

C U S T O M   L I V I N G

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**48 JOHNSON STREET, FRESHWATER**

**DEMOLITION OF EXISTING DWELLING AND  
CONSTRUCTION OF A TWO STOREY DWELLING**

**JULY 2023**

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## 1. INTRODUCTION

This application seeks approval for the construction of dwelling alterations and additions on Lot 74 in DP 7310 which is known as **No. 48 Johnson Street, Freshwater**.

In preparation for this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by Donovan Associates Pty Ltd, Job No. 330159, Issue A and dated and dated 16.02.2023.
- Architectural Plans prepared by Complete Vision Design, Revision G and dated June 2023.
- Preliminary Geotechnical Assessment prepared by AW Geotechnics, Job No. AWT 74387 and dated 31<sup>st</sup> January 2023.
- BASIX Certificate 1389829S\_02 and dated 1<sup>st</sup> June 2023.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that assessment, it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

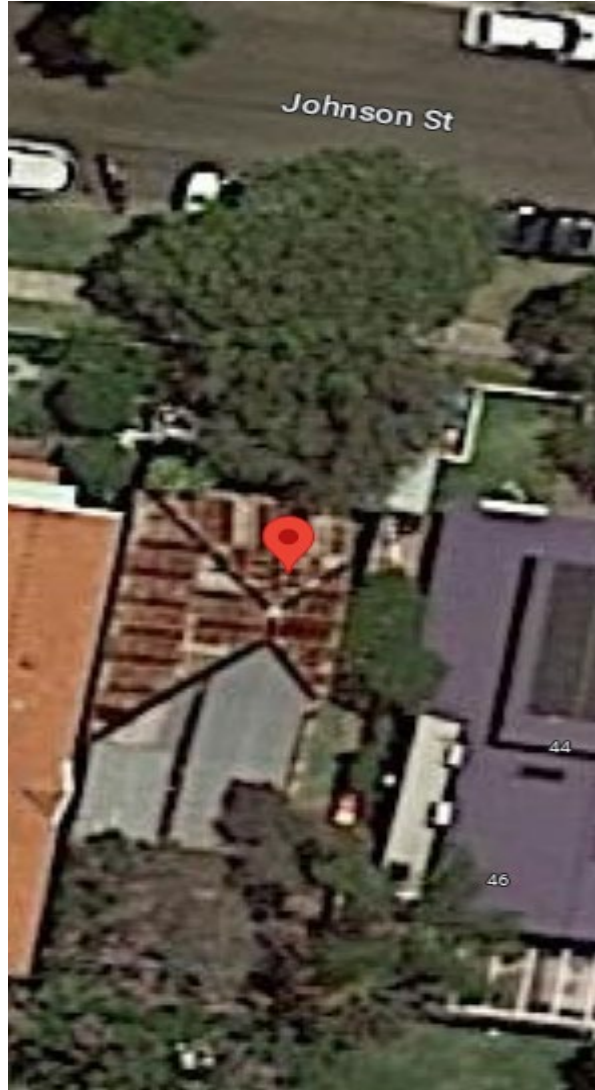
## 2. SITE DESCRIPTION AND LOCALITY

The subject site is identified as Lot 74 in DP 7310 which is known as 48 Johnson Street, Freshwater. The site is located towards the northern side of Johnson Street with a street frontage of 10.06. The site has an area of 404.7 m<sup>2</sup> with a depth of 40.235m. The locality is depicted in the following map:



