

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING
DWELLING**

LOCATED AT

44 KOOLOORA AVENUE, FRESHWATER

FOR

NICOLE & ADRIAN STEWART



**Prepared
December 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared by Emma Macindoe Interior Design, Drawings No. DA01 – DA07, DA12 & DA13, Issue 3, dated 23 November 2021, detailing the proposed construction of alterations and additions to an existing dwelling at **44 Kooloora Avenue, Freshwater**.

A recent Development Consent – DA2020/1147, provided for “*Demolition works and construction of a dwelling house*”, with the approval determined 15 December 2020. The works considered under this consent have not commenced.

Due to budgetary concerns, the property owners have decided to review the extent of the works and will retain substantial portions of the existing dwelling and provide for additions and alterations to the existing dwelling. The general building footprint and the two storey form of the existing dwelling will be retained, together with the principal structural floor and wall elements. The façade changes are limited to the replacement of windows and aesthetic changes to the wall claddings to provide for a combination of a textured finish to the masonry walls and a painted vertical cladding to the timber stud elements.

The building will retain a similar two-storey bulk and scale and is therefore considered to be a properly classified as additions and alterations to the existing structures.

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. As a result of this 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.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

2.0 Property Description

The subject allotment is described as 44 Kooloora Avenue, Freshwater, being Lot 1 within Deposited Plan 171852 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item or located within a conservation area, however it adjoins a heritage listed dwelling at No. 46 Kooloora Avenue (Item No. 170), together with the street trees along Kooloora Avenue (Item No. 169). This matter will be discussed further within this submission.

The land is noted as being Landslip Area A. This matter will be discussed further within this submission.

The site is burdened by Council's Stormwater Drainage Infrastructure. Accordingly, a Flood Risk Management Report has been prepared by NB Consulting Engineers, Job No. 200273, dated 25 November 2021.

No other identified hazards have been identified.

3.0 Site Description

The property is located on the north-eastern side of Kooloora Avenue. The land has a gradual fall towards the south-western frontage to Kooloora Avenue. The site is regular in shape with a width of 10.06m and a depth of 57.0m. The land has a total site area of 573m².

The property has a general fall to the south-west, with stormwater from the site directed to the existing Council infrastructure within the front of the site.

The site is currently developed with a one and two storey brick dwelling with a tile roof. Vehicular access currently is available to the site from Kooloora Avenue via a concrete and gravel driveway. Car parking is currently available on site within an existing hardstand car parking area located forward of the existing dwelling.

The details of the site are as indicated on the survey plan prepared by C.M.S Surveyors Pty Ltd, File No. 18354, Rev 4, dated 8 February 2019, amended 13 November 2021, which accompanies the DA submission.

