

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE SUBDIVISION OF ONE LOT INTO TWO AND THE CONSTRUCTION OF ASSOCIATED
INFRASTRUCTURE INCLUDING A NEW DRIVEWAY & DRIVEWAY CROSSING**

LOCATED AT

9 OZONE STREET, FRESHWATER

FOR

ALEXANDER AND WENDY DANILO



**Prepared
May 2022
(As revised September 2022)**

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1.0 Introduction

This Statement of Environmental Effects accompanies plans prepared by Sammy Fedele Architectural Drafting Services (Drawings No. DA01 – DA07, Job No. 29/20, dated 6 April 2022) and a Draft Plan of Subdivision by Copland C. Lethbridge (Drawing Reference 14873, dated 6 April 2022) for Mr & Mrs Danilo detailing the subdivision of 1 lot into 2 and the construction of associated infrastructure at **9 Ozone Street, Freshwater**.

The proposed subdivision has been developed in response to pre-lodgement feedback from Council.

The subject site and existing dwelling is also undergoing additions and alterations in accordance with DA 2020/1255, with the Notice of Determination issued 15 January 2021.

The approved works have commenced in accordance with Construction Certificate CC2021/0376.

A recent two lot subdivision including demolition of the existing structures and construction of two dwellings with swimming pools on the new allotments was approved at the adjoining site at No 7 Ozone Street, under DA 2021/1719, with an appeal being upheld by the Land and Environment Court in April 2022. The existing structures within the adjoining site have been demolished.

This revised submission responds to the request for further information to support the assessment of DA2022/0985 as detailed in Council's correspondence dated 25 August 2022.

To assist Council in its assessment of the impact of the proposed works on the existing natural features within the site, a revised Geotechnical Investigation has been prepared by White Geotechnical Group, under Report Reference J4491 dated 1 September 2022.

The Geotechnical Investigation confirms that the sites are suitable for future dwellings.

A previous Development Consent under DA 2004/1523, as determined 12 December 2005 provided for the subdivision of the current lot into two parcels, with the entirety of the site assessed as consisting of scattered rocks and boulders, a.k.a. floaters.

An extract from the approved site layout detailed under DA2004/1523 is provided over and notes the location for a future dwelling house in a similar location to the current proposal. Given the nature of the site and the local topography, it is likely that the positioning of any new dwelling on the site will be located over an area of scattered rocks and existing features and this is common with development in this immediate area.

The current proposal includes an indicative design for a future dwelling which whilst providing for excavation for carparking levels, intends to minimise the extent of the site disturbance for the dwelling proper and retain natural features outside of the dwelling footprint.

Additionally, the placement of the indicative dwelling in the current application has positioned it to the south as much as possible in order to allow the boulders and Port Jackson fig in the north-east corner of the lot to be retained.

Both the approved subdivision detailed under DA2004/1523 and the current proposal are entirely

2.0 Property Description

The subject allotment is described as 9 Ozone Street, Freshwater, being Lot 25 within Deposited Plan 6098 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is not located within a conservation area.

The land is noted as being within Area B on Council's Landslip Risk Map and accordingly this matter will be discussed in further detail within this submission. A Preliminary Geotechnical Report has been prepared by White Geotechnical Group, Reference No. J4253, dated 18 May 2022 and accompanies this submission.

No other identified hazards have been identified.

3.0 Site Description

The property is located on the eastern side of Ozone Street.

The land has a slope towards from the upper rear boundary down towards the street. The site is rectangular in shape, with width of 17.375m and a length of 82.295m. The land has a total site area of 1430m².

Stormwater from the site is directed to the street gutter in Ozone Street.

The site is currently developed with a single dwelling house that is undergoing alterations and additions approved pursuant to DA2020/1255, as modified by MOD2021/0735.

Vehicular and pedestrian access is available to the site from Ozone Street via the upgraded driveway (approved pursuant to DA2020/1255).

The details of the site are as indicated on the survey plan prepared by Bee & Lethbridge Pty Limited, Drawing No. 18108-01, dated 20 October 2021, which accompanies the DA submission.



Fig 4: View of the rear yard in general location of the new dwelling at the rear of the site, looking north-east over the existing detached spa towards the rear boundary



Fig 5: View looking east along the southern boundary of the site and driveway access to the adjacent battle-axe lot at 11A Ozone Street



Fig 6: View of the adjacent site at No 7 Ozone Street, looking east (site of recently approved development for subdivision of one lot into two and new homes with ancillary structures)

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single detached dwellings and associated ancillary structures such as garages, storage sheds and swimming pools.

Properties in the area enjoy district views to the north west.