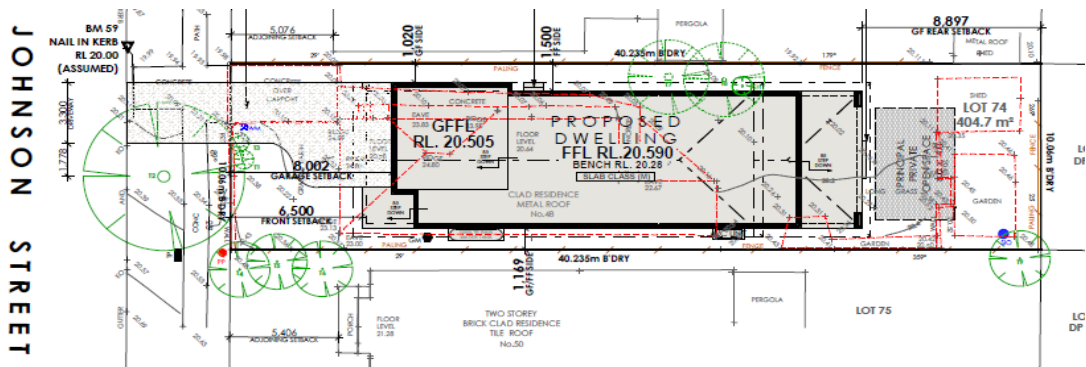
Site Location Map

The site is currently occupied by a two storey clad dwelling with a pitched metal roof. A detached carport area is located adjacent to the eastern side boundary. A concrete driveway is located adjacent to the eastern boundary. A Development Application (Pan-340520) was issued for the construction of New two storey dwelling.



**Aerial Photograph of Locality**

The Subject Site currently has a Single storey residential dwelling. The Subject Site does not comprise any significant vegetation nor any vegetation occupied by Council's Tree Preservation Order.



### 3. THE DEVELOPMENT PROPOSAL

The following drawings prepared by Custom Living and dated accompany this report and application.

- Sheet 1 – Cover Sheet
- Sheet 2 – Site Plan
- Sheet 3 – Demolition Plan
- Sheet 4 - Site Analysis
- Sheet 5 – Benching Plan
- Sheet 6 – Waste Management Plan
- Sheet 7 – Stormwater Plan
- Sheet 8 – Concept Landscape Plan
- Sheet 9 – Ground Floor Plan
- Sheet 11 – First Floor Plan
- Sheet 12 –Elevations
- Sheet 13 – Sections
- Sheet 14 – Door & Window schedule
- Sheet 15 – Basix
- Sheet 16 – Shadow Diagram
- Sheet 17 – Notification Plan

This proposal seeks approval for the demolition of an existing dwelling with the construction of a new two storey dwelling.

The new dwelling has a total floor area of 322.48 m<sup>2</sup>, with the ground floor comprising of a Kitchen, Living, Dining, Music room, Study, Laundry, Powder, and car garage. The first floor comprises of Master, Ensuite Bed 2,3,4, Sitting, main bath, and a separate WC.

The Front setback is 6.5m from Johnson Street. The main wall incorporates a front porch which provides articulation. The rear setback is 6.0m, the Eastern side setback is 1.020m and the Western side setback is 1.169m.

#### **External finishes**

External finishes will be sympathetic to neighbouring dwellings and complement the existing streetscape. A copy of the external colour selections is enclosed with the development application.

Window and door frames will be powder-coated aluminium with clear glass.

The proposal provides for the following indices:

## 4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Warringah Council.

### 4.1 Planning for Bushfire Protection 2006

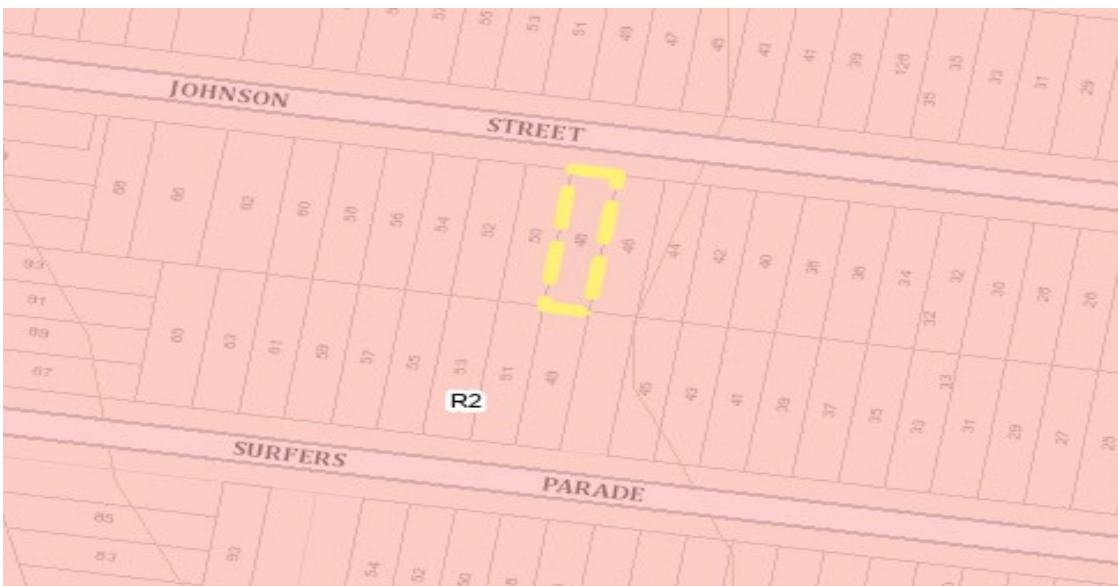
The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply.

