



11 KIMO STREET NORTH BALGOWLAH

**STATEMENT OF ENVIRONMENTAL EFFECTS
FOR DEMOLITION OF AN EXISTING DWELLING AND
CONSTRUCTION OF A NEW DWELLING**



Report prepared for
ICON homes
October 2022

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1. Introduction

- 1.1 This is a statement of environmental effects for the demolition of the existing dwelling, and associated structures, at 11 Kimo Street (Lots 341 and 342 DP 12316), North Balgowlah and construction of a new dwelling on Lot 342 DP 12316.
- 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 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,
 - Survey prepared by Clarke Dowdle & Associates
 - DA Plans and BASIX Certificate prepared by Accurate Design and Drafting,
 - Site Classification Report prepared by AW Geotechnics Pty Ltd
 - Bushfire Report prepared by Bushfire Planning & Design
- 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.

2. The site and its locality

- 2.1 The subject site is located on the eastern side of Kimo Street in North Balgowlah, approximately 95 metres north of its intersection with Abingdon Street. The site is legally described as Lot 341 and 342 DP 12316.
- 2.2 The site is generally rectangular, with the front and rear boundaries (west and east) of 12.19 metres and side boundaries (north and south) of 48.77 metres. It slopes down to the rear (west to east) and comprises an area of 594.5m².
- 2.3 The site is currently occupied by a brick dwelling, with a tile roof, a detached clad garage with a metal roof and an above ground pool. The existing dwelling has been constructed over the two lots, the garage is located on Lot 341 and the swimming pool on Lot 342. Refer to the attached Demolition Site Plan prepared by Accurate Design and Drafting.
- 2.5 The property is surrounded by detached residential dwellings in all directions. The Condoover Street Reserve is close by to the north, with transport services and shops to the south and east on Woodbine Street and Burnt Bridge Creek Deviation (Condamine Street).



Figure 1. Aerial Image of the subject site (both lots 341 and 342 DP 12316, known as 11 Kimo Street)



Figure 2. Aerial Image of the subject site where new dwelling is to be constructed (Lot 342 DP 12316)



Figure 3. The site within the locality

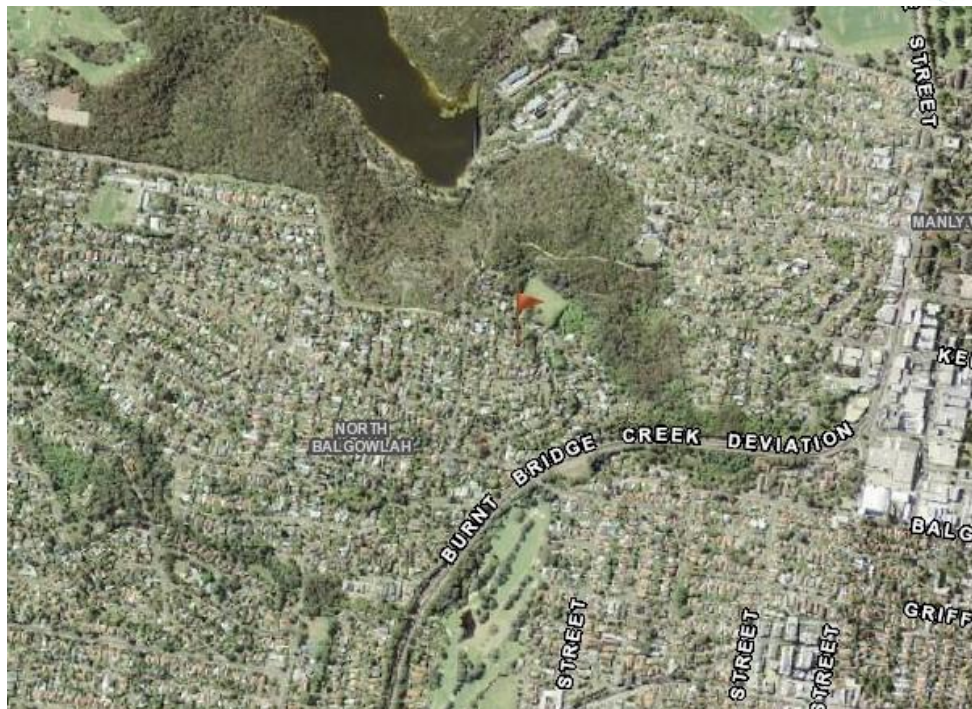


Figure 4. Aerial photo of the site within the locality

3. Site Photos



Figure 5. Looking east from Kimo Street, the existing dwelling on the site.



