



statement of environmental effects

alterations and additions to
the existing dwelling

49 Soldiers Avenue, Freshwater

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EXECUTIVE SUMMARY

This statement of environmental effects has been prepared to support an application for alterations and additions to the existing dwelling at 49 Soldiers Avenue, Freshwater.

The objective of the development proposal is to deliver a contemporary dwelling in a manner encouraged by the zone objectives and planning controls. The alterations and additions will enhance the functionality of the dwelling and preserve the amenity of neighbours.

Key aspects of the proposal include reconfiguration of the ground floor layout and construction of an additional level. An awning with green roof will project over a rear courtyard. A new in-ground swimming pool and associated deck are proposed.

Our assessment finds that the development proposal is entirely consistent with relevant environmental planning instruments and closely aligns with the objectives and controls contained within relevant planning guidelines, with a handful of minor and justifiable exceptions.

We have provided commentary on core assessment matters including impact on neighbour amenity and rear setback compliance. This report sets out the merits of the proposal in relation to these assessment matters.

Based on our evaluation of the proposal against relevant planning instruments and our detailed consideration of the environmental impacts, we conclude that the proposal is worthy of conditional approval.

1. INTRODUCTION

This statement of environmental effects has been prepared to support an application for alterations and additions to the existing dwelling at 49 Soldiers Avenue, Freshwater.

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Key aspects of the proposal include reconfiguration of the ground floor layout and construction of an additional level. An awning with green roof will project over a rear courtyard. A new in-ground swimming pool and associated deck are proposed.

The purpose of this document is to evaluate the proposal against relevant planning instruments and to provide a planning assessment of its environmental impacts, as required by section 4.15 of the *Environmental Planning and Assessment Act 1979*.

2. SITE AND CONTEXT

This section describes the characteristics of the land which have informed and influenced the proposal. Here we also describe the characteristics of the locality which have been considered in developing the proposal.

2.1. SITE DESCRIPTION

The site is located at 49 Soldiers Avenue, Freshwater and the land is legally described as Lot B in DP 347968. An aerial photograph identifying the site in yellow shading is provided at Figure 1.



Figure 1 | Aerial image
(Source: Six Maps)

2.1.1. Site Characteristics

The site is a square lot with a frontage to Soldiers Avenue of 20.1m and a depth of 20.1m. The site area is 405sqm. The land has a mild fall east to west cross-fall. The lot configuration is incongruous with the subdivision pattern in the locality.

A Survey Plan illustrating site dimensions and contours is included at **Appendix A**.

Vegetation at the site is typical of a domestic garden and comprises trees and shrubs, including established shrubbery and a frangipani on the eastern property boundary. There are two heritage listed verge plantings in the road reserve with substantial canopy.

The site accommodates a single-storey weatherboard cottage located centrally on the lot. The cottage is setback approx. 6.5m from Soldiers Avenue and approx. 6.5m from the rear boundary. The pedestrian entry to the building is on the street-facing elevation.

An integrated single garage is situated at the western end of the building. Vehicular access to the site is from Soldiers Avenue. Stormwater runoff is collected and discharged to a drainage infrastructure in Soldiers Avenue.

2.2. LOCALITY DESCRIPTION

The site is situated within Northern Beaches Local Government Area in the suburb of Freshwater.

2.2.1. Subdivision Pattern

The lot pattern on the subject block is relatively uniform. Most lots are rectangular and have a primary frontage to Surfers Parade and a secondary frontage to Soldiers Avenue.

By contrast, the subject lot is square with a single frontage to Soldiers Avenue. The lot configuration is incongruous with the subdivision pattern in the locality and is likely the product of an historic amalgamation and re-subdivision.

2.2.2. Land Use

Land use in the immediate locality is primarily low-density residential with the occasional post-war brick walk-up. The Freshwater Local Centre is approx. 200m south-east 140m from the site.

2.2.3. Building Form

Building form on the block between Surfers Parade and Soldiers Avenue is characterised by single to two-storey detached dwellings with detached garages. Dwellings are generally oriented to the Surfers Parade frontage and vehicular access is from Soldiers Avenue.

Dwellings have a reasonably uniform front setback and narrow side setbacks. Rear setbacks are staggered. The siting and arrangement of the dwelling on the subject block is unique owing to the anomalous lot configuration.

