



## **1 PAINTERS PARADE DEE WHY**

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



Report prepared for  
**Icon Homes**  
September 2021

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## **1. Introduction**

- 1.1** This is a statement of environmental effects for demolition of the existing dwelling and construction of a new two storey dwelling at 1 Painters Parade, Freshwater.
- 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 CMS Surveyors
  - DA Plans prepared by Accurate Design & Draft
  - BASIX Certificate
  - Geotechnical Report prepared by AW Geotechnics
- 1.4** The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and the coastal setting 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 Painters Parade, 2 lots short of the cul-de-sac termination to the north. It is legally described as Lot 24 DP 8062 and is known as 1 Painters Parade, Dee Why.
- 2.2 It is a rectangular shaped lot with front and rear boundaries of 12.195 metres (east and west) and side boundaries of 59.74 metres (north and south). It has frontage to and vehicular access from Painters Parade and comprises an area of 728.6m<sup>2</sup>.
- 2.3 The site is currently occupied by a one storey fibre cement dwelling with a tile roof, with a studio in the rear yard and carport in the street frontage. It is set within a residential lot which slopes from the rear to the street frontage.
- 2.4 The property is surrounded by a mix of detached residential dwellings and residential flat buildings within immediate proximity. The site is located in close proximity to Pittwater Road retail area and Dee Why Beach to the east.