Figure 6. Looking west, the swimming pool and the rear of the existing dwelling and garage



Figure 7. Looking east, the existing swimming pool



Figure 8. Looking east, the existing garage and driveway access



Figure 9. The front yard of the subject site (Lot 342) and existing dwelling



Figure 10. Looking east, the rear yard and existing swimming pool

4. Proposed Development

The proposed development is for the demolition of the existing dwelling (currently located on both lots 341 and 342 DP12316) and swimming pool (on lot 342 DP12316), as well as the construction of a new dwelling on Lot 342 DP 12316.

Specifically, the development proposes the following:

Site

- Demolition of the existing dwelling, swimming pool and driveway

New Dwelling on Lot 342 DP 12316, comprising of:

Ground Floor

- Double garage with panel lift door,
- Porch, entry and hall with storage/cloak,
- Staircase to access the first floor,
- Guest bedroom with built-in robe,
- Bathroom,
- Laundry,
- Open plan kitchen, dining and family room with walk-in pantry,
- Media room,
- Study,
- Cellar,
- Alfresco area.

First Floor

- Master bedroom with WIR & ensuite,
- Bathroom,
- Bedrooms 2, 3 & 4,
- Living room opening to a balcony,
- Hallway, linen cupboard, and staircase to access the ground floor.

5. Statutory Framework

5.1 Rural Fires Act 1997

The Rural Fires Act 1997 aims to protect the community from injury or death, property from damage and to protect infrastructure and environmental, economic, cultural, agricultural and community assets from damage, arising from fires.

Clause 100B of the RF Act requires applicants to obtain a bush fire safety authority (BFSA) for subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose. If a proposal requires a BFSA it is considered integrated development under Clause 4.46 of the EPA Act.

Section 4.14 of the EPA Act requires that a council does not approve any development on bush fire prone land unless the development application complies with Planning for Bush Fire Protection 2019. All developments on land that is designated as bush fire prone has a legal obligation to consider bush fire and meet the requirements of Planning for Bush Fire Protection 2019.

Comment: The subject site is mapped as bushfire prone land (vegetation buffer). See Figure 11 below. The proposal is not for subdivision or a special fire protection purpose and therefore is not integrated development and does not require a BFSA from RFS. The site is however bush fire prone land, and therefore the proposal must comply with Planning for Bush Fire Protection 2019.