Architectural styles are diverse. In-fill development has occurred over the decades with traditional building forms making way for more contemporary housing stock. Roof forms are equally diverse.

There is little consistency in the use of external materials. External materials include face-brick and rendered masonry finishes and more traditional light-weight timber cladding. Lighter external colours are prolific.

2.2.4. Adjacent Development

Adjacent development is described as follows:

- **16 Surfers Parade**

Directly to the west with a frontage to Surfers Parade is a two-storey dwelling with detached single garage accessed from Soldiers Avenue. The rear alignment of the dwelling correlates with the rear boundary of the subject site.

The principal private open space is situated on the southern side of the dwelling.

- **12 Surfers Parade**

Directly to the east with a frontage to Surfers Parade is a two-storey dwelling with detached garage at the rear. The rear alignment of this dwelling project beyond the rear boundary of the subject site.

A swimming pool is situated on the southern side of the dwelling.

- **14 Surfers Parade**

To the north with a frontage to Surfers Parade is a contemporary two-storey dwelling with detached double garage. Vehicular access is from Surfers Parade. The lot has an identical configuration to that of the subject site.

A sunken courtyard with perimeter landscaping abuts the rear boundary.

The building arrangement and orientation responds to the siting and location of neighbouring development and is designed to mitigate overshadowing impacts and limit cross-viewing thereby preserving the amenity of neighbours.

3. PROPOSED DEVELOPMENT

This section provides a description of the proposal and should be read in conjunction with accompanying architectural drawings. Here we endeavour to explain how the proposal has been designed to work with site constraints and optimise site opportunities.

3.1. SITE PREPARATION

3.1.1. Demolition

Elements of the existing dwelling including the sunroom and roof will be demolished. Paved surfaces within the front and rear setbacks will also be removed where required. The extent of demolition works is detailed on the architectural plans.

3.1.2. Tree Removal

Trees on site are proposed to be retained.

3.1.3. Land Modification

Minimal land modification works are proposed including excavation within the rear yard to facilitate the proposed in-ground pool. Areas of site disturbance are illustrated on the architectural plans.

3.2. BUILDING WORKS

3.2.1. Dwelling

The application proposes alterations and additions to the dwelling including the reconfiguration of the ground level layout and construction of a new upper level. The existing ground level envelope will be maintained.

The primary living room, kitchen, bathroom and garage will be retained at ground floor and the internal layout adapted to provide a secondary sitting room, kids play area and stair for vertical circulation.

A new upper level will be delivered and will contain sleeping quarters and additional family bathroom. Two trafficable green roofs are proposed. These areas are recessed to preserve neighbour privacy and to optimise solar entry to the rooms and corridors. All new windows are oriented towards the street or rear yard to mitigate potential for overlooking.

A paved private open space area is proposed in the rear yard. An awning structure with green roof will project over the paved area for weather protection. The green roof will be accessible from the upper level for maintenance purposes. The space is not intended to be trafficable.

3.2.2. Swimming Pool

A modest in-ground swimming pool and associated timber deck is proposed in the north-eastern corner of the site. The pool edge is situated >900mm from the property boundary to allow for perimeter planting and a sufficient buffer from neighbouring properties.

3.2.3. Parking and Access

The cross-over and driveway from Soldiers Avenue is to be retained. The integrated single garage will also be retained. A portion of the existing driveway pavement within the front setback will be removed to allow for additional pervious area and landscaping opportunity.

3.2.4. Materials

Proposed external materials include spotted gum timber batten wall cladding and “monument” flashings, downpipes and gutters. These materials and colours have been selected because they are robust and relate to the coastal aesthetic of the locality.

A schedule of materials and finishes is supplied with the development application.

3.3. ANCILLARY WORKS

3.3.1. Landscaping

Landscaping is proposed and is illustrated in the Landscape Plan supplied within the architectural plans. The landscape design incorporates an appropriate diversity of trees, shrubs, and ground covers.

3.3.2. Stormwater

Stormwater runoff from the roof will be directed to a rainwater tank for reuse within the building. Runoff from hardstand areas will continue to be directed to drainage infrastructure in Soldiers Avenue.