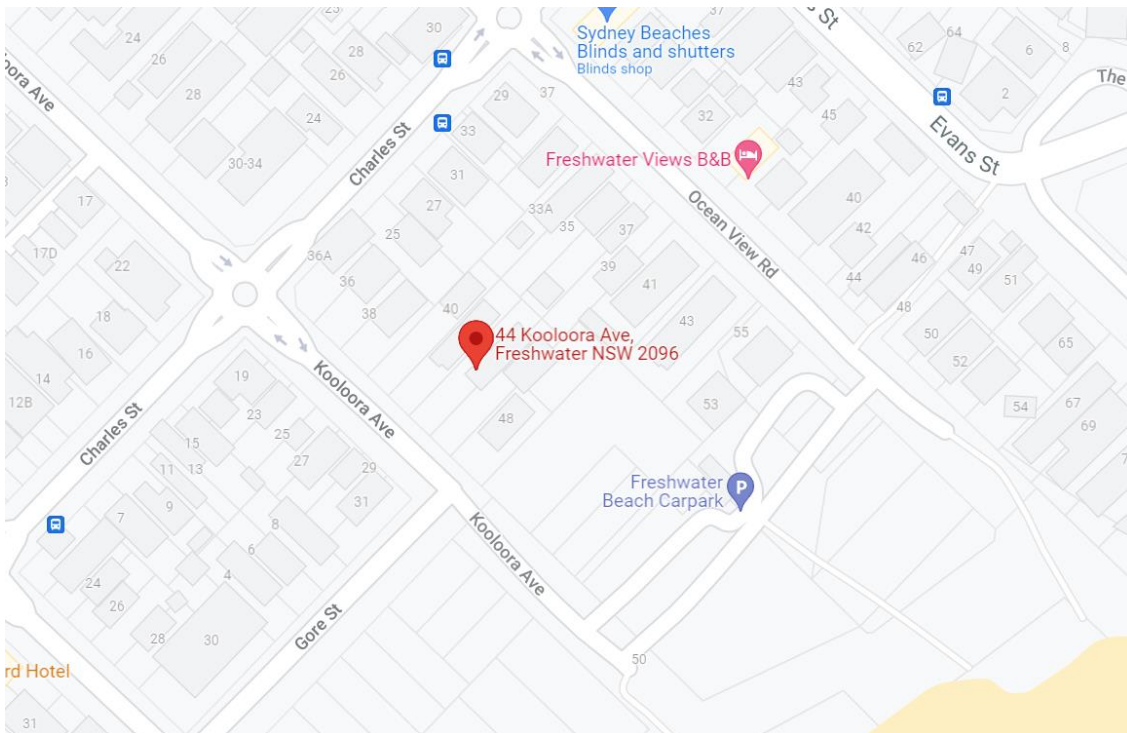


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig's 2 & 3: View of subject site from Kooloora Avenue, looking south



Fig 4: View of adjoining development under construction at 53 Kooloora Avenue (DA 2016/0492), looking south-west



Fig 5: View of existing streetscape of Kooloora Avenue to the east of the site, looking south-east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single detached dwellings and associated ancillary structures such as garages, storage sheds and swimming pools.

The site immediately to the east at No. 46 Kooloora Avenue comprises a one and two storey dwelling, with the site to the east at No. 42 Kooloora Avenue being developed with a two and three storey dwelling.

The subject site and surrounding properties are relatively flat, and receive limited views towards Freshwater Beach.

The site and its surrounds are depicted in the following aerial photograph:

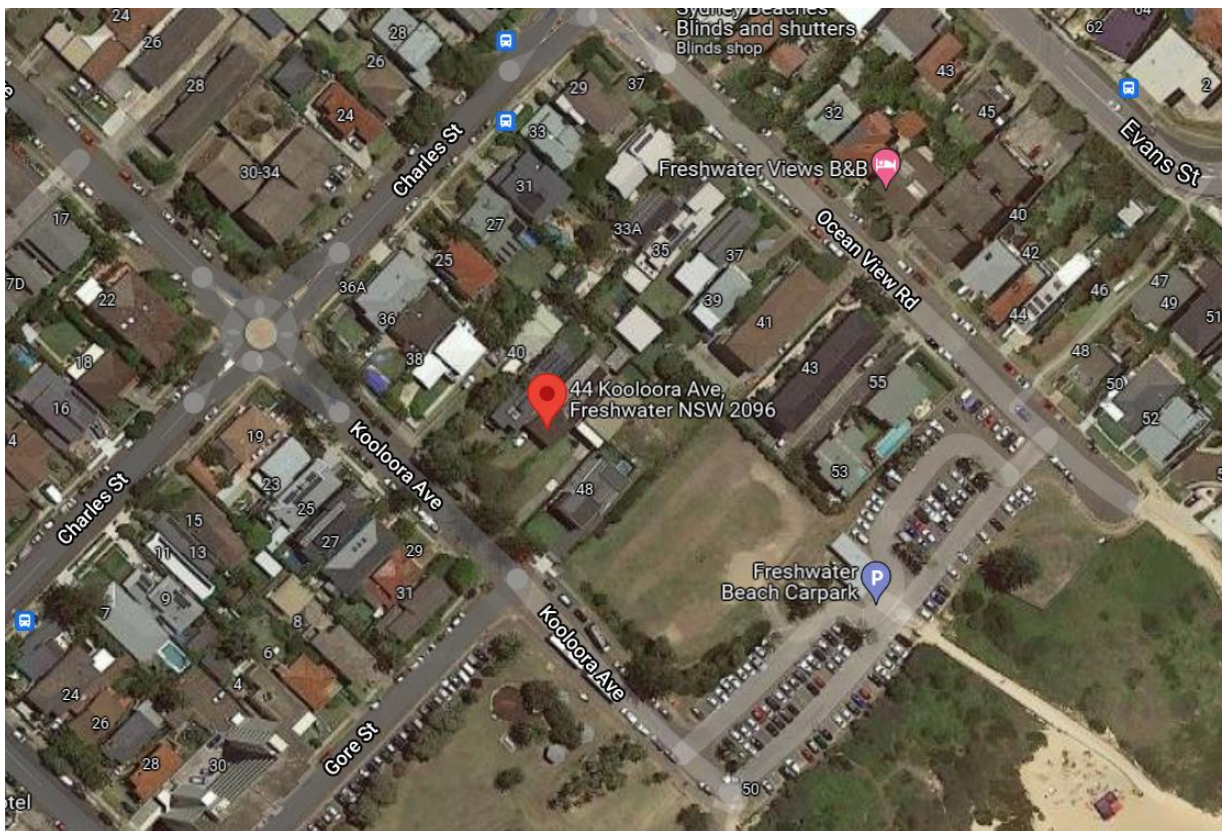


Fig 6: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for the construction of alterations and additions to an existing two storey dwelling.