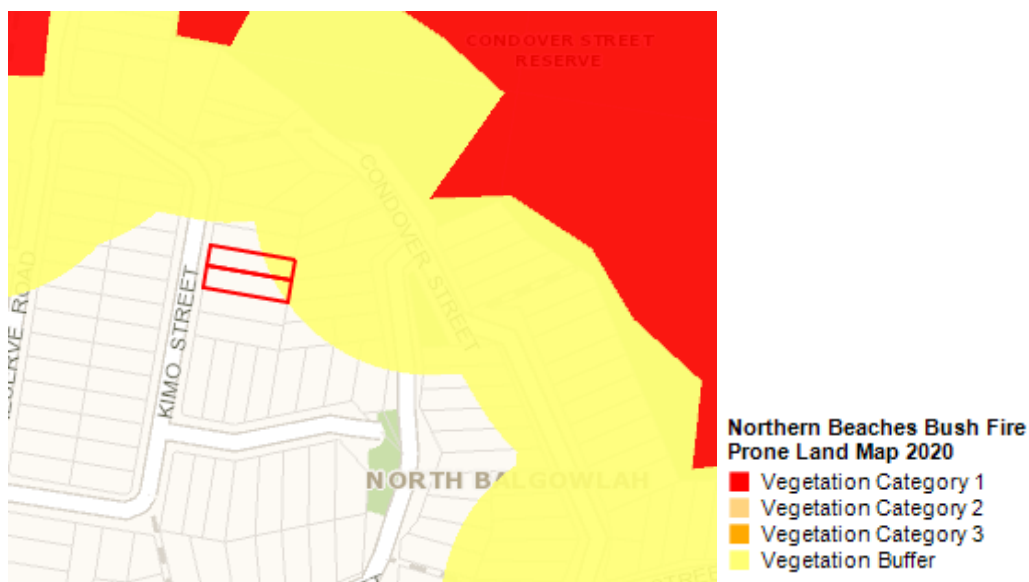


Figure 11. Excerpt from Northern Beaches Bush Fire Prone Map 2020

Appropriate construction standards will be adhered to for compliance with relevant Australian Standards and Appendix 3 of Planning for Bushfire Protection 2006 Bushfire Attack Level BAL- 19 and BAL – 29 and Appendix 5 – Landscaping and Property Maintenance. A Bushfire Assessment Report, prepared by Bushfire Planning & Design, is provided with this application, in support of the proposed development.

5.2 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 and Conservation) 2021 (formerly SEPP Vegetation in Non-Rural Areas 2017)

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. Although the proposal involves the removal of trees, the development remains consistent with the provisions of the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021 (formerly SEPP 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.

5.3 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 house, which is permitted with development consent in the R2 zone.

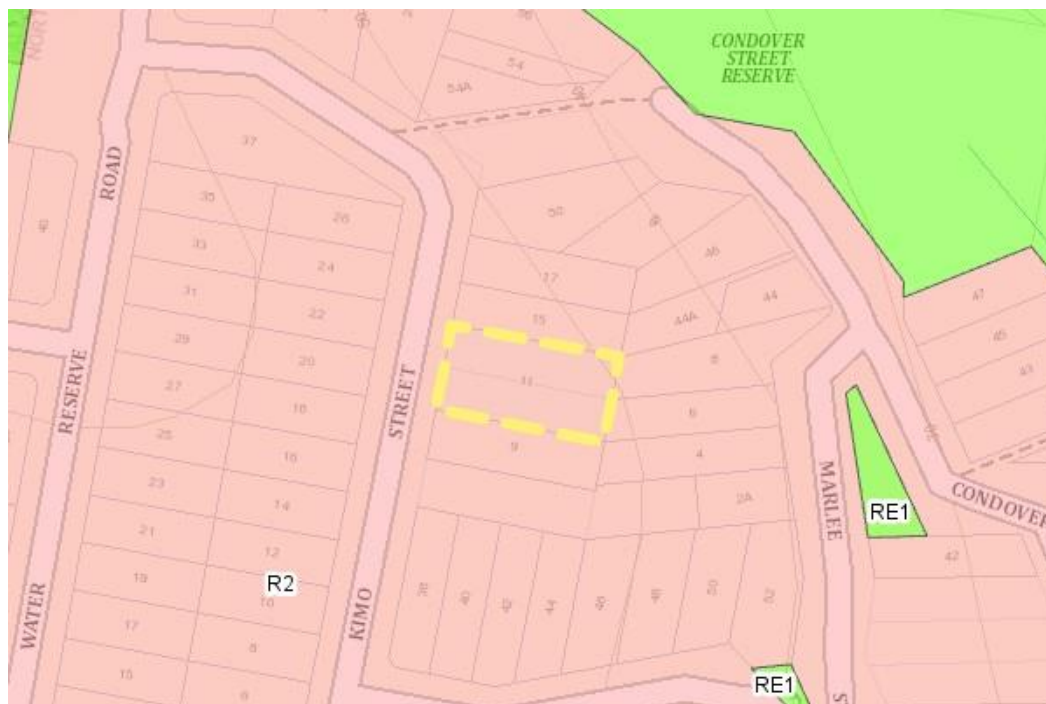


Figure 12. Extract from Warringah LEP 2011 Zoning Map

Demolition

Demolition works are proposed across both Lots 341 and 342 DP 12316, as described above, and illustrated in the attached DA plan set, to allow for the construction of the proposed dwelling.

