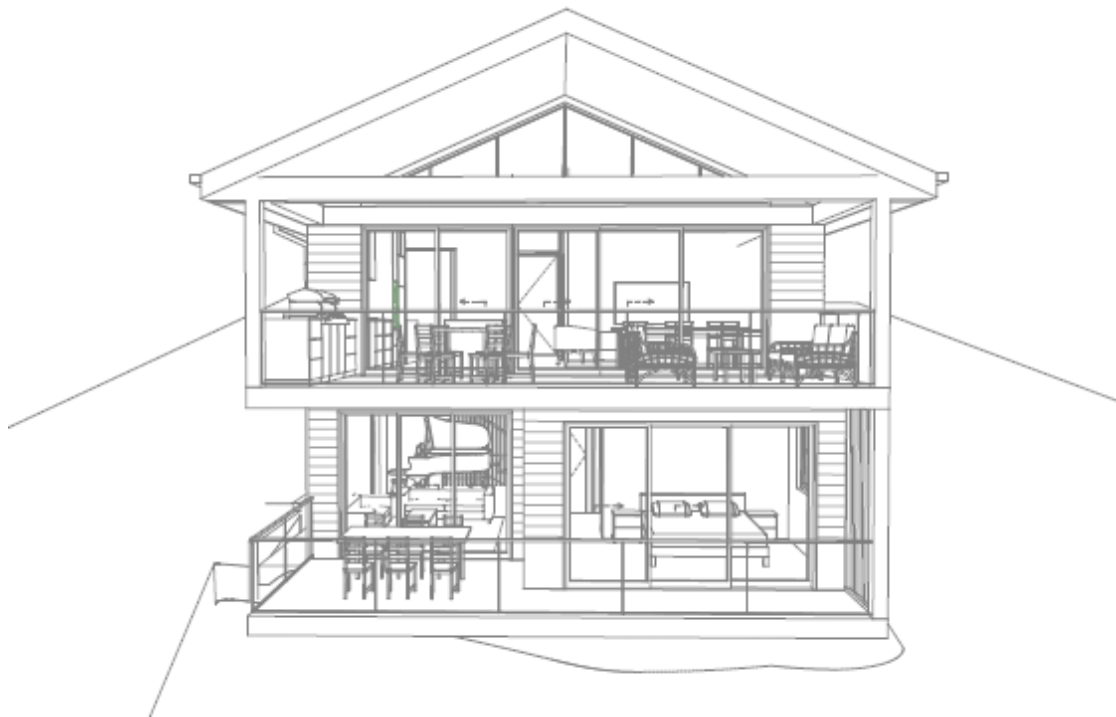


**Statement of Environmental
Effects**

New Dwelling House and
Secondary Dwelling

**19 Curl Curl Parade
Curl Curl**



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Statement of Environmental Effects

New Dwelling House and Secondary Dwelling

19 Curl Curl Parade, Curl Curl

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1.0 INTRODUCTION

This document has been prepared as a component of a development application proposing the construction of a dwelling house with integrated secondary dwelling and garage accommodation on the existing vacant allotment. The application also proposes the implementation of an enhanced site landscape regime.

The architect has responded to the client brief to design a dwelling house which takes advantage of the sites superior locational attributes whilst responding appropriately to the topographical characteristics of the site and the juxtaposition of the immediately adjoining residential properties. The resultant building will sit comfortably within the established streetscape and will not give rise to inappropriate or jarring residential amenity impact in terms of views, privacy or solar access.

The elevated driveway provides safe and convenient access to integrated garage accommodation consistent with the driveway arrangement established by other development located on the northern side of Curl Curl Parade including the recently approved dwelling at 7 Curl Curl Parade (DA2016/0326 and Mod2021/0710). In preparation of this document consideration has been given to the following statutory planning regime:

- The Environmental Planning and Assessment Act, 1979 as amended (the Act).
- Warringah Local Environmental Plan 2011 (the LEP).
- Warringah Development Control Plan (the DCP).
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022

Architectural drawings including floor plans, sections, elevations and shadow diagrams have been prepared in relation to the development proposed. The application is also accompanied by a survey, site analysis plan, landscape plan, geotechnical report, stormwater management plans, waste management plan and a BASIX certificate.