Figure 1. Aerial Image of the subject site



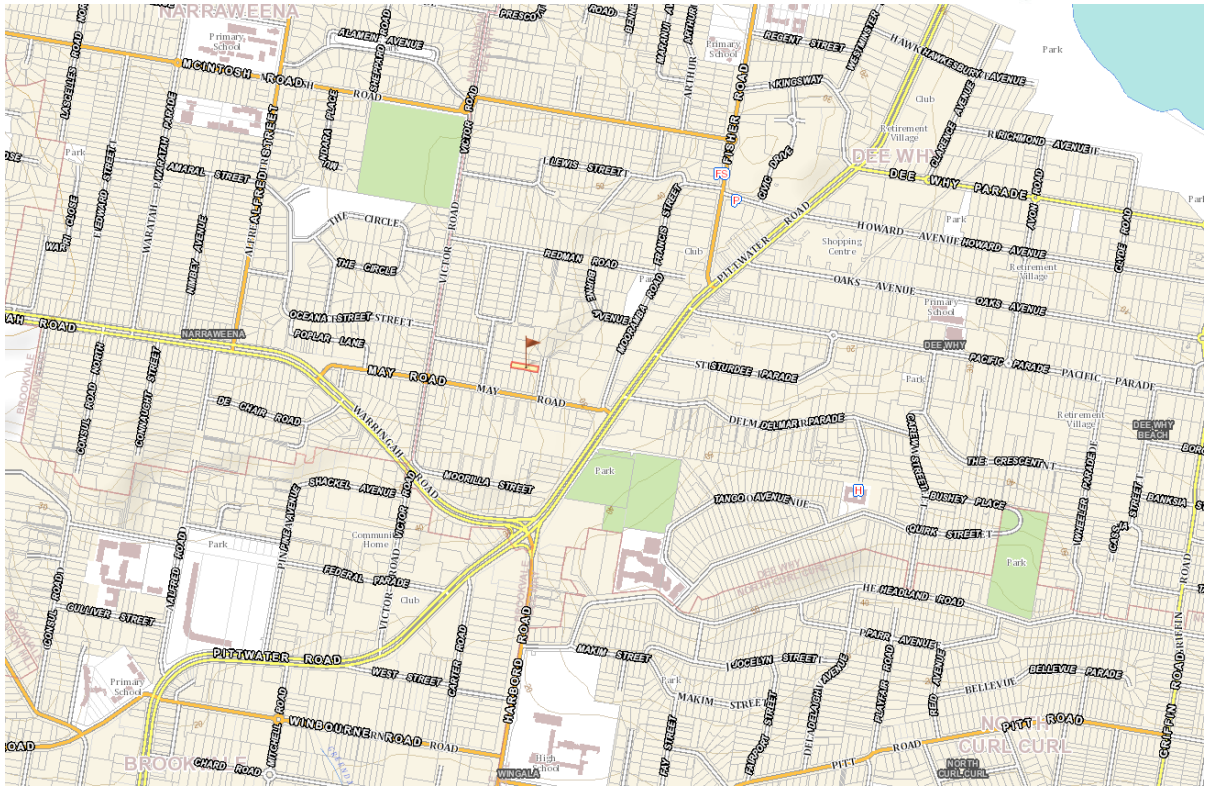


Figure 2. The site within the locality

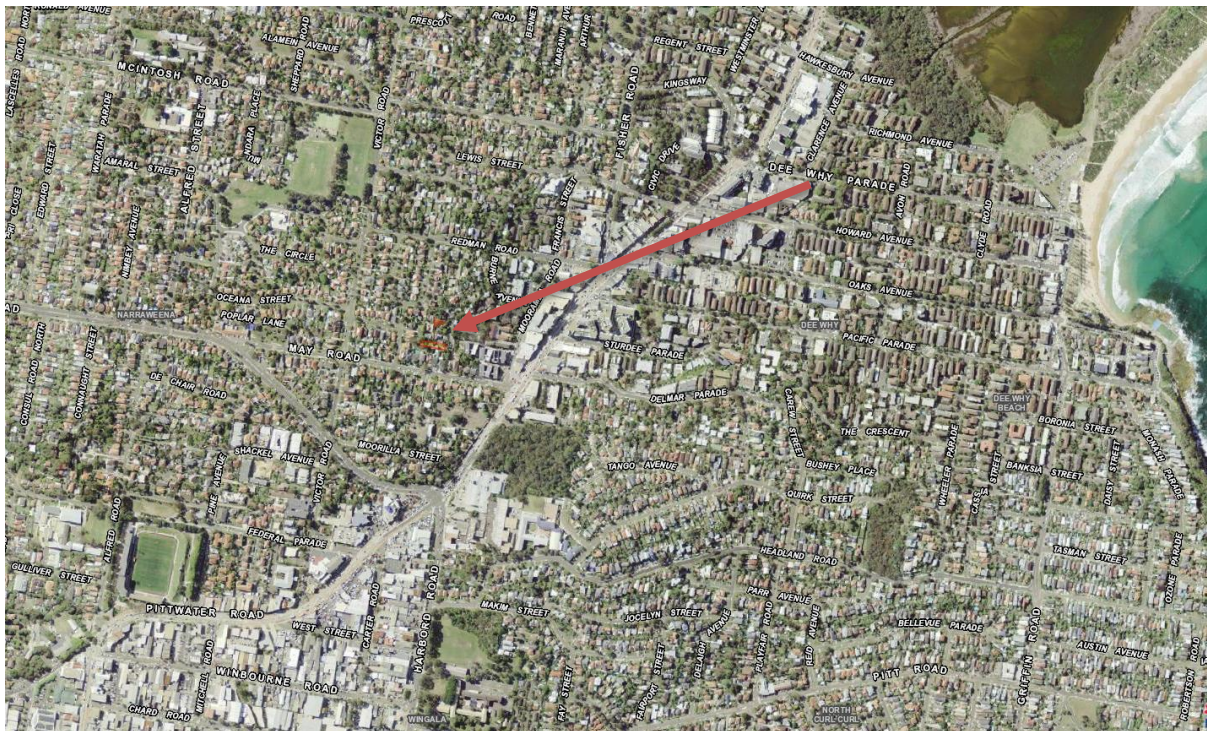


Figure 3. Aerial Image of the site within the locality



### 3. Site Photos



Figure 4: The existing dwelling, looking north from Wyuna Avenue



Figure 5: The rear yard looking north to granny flat





**Figure 6: The western neighbour viewed from rear yard**



**Figure 7: The rear yard looking south to shed and granny flat**





**Figure 8: Neighbouring garage on eastern side boundary (adjacent granny flat)**



**Figure 9: The rear yard looking south to shed and granny flat**





**Figure 10: The rear yard looking south to shed and granny flat**



**Figure 11: The rear yard looking south to shed and granny flat**





**Figure 12: The rear yard looking south to shed and granny flat**



## 4. Proposed Development

- 4.1 The proposed development is for the demolition of the existing dwelling, and the construction of a new two storey dwelling, with sub-floor garage.
- 4.2 The proposed dwelling has been designed to ensure that it compliments and improves the existing streetscape maintaining a scale consistent with new dwellings in the locality and on Painters Parade.
- 4.3 The proposed will be made up as follows:

### Existing dwelling

- To be demolished

### New dwelling

#### **Sub-floor**

- Double garage
- Porch
- Entry foyer and stair
- Storage

#### **Ground floor**

- Stairs
- Family/ dining / kitchen (open plan)
- Walk in pantry
- Powder room/laundry
- Guest room
- Front balcony
- Alfresco area with BBQ

#### **First floor**

- Master bedroom with ensuite/ WIR and balcony
- Bedroom 2 with robe
- Bedroom 3 with robe
- Sitting room

- Stair
- Bathroom

#### **Site**

- A new driveway on the western side of the site to access the double garage (crossover retained)
- New pedestrian access
- Retain existing rear studio

4.4 The proposed design has taken into consideration the location of neighbouring sites, existing windows and private open space areas. The design has maximised the retention of existing bush rock at the front of the site.

4.5 Materials choices have been made to complement the coastal location.



## **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 No. 55 – 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.

#### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as it does not propose to remove any significant trees.

