighbouring properties.

Glare & Reflection

Finishes selected are non-reflective and will not impact the neighbouring properties.

Front Fences and Front Walls

A new front fence is proposed. It is constructed of a combination of rendered masonry and vertical battens which provide an element of transparency and interest. Casual sight lines to the street are maintained, which are enhanced by the sloping topography. The design is compatible with the existing streetscape in which front boundary fences are common. Gates are compliant and the fence complements the architectural style of the approved dwelling. Refer to details provided under separate cover.

Site Facilities

The amendments do not impact the proposed site facilities.

Side and Rear Fences

The approved fences are not impacted by the proposed amendments

Swimming Pools and Spa Pools

The proposed location and setbacks of the proposed are compliant with Council policy and Australian Standards

Safety and Security

Safety and security requirements are not impacted by the proposed amendments to the approved plans.

Conservation of Energy and Water

The requirements of the DCP are maintained.

Part E The Natural Environment Preservation of Trees or Bushland Vegetation

Generally, there are no additional impacts on the natural environment resulting from the proposed amendments to the approved plans.

The site is located in the areas nominated in the LEP maps as Area A & B

Specifically, **Landslip Risk** is addressed the geotechnical report provided under separate cover.

6. Environmental Effects

Matters for consideration under Section 4.15 Evaluation of the Environmental Planning and Assessment Act, 1979 No 203

4.15 (1) (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The following is an assessment of the relevant heads of consideration in relation to the likely environmental impacts of the proposed development.

Topography.

The site is part of a long-established residential subdivision. The proposal maintains the footprint of the approved plans as well as the previous dwelling, thereby minimising impacts on the immediate topography.

Flora and Fauna.

No known endangered species or protected trees exist within the proposed building footprint. The areas outside the building's footprint will be landscaped with areas of turf and garden beds of small shrubs and ground covers.

Soil Disturbance and Sediment Control.

The proposed design adequately controls the proposed excavation and soil disturbance during construction, with retaining walls and landscaping controlling erosion in the long term. During construction erosion and sedimentation will be controlled in accordance with Council guidelines.

Stormwater Management.

It is proposed to collect all rainwater from the roof areas in a series of gutters and downpipes and piped to the existing stormwater system via a retention and detention tank as outlined in the civil engineer's report provided under separate cover.

Natural Hazards.

The site is not subject to any natural hazards such as flooding or bushfire.

Access, Traffic Generation and Car Parking.

Adequate access is provided. No increase in traffic results from the proposed development. The approved driveway and parking arrangements are maintained.

Traffic Noise.

No additional traffic noise is generated by the proposed development

Provision of Utility Services.

All standard utility services are available within the existing infrastructure.

Waste Management.

The proposed waste management is domestic in scale and does not significantly increase the load on existing services. Individual bins will be placed at the kerbside for collection by Council and returned to the enclosures by the residents.

Sustainable Building Design.

The proposed structures are to be constructed of recycled materials which are readily available and resilient to the effects of outdoor exposure

Scenic Quality/Visual Impact.

The proposal is commensurate with the surrounding development and will have no negative impact on the scenic quality of the area. The bulk and scale is well articulated and achieves a high standard of architectural merit. It follows the current trend of replacing or upgrading the older housing stock in the area with a modern update on the traditional bungalow. It sits comfortably within the existing character and does not appear as an overdevelopment of the site.

Streetscape Character.

The streetscape is not negatively impacted by the proposed development.

Building Bulk and Scale.

The proposed amendments do not change the approved bulk and scale. bulk.

Potential Impacts on Neighbouring Dwellings.

The potential impacts on impacts on neighbouring properties have been mitigated through considered design and attention to privacy.

Privacy.

A reasonable balance has been established in relation to privacy. The proposal does not significantly decrease the amenity of adjoining properties in relation to privacy through considered design. An appropriate balance has been established between the rights of future occupants and the neighbouring properties.

Impact on Views.

The proposal does not impact of the views of the adjoining properties.

Cultural Heritage.

There are no known aboriginal or other heritage issues for the specific site.

Social and Economic Effects.

The positive economic effects of the proposed development revolve around employment opportunities for local trades in the short term in addition to the ongoing contributions to the local economy by the occupants. There is no change to the existing social effects due to the proposed development.

4.15 (1) (c) the suitability of the site for the development,

The proposed development is an allowed use within the zone and is a continuance of the existing use, that being low density residential development. The responses within the above statement of environmental effects demonstrates that the site is suitable for the proposed use.

4.15 (1) (d) any submissions made in accordance with this Act or the regulations,

No submissions

4.15 (1) (e) the public interest.

The proposed development does not raise any issues that impact negatively on the public interest.

Conclusion,

As demonstrated above, it is our opinion that the proposed development will have no adverse impact on the local environment and is worthy of consent.