The proposed works are consistent with the built form controls as they are reasonably applied to the proposed works with the proposed secondary dwelling increasing the availability of affordable rental housing on the northern beaches. The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15 of the Act. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

2.0 SITE DESCRIPTION AND LOCATION

The site known as Lot 75, DP 5539, No. 19 Curl Curl Parade, Curl Curl is generally rectangular in shape with a frontage to Curl Curl Parade of 10.06 metres, variable depth of between 47.585 and 49.45 metres, a splayed rear boundary and an area of 488m². The site is currently vacant with a number of rock outcrops evident towards the rear of the property. The site falls approximately 8 metres across its surface towards its rear boundary.

An aerial photograph depicting the site and its surrounds is below.

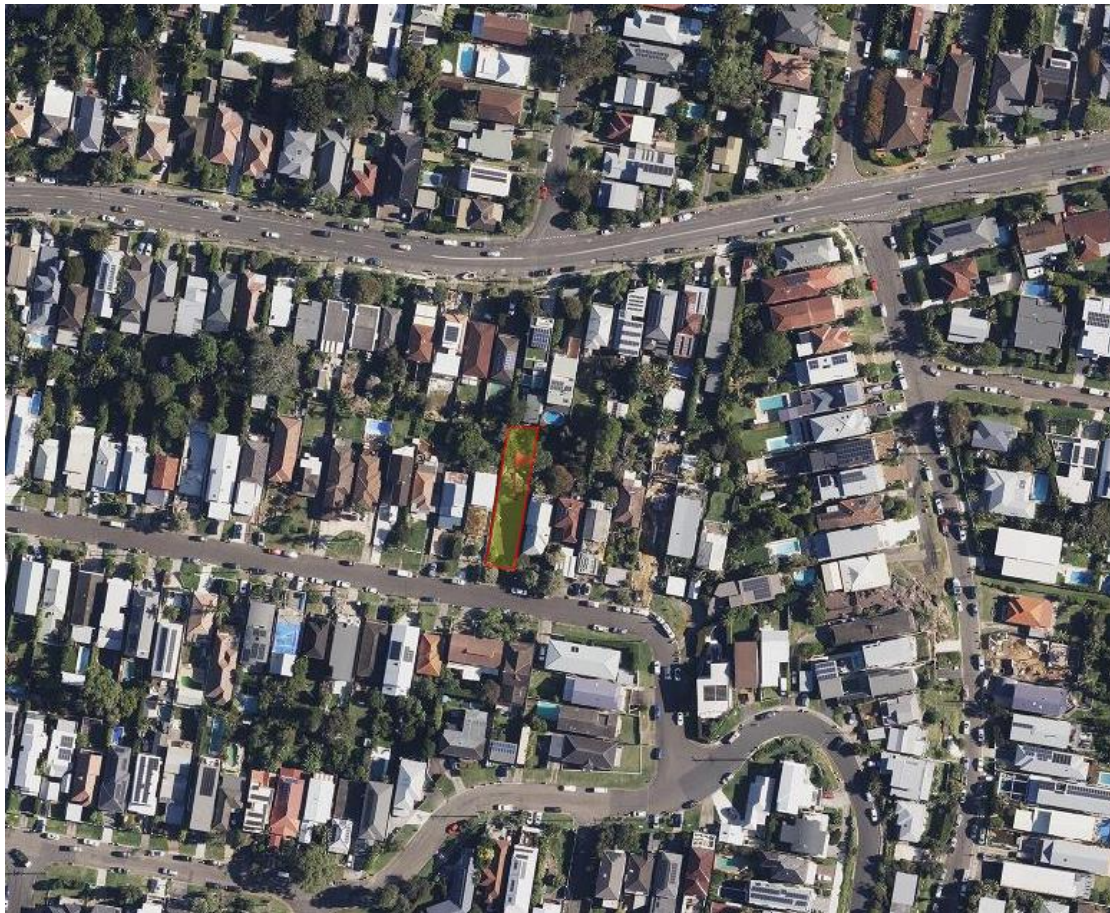


Figure 1 – Aerial Location Map

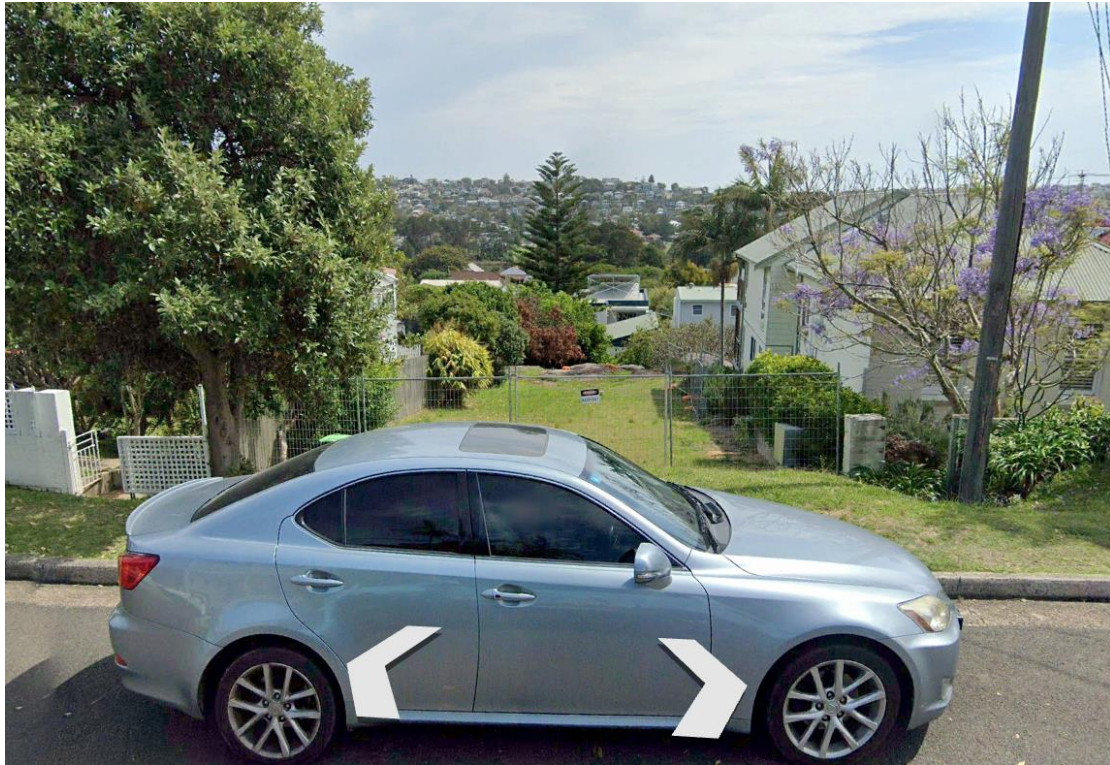


Figure 2 – Subject site as viewed from Curl Curl Parade

The immediately surrounding properties are occupied by 2 and 3 storey detached dwelling houses within informal landscape settings. The adjacent road reserve is steeply sloping.



