



STATEMENT OF ENVIRONMENTAL EFFECTS

5 Kooloora Ave Freshwater

McManus Building Consulting
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History

On 5 Nov 2021, DA2021/1233 was approved for alterations and additions to a dwelling, carport and swimming pool.

On 18 April 2023, MOD2023/0105 was approved for multiple amendments to the alterations and additions to the dwelling house, including the deletion of a storage room and bathroom on the LGF Level.

On 5 December 2024, MOD2024/0609 was approved for a change in colour of the roof from 'Monument' to 'Shale Grey'.

On 8 March 2024, CC2024/0256 was approved by a Private Certifier and work commenced.

Statement of proposed Use

This application for "Use" has been submitted in conjunction with a BIC to regularise unauthorised minor modifications to the Lower Ground Floor Level (LGF) of the dwelling, currently under renovation.

The unauthorised modifications subject of this BIC comprises:

1. Construction of Dintel retaining walls creating drainage cavity*.
2. Minor re-positioning of rear garage wall towards rear.
3. Construction of bathroom (approved under DA2021/1233**).
4. Construction of storage room (approved under DA2021/1233**, reduced in size).

*Note: During construction, due to a substantial amount of ground water, it was recommended that Dintel retaining walls were built to keep sufficient separation between the external subfloor walls and the internal subfloor walls. Concerns were specifically raised regarding the reliance on a membrane wall which may fail.

**Note: Under DA2021/1233 retaining walls surrounding a storage room and a bathroom were approved on the LGF Level. However, deleted under MOD2023/0105.

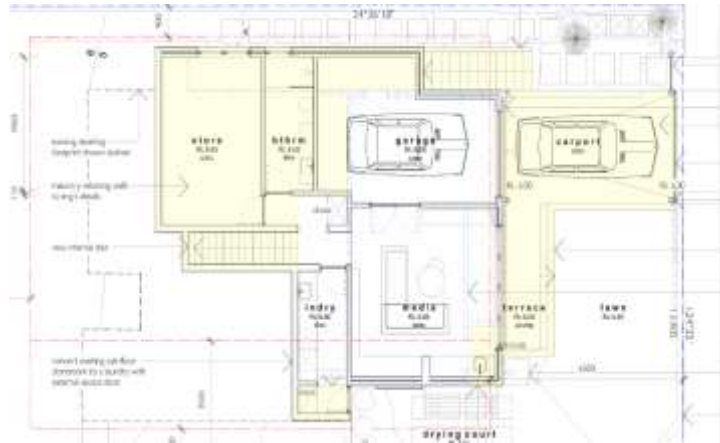


Diagram 1 - LGF plan approved under DA2021/1233.



Diagram 2 - As-built LGF.

The minor modifications do not form part of a compliance matter with NBC, however, to ensure consistency with the approved plans, the PC has requested the issue of a BIC.

The modifications carried out are all within the existing building envelope of the approved alterations and additions to the dwelling house.

Site Description

5 Kooloora Avenue Freshwater, Lot 3 DP 12377, is a 374.9m² rectangular shaped corner allotment containing a partially demolished dwelling house currently under construction.

The site is zoned R2 Low Density Residential, under the Warringah LEP & DCP 2011.



Site suitability:

	Applicable	Not Applicable
Landslip	X	
Bush Fire Prone		X
Flood prone		X
Riparian & Water courses		X
Terrestrial Biodiversity		X
Acid Sulfate		X
Heritage		X

Landslip

The site is located within Area A – Slopes 5-25 degrees.

Accordingly, a Geotechnical report prepared by White Geotechnical Group, Ref. J3560A, dated 4/11/2021, was completed prior to the development under DA2021/1233 being determined for approval. The report was found to be acceptable and encompassed the previously approved bathroom and storage area, recommending construction of retaining walls to better stabilise the LGF.

Progressive inspections were carried out by the Geotech Engineer, which were found to be satisfactory.