## 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.

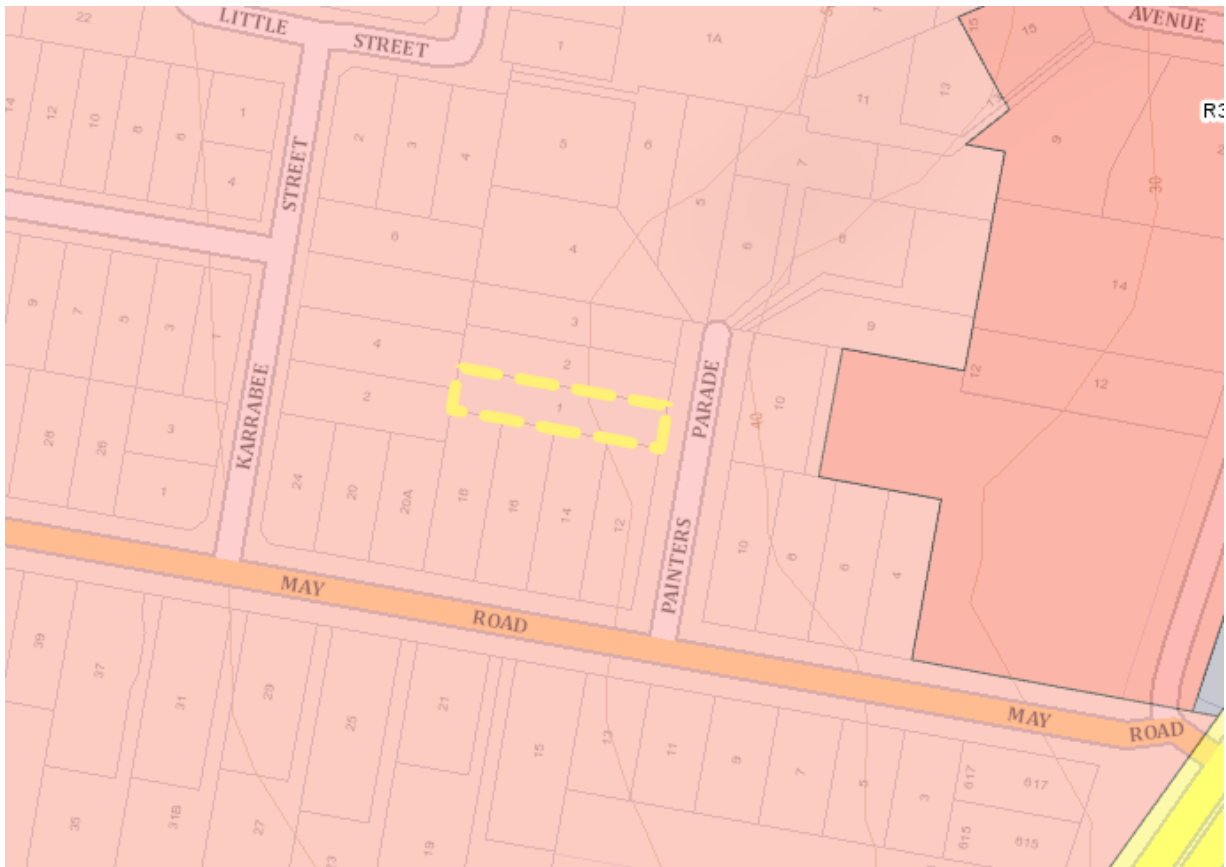


Figure 13: Extract from Warringah LEP 2011 Zoning Map

### 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 600m<sup>2</sup>. The subject site comprises a compliant area of 728.6m<sup>2</sup> and no subdivision is 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 8.4 metres to the existing land level. See section extracted from DA below.

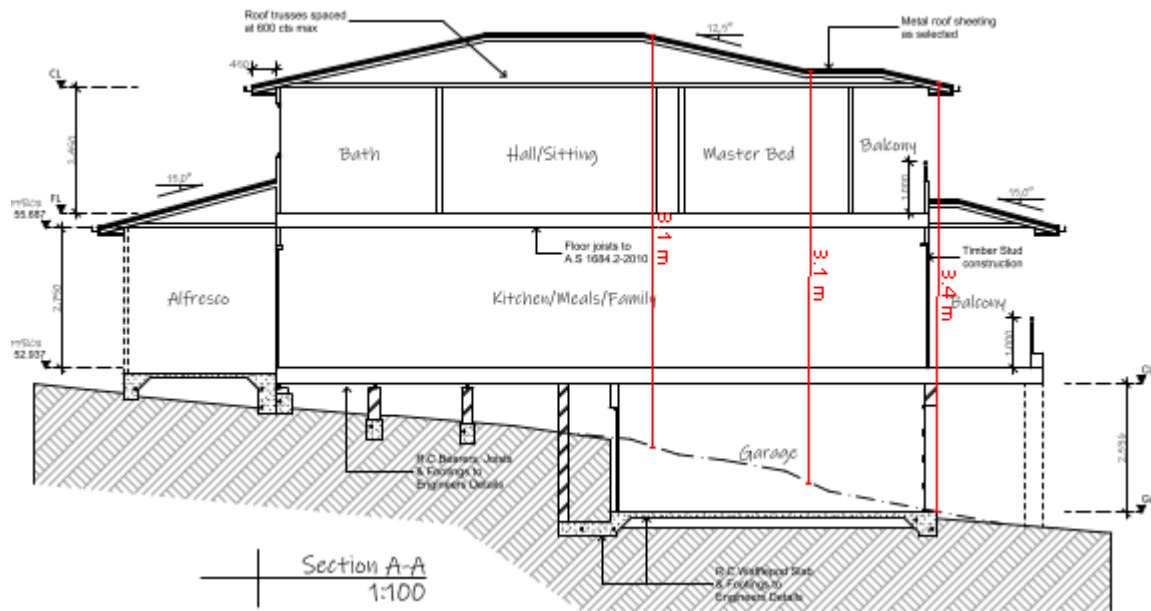


Figure 10: Extract from DA Plans showing max height

## Heritage Conservation

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

## Acid Sulfate Soils

The site is not nominated as Acid Sulfate soils.