Figure 3 – Adjoining development to the west of the subject site

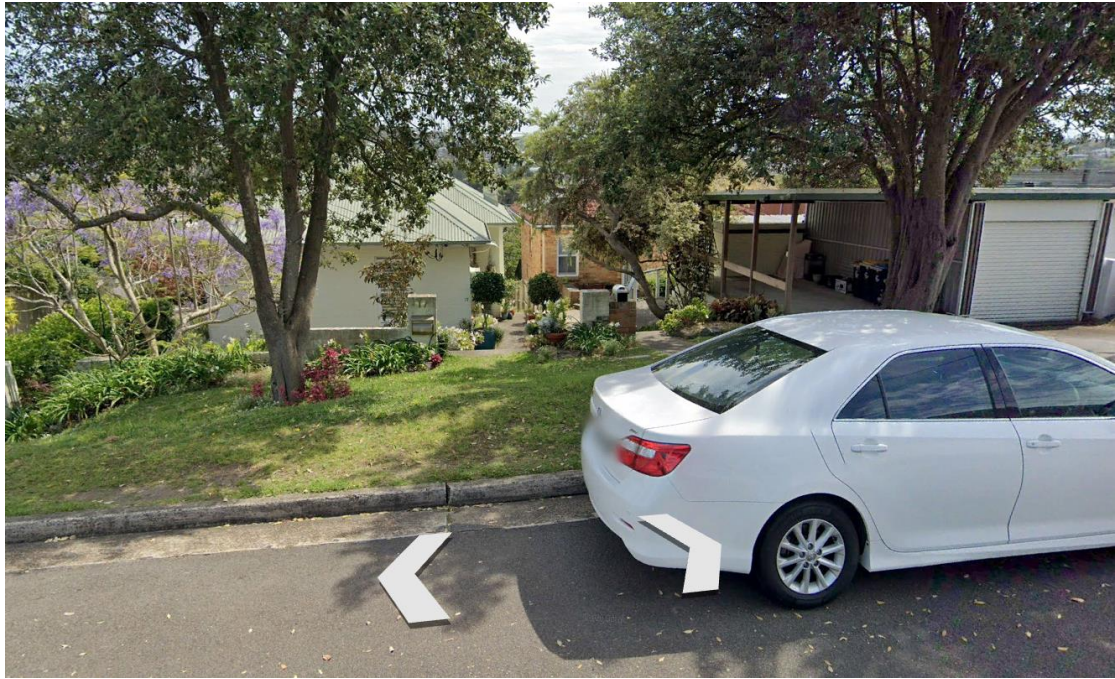


Figure 4 – Adjoining development to the east of the subject site



Figure 5 – Development located on the high side of Curl Curl Parade directly opposite subject site

3.0 DEVELOPMENT PROPOSAL

The application proposes the construction of a dwelling house with integrated garage accommodation on the existing vacant allotment. The application also proposes the implementation of an enhanced site landscape regime. The proposed works are depicted on plans DA00 to DA17 prepared by Progressive Plans. Specifically, the design provides for the following floor plate outcome:

Lower Ground Floor Plan

Secondary dwelling

The southern portion of the development contains a 60m² two (2) bedroom secondary dwelling with terrace and courtyard accessed from the front boundary of the property via a pathway down the western boundary of the property.

The northern portion of the development contains the lower ground floor rooms associated with the principal dwelling house accessed from the level above comprising three (3) bedrooms, the master with ensuite, laundry, bathroom and rumpus room with the master bedroom and rumpus room opening onto a north facing deck. Internal stair access is provided to the level above.

Ground Floor Plan

This floor plate contains the formal entry, guest bedroom with ensuite, powder room and open plan kitchen, living and dining area opening onto a north facing balcony. A double garage is also located at this level accessed via a concrete driveway from Curl Curl Parade.

Schedule of External Colours

The application is accompanied by a schedule of external colours and finishes which will ensure that the building displays a complimentary and compatible streetscape presentation.

The application requires removal of the existing street tree located adjacent to the frontage of the property to accommodate the proposed driveway crossing with such tree removal able to be compensated for by way of a replacement street tree planting. The application proposes the implementation of an enhanced site landscape regime as depicted on the accompanying plans prepared by Space Landscape Designs. Two large rock outcrops at the rear of the site are retained as components of the overall landscape regime proposed.

The suitability of the proposed excavation and stormwater drainage regimes are addressed in the accompanying geotechnical report prepared by Ascentgeo Geotechnical Consulting and the Stormwater Management Plan prepared by Taylor Consulting.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 General

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Act. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.2 Warringah Local Environmental Plan 2011

4.2.1 Zone and Zone Objectives

The subject property is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011 (WLEP). Dwelling houses and secondary dwellings are permissible in the zone with consent. The site is not heritage listed or located within a heritage conservation area.

The stated zone objectives are as follows:

- *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.*

The proposed development is consistent with the objectives of the zone as it provides low density residential development of contemporary development in the locality with the proposed secondary dwelling also providing for the rental housing needs of the community. The dwelling house and secondary dwelling have been designed to reflect the architectural character of contemporary development in the locality.

4.2.2 Height of Buildings

Pursuant to clause 4.3 WLEP the height of any building on the land shall not exceed 8.5 metres above existing ground level. The stated objectives of this clause are as follows:

- (a) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) *to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- (d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

It has been determined that with a maximum building height of 8.5 metres that the proposed dwelling house complies with the 8.5m building height standard as measured above ground level (existing).

As proposal satisfies the numerical standard is also deemed to comply with the associated objectives.

4.2.3 Controls relating to miscellaneous permissible uses

Pursuant to clause 5.4(9) of WLEP 2011 if development for the purposes of a secondary dwelling is permitted under this plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater:

- (a) *60 square metres,*
- (b) *11% of the total floor area of the principal dwelling.*

We confirm that the proposed secondary dwelling has a maximum floor area of 60m² and accordingly satisfies this provision.

