

STATEMENT OF ENVIRONMENTAL EFFECTS

42 SURF ROAD, NORTH CURL CURL

**DEMOLITION AND CONSTRUCTION OF A NEW DWELLING
AND NEW SWIMMING POOL**

**PREPARED ON BEHALF OF
Archer Properties**

NOVEMBER 2018

TABLE OF CONTENTS

1.	INTRODUCTION	3
2.	SITE DESCRIPTION AND LOCALITY	4
3.	THE DEVELOPMENT PROPOSAL	6
4.	ZONING & DEVELOPMENT CONTROLS	7
5.	EP&A ACT – SECTION 4.15	21
6.	CONCLUSION	22

1. INTRODUCTION

This application seeks approval for the demolition and construction of a new dwelling and swimming pool on Lot 33 in DP 5659 which is known as **No. 42 Surf Road, North Curl Curl**.

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

- Environmental Planning & Assessment Act, 1979.
- State Environmental Planning Policy (Coastal Management) 2018.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan.

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

- Survey Plan prepared by Donovan Associates, Ref No. 306102, dated 17/07/2018.
- Architectural Plans prepared by Jeff Karskens Designer and dated 26 November 2018.
- Flood Risk Management Report prepared by Pittwater Data Services and dated 14/11/2018.
- Stormwater Management Plan prepared by Jack Hodgson Consultants Pty Ltd, Job No. 31627 and dated 23 November 2018.
- BASIX Certificate

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.



View of Subject Site from Surf Road

The existing surrounding development comprises a mix of one and two storey detached residential dwellings with parking under on generally similar sized allotments to the subject site. More recent development comprises larger two storey dwellings of modern appearance. The site is located opposite public open space and benefits from views towards North Curl Curl Beach.

The existing surrounding development is depicted in the following aerial photograph:



Aerial Photograph of Locality

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the demolition of the existing structures and construction of a new two storey dwelling with parking under. The dwelling is to be constructed of stone, cladding and render with a colorbond roof. The proposal also provides for a swimming pool. Stormwater management works will also be provided in accordance with council controls.

The proposed development is provided with a setback of 6.8m to the street frontage as measured from the integrated carport and wall of the ground floor level. The first-floor level is provided with a setback of 10.3m to the street frontage as measured from the wall of this level. The open balcony to the front elevation of the ground floor is setback 4.8m to the street frontage. Setbacks of 0.9m are provided to the sites northern and southern side boundaries.

The proposal also provides for stormwater disposal in accordance with the Stormwater Concept Plan which provides for all collected stormwater to discharge to street gutter.

A new swimming plunge pool is to be located in the rear yard. The pool is provided with setbacks of 1.4m and 0.8m to the northern and southern side boundaries, respectively. A setback of 0.9m is provided to the rear boundary.

The proposed dwelling will comprise the following:

Lower Level: Carport, main entry, laundry, home theatre, bathroom, media room and two bedrooms.

Ground Floor: Kitchen, living/dining room, family room. bathroom and guest room.

First Floor: Three bedrooms (main with ensuite) and bathroom.

The proposal will result in the following numerical indices:

Site Area: 321.9m²

Proposed Landscaped Area: 52m² or 16%

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 State Environmental Planning Policy (Coastal Management) 2018

This SEPP aims to manage development in the coastal zone and protect the environmental assets. The subject site is identified as 'coastal environment area' and 'coastal use area' on the Coastal Management Map and therefore the provisions of this SEPP apply. The following Clauses are relevant to the proposed development:

Clause 13 Coastal Environment Area

This clause provides:

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment: The proposal will not have any detrimental impact on the integrity or resilience of the environment. The site has only a slight slope and is well separated by the public open by Surf Road.

The new dwelling, which replaces an existing dwelling, is comparable in terms of height and bulk with the more recently constructed development. The proposed dwelling will not impact on existing water quality with stormwater controls incorporated into the development.

Further the works do not obstruct any public access to the foreshore. There are no known aboriginal or cultural heritage items, places or relics within the vicinity.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: The proposed pool is provided with appropriate setbacks to the boundaries of the site and significant setbacks to the foreshore. Soil erosion and sedimentation controls will be implemented prior to the commencement of any work on site.