LEP & DCP Assessment

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
Meets aims of the LEP?	Yes
Meets zone objectives of the LEP?	Yes
Height of Buildings (Clause 4.3)	Unchanged
Earthworks (Clause 6.2)	Yes
Development on sloping land (Clause 6.4)	Yes

Warringah Development Control Plan 2011

Part B - Built Form Controls

Built Form Control	Requirement	As-built	Variation*	Complies
B1 Wall Height	7.2 m	4.7m	N/A	Yes



B2 Number of Storeys	N/A	N/A	N/A	N/A
B3 Side Boundary Envelope	45 degrees from 5m Setback 0.9m	Unchanged (sub-floor)	N/A	N/A
B4 Site Coverage	N/A	N/A	N/A	N/A
B5 Side Boundary Setbacks	0.9m	1.125m (E) 1.225m (W)	N/A	Yes
B7 Front Boundary Setbacks	6.5m	Unchanged	N/A	N/A
B9 Rear Boundary Setbacks	6m	Unchanged	N/A	N/A

Part C – Siting Factors

Siting Controls	Requirement	As-built	Variation*	Complies
C2 Traffic, Access and Safety	Crossing req'd	Unchanged	N/A	Yes
C3 Parking Facilities	Garages not visually dominate	Unchanged	N/A	Yes
C4 Stormwater	Design to be in accordance with Councils policies	Engineer provided certification	N/A	Yes
C5 Erosion and Sedimentation	Management req'd	Unchanged	N/A	Yes
C6 Building over or adjacent to constricted Council Drainage Easements	N/A	N/A	N/A	Yes
C7 Excavation and Landfill	Site stability to be maintained	Monitored by structural and hydraulic engineers	N/A	Yes
C8 Demolition and Construction	Waste management plan req'd	Unchanged	N/A	Yes



C9 Waste Management	Waste storage area to be provided	Unchanged	N/A	Yes
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Part D - Design

Design Control	Requirement	As-built	Variation*	Complies
D1 Landscaped Open Space and Bushland	40% landscaped	Unchanged (47%)	N/A	Yes
D2 Private Open Space	60m ²	Unchanged	N/A	Yes
D3 Noise	Compliance with NSW police req'd	Unchanged	N/A	Yes
D5 Orientation and Energy Efficiency	Orientated to receive sun. Compliance with BASIX	Unchanged	N/A	Yes
D6 Access to Sunlight	50% of POS to receive 3 hours	Unchanged	N/A	Yes
D7 Views	Sharing to be maintained	Unchanged	N/A	Yes
D8 Privacy	Does not cause unreasonable overlooking	Unchanged	N/A	Yes
D9 Building Bulk	Consistent visual bulk and scale	Unchanged	N/A	Yes
D10 Building Colours and Materials	Match surrounding	Unchanged	N/A	Yes

Part E – The Natural Environment

Natural Env Control	Requirements	As-built	Variation*	Complies
E1 Private Property Tree Management	Arboricultural report provided	Unchanged	N/A	Yes
E10 Landslip Risk	Identified as Area A	Geotech and structural engineer provided certification and continuous	23.6m ²	Yes



		monitoring of site		
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Compliance Assessment

Clause	Compliance with Requirements	Consistency with Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B2 Number of Storeys	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B4 Site Coverage	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to constricted Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E10 Landslip Risk	Yes	Yes



Conclusion

As the minor modifications were carried out on the sub-floor level, the visual, privacy and amenity impacts of the retaining walls and bathroom are negligible.

As stated above, the walls were constructed to provide a best-build practice by ensuring maximum longevity to the building because of additional ground water rising.

On that basis, we hope the additional works to the sub-floor area is acceptable.

List of supporting documents

Title / Drawing. no	Prepared by	Dated
Architectural Plans – Issue A, Job No. 199	Rachel Hudson Architect	05/05/25
ID Survey – Ref.19102A	CMS Surveyors	28/03/25
Geotech Engineering Certificates – Ref. J3560C, J3560D, J3560E	White Geotechnical Group P/L	20/02/2024, 30/05/2024, 5/07/2024
Structural Engineers Certificates – Dintel Wall Footings, Dintel Walls, Garage Footings, Garage Slab – Ref. J21078	GZ Consulting Engineers P/L	28/06/2024, 26/07/2024
Hydraulic Plans	Birzulis Associates Consulting Structural & Civil Engineers	09/06/2023

Statement Prepared by:

Sarah McManus

McManus Building Consultants

B. Management

D. Env Health & Building Surveying

UTS Planning

I certify that the contents of the Statement of Works to the best of my knowledge, has been prepared as follows:

- In accordance with Section 4.12 of the Environmental Planning and Assessment Act 1979 and Clause 24 of the Environmental Planning and Assessment Regulation 2021.
- The statement contains all available information that is relevant to the assessment of the application.



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- To the best of my knowledge the information contained in this report is neither false nor misleading.