4.2.4 Earthworks

The application is supported by a Geotechnical Report by Ascentgeo Geotechnical Consulting which provides a series of recommendations to ensure that the proposed excavation can be undertaken safely. The consent authority can be satisfied that the degree of excavation proposed will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 6.2 of WLEP 2011.

4.2.5 Development on sloping land

Pursuant to Clause 6.4 WLEP 2011 the subject site is identified as Area B on the Landslip Risk Map. Pursuant to clause 6.4 (3) development consent must not be granted to development on land to which this clause applies unless the consent authority is 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.

The suitability of the proposed excavation when assessed against these provisions is addressed in the accompanying geotechnical report prepared by Ascentgeo Geotechnical Consulting with such report detailing the acceptability of the proposal subject to adoption of appropriate excavation and construction methodology during construction and compliance with a number of recommendations in relation to the ongoing management of the site.

These provisions are satisfied.

4.3 Warringah Development Control Plan

The following built form controls apply to the subject development.

4.3.1 Wall Height

Pursuant to these provisions walls are not to exceed a height of 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).

The accompanying architectural plans demonstrate that the proposed development complies with the wall height control and accordingly satisfies the associated objectives.

4.3.3 Side Boundary Envelope

Pursuant to these provisions buildings must be sited within a building envelope determined by projecting planes at 45° from a height above ground level (existing) at the side boundaries of 5 metres. We note that facias, gutters, downpipes, eaves (up to 0.675m from the boundary), chimneys, flues, pipes or other service infrastructure may encroach beyond the side boundary envelope. The stated objectives of the control are as follows:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

The following images confirm that the proposal is compliant with the side boundary envelope control noting that the eave projections are allowable encroachments pursuant to these provisions.

