



5 ROSS STREET NORTH CURL CURL

**STATEMENT OF ENVIRONMENTAL EFFECTS
FOR DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS
AND CONSTRUCTION OF A NEW TWO STOREY DWELLING**



Report prepared for
Icon Homes
February 2023

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1. Introduction

- 1.1 This is a statement of environmental effects for demolition of the existing dwelling and outbuildings and construction of a new two storey dwelling at 5 Ross Street, North Curl Curl.
- 1.2 The report describes how the application addresses and satisfies the objectives and standards of relevant State Environmental Planning Policies, the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan 2011, and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3 This statement of environmental effects has been prepared with reference to the following:
 - Site visit
 - Site Survey prepared by Donovan Associates
 - DA Plans prepared by Accurate Design & Drafting for Icon Homes
 - Geotechnical Report prepared by AW Geotechnics
 - Stormwater Plans prepared by VNK Consulting
 - BASIX Certificate prepared by Accurate Design and Draft for Icon Homes
- 1.4 The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

2. The site and its locality

- 2.1 The subject site is located on the western side of Ross Street, approximately 70 metres south of Pitt Road. It is legally described as Lot 32 DP 15141 and is known as 5 Ross Street, North Curl Curl.
- 2.2 It is a rectangular shaped lot with front and rear boundaries (east and west) of 15.24 metres and side boundaries (north and south) of 33.565 metres. It has frontage to and vehicular access from Ross Street and comprises an area of 511.5m².
- 2.3 The site is currently occupied by a single storey brick veneer/clad dwelling with a tile roof, with multiple outbuildings including a detached secondary dwelling, carport and storage shed. The lot has a gentle slope away from the street frontage.
- 2.4 The site is surrounded by detached residential development comprising a mixture of one and two storey dwellings.
- 2.5 Curl Curl North Public School is located nearby to the south of the site.



Figure 1. Aerial image of the subject site



Figure 2. The site within the locality



Figure 3. Aerial image of the site within the locality

3. Site Photos



Figure 4: The existing dwelling, looking west from Ross Street



Figure 5: The frontage of the existing dwelling



Figure 6: The rear of the existing dwelling



Figure 7: Existing secondary dwelling at the rear of the yard



Figure 8: The adjoining property to the south as viewed from the rear yard of the site



Figure 9: Development (garage) on adjoining property to the south. Note – presently no boundary fence

4. Proposed Development

- 4.1 The proposed development is for the demolition of the existing dwelling and outbuildings and the construction of a new two storey dwelling.
- 4.2 The proposed new dwelling has been designed to ensure that it compliments and improves the existing streetscape, maintaining a scale consistent with new and existing dwellings in the locality.
- 4.3 The proposed development includes the following:

Existing Development

- Dwelling to be demolished
- Front garden, driveway and brick wall to be demolished
- Brick garage and carport to be demolished
- Clad and FC secondary dwelling to be demolished
- See also Demolition Site Plan submitted with application

New dwelling

Ground floor

- Front Porch
- Guest room
- Powder room
- Media room
- Laundry
- Kitchen with butler's pantry
- Meals and Family areas
- Mudroom
- Stair access to first floor
- Alfresco area
- Double garage

First floor

- Master bedroom with ensuite/WIR
- Bedrooms 2, 3 and 4

- Sitting room
- Bathroom
- Linen cupboard
- Stair access from ground level

4.4 The proposed design has taken into consideration the location of neighbouring dwellings, including existing window openings and private open space areas.

5. Statutory Framework

5.1 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, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

State Environmental Planning Policy (Biodiversity & Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of the SEPP aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The application is supported by an Arborist Report documenting trees proposed to be removed to facilitate the dwelling siting, as well as measures to protect trees adjoining the site.

The proposed development results in the removal of several existing trees, however, this is necessary in order to accommodate the proposed demolition and construction works. Suitable replacement vegetation is identified in the submitted Landscape Plan.

State Environmental Planning Policy (Resilience & Hazards) 2021

Chapter 2 Coastal Management

The subject site is mapped as being within the Coastal Environment Zone. The proposal is therefore affected by the provisions of this SEPP.