## Earthworks

Some earthworks are proposed for the new dwelling to create the new garage. This is a reasonable level of cut, which will be removed in accordance with all Council requirements.

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 the LEP maps as Area B – Slope 5 to 25. 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.*

A geotechnical report is provided in support of the proposal under separate cover.

## **5.4 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 General Controls**

#### **Wall Heights**

A maximum wall height of 7.2 metres is permitted by the DCP and the development proposes a maximum wall height of 6.6 metres to the underside of the ceiling on the south elevation and 6.5 metres on the north elevation. See extract below from DA plans which shows varying setback for each level to assist in confirming this calculation.



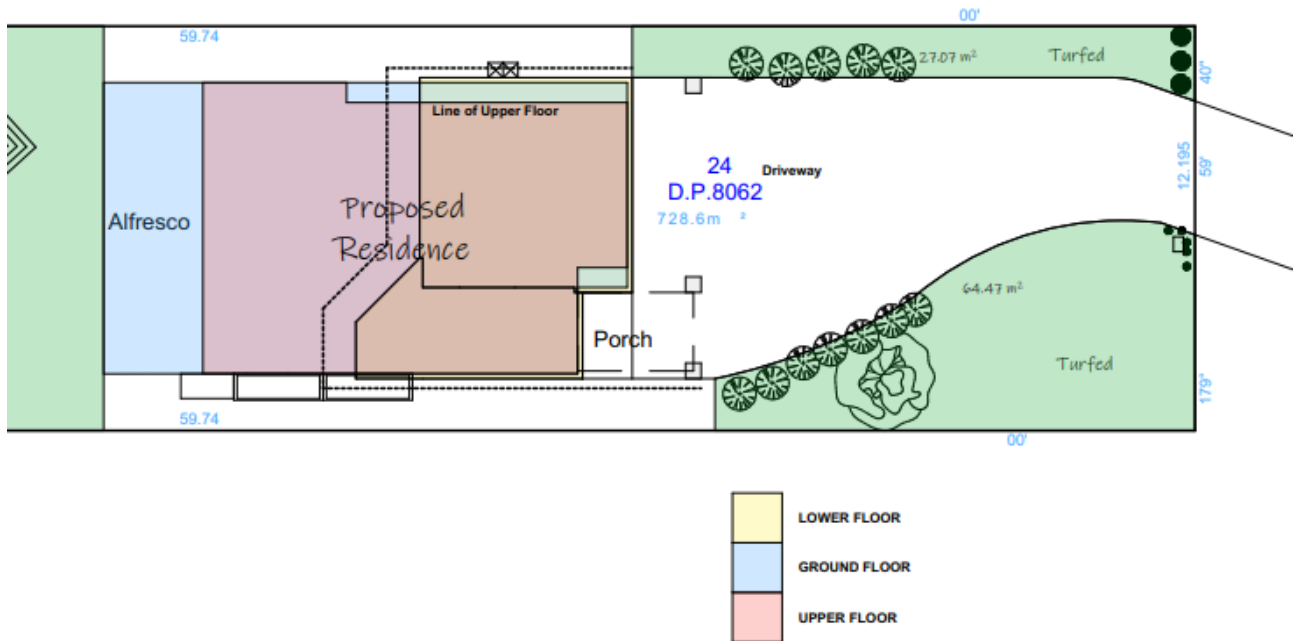


Figure 11: Extract from DA Plans showing floors

### Side Building Envelope

The site requires a side boundary envelope of 4m/45°. Variations are proposed to the side boundary envelope on both the northern and southern sides. The variations both run for the length of the site but reduce in height as the site rises to the rear.

The southern wall varies the envelope from 1m at the front reducing with the slope of the site to the rear.

The northern wall varies the envelope from 1700mm at the front reducing significantly at the rear.