### 4.2 Warringah Local Environmental 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) came into effect on Friday 9 December 2011.

#### Extract of Zoning Map

The site is zoned R2 Low Density Residential. Development for the proposed new dwelling are permissible in this zone with the consent of the Council. The following Development Standards specified in the LEP are relevant to the proposed development:



Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	7.135m – refer to plans	Yes

### 4.3 Warringah Development Control Plan 2011

The Warringah Development Control Plan (DCP) has been prepared by Council and was due to come into effect upon the gazettal of the LEP 2011. The new DCP contains detailed planning controls that support LEP 2011.

The following table provides a summary of the relevant controls of the DC

Clause	Requirement	Compliance
B1 – Wall heights	7.2m	Yes
B2 – Number of storeys	Two storey	Yes
B3 - Side Boundary Envelope	Minimum: 0.9m	Yes The proposed additions provide for setbacks of at least 1.93m and 1.6m to the eastern and western boundaries, respectively which complies with this clause.
B4 – Site Coverage	Not Applicable	Not Applicable
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes The proposed additions provide for setbacks of at least 1.93m and 1.6m to the eastern and western boundaries, respectively which complies with this clause.
B7 – Front Boundary Setbacks	Minimum 6.5m	Yes All new works are located behind the existing front building line.
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6.0m	Yes Ample setbacks provided to the rear boundary.



<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
B11 – Foreshore Building Setback	Not applicable	Not Applicable
B12 – National Parks Setback	Not applicable	Not Applicable
B13 – Coastal Cliffs Setback	Not applicable	Not Applicable
B14 – Main Roads Setback	Not applicable	Not Applicable
B15 – Minimum Floor to Ceiling Height	Not applicable	Not Applicable
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Yes Existing vehicular access being retained.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Yes The site currently comprises a single carport and at grade parking space.
C4 - Stormwater	The stormwater drainage system has been designed in accordance with the council's requirements	Yes Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway, or the like.
C5 – Erosion and Sedimentation	Soil and Water Management required	Not Applicable.
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
C7 - Excavation and Landfill	Site stability to be maintained	Not Applicable – no excavation or fill required.
C8 – Demolition and Construction	Waste management plan required	Yes Waste Management Plan submitted.
C9 – Waste Management	Waste storage area to be provided	Yes There is sufficient area on site for waste and recycling bins.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	The proposal results in a landscaped area of 168.61m <sup>2</sup> or 30.65% of the site. Whilst this is not in compliance with the numerical controls, the proposal results in an increase to the existing landscaped area. Currently the site provides for landscaped area of only 133.22m <sup>2</sup> or 24.22%. Therefore, as the proposal results in an increase in landscaped area, it is considered that strict compliance with this clause is unreasonable.
D2 - Private Open Space	60sqm with a dimension of 5.0m directly accessible from the living area. Ensures privacy for the occupants. located in the rear yard. Maximises solar access	Yes 35 sqm with a minimum dimension of 3m. Directly accessible from the living area. Must be located and designed to ensure the privacy of occupants of the adjoining dwelling.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenities. Compliance with NSW Industrial Noise Policy Requirements	Not Applicable

Clause	Requirement	Compliance
D4 – Electromagnetic Radiation	Not Applicable	Not Applicable
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	Yes The site is orientated north-south and the resultant dwelling receives good solar access. A BASIX Certificate has been issued and submitted with the application.
D6 – Access to sunlight	The controls require that sunlight to at least 50% of the private open space of both the subject and adjoining properties' private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	Yes Given the north south orientation of the allotment and the considered design the proposal will not result in any unreasonable loss of solar access. Shadow diagrams have been submitted with the application.
D7 - Views	View sharing to be maintained	Yes The subject site and surrounding properties do not enjoy any significant views. The proposed additions do not result in any disruption to existing views from surrounding properties