The objectives of this Policy are *to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by –*

- a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*

- c) *mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

More specifically, Division 3 Part 2.10 applies as it specifies the matters for consideration and requirements for ‘development on land within the coastal environment area’ as per below.

2.10 Development on land within the coastal environment area

- 1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following —*
 - a. *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - b. *coastal environmental values and natural coastal processes,*
 - c. *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - d. *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - e. *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - f. *Aboriginal cultural heritage, practices and places,*
 - g. *the use of the surf zone.*
- 2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - a. *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - b. *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - c. *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Having regard for the scale, nature and location of the proposed development, it is our contention that the development as proposed will not compromise or negatively impact upon the resilience of the biophysical, hydrological or ecological environment. Similarly, it will not impact upon natural coastal processes, water quality of any marine estate, marine vegetation, fauna, Aboriginal cultural heritage or limit any public access to the foreshore area. The development has been designed, sited and will be managed to ensure there is no adverse impacts on those matters referred to above in subclause 1.

Chapter 4 Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

5.2 Warringah Local Environmental Plan 2011

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

Zoning

The site is zoned R2 Low Density Residential, pursuant to the provisions of the Warringah Local Environmental Plan 2011. The proposed development is for a new dwelling, which is permissible with development consent in the R2 zone.

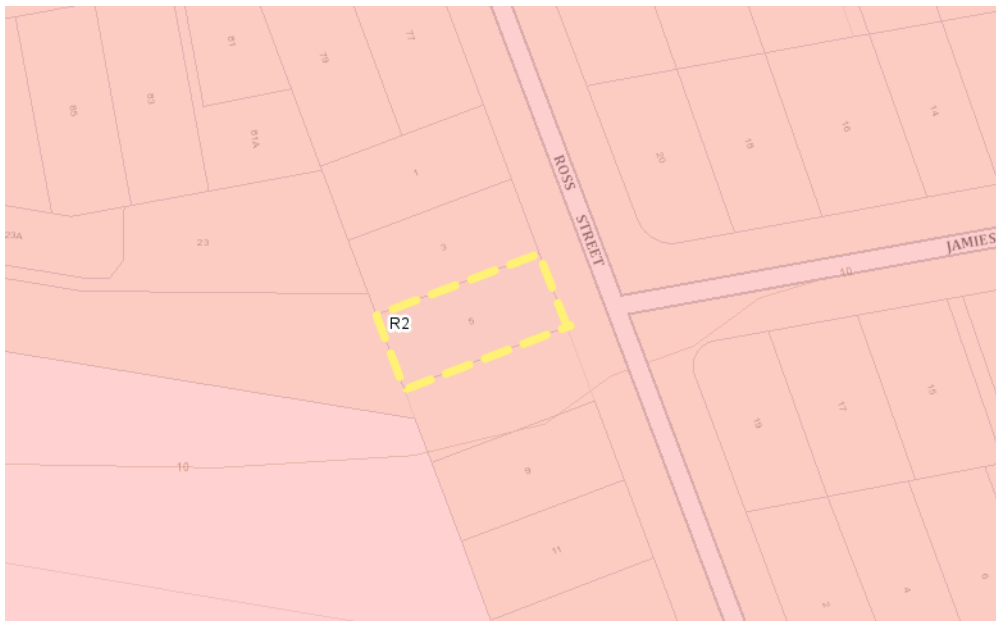


Figure 10: Extract from Warringah LEP 2011 Zoning Map

Demolition

Demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the construction of the new dwelling.

Minimum Lot Size

The site is mapped with a minimum lot size of 450m². The subject site comprises an area of 511.5m² and therefore exceeds this numerical minimum. Further subdivision of the lot is not proposed.

Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres. The development proposes a compliant maximum height of 8.057metres.

Heritage Conservation

The property is not a heritage item, located within a heritage conservation area or located near any heritage items.