Minimum Lot Size

The site is mapped with a minimum lot size of 600m². The subject site on which the new dwelling is to be constructed comprises an area of 594.5m² and no subdivision is proposed.

Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres and the development proposes a compliant maximum height of 8.096 metres.

Heritage Conservation

The site is not a heritage item, located within a heritage conservation area or located in proximity to a heritage item.

Bushfire

The site is identified as Vegetation Buffer on the Northern Beaches Bush Fire Prone Land Map 2020. A Bushfire Report is attached to this development application package.

Flood Planning

The site is not identified as being flood prone land.

Acid Sulfate Soils

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

Earthworks

Minimal earthworks are proposed to prepare the site for construction. Standard erosion and sediment control measures will be implemented, to ensure best practice procedures are followed, and all works will be undertaken in accordance with engineering details.

Development on Sloping Land

The site is identified on the LEP maps as Area A – Slope < 5 and Area B – Flanking Slopes 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 Site Classification Report is attached to this development application package.

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 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 6.240metres.

Side Building Envelope

The site requires a side boundary envelope of 4m/45°. The development proposes a minor variation to the side boundary envelope on the northern and southern building elevations.

A variation is considered appropriate, in this case, as the development 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.*

Comment:

Consistent. The development will present as a two-storey dwelling house to the street, and to its neighbours, with a compliant maximum building height, wall heights and setbacks.

The proposed breach is apparent from the rear (east) elevation and applies predominantly to the northern side of the dwelling, as illustrated in Figure 13 below. There will be no impact on neighbouring properties and the resulting dwelling will be a consistent bulk and scale with surrounding dwellings and the streetscape character.

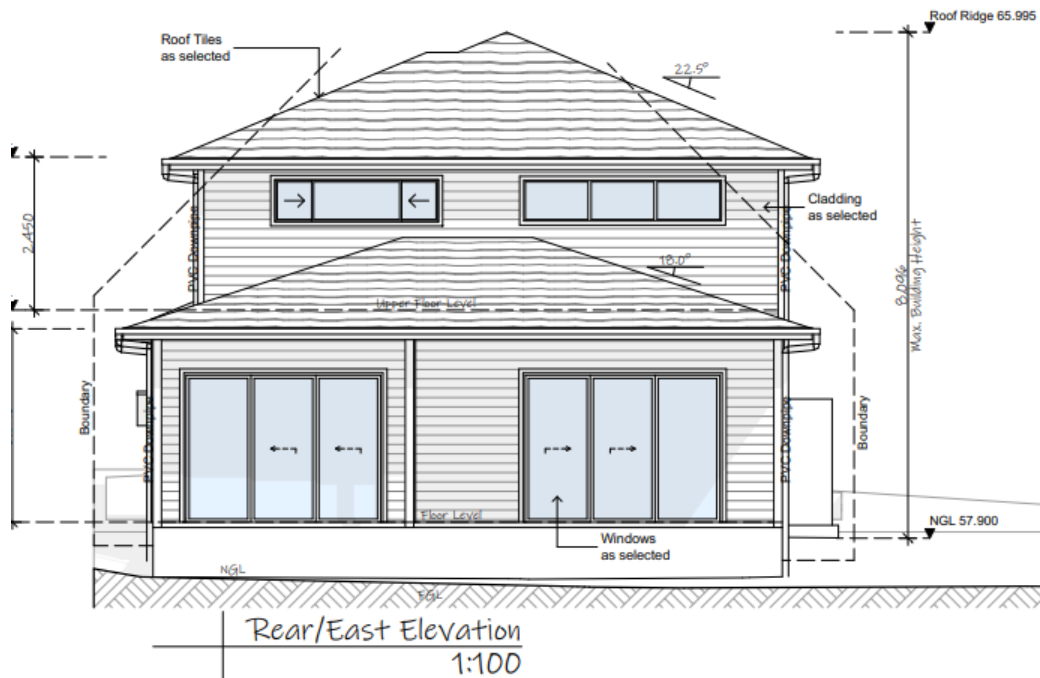


Figure 13. Plan Extract – Rear/East Elevation illustrating building envelope breach

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

Comment:

Consistent. The neighbouring dwellings will receive compliant solar access and light, despite the variation to the building envelope control.