Clause 14 Coastal Use Area

This clause provides:

Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
- (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment: The proposal does not affect any existing public access to the foreshore or beach. The proposed pool is well setback from the foreshore and will not result in any overshadowing or wind funnelling to the foreshores. The proposed dwelling complies with the building height controls of the Warringah LEP will not unreasonably obstruct views from surrounding properties.

There are no known aboriginal or cultural heritage items, places or relics within the vicinity. The proposed dwelling will not be prominent when viewed from the foreshore and beach, rather the dwelling is comparable with the more recently constructed dwellings on the surrounding allotments.

Clause 15 Development in Coastal Zone Generally – Development not to increase risk of coastal hazards

Given the ample setback, relatively flat site and good building practice the development will not increase risk of coastal hazards.

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

4.2 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.

4.3 Warringah Local Environmental 2011

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

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

Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	8.5m	Yes

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

4.3 Warringah Development Control Plan

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 DCP:

Clause	Requirement	Compliance
B1 – Wall heights	7.2m	<p>The proposal provides for a wall height ranging from 6.2m to 8.2m. The non-compliance is considered justified in this instance for the following reasons:</p> <ul style="list-style-type: none"> • The wall height proposed is comparable to the existing dwelling on site and the adjoining dwellings and as such does not detract from the streetscape. • The minor non-compliance does not result in any unreasonable overshadowing or loss of amenity to the adjoining properties. • The proposal complies with the maximum building height of 8.5m. • The proposal presents as two storeys with parking under which is consistent with a number of recently constructed dwellings in Surf Road.
B3 - Side Boundary Envelope	Building envelope 45 degrees from 5m. Eaves up to 675mm are an allowable encroachment	<p>The non-compliance with the envelope is predominantly due to the minimal allotment width. Requiring strict compliance would result in an unusable floor plan.</p>

Clause	Requirement	Compliance
		<p>The resultant development is compatible with the existing surrounding development particularly those more recently constructed dwellings. The proposal is well articulated through the use of balconies, varied boundary setbacks and the change in external finishes. The proposal maintains reasonable solar access to the adjoining properties and results in a dwelling that is compatible in terms of bulk and scale with the more recently constructed dwellings.</p>
B5 - Side Boundary setbacks	Minimum: 0.9m	<p>Yes Setbacks of 0.9m to the northern boundary and southern boundaries.</p>
B6 – Merit assessment of Side Boundary Setbacks	Not Applicable	Not Applicable
B7 – Front Boundary Setbacks	Minimum 6.5m	<p>Wall of structure setback 6.8m with the balcony setback 4.8m from the Surf Road frontage. The setback is considered appropriate in this instance for the following reasons:</p>

Clause	Requirement	Compliance
		<ul style="list-style-type: none"> • The setback provided is appropriate in the context of the existing surrounding development. In this regard No. 34, 36 and 38 provide for setbacks of 4m, 3.17m and 3.86m, respectively. • The dwelling is well articulated on the front façade by increasing the setback to the upper level, providing for modulated balconies and increasing setbacks as wall height increases. • The proposal does not result in any unreasonable overshadowing or loss of privacy. • The proposed setbacks to not obstruct existing views to the east with all adjoining properties retaining existing views.
B8 – Merit assessment of front boundary setbacks	Not Applicable	Not Applicable

Clause	Requirement	Compliance
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6.0m	Yes Dwelling is setback 6.0m to the rear boundary. Whilst the swimming pool is provided with a reduced setback, the pool is generally located at ground level and not visible from the adjoining properties. Further the pool is similar to other structures within the locality.
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 New driveway crossing to be provided in accordance with Council controls.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Yes The proposal provides for a carport that is setback behind the front building line of the dwelling and is well integrated into the dwelling.
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification	Yes The proposal provides for all collected stormwater to discharge to street gutter.

Clause	Requirement	Compliance
C5 – Erosion and Sedimentation	Soil and Water Management required	Yes A Soil Erosion Management Plan has been prepared and forms part of the submission to Council.
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable
C7 - Excavation and Landfill	Site stability to be maintained	The proposal provides for some additional excavation to provide for the carport. The site has an area of only 321.9m ² and providing for a new dwelling is constrained. The best alternative is to provide basement parking and is consistent with the form of parking in this portion of Surf Road. The site is contained within the boundaries of the site and will not have a detrimental impact on the adjoining properties or any significant vegetation.
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 behind the building line.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	Proposal provides for a landscaped area of 52m ² or 16% of the site. See discussion at end of table.