The site and its surrounds are depicted in the following aerial photograph:



Fig 7: Aerial view of locality
(Source: Google Maps)

Whilst not yet evident on any mapping tools, it is noted that the adjoining site at 7 Ozone Street has obtained development consent for the subdivision of the existing lot into two lots, and the construction of two new dwelling houses (one on each site). Of relevance, DA2021/1719 approved the construction of two separate driveways and driveway crossings to Ozone Street.

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks consent for the subdivision of one lot into two lots, and the construction of associated infrastructure, including the construction of a new driveway and driveway crossing to Ozone Street.

Whilst indicative dwelling designs have been provided with respect to the proposed rear lot (Lot B), the application does not seek consent for the construction of this dwelling, with Lot B to remain a vacant lot.

The proposal will result in:

Lot A (724m²)

- Containing the existing dwelling house, as approved pursuant to DA2020/1255, as modified by MOD2021/0735
- Lot A will maintain a landscaped areas of 295m² or 40%

Lot B (522m²)

- New driveway crossing to Ozone Street
- New driveway along the length of the battle-axe handle
- Services, including water, sewer, stormwater, gas, electricity, NBN & phone line

An Arboricultural Impact Assessment Report has been prepared by Urban Arbor, dated 11 May 2022. The report addresses the impact of the proposed works on nine trees in the vicinity of the development, including the indicative dwelling house design. The assessment report concludes that two Category A trees (Trees 1 and 3) will require removal as a direct result of the works, with tree root mapping required to confirm whether two additional trees (Tree 2 and 4) can be retained.

However, it is noted that the works attributing to the potential impact to Trees 2 and 4 are not proposed in the subject application, and this can be undertaken with respect to any future DA for the construction of a dwelling house on Lot B.

The assessment report also includes recommendations for protection measures for other trees within the site which will be retained. The proposed works will be carried out in accordance with recommendations of the Consulting Arborist.

The proposal will maintain a generous area of soft landscaping, and further supplementary planting can be provided as required by Council.

The proposal is supported by a Preliminary Geotechnical Investigation, prepared by White Geotechnical Group, Reference No. J4253, dated 18 May 2022, together with a revised Geotechnical Investigation Reference No J4491 dated 1 September 2022. The reports provides observations of the existing site conditions and confirm that each allotment will remain stable and are suitable for the current and future development in accordance with Council's Landslip Risk control.

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

Overall, the proposed modified development remains consistent with the relevant provisions of SEPP (Resilience and Hazards).

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

The proposed development does not constitute BASIX development, as defined by the EP&A Regulation, and a BASIX Certificate has not been provided.

6.3 Warringah Local Environmental Plan 2011

The proposed subdivision is permissible under the provisions of clause 2.6 of WLEP 2011, which provides that land may be subdivided with development consent.

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011, and dwelling houses are permissible with consent.



Fig 7: Extract of Warringah Local Environmental Plan 2011

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *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.*

Clause 4.1 prescribes a minimum lot size of 450m². The minimum lot size is to be calculated exclusive of battle-axe access handles or the like.

Council can be satisfied that both lots exceed the 450m² minimum subdivision lot size, with areas of 724m² and 522m², exclusive of the access handle.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP defines building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The works the subject of this application are limited to the provision of services, including the driveway to the proposed rear lot (Lot B), which are all maintained well below the 8.5m height plane.

Furthermore, the application is supported by indicative dwelling house designs for Lot B which confirm that a dwelling of an appropriate size can be constructed on the site in accordance with the 8.5m maximum building height.

Clause 6.2 relates to earthworks. The proposal will require some excavation to accommodate the proposed driveway. All site works will be carried out in accordance with the recommendations of the Consulting Structural & Geotechnical Engineers, and therefore satisfy the provisions of this clause.

Clause 6.4 relates to development on sloping land. The site is noted as Area B on Council's Geotechnical Risk Mapping. Accordingly, a Preliminary Geotechnical Report has been prepared by White Geotechnical Group, Reference No. J4253, dated 18 May 2022, which confirms that a detailed assessment /report is not required.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

6.4 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 7.2m		N/A
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope and Side Setback	Building envelope 45 degrees from 5m. Setback 0.9m		N/A
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	Existing dwelling to new northern boundary of Lot A: 1.0m	Yes
B7 – Front Boundary Setbacks	Minimum 6.5m		N/A
B9 – Rear Boundary Setbacks	Min 6m rear setback	Existing dwelling to new eastern boundary of Lot A: 10.8m	Yes
Part C – Siting Factors			
C1 - Subdivision	<p>Min. width: 13m Min. depth: 27m Min. building area: 150m²</p> <p>Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.</p> <p>Width of accessway: 3.5m</p>	<p><u>Lot A</u> Min. width = 13.875m Min. depth = 52.06m Min. building area = Existing dwelling</p> <p><u>Lot B</u> Min. width = 17.375m Min. depth = 30.235m Min. building area = 184m²</p> <p>Passing bay provided along driveway.</p> <p>Width of accessway = 3.5m, with additional 0.5m easement for services.</p>	Yes