In addition, privacy is maintained between dwellings with a number of privacy measures incorporated into the design including offset windows, orienting larger glazing to the front and rear of the site, high sill heights and privacy glazing.

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

Comment:

Consistent. The subject site falls towards the rear (eastern side). A majority of the dwelling is contained within the flatter area of the site, as well as in the existing disturbed portion of the site. Minimal site works are required, and the dwelling presents with an appropriate, 2-storey scale to the street.

Side Boundary Setbacks

The DCP requires side setbacks of 900mm on the subject site.

The development proposes compliant side setbacks of 950mm (south) and 1.152 metres (north).

Front Boundary Setback

A front setback of 6.5 metres to the primary road frontage is required on the site.

The development proposes a compliant primary front setback of 6.5 metres to the front porch of the dwelling. The garage alignment sits behind the front (western) building wall and is perceived from the street as being recessed from the forward most elements of the design.

Rear Boundary Setback

The DCP requires a rear setback of 6 metres on the subject site.

The development proposes a generous and compliant rear setback of 17.758 metres to the covered alfresco area at rear ground floor level.

Part C Siting Factors

Traffic Access and Safety

The development proposes to construct a new crossover and driveway on Lot 342 DP 12316 to provide access to the new double garage incorporated within the footprint of the new dwelling.

Parking Facilities

The DCP requires a minimum 2 car parking spaces and a maximum width of garage openings of 6 metres or 50% of the building width (whichever is lesser).

The development proposes a new compliant double garage, being 5.460 metres wide and having an opening width of 4.81 metres.

Stormwater

Rainwater from the dwelling will be detained in the proposed 3,000 litre rainwater tank, for reuse onsite. The tank is to be located adjacent to the dwelling and within the northern side setback.

Stormwater will be connected to the existing drainage infrastructure on the site.

Excavation and Landfill

Minimal earthworks are proposed to prepare the site for construction. Standard erosion and sediment control measures will be implemented, to ensure best practice procedures are followed, and all works will be undertaken in accordance with engineering details.

Demolition and Construction

Demolition works are proposed, as described above, and illustrated in the attached DA plan set, to allow for the construction of the proposed dwelling on Lot 342 DP 12316.

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 waste materials will be recycled where possible, and in accordance with Control C9 Waste Management of the DCP and Northern Beaches Council's Waste Management Guidelines.

Compliant bin storage areas are provided on the site, with waste to be collected by Council's regular service.

Part D Design

Landscaping and Open space and bush land setting

The DCP requires 40% landscaping on the site which is equivalent to 237.76m² for the site area of 594.5m².

The development proposes a compliant landscaped area of 40.93% or 243.3m².

Private open space

The DCP requires a minimum 60m² private open space (with minimum dimensions of 5 metres). The development proposes a generous and compliant private open space area in excess of 200m², in the rear yard for the enjoyment of residents.

Noise

The development will not result in noise levels inappropriate to the residential area and the site is not located in close proximity to a noise generating activity.

Access to sunlight

At least 50% of the required 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 of the DCP. This means that 30m² of the private open space for 9 Kimo Street must receive 3 hours sunlight.

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

9am – The development will result in shadow to the southern side of the subject site, the northern side and front yard of 9 Kimo Street. It is noted that the site at 9 Kimo Street contains mature vegetation along its northern boundary and the site is already affected by shadowing as a result of the existing dwelling on the site.

12pm – The development will result in a shadow to the southern side of the subject site, and to the northern side and rear of 9 Kimo Street.

3pm – The development will result in shadow to the southern side and rear yard of the subject site and to the northern side and rear yard of 9 Kimo Street

In particular it is noted that the 60m² private open space for No. 9 Kimo Street is located on the northern side of its rear yard and comprises the deck area and lawn area accessed from the ground floor living space. The lawn area alone will receive 3 hours sunlight between 9am and 12pm in midwinter.

It is concluded that the private open space of both the subject site and 9 Kimo Street, which is located at the rear of both of these properties, maintains compliant solar access at between 12pm and 3pm

Views

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

Privacy

Privacy will be retained for neighbours with compliant side setbacks proposed and no direct overlooking into any key living areas.