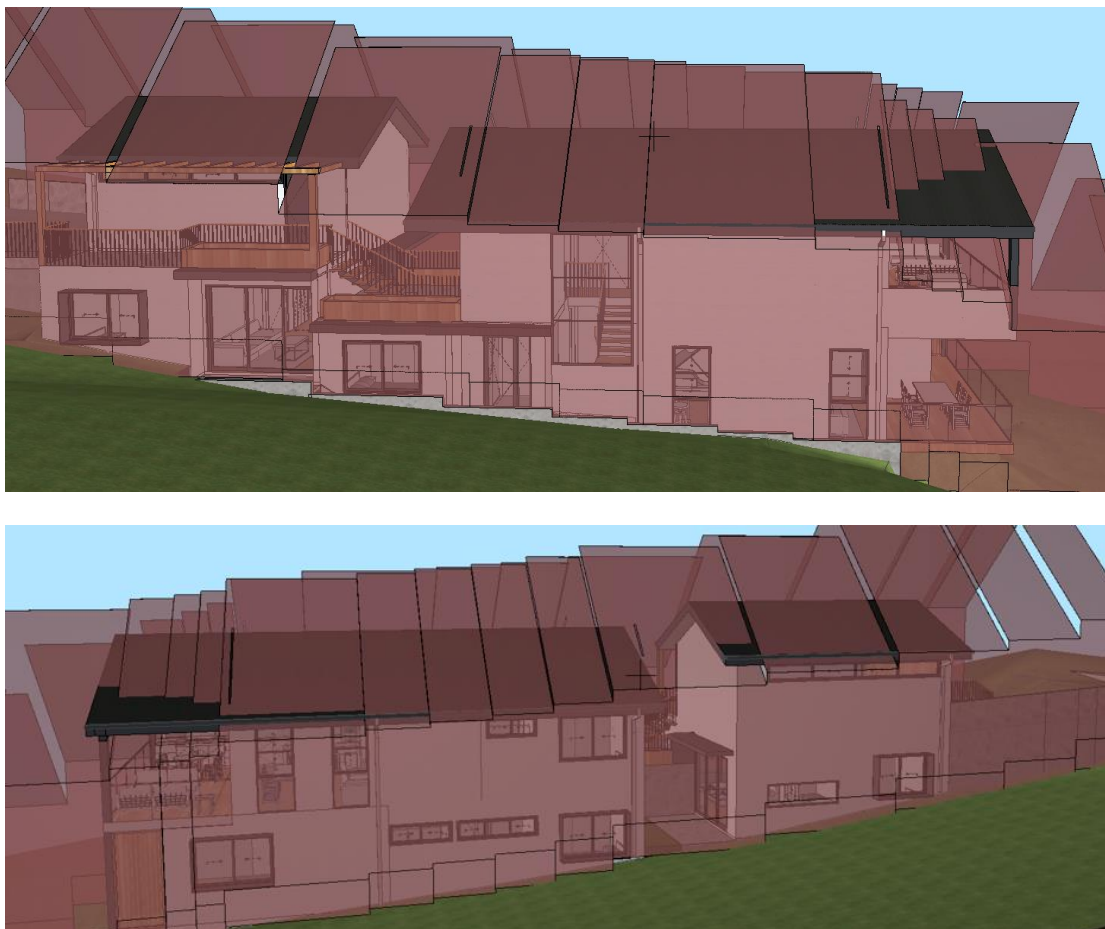


Figure 6 – Side boundary envelope compliance diagrams

4.3.4 Side Boundary Setbacks

Pursuant to these provisions, development is to maintain a 900mm minimum setback from side boundaries. Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences. Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause. The stated objectives of this control are as follows:

- *To provide opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*
- *To provide reasonable sharing of views to and from*

The proposed dwelling house maintains compliant setbacks to both side boundaries in strict accordance with the control.

4.3.5 Front Boundary Setbacks

In accordance with this control a minimum front setback of 6.5 metres applies.

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

The proposed development maintains a 6.5m front boundary setback in strict accordance with this control.

4.3.6 Rear Boundary Setbacks

These provisions require a minimum 6 metre rear setback. On land zoned R2 Low Density Residential, where the minimum rear building setback is 6 metres, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, are allowed to encroach provided that the objectives of this provision are met.

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

The proposed development is located well back behind the rear setback control with the development compliant with the rear setback provisions as outlined.

4.3.7 Parking Facilities

The development provides a double car garage that is integrated within the design of the dwelling house and does not dominate the street frontage.

4.3.8 Stormwater

A stormwater plan has been prepared and is submitted with the application. All stormwater will be directed to the required OSD system and thereafter discharge through a spreader system at the rear of the property as detailed on the accompanying Stormwater Management Plan prepared by Taylor Consulting.

4.3.10 Landscaped Open Space

Pursuant to these provisions a minimum 40% landscaped open space is to be provided.

It has been determined that the proposal maintains 195.2 square metres of landscaped open space, as defined, as depicted on plan DA02 being 40% of the site occupied by landscape treatments.

The development complies with these provisions.

4.3.11 Private Open Space

The proposal provides well in excess of the required 60 square metres of private open space at the rear of the property an appropriate quantum of private open space also provided to the secondary dwelling in the form of terraces and north facing courtyard. These open space areas are of a size and dimension capable of accommodating both passive and active recreational activities. These areas receive appropriate levels of solar access and amenity throughout the day.

4.3.12 Access to Sunlight

Pursuant to these provisions, development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing:

- Sunlight, to at least 50% of the principle private open spaces, is not to be reduced to less than 2 hours between 9am and 3pm on June 21, and
- Where overshadowing by existing structures and fences is greater than this, sunlight is not to be further reduced by development by more than 20%.

The site has a north orientation and a drop in topography from the street. As result of these two contributing factors the private open space of the subject site and the adjoining sites currently receive good levels of solar access at mid-winter. As the subject property is currently vacant, the proposal will result in additional shadowing impact to the neighbouring properties however three hours of solar access will be maintained to the north facing living room and adjacent private open space areas of both immediately adjoining properties.

The proposal satisfies these provisions.

4.3.13 Views

Having inspected the site and its immediate surrounds to understand the location of existing view corridors from adjoining residential properties we have formed the considered opinion that the proposal will not give rise to unacceptable or unanticipated public or private view affectation.

Accordingly, a view sharing scenario is maintained between adjoining properties in accordance with the principles established in the matter of Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC140 and Davies v Penrith City Council [2013] NSWLEC 1141.

4.3.14 Privacy

Careful consideration has been given to ensuring that privacy attenuation was integrated into the overall building design and façade detailing.

The fenestration that is orientated towards side boundaries has been minimised. Where provided, balconies and windows have been appropriately designed and located to prevent direct overlooking opportunities to adjacent living rooms. Balconies are located at the rear of the dwelling and orientated to the rear private open space and available outlook consistent with that of the adjoining properties.