Clause	Requirement	Compliance
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	Yes Proposed dwelling provides for approximately 100m ² in the rear yard which includes the pool area.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Not Applicable
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 proposed dwelling will receive good solar access throughout the year. A BASIX certificate has been issued and forms part of the submission to Council.
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 orientation all dwellings result in overshadowing to the adjoining southern property. The proposal however ensures solar access to the main east facing living areas between 9am and 12noon on the winter solstice with the rear private open space receiving solar access from 12noon.

Clause	Requirement	Compliance
		It is considered that reasonable solar access is provided.
D7 - Views	View sharing to be maintained	<p>Yes</p> <p>The subject and adjoining properties enjoy views to the east towards North Curl Curl Beach. The proposed dwelling ensures that views from adjoining properties are retained. This has been achieved by providing a setback to the street frontage that does not encroach the established building line.</p>
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	<p>Yes</p> <p>The proposal provides for a two storey dwelling with the all high use living areas on the ground floor to minimise the opportunity for direct overlooking into the adjoining properties. The upper level provides for bedrooms and a bathroom only. Given the location of the adjoining dwelling these windows will not allow views into the rear yard of the adjoining property and the windows are offset to the windows on the adjoining dwelling.</p>

Clause	Requirement	Compliance
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.	<p>Yes</p> <p>The proposal provides for a two storey with basement level parking that is compatible with the existing surrounding development.</p> <p>The dwelling is well articulated through the use of varied setbacks and balcony/porches.</p> <p>The proposal provides for appropriate setbacks to the side boundaries to ensure appropriate visual separation.</p>
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	<p>Yes</p> <p>External finishes selected to be compatible with the existing surrounding development and the natural environment.</p>
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	<p>Yes</p> <p>The proposal provides for a pitched roof form which is compatible with the variety of roof forms in the locality.</p>
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimized.	<p>Yes</p> <p>The proposal will not result in unreasonable glare or reflection.</p>

Clause	Requirement	Compliance
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.	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 Site facilities incorporated into the development
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	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	Yes Pool is located in the rear yard and complies with this clause.
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
D19 – Site Consolidation in the R3 and IN1 Zone	Not Applicable	Not Applicable

Clause	Requirement	Compliance
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 provide a good outlook of 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 required.	Yes
D23 - Signs	Building identification signage to be appropriate for 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 – proposal does not require the removal of any significant vegetation
E2 – Prescribed Vegetation	Not identified on map	Not Applicable
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable
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	Yes There are no distinctive environmental features on site.

Clause	Requirement	Compliance
E7 – Development on land adjoining public open space	Not Applicable	Not Applicable
E8 – Waterways and Riparian Lands	Not applicable	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable
E10 – Landslip Risk	Identified on map as A	Not Applicable
E11 – Flood Prone Land	Site is not affected by Flooding	Not Applicable

D1 Landscaped Open Space

The proposal provides for a landscaped area of 52m² or 16%. Whilst this does not comply with Council's numerical controls it is considered that the proposed variation is justified in this instance for the following reasons:

- The site has a reduced site area, being only 321.9m² and providing for a dwelling suitable for a family on such an allotment is constrained and as such some variation is considered reasonable.
- If the proposed dwelling was provided on a standard 450m² allotment (which is the minimum allotment size in this locality) than the landscaped area (52m² + 129m² extra site landscaping) would comply with the 40% requirement.
- The proposal provides sufficient area of private open space for both active and passive recreation including the rear yard and alfresco area.
- The proposal discharges all collected stormwater to the street gutter via rainwater reuse tanks and will not result in any additional runoff to the adjoining properties.
- The site cover is compatible with the existing surrounding development in Surf Road with a number of newer developments constructed with similar non-compliances.

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 a new 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 a new 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 dwelling house in this zone is permissible with the consent of 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 a new single 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 demolition and proposed construction of a new dwelling at **No. 42 Surf Road, North Curl Curl** is worthy of the consent of Council.

Natalie Nolan
Grad Dip (Urban & Regional Planning) Ba App Sci (Env Health)
Nolan Planning Consultants
November 2018