Acid Sulfate Soils

The site is located in an area nominated as Class 5 on the Acid Sulfate soils map. Site disturbance will be minimal and will not alter the water table. This will generally be limited to footings and 'scraping back' the topsoil layer to create a level building foundation for the slab on ground (wafflepod) construction.

Earthworks

Minor earthworks are proposed to prepare the site for construction of the new dwelling. Standard erosion and sediment control measures will be implemented, and any engineering specifications and conditions of consent adhered to, to ensure best practice procedures are followed.

Development on Sloping Land

The site is located in the area nominated on the LEP maps as Area A – <5. As such the consent authority must be satisfied that:

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

Due to the low-level risk within Area A, no additional details are required at DA stage.

5.3 Warringah Development Control Plan

The relevant sections of the DCP are addressed below.

Part A Introduction

Objectives

The proposed development is entirely consistent with the ecologically sustainable, environmental, social, and economic objectives as specified in the DCP. The proposal is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

Part B Built Form Controls

Wall Heights

A maximum wall height of 7.2 metres is permitted by the DCP and the development proposes a compliant maximum wall height of up to 6.15 metres to the underside of the ceiling.

Side Boundary Envelope

The site requires a side boundary envelope of 5m/45°. The development proposes a built form within the side boundary envelope, with the exception of a small portion of the eave within the rear half of the northern elevation

A variation to the boundary envelope is considered appropriate as the development will not result in any unreasonable amenity issues for neighbouring dwellings, including solar access, and remains consistent with the objectives of the control, despite the variation, as addressed below:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

The proposed encroachment is minor in nature. The partial encroachment optimises the internal amenity of the upper floor while remaining consistent with surrounding dwellings. The minor variation will not significantly add to the bulk and scale of the new dwelling, particularly given the works comply with the maximum building height control, side and rear building setbacks. The breach occurs on the northern elevation, for approximately 50% of the eave length. Impacts on adjoining lots will be negligible.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

The shadow diagrams included with this application, demonstrate that the proposed development maintains equitable solar access to the neighbouring residential property to the south. The shadow falling on this adjoining lot until midday will generally be upon an existing Class 10a garage structure. The subject eave encroachment does not influence this, being located on the northern elevation.

Privacy is mitigated through the use of strategic window placement and boundary fencing.

A site visit has been undertaken and it is considered the proposal will not result in any view loss impacts.

- *To ensure that development responds to the topography of the site.*

The proposed development will not significantly change the existing ground level, which is relatively flat.

Side Boundary Setbacks

Side setbacks of 900mm are required by the DCP and the new dwelling proposes compliant side setbacks as follows:

Ground floor level

North – 1.54m

South – 1.25m to garage

First floor level

North – 1.54m

South – 2.81m

Front Setback

A front setback of 6.5 metres is required by the DCP. A minor variation to this development standard is sought as part of the development proposal. The dwelling façade exceeds this numerical requirement, being setback 6.9 metres to provide sufficient separation to the street frontage and maintain consistency with the existing setbacks upon adjoining lots. The proposed encroachment relates to the roofed porch at ground level which projects forward with a front setback of 6m.

A variation to the front boundary setback is considered reasonable as the development will not result in any detrimental amenity or visual issues for neighbouring dwellings, maintains visual continuity, and remains consistent with the objectives of the control, despite the variation, as addressed below:

- *To create a sense of openness.*

The proposed encroachment is very minor in nature. It relates to an 'open' building element, being a ground level roofed porch, which extends approximately 50% of the building frontage width. Despite the encroachment to a 6 metre setback, the development as a whole retains a sense of openness within the front setback area and is considered consistent with existing development in Ross Street.

- *To maintain the visual continuity and pattern of building and landscape elements.*

Existing development within Ross Street is generally setback around 6.5m as per the current DCP standards. The development proposed is setback 6.9 metre to the façade, with the ground level roofed porch extending forward of this to a 6 metre setback. Despite this minor encroachment for an open building element, the proposal does maintain visual continuity with that adjoining and surrounding within Ross Street. To further soften the dwellings street presentation, the proposal includes a large turfed front lawn with selective plantings as demonstrated on the submitted Landscape Plan.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

The development as proposed is considered aesthetically pleasing, with modulation and articulation to the façade, to enhance and form a positive contribution to the visual quality of Ross Street.