Clause	Requirement	Compliance
D8 - Privacy	Dwelling is designed to not impact privacy. Living areas, habitable rooms, and windows all overlook the street or private open space areas. Not windows directly overlook each other	Building layouts should be designed to optimize privacy for occupants of adjoining properties. orientate living areas, habitable rooms, and windows to private open space areas or to the street to limit overlooking. The effective location of doors, windows, and balconies to avoid overlooking is preferred to the use of screening devices, high sills, or obscured glass
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	Yes The proposed new dwelling are well articulated with varied setbacks and incorporated with open decks. The dwelling provide appropriate boundary setbacks to ensure that the proposal does not result in unreasonable bulk or scale.
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Yes External finishes selected to be compatible with the existing surrounding development and the natural environment.
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Yes The proposal provides for an appropriate roof form.

Clause	Requirement	Compliance
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimized.	Yes The proposal will not result in unreasonable glare or reflection.
D13 - Front Fences and Front Walls	Not Applicable	Not Applicable.
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.	Yes
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991.	Not Applicable
D16 – Swimming Pools and Spa Pools	Not Applicable	Not Applicable
D17 – Tennis Courts	N/A	Not Applicable
D18 - Accessibility	Safe and secure access for persons with a disability to be provided where required.	Not Applicable

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
D19 – Site Consolidation in the R3 and IN1 Zone	Not Applicable	Not Applicable
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	Yes The dwelling will continue to provide a good outlook of the dwelling approach and street.
D21 – Provision and Location of Utility Services	Utility services to be provided.	Yes Existing facilities on site.
D22 – Conservation of Energy and Water	A BASIX Certificate is not required.	Yes BASIX Certificate has been provided.
D23 - Signs	Building identification signage to be appropriate for the proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views or potentially hazardous road features or traffic control devices.	Not Applicable
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	Not Applicable The proposal does not require the removal of any vegetation.
E2 – Prescribed Vegetation	Not identified on map	Not Applicable
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
E4 – Wildlife Corridors	Not identified on map	Not Applicable
E5 – Native Vegetation	Not identified on map	Not Applicable
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Not Applicable
E7 – Development on land adjoining public open space	N/A – not identified on map	Not Applicable
E8 – Waterways and Riparian Lands	N/A – not identified on map	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable
E10 – Landslip Risk	Identified on map as part A and part B	A preliminary geotechnical has been submitted.
E11 – Flood Prone Land	Not Applicable	Not Applicable

There are no other provisions of the DCP that apply to the proposed development.

## **5. EP & A ACT - SECTION 4.15**

### **The Provisions of any Environmental Planning Instruments**

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned R2 Low Density Residential under the provisions of the LEP. Construction of New two storey dwelling to an existing dwelling house is permissible with the consent of Council in this zone. It is considered that the provisions of this document have been satisfactorily addressed within this report and that the proposal complies with the relevant provisions.

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

### **The Likely Impacts of the Development**

It is considered that the development will provide for the construction of a new two storey dwelling to an existing dwelling without any detrimental impact on the environment, social and economic status of the locality.

### **The Suitability of the Site for the Development**

The subject site is zoned R2 Low Density Residential and the construction of a new two storey dwelling to an existing dwelling house in this zone is permissible with the consent of the Council. The resultant dwelling is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons, it is considered that the site is suitable for the proposed development.

### **The Public Interest**

It is considered that the proposal is in the public interest in that it will provide for demolition of and construction of a two storey dwelling that is consistent with other development in this locality without impacting the amenity of the adjoining properties or the public domain.



## 6. CONCLUSION

This application seeks approval for the construction of a new dwelling and associated works. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011. The proposed dwelling does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed demolition of the existing dwelling and construction of a two storey dwelling house at **No. 43 Johnson Street, Freshwater** is worthy of the consent of the Council.

Adam Vescio  
Director  
**Custom living**  
July 2023