The ground floors of the subject site and adjoining dwellings will be visually separated by side boundary fencing. A number of privacy measures have also been incorporated into the design to maximise privacy including offset windows, orienting larger glazing to the front and rear of the site, high sill heights and privacy glazing (on the southern side).

Building Bulk

The proposed development does not create inappropriate building bulk. The development is considered appropriate for the residential setting.

Building Colours and Materials

The proposed building materials include cladding to both the ground and first floors, and tiled roof, with details provided in the attached materials and finishes schedule.

All materials and finishes are complementary to the residential surrounds and are consistent with a modern finish.

Roofs

The development proposes a tiled roof with roof pitch ranging between 18 - 22.5°. The roof design is consistent with the existing dwelling and streetscape character of the area.

Glare & Reflection

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

Site Facilities

All site facilities including bin storage area and clothes drying facilities are provided on the site.

Side and Rear Fences

The development will retain the existing boundary fencing on the north, west and south property boundaries.

Safety and Security

An ability to view the street frontage is provided which is to the benefit of safety and security of residents.

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

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

Wildlife Corridors

There will be no impact on any valued wildlife as a result of the proposed development.

Native Vegetation

The site is not identified on the DCP Native Vegetation Map.

Retaining unique Environmental Features

There are no significant environmental features on the site.

Waterways and Riparian Lands

The site is not identified on the Waterways and Riparian Lands Map and there will be no impact on waterways or riparian lands in the locality.

Landslip Risk

The site is located in the area nominated in the LEP maps as Area A – Slope < 5 and Area B – Flanking Slopes 5 to 25. A Site Classification Report is attached. Minimal earthworks and site preparation works are required noting that the new dwelling is almost entirely within the footprint of the dwelling to be demolished.

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	600m ²	594.5m ²	Yes – no change
Building Height	8.5 metres	8.096 metres	Yes
Floor Space Ratio	Not identified	-	-
Warringah DCP 2011			
Wall Height	7.2 metres	6.240 metres	Yes
Number of Stories	Not identified	-	-
Side Boundary Envelope	4 metres / 45 degrees	Breach on northern and southern sides	Compliance with objectives achieved
Site Coverage	Not identified	-	-
Side Boundary Setbacks	0.9 metres	950mm (south) 1.152m (north)	Yes
Front Boundary Setback	6.5 metres	6.5 metres	Yes
Rear Boundary Setbacks	6 metres	17.758m to covered alfresco area	Yes
Parking	2 spaces	2 spaces	Yes
Landscaped Open Space and Bushland Setting	40% of lot area (237.8m ² for site area of 594.5m ²)	40.93% (243.3m 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 between 12pm and 3pm.	Yes

7. 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 development is complimentary and compatible with adjoining development. The proposal achieves the aims of the Warringah LEP and DCP.

The development is permissible in the 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

7.2.1 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.

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

7.2.2 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.

7.2.3 Public domain

There will be no impact.

7.2.4 Utilities

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

7.2.4 Flora and fauna

There will be no impact.

7.2.5 Waste

There will be no impact. Demolition will be undertaken in accordance with relevant Australian Standards and waste minimisation will be achieved in accordance with Council's guidelines.

7.2.6 Natural hazards

Bushfire and a Site Classification Report are attached to this development application package.

7.2.7 Economic impact in the locality

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

7.2.8 **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 highly appropriate to the site with regard to all of the above factors. The proposal fits well within the context of the surrounds and is an appropriate scale.

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 and all relevant Council controls.

7.2.9 **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.

Are the site attributes conducive to development?

The site is appropriate for the proposed development.

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. Conclusions

- 8.1 The proposed development, for demolition of the existing dwelling and the construction of a new dwelling, at 11 Kimo Street (on Lot 342 DP 12316), North Balgowlah, 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

This report was prepared by:

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Report Version: Draft

Document Control Table

Document Purpose:	Statement of Environmental Effects	
Date	Prepared by	Approved by
06/10/2022	Susan May-Roberts Senior Planner	Sarah McNeilly Director

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