A variation to the side boundary envelope is considered appropriate, in this case, as the variation applies to a small section of the dwelling walls and the proposal remains consistent with the objectives of the control, despite the variation, as addressed below:

#### *Objectives of the control:*

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

#### Comment

The new dwelling easily complies with the 8.5 metre building height control for the location, with a maximum height of only 6.6 metres. The works proposes compliant setbacks and remains consistent with the built form in the locality. Wall heights are also easily compliant and allow for a step in at the upper level. The design introduces a variety of building materials and will not present with excessive bulk when viewed from neighbouring properties or Painters Parade.

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

#### Comment

The shadow diagrams included with this application, demonstrate that the development maintains compliant solar access, with direct sunlight available to more than 50% of the private open space of the subject site and adjoining dwellings at 9am, 12pm and 3pm.

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

#### Comment

The site has been designed to partly step with the site and build around the rock constraints at the front of the site topographic constraints. The new dwelling sits within a similar footprint the existing buildings on the site.

It is concluded that the proposed variation will have no significant impacts on neighbouring properties and remains consistent with the objectives of this clause, despite the non-compliance.

### **Side Boundary Setbacks**

Side setbacks of 900mm are permitted on the subject site by the DCP.

The new dwelling proposes compliant side setbacks as follows:

North (Ground) - 1550mm

North (First) - 1700mm

South (Ground) –1567

South (First) - 1712mm



### **Front Setback**

A front setback of 6.5 metres is required by the DCP.

A setback of 14.92 metres is provided to the front porch (ground floor) and 17 metres to the garage.

### **Rear Setback**

A rear setback of 6 metres is required by the DCP. A compliant rear setback of 26.77 metres is proposed.

### **Part C Siting Factors**

#### **Traffic, access and safety**

The subject site currently has vehicular access from Painters Parade. This will be upgraded to allow for access to the new double garage.

#### **Parking facilities**

A double garage is proposed for the new dwelling.

The garage door has a width of 4.81 metres, with a compliant internal garage space of 6 metres.

#### **Stormwater**

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

#### **Excavation and Landfill**

Earthworks are proposed as a part of the application to provide the sub-floor basement and 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 carport. 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 garage, with waste to be collected by Councils regular service.

### **Part D Design**

#### **Landscaped open space and bushland setting**

The DCP requires 40% landscaped area on the site. The development proposes a landscape area of 322.81m<sup>2</sup> or 44.3% which is easily compliant.

#### **Private open space**

Private open space area in excess of 60m<sup>2</sup> will be retained in the rear yard as required by the DCP.

#### **Access to sunlight**

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

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

**9am** – The development will result in a shadow over rear of 16 May Street and minimally over the rear of 14 May Street.

**12pm** – The development will result in a shadow over rear half of the rear yard of 14 May Street.



**3pm** –The development will result in a shadow over rear of 12 May Street and minimally over the rear of 14 May 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 at 9am, 12pm and 3pm.

### Views

The subject site and surrounding properties enjoy distant water views to the east.

### View Loss Analysis

*Tenacity Consulting v Warringah Council (2004) NSWLEC 140. The Planning Principle established a four-step process for considering the impact of a development on views.*

***Step 1. An assessment of the value of views to be affected by reference to their nature, extent and completeness.***

The view subject to this assessment is from No. 2 and 4 Karabee Street to the rear. The nature of the views under assessment are water views to the ocean to the east and are moderate.



**Figure 13: Aerial Image of the subject site and views subject to this assessment**

***Step 2. A consideration of how views are obtained and what part of the property the views are obtained from.***

Access to individual properties was not possible, however observations were made from the public street and desktop research on realestate.com. It appears that views from 2 Karabee is to the north of the subject site which can be identified from palm trees at rear of site. The view identified in photo below is from the rear deck and living space.

No 4 is currently under construction but is located to the north of the site and it is considered that the view would not be over our subject site.

***Step 3. A qualitative assessment of the extent of the impact in terms of severity particularly as to whether that impact is negligible, minor, moderate, severe or devastating.***

It is not considered that the view will be lost due to siting and varied levels of the sites, with the land significantly rising to the rear of the site.