Such an outcome is consistent with that reasonably anticipated in a low-density residential environment with appropriate levels of privacy maintained between the living and private open space areas of adjoining dwellings. These provisions are satisfied.

4.3.15 Building Bulk

The architect has responded to the client brief to design a dwelling and secondary dwelling of high design quality, and which affords exceptional levels of amenity for its occupants without unreasonable impacts on adjoining properties. The building has been designed to step down the site in response to topography with compliant setbacks maintaining view corridors over and across the site from neighbouring properties.

The height, bulk and scale of development on this site is entirely commensurate with that of detached style dwelling house development generally within the site's visual catchment. The site has a varied topography, and the building is reflective of the site condition. The dwelling does not present a large bulk when viewed from the streetscape.

4.3.16 Glare and Reflection

The proposed glazing and roof finishes will not give rise to any unacceptable glare or reflection.

4.4 Compliance Table

Site Area 488m ²	Control	Proposed	Compliance
Building Height	Overall 8.5m	8.5m	YES
	Wall height 7.2m	< 7.2m	YES
Front Building Setback	Min 6.5m	6.5m	YES
Rear Building Setback	Min 6 metres with max 50% encroachment for swimming pools	>6.5m	YES
Side Setback and Building Envelope	900mm	Min 900mm	YES
	5 metres/ 45-degree envelope	Sits within with eaves allowable encroachments	YES
Landscaped Open Space	40% of Site Area	40%	YES
Car parking	2 spaces	2 spaces	YES

4.5 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

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. The site is vacant and sits within an established residential. In this regard, the potential for contamination is considered to be extremely unlikely.

The site is not identified as a contaminated site on the NSW EPA's list of notified sites, nor is it in the vicinity of any listed sites. The consent authority can be satisfied that the subject site is suitable for the proposed development.

As such, the proposed development is consistent with the provisions of Chapter 4 of this policy.

4.6 State Environmental Planning Policy (Sustainable Buildings) 2022

This SEPP applies to the residential component of the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.7 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Act. Guidelines (*in italic*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

4.7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.

The proposed works are permissible and consistent with the built form controls as they are reasonably applied to the proposed works given the constraints imposed by topography.

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

Context and Setting

- i) *What is the relationship to the region and local context on 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?*

The height and scale of the proposed development are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of visual bulk, views, privacy or overshadowing.

ii) *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?*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

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?*

The proposal incorporates compliant off-street parking.

Public domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will adequately service the development.

Flora and fauna

No unacceptable impacts as addressed in the report.

Waste collection

Normal domestic waste collection applies.

Natural hazards

Geotechnical hazard has been addressed in this report.

Economic impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate short term employment opportunities through the construction period of the development.

Site design and internal design

i) *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?*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) *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 can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

- i) *What would be the impacts of construction activities in terms of:*
- *the environmental planning issues listed above?*
 - *site safety?*

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

4.7.3 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 or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

Are the site attributes conducive to development?

The area of the site upon which the works are proposed is of moderate grade and adequate area. Having no identified physical or engineering constraints the site is suitable for the works proposed.

4.7.4 Any submissions received in accordance with this Act or the regulations.

It is envisaged that Council will appropriately consider any submissions received.

4.7.5 The public interest.

The proposed works are permissible and consistent with the built form controls as they are reasonably applied to the proposed works. The development would not be contrary to the public interest.

5.0 CONCLUSION

The architect has responded to the client brief to design a dwelling house which takes advantage of the sites superior locational attributes whilst responding appropriately to the topographical characteristics of the site and the juxtaposition of the immediately adjoining residential properties. The resultant building will sit comfortably within the established streetscape and will not give rise to inappropriate or jarring residential amenity impact in terms of views, privacy or solar access.

The elevated driveway provides safe and convenient access to integrated garage accommodation consistent with the driveway arrangement established by other development located on the northern side of Curl Curl Parade including the recently approved dwelling at 7 Curl Curl Parade (DA2016/0326 and Mod2021/0710). The proposed works are compliant with the built form controls as they are reasonably applied to the proposed works with the proposed secondary dwelling increasing the availability of affordable rental housing on the northern beaches.

Having given due consideration to the matters pursuant to Section 4.15 of the Act it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Boston Blyth Fleming Pty Ltd



Greg Boston
B Urb & Reg Plan (UNE) MPIA
Director