C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	New driveway and driveway crossing to be constructed in accordance with Council's requirements. One on-street parking space is maintained between the two resultant driveway crossings.	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	<u>Lot A</u> 2 spaces in accordance with exiting development consent. <u>Lot B</u> Indicative plans demonstrate that a 2 car garage with suitable turning area can be provided on site.	Yes
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	Stormwater associated with Lot A directed to Council drainage system in Ozone Street in accordance with existing arrangements, with stormwater infrastructure for Lot b provided along the easement for services.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Suitable sediment and erosion control measures to be provided during construction.	Yes
C7 – Excavation and Landfill	Site stability to be maintained		Yes
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage available within each lot.	Yes

Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p><u>Lot A</u> 295m² or 40.745% landscaped area subject to the removal of an existing rear deck. There is no objection to the imposition of a condition of consent in this regard.</p> <p><u>Lot B</u> The indicative plans demonstrate that a dwelling of a size that is commensurate with surrounding dwellings, including adequate parking and turning areas, can be provided on the site whilst also achieving compliance with the 40% minimum prescribed.</p>	Yes
D2 – Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	Each lot will maintain/achieve an area of private open space in excess of 60m ² with dimensions exceeding 5m.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	N/A	N/A
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling	The site enjoys an east-west aspect and good access to northern sun to the yard area.	Yes

	Compliance with SEPP (BASIX) requirements		
D6 – Access to sunlight	At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	The proposed driveway works will not impact upon solar access.	Yes
D7 – Views	View sharing to be maintained.	The proposed subdivision will not result in any unreasonable impacts upon views currently enjoyed.	Yes
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	The proposed subdivision will not result in any unreasonable impacts upon privacy of adjoining properties. Further, the indicative dwelling plans demonstrate that suitable spatial separation is achieved between any resultant dwellings on the site.	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces		N/A
D10 – Building Colours and materials			N/A

D11 – Roofs	The DCP requires that roofs should not dominate the local skyline.		N/A
D13 – Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street.	No fencing proposed. Fencing between the resultant sites can be undertaken as exempt development once the land has bene subdivided.	N/A
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities	Each lot maintains sufficient space to ensure the appropriate provision of site facilities.	Yes
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	No fencing proposed. Fencing between the resultant sites can be undertaken as exempt development once the land has bene subdivided.	N/A
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	Appropriate casual surveillance of the street will be maintained by the existing dwelling on Lot A.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Existing utilities are to be maintained to Lot A. Services are to be provided to Lot B adjacent to the driveway, in the area of the proposed of the easement for services.	Yes

Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	The proposal will require the removal of two trees which are discussed in the Arboricultural Impact Assessment prepared by Urban Arbor.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E10 – Landslip Risk	Identified on map as Area B.	<p>A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J4491, dated 1 September 2022 and accompanies this submission.</p> <p>The Geotechnical Investigation confirms that the sites can be developed in accordance with Council Landslip Risk policy and all works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers, and therefore satisfy the provisions of this clause.</p>	Yes

7.0 Matters for Consideration under Section 4.15 of the EP&A Act

7.1 Any environmental planning instrument

The proposal is subject to the provisions of WLEP 2011. It is considered that the provisions of this environmental planning instrument has been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There relevant provisions of SEPP (Resilience and Hazards) and SEPP (Biodiversity and Conservation) have also been addressed.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the controls of WDCP 2011.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing subdivision pattern in the vicinity.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for the subdivision of one lot into two, is compatible with and will complement the character and subdivision pattern of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the SEPP, Council's LEP and DCP.

7.7 The suitability of the site for the development

The site is considered suitable for the proposed development. The proposal will provide for the subdivision of the existing lot into two lots, consistent with the subdivision pattern of the eastern side of the street.

7.8 Any submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not adversely impact upon the environment or the character of the locality. The proposal is entirely consistent with applicable LEP and DCP controls and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for the subdivision of one lot into two, in a manner that is entirely consistent with applicable LEP and DCP controls and the subdivision pattern of the street.

The additional information provided to assist Council in its assessment of DA2022/0985 has confirmed that the allotments can be suitably developed in accordance with Council's Landslip Risk controls and whilst some disturbance of existing scattered rock features will occur, this is consistent with the manner in which development in immediate locality has proceeded and can be effectively managed through the close supervision of the consulting Structural and Geotechnical Engineers.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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