Figure 14: View from 2 Karabee Street

***Step 4. An assessment of the reasonableness of the proposal causing the impact particularly in terms of compliance with applicable planning controls and whether a different or complying design must produce a better result. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.***

The proposal will have a negligible impact with ample view corridors retained due to siting, topography and setbacks. No significant views appear to be lost.

### **Privacy**

Privacy will be retained for neighbours with the design being considerate of window placement and use of upper-level rooms. The development is appropriate and will not result in noise levels inappropriate to a residential area. Key living areas are provided on the ground floor and windows have been appropriately located. The upper level has a bedrooms upstairs, with a central sitting room. The only balcony is small, at the front ad off the master bedroom resulting in no privacy issues.

### **Building Bulk**

The proposed development incorporates both articulation and varied materials to alleviate bulk. The design is also of a scale consistent with surrounding properties in Dee Why, and the works will result in a contemporary and complementary addition to the site and Painters Parade.

### **Building Colours and Materials**

The proposed building materials include rendered masterwall, cladding, timber battens and colourbond. All materials and finishes are complementary to the coastal and residential surrounds and are consistent with a modern finish.

Colours are detailed in the colours and materials schedule.

### **Roofs**

The new works propose a 12.5° pitched Colourbond roof.

### **Glare & Reflection**

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

### **Side and Rear Fences**

The existing timber side and rear fencing is proposed to be retained.



### **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.

### **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**

No significant trees are to be removed or detrimentally impacted as a result of the proposed development.

### **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. There is some existing bush rock which is large retained with the exception of an area required to be removed to allow for onsite parking.

### **Development on land adjoining public open space**

The subject site is not mapped as land adjoining public open space.

### **Landslip Risk**

The site is located in the area nominated the LEP maps as Area B – Slope 5 to 25.

A geotechnical report is provided in support of the proposal under separate cover.

## 7. 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
<b>Warringah LEP 2011</b>			
Lot Size	600m <sup>2</sup>	728.6m <sup>2</sup>	Yes – no change
Building Height	8.5 metres	8.495 metres	Yes
Floor Space Ratio	Not identified	-	-
<b>Warringah DCP 2011</b>			
Wall Height	7.2 metres	6.6 metres 6.5 metres	Yes
Number of Stories	Not identified	-	-
Side Boundary Envelope	4 metres / 45 degrees	North -outside envelope South – - outside envelope	No Merit assessment
Site Coverage	Not identified	-	-
Side Boundary Setbacks	0.9 metres	North (Ground) 1550mm  North (First) 1700mm  South (Ground) – 1567  South (First) 1712mm	Yes  Yes  Yes  Yes
Front Boundary Setback	6.5 metres	14.92m	Yes
Rear Boundary Setbacks	6 metres	26.770m	Yes
Parking	2 spaces	2 spaces	Yes
Landscaped Open Space and Bushland Setting	40%	322.81m <sup>2</sup> or 44.3%	Yes

	Standard	Proposed	Compliance
Private Open Space	60m <sup>2</sup>	>60m <sup>2</sup>	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



## 8. 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:

### 8.1 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.

### 8.2 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**

There will be no impact.

## **Waste**

There will be no impact.

## **Natural hazards**

The site is impacted by slip and a geotechnical report is provided in support under separate cover.

## **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 regards to all of the above factors. The development fits well within the context of the surrounds and is well suited to the coastal and 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.

## **8.3 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 the proposed dwelling.

*Are the site attributes conducive to development?*

The site is appropriate for the proposed dwelling.

#### **8.4 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.

#### **8.5 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. Conclusions**

- 8.1** The proposed development for a new dwelling at 1 Painters Parade, Dee Why 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** The variations proposed to building envelope are justified through consideration of the constraints of the site width, the context in which it sits and the positive design and amenity that result.
- 8.3** Considering all the issues, the development is considered worthy of Council's consent.