The new works will comprise:

Ground Floor

- Alterations and additions to existing ground floor level to provide for new covered entry, three bedrooms, media room, games room, surfboard storage room, two bathrooms, bin storage, laundry, internal stair access to first floor level, and new concrete slab to open carport

First Floor

- Alterations and additions to existing first floor level to provide for open plan lounge, dining, and kitchen with butler's pantry, front alfresco, bedroom, master bedroom with ensuite and walk-in robe, bathroom and internal access stairs

External Works

- New double carport
- New planter boxes

The new works will be constructed of a mixture of rendered brickwork and timber screens, with metal roofing. The proposed external finishes have been detailed in the DA submission.

The proposal will see the replacement of the existing under building parking with an open double carport forward of the dwelling'.

The existing single storey studio/home office in the rear yard will be retained in its current form.

The proposal will maintain a generous area of soft landscaping, and will not require the removal of any significant vegetation.

The proposal results in the following development indices:

| | |
|----------------------------------|---|
| Site Area: | 573m ² |
| Required Landscaped Area: | 40% or 229.2m ² |
| Existing Landscaped Area: | 30.1% or 172.5m ² |
| Proposed Landscaped Area: | 31.6% or 181.4m ² - See DCP discussion |

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

Development for the purposes of a dwelling house are permissible in this zone under the WLEP 2011.



Fig 7: Extract of Warringah Local Environmental Plan 2011

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *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.*

It is considered that the proposed alterations and additions to the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on the existing landscaped area or long distance views.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of Freshwater is 8.5m. The proposal provides for a maximum height of approximately 7.5m and therefore complies with this control.

Clause 5.10 relates to heritage conservation.

The site is not listed as a heritage item or located within a conservation area, however it adjoins a heritage listed dwelling at No. 46 Kooloora Avenue (Item No. 170), together with the street trees along Kooloora Avenue (Item No. 169).

The development maintains ample separation from the street and is well separated from the heritage listed Norfolk Island Pine street trees.

In addition, the new works are well set back from the adjoining heritage item known as "Felicita". The proposed new works maintain a modest bulk and scale, and will not detract from the significance of the nearby heritage items.

Clause 6.2 relates to earthworks. The proposal will require some excavation of the site to accommodate the proposed lift. All site works will be carried out in accordance with the recommendations of the Consulting Structural Engineers, and therefore satisfy the provisions of this clause.

Clause 6.4 relates to development on sloping land. The site is noted as Area A on Council's Geotechnical Risk Mapping. The proposal will not require any substantial excavation in order to accommodate the proposed works. Geotechnical assessment is not considered necessary in this instance.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

6.5 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

| Part B - Built Form Controls | | | |
|--|---|--|----------------|
| Standard | Required | Proposed | Compliance |
| B1 – Wall heights | Max 7.2m | Max wall height approximately 7.15m | Yes |
| B2 – Number of storeys | No requirement identified on map | | N/A |
| B3 – Side Boundary Envelope and Side Setback | Building envelope 45 degrees from 5m. Setback 0.9m | <p>As noted in the submitted elevations, the south-western extremity of the north-western and south-eastern elevations will present a minor variation to the building envelope control.</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> • <i>To ensure that development does not become visually dominant by virtue of its height and bulk.</i> • <i>To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</i> • <i>To ensure that development responds to the topography of the site.</i> <p>The proposal follows the sloping topography of the site, with a low profile roof form which minimises the visual</p> | Yes – on merit |

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| | | <p>bulk of the development.</p> <p>The proposal will not result in any unreasonable loss of light, solar access or amenity for neighbouring properties.</p> <p>The proposal is in keeping with the desired outcomes of this clause, and is worthy of support on merit.</p> | |
| B4 – Site Coverage | No requirement identified on map | | N/A |
| B5 – Side Boundary setbacks | R2 zoned land 0.9m | Minimum proposed setback from north-western and south-eastern side boundaries 983mm and 967mm respectively and therefore comply with this control. | Yes |
| B6 – Merit assessment of Side Boundary Setbacks | No requirement identified on map | | N/A |
| B7 – Front Boundary Setbacks | Minimum 6.5m | Minimum proposed front setback to Kooloora Avenue 15.99m. | Yes |
| B8 – Merit assessment of front boundary setbacks | No requirement identified on map | | N/A |
| B9 – Rear Boundary Setbacks | Min 6m rear setback | Minimum proposed rear setback 8.37m | Yes |
| B10 – Merit Assessment of rear boundary setbacks | No requirement identified on map | | N/A |
| B11 – Foreshore Building Setback | No requirement identified on map | | N/A |