- *To achieve reasonable view sharing.*

The 'mass' of the proposed two storey dwelling is setback 6.9m from Ross Street. Having only the roofed porch extend forward as an encroachment, the proposal does not result in any loss of views and therefore retains a reasonable view sharing outcome.

Rear Setback

A rear setback of 6 metres is required by the DCP. A rear setback of 7.456 metres is proposed to the covered alfresco area.

Part C Siting Factors

Traffic, access and safety

The subject site currently gains vehicular access from Ross Street. This will be maintained and upgraded to allow for improved access to the new double garage.

Parking facilities

A double garage is proposed within the new dwelling. The garage door has a width of 4.81 metres, with a compliant internal garage space of 5.82 metres.

Stormwater

The subject lot drains away from the street and is proposed to connect to Council's existing stormwater system. A stormwater plan is provided with the development application.

Excavation and Landfill

Minor earthworks are proposed as a part of the application to provide a level foundation for the dwelling, footings and new driveway access.

Standard erosion and sediment control measures will be implemented, and any engineering specifications and conditions of consent adhered to, to ensure best practice procedures are followed.

Demolition and Construction

The proposed development includes demolition of the existing dwelling and other associated structures on the site. All demolition and construction works will be undertaken as required by Council controls and compliant with any relevant conditions of consent.

Waste Management

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible, which is detailed in the accompanying Waste Management Plan.

The design includes appropriate waste storage areas on the external northern wall of the building, with waste to be collected by Councils regular service.

Part D Design

Landscaped open space and bushland setting

The DCP requires 40% (204.6m²) landscaped area on the site. The development proposes a compliant landscaped area of 41.8% or 213.89 m².

Private open space

Private open space area in excess of 60m² will be retained in the rear yard, with minimum dimensions exceeding 5 metres. Direct access is provided from a living area of the dwelling.

Access to sunlight

At least 50% of the private open space of the subject site and the adjoining dwelling are required to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 by this DCP Clause.

The following observations are made of the shadow diagrams included with this application:

9am – The development will result in overshadowing over the rear yard of the subject site.

12pm – The development will result in minor shadows over the rear yard of the subject site and the existing garage/shed of No. 7 Ross Street.

3pm – The development will result in shadows over the existing structures of No. 7 Ross Street.

It is concluded that the private open space of the subject site and the adjoining properties maintain compliant solar access, with direct sunlight available to more than 50% of the rear yard for a minimum 3 hours between 9am and 3pm.

Views

A site visit has been undertaken and it is not apparent that any views will be impacted by the proposed development.

Privacy

Privacy will be retained for neighbours with the design being considerate of window placement and configuration of upper-level rooms (bedrooms and bathrooms). Key living areas are provided on the ground floor and windows have been appropriately located.

The development is appropriate and will not result in noise levels inappropriate to a residential area.

Building Bulk

The proposed development incorporates articulation and openings to alleviate bulk. The design is also of a scale consistent with surrounding residential dwellings in North Curl Curl, and the works will result in a contemporary and complementary addition to the site and Ross Street.

Building Colours and Materials

The proposed building materials include horizontal clad weatherboard and Colourbond roofing. All materials and finishes are complementary to the residential surrounds and are consistent with a modern finish.

Colours are detailed in the colours and materials schedule.

Roofs

The new works propose a 15° pitched Colourbond roof which is consistent with existing and new dwellings in the area. 450mm eaves are proposed.

Glare & Reflection

Materials have been chosen to ensure no glare or reflection issues.

Side and Rear Fences

No fencing is proposed to be removed or replaced, any current fencing on site will remain.

Site Facilities

Appropriate waste, recycling areas and drying facilities are proposed as part of the proposed application.

Safety and Security

The proposed new dwelling will improve safety and security features of the site, allowing for casual surveillance of the street and safer access to the site and dwelling.