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| B12 – National Parks Setback | No requirement identified on map | | N/A |
| B13 – Coastal Cliffs Setback | No requirement identified on map | | N/A |
| B14 – Main Roads Setback | No requirement identified on map | | N/A |
| B15 – Minimum Floor to Ceiling Height | No requirement identified on map | | N/A |
| Part C – Siting Factors | | | |
| C2 – Traffic, Access and Safety | Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy | New crossing and layback location to be provided in accordance with Council's controls. | Yes |
| C3 – Parking Facilities | Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1 | The proposal provides for a new attached garage, which is integrated into the dwelling design and will not dominate the façade. | Yes |
| C4 – Stormwater | Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification | Stormwater directed to Council drainage system in Kooloora Avenue in accordance with existing arrangements. | Yes |
| C5 – Erosion and Sedimentation | Soil and Water Management required | Suitable sediment and erosion control measures to be provided during construction. | Yes |
| C6 – Building over or adjacent to Constructed Council Drainage Easements | N/A | | N/A |
| C7 – Excavation and Landfill | Site stability to be maintained | | |
| C8 – Demolition and Construction | Waste management plan required | Waste management measures to be employed | Yes |
| C9 – Waste Management | Waste storage area to be provided | Bins storage available within the yard areas | Yes |

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| | | surrounding the dwelling. | |
| Part D – Design | | | |
| D1 – Landscaped Open Space and Bushland | Min 40% Landscaped Area to be maintained | <p>The proposal will see the retention of 237m² or 41.4% of the site as soft landscaping and therefore complies with this control.</p> <p>The development within the site will continue to achieve the objectives of the controls, which are noted as:</p> <ul style="list-style-type: none"> • <i>To enable planting to maintain and enhance the streetscape.</i> • <i>To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.</i> • <i>To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.</i> • <i>To enhance privacy between buildings.</i> • <i>To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.</i> • <i>To provide space for service functions,</i> | Yes |

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| | | <p><i>including clothes drying.</i></p> <ul style="list-style-type: none"> • <i>To facilitate water management, including on-site detention and infiltration of stormwater.</i> <p>The proposal will provide for sufficient area for the private open space and recreational requirements of the owners, whilst maintaining areas of soft soil planting within the front and rear yard area.</p> | |
| D2 – Private Open Space | Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m | The proposal will maintain a substantial area of private open space, which is directly accessible from the dwelling and will maintain good access to the northern sun. | Yes |
| D3 – Noise | Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements | The proposed lift will be selected and installed to minimise acoustic impacts for neighbouring properties. | Yes |
| D4 – Electromagnetic Radiation | N/A to proposed development | | N/A |
| D5 – Orientation and Energy Efficiency | Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling | The site enjoys a good northerly aspect and access to northern sun to the rear yard area. | Yes |


| | Compliance with SEPP (BASIX) requirements | | |
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| D6 – Access to sunlight | At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21. | <p>The site is accompanied by shadow diagrams which demonstrate the impact of the proposal on solar access.</p> <p>As a result of the siting of the adjoining dwelling immediately to the south-east of the subject dwelling, the proposed alterations and addition will result in some additional overshadowing to the south-eastern neighbour.</p> <p>As the subject and neighbouring properties will retain suitable solar access to their internal and external living areas, the proposal is considered to be in keeping with the provisions of this clause.</p> | Yes |
| D7 – Views | View sharing to be maintained | <p>The controls require that development should enable the reasonable sharing of views. The works see the construction of alterations and additions to an existing dwelling.</p> <p>The primary outlook for the neighbouring properties to the south-east towards</p> | Yes |

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| | | Freshwater Beach. View corridors are maintained for the surrounding properties. | |
| 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>The proposed new works have been designed to primarily overlook the yard areas of the subject site and will not unreasonably reduce the privacy enjoyed by the neighbours.</p> <p>The considered location and size of window openings to side elevations will ensure that overlooking to neighbouring properties is minimised.</p> <p>Highlight windows and louvers are provided to side elevations, thereby minimising any potential overlooking to neighbouring properties.</p> | Yes |
| D9 – Building Bulk | This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces | The existing surrounding development comprises a mix of one and two storey dwellings. The form of the proposed new works will maintain a height and scale that complements the prevailing scale of the surrounding development. | Yes |
| D10 – Building Colours and materials | | The new works will utilise recessive | Yes |