Provision and Location of Utility Services

The site is currently serviced with all necessary utility services. These services will be capped or terminated prior to demolition. The services will be reconnected or replaced as necessary as part of the new replacement dwelling construction.

Conservation of Energy and Water

The design has achieved a BASIX Certificate, which accompanies the application.

Part E: The Natural Environment

Preservation of Trees or Bushland Vegetation

The proposal involves the removal of existing trees at the front and rear of the site.

Prescribed Vegetation

The subject site is not mapped as native vegetation, High Conservation Habitat or Wildlife Corridor.

Retaining unique Environmental Features

No unique environmental features will be impacted by the proposal.

Landslip Risk

The site is located in the area nominated on the LEP maps as Area A <5°.

Due to the low-level risk within Area A, no additional details are required at DA stage.

6. Numerical Control Table

The following table provides a summary of the development proposal, in accordance with the relevant numerical planning controls contained in the Warringah LEP 2011 and the Warringah DCP 2011.

	Standard	Proposed	Compliance
Warringah LEP 2011			
Lot Size	450m ²	511.5m ²	Yes
Building Height	8.5 metres	8.057 m	Yes
Floor Space Ratio	Not identified	-	-
Warringah DCP 2011			
Wall Height	7.2 metres	6.15m	Yes
Number of Stories	Not identified	-	-
Side Boundary Envelope	5 metres / 45 degrees	North - Minor part of eave outside envelope South - Inside envelope	No – Minor breach. Compliance with objectives achieved. Yes
Site Coverage	Not identified	-	-
Side Boundary Setbacks	0.9 metres	North (Ground) 1.54m North (First) 1.54m South (Ground) 1.25m South (First) 2.81m	Yes Yes Yes Yes
Front Boundary Setback	6.5 metres	6.0m (Front Porch)	No – Minor breach. Compliance with objectives achieved.
Rear Boundary Setbacks	6 metres	7.456m	Yes
Parking	2 spaces	2 spaces	Yes

	Standard	Proposed	Compliance
Landscaped Open Space and Bushland Setting	40%	41.8% (213.89m ²)	Yes
Private Open Space	60m ²	>60m ²	Yes
Solar Access	3 hours sunlight to 50% of POS of both subject site and adjoining properties between 9am and 3pm on June 21.	Compliant	Yes

7.0 Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Warringah LEP and DCP.

The development is permissible in the R2 zone.

7.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Context and Setting

What is the relationship to the region and local context in terms of:

- *the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement, appendices and attached specialist reports.

What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*

- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed new dwelling has been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

No conflict or issues will arise as a result of the proposed development.

Public domain

The proposed development will not impact the public domain.

Utilities

There will be no impact on the site, which is already serviced.

Flora and fauna

We have been advised that the trees proposed to be removed are exempt. We can provide an Arborist report if required.

Waste

There will be no impact.

Natural hazards

The site is mapped as being within a low level landslip area, Area A. Due to the low-level risk within Area A, no additional details are required at DA stage.

Economic impact in the locality

There will be no impact, other than the possibility of a small amount of employment during construction.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is appropriate to the site with regard to all of the above factors. The development fits well within the context of the surrounds and is well suited to the residential surrounds.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia. Additionally, finishes, building materials and all facilities will be compliant with all relevant Council controls.

Construction

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*

- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

7.3 The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints and is highly conducive to the proposed dwelling.

Are the site attributes conducive to development?

The site is appropriate for the proposed dwelling.

7.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

7.5 The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

8.0 Conclusions

- 8.1 The proposed development for the demolition of the existing dwelling and outbuildings and construction of a new dwelling at 5 Ross Street, North Curl Curl is appropriate considering all State and Council controls.
- 8.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 8.3 Considering all the issues, the development is considered worthy of Council's consent.

Planner Declaration

Report Version: FINAL V2

Document Control Table

Document Purpose:	Statement of Environmental Effects	
Date	Prepared by	Approved by
24/2/2023	Chris Anderson Senior Planner	Sarah McNeilly Director

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