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| | | colours and finishes to match the surrounding area. | |
| D11 – Roofs | The LEP requires that roofs should not dominate the local skyline. | The proposal provides for a low pitched roof form that does not dominate the skyline. Further the roof minimises bulk and scale and maximises view retention to adjoining properties. | Yes |
| D12 – Glare and Reflection | Glare impacts from artificial illumination minimised. Reflective building materials to be minimised | The proposed external finishes and colours will be selected to minimise glare and will complement the existing dwelling. No significant glare impacts will result from proposed new works. | Yes |
| 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. | No fencing proposed. | N/A |
| 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 | Garbage storage areas and mail box available | N/A |
| D15 – Side and Rear Fences | Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991 | Side fences unchanged. | Yes |
| D16 – Swimming Pools and Spa Pools | Pool not to be located in front yard or where site has two frontages, | N/A | N/A |

| | | | |
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| | pool not to be located in primary frontage. Siting to have regard for neighbouring trees. | | |
| D17 – Tennis Courts | N/A | | N/A |
| D18 – Accessibility | Safe and secure access for persons with a disability to be provided where required | Not applicable to residential development | N/A |
| D19 – Site Consolidation in the R3 and IN1 Zone | N/A | | N/A |
| D20 – Safety and Security | Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street. | The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the dwelling to the street over and through the front landscaped area. | Yes |
| D21 – Provision and Location of Utility Services | Utility services to be provided | Normal utility services are available to the site | Yes |
| D22 – Conservation of Energy and Water | Compliance with SEPP BASIX | A BASIX Certificate has been provided to support the proposed development. | 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 vehicles, pedestrians or potentially hazardous road features or traffic control devices. | No signage proposed | N/A |

| Part E – The Natural Environment | | | |
|--|--|---|-----|
| E1 – Private Property Tree Management | Arboricultural report to be provided to support development where impacts to trees are presented | No significant protected trees are affected by the works. | Yes |
| E2 – Prescribed Vegetation | Not identified on map | | N/A |
| E3 – Threatened species, populations, ecological communities | Not identified on map | | N/A |
| E4 – Wildlife Corridors | Not identified on map | | N/A |
| E5 – Native Vegetation | Not identified on map | | N/A |
| E6 – Retaining unique environmental features | Not identified on map | No significant features within site | Yes |
| E7 – Development on land adjoining public open space | Not identified on map | The works are wholly within the private land and will not have any direct impact on the adjacent public land. The modest height and scale of the works will not present any significant visual impacts either to or from the public areas surrounding the site. | Yes |
| E8 – Waterways and Riparian Lands | Not identified on map | | N/A |
| E9 – Coastline Hazard | Not identified on map | | N/A |
| E10 – Landslip Risk | Identified on map as Area A. Nature of works to excavate >2m requires the submission of a Geotechnical Hazard Assessment. | The site is notes as Area A on Council’s Geotechnical Risk Mapping. The proposal will not require any substantial excavation in order to accommodate the proposed works. Geotechnical assessment is not considered necessary in this instance. | Yes |
| E11 – Flood Prone Land | Identified on map | The site is burdened by Council’s Stormwater | Yes |

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| |  | <p>Drainage Infrastructure. Accordingly, a Flood Risk Management Report has been prepared by NB Consulting Engineers, Job No. 200273, dated 25 November 2021.</p> <p>The report concludes the following:</p> <p><i>The proposed development will be safeguarded from flooding and will not adversely affect other structures or properties as a result of the proposed development.</i></p> <p>The proposal will therefore satisfy the provisions of this clause.</p> | |
|--|---|---|--|

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 Any environmental planning instrument

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. It is considered that the provisions of this environmental planning instrument has been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

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

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to the numerical development controls in the DCP as justified in this report. In particular, we consider that the variation to the building envelope requirements are reasonable given the constraints posed by the sloping topography of the site and the location of existing development.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for proposed construction of alterations and additions to an existing dwelling, which have been located and designed to appropriately minimise impacts on the amenity of adjoining properties, are compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the SEPP, Council's LEP and DCP.

7.7 The suitability of the site for the development

The site is considered suitable for the proposed development.

The proposal will provide for the construction of alterations and additions to an existing dwelling.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

7.8 Submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment; the character of the locality and with the inclusion of perimeter screen planting will mitigate any unreasonable visual impacts on the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for construction of alterations and additions to an existing dwelling, which will not have a detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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