3.4. OPERATION

3.4.1. Waste Management

No change to bin storage arrangement is proposed. Waste bins are presently stored within the side passage. The bins do not cause a visual nuisance in this location and can conveniently be moved to the kerb for collection.

4. COMPLIANCE SUMMARY

This section provides an evaluation of the proposal against relevant planning instruments as required by section 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

4.1. ENVIRONMENTAL PLANNING INSTRUMENTS

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) applies to BASIX affected development and requires that a BASIX certificate accompany the development application.

BASIX certificate accompanies the development application.

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) states that a consent authority must not consent to development of land unless it has considered whether the land is contaminated and, if contaminated, can be made suitable for the proposed use.

The site has a longstanding history of residential use and is unlikely to contain contaminants that would preclude ongoing residential use. The proposed development involves minimal site disturbance. No further consideration under SEPP 55 is required.

4.1.3. Warringah Local Environmental Plan 2011

Warringah Local Environmental Plan 2011 (WLEP) applies to the site. The site is within Zone R2 Low Density Residential and the proposed development is permitted with consent. An extract of the zoning map is provided at Figure 3.

The objectives for development in Zone R2 are:

- 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 aligns with the objectives for development in Zone R2 given that alterations and additions will improve existing low density housing stock and preserves landscape setting.



Figure 2 | Zoning Map extract (Source: NSW Govt.)

The proposal is entirely consistent with relevant development standards and provisions contained within WLEP. A compliance summary is provided at Table 1.

Table 1 | WLEP compliance summary

Clause	Standard	Comment	Compliance
4.3 Height of buildings	Height of building is not to exceed 8.5m.	The <u>maximum</u> height of the proposed building is approx. 6.5m. The 8.5m building height plane is illustrated on sections supplied with the architectural plan set.	Yes
5.10 Heritage conservation	The consent authority may, before granting consent to any development on land that is within the vicinity of a heritage item or HCA, require the submission of a heritage management document.	The street trees, plaques and memorials within Soldiers Avenue are identified as a heritage item (175) on the <i>Heritage Map</i> . The street trees and plaques situated on the verge at the property frontage will not be impacted by the proposed works.	Yes
6.2 Earthworks	Consent authority to consider impact on drainage patterns and slope stability, quality of fill or soil to be excavated, likelihood of disturbing relics and so on.	The proposal involves delivery of an additional level and minor ground level works. Land disturbance is negligible.	Yes

Clause	Standard	Comment	Compliance
6.4 Development on sloping land	Consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the application has been assessed for the risk associated with landslides and so on.	The site is identified as Area A on the <i>Landslip Risk Map</i> . The site has a very mild grade. Minimal site disturbance is proposed. There is plainly no risk of landslip occurring because of the development.	Yes

4.2. PROPOSED INSTRUMENTS

There are no proposed planning instruments that are relevant to the site or the proposed development.

4.3. DEVELOPMENT CONTROL PLANS

4.3.1. Warringah Development Control Plan 2011

Warringah Development Control Plan 2011 (WDCP) applies to the site.

The proposal is broadly consistent with relevant development controls contained within WDCP except for a modest departure to the rear setback control. A justification for this departure is outlined at Part 5.

A compliance summary is provided at Table 3.

Table 2 | WDCP compliance summary

Clause	Control	Comment	Compliance
Part B Built form controls			
B1 Wall heights	1. Walls are not to exceed 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).	Proposed wall height is approx. 6.3m.	Yes
B2 Number of storeys	1. Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.	The site is not identified on the <i>Number of Storeys Map</i> .	n/a

Clause	Control	Comment	Compliance
B3 Side boundary envelope	1. Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 4 metres.	<p>The site is shown on the <i>Side Boundary Envelope Map</i>.</p> <p>The proposed addition is contained within an envelope projected at 45 degrees at a point 5m above the side property boundary.</p> <p>The building envelope plane is shown on the architectural plans.</p>	Yes
B4 Site coverage	1. Development on land shown coloured on the DCP Map Site Coverage shall not exceed the maximum site coverage shown on the map.	The site is not identified on the <i>Site Coverage Map</i> .	n/a
B5 Side boundary setbacks	1. Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.	<p>The <i>Side Boundary Setback Map</i> indicates 0.9m setback from side boundaries is required.</p> <p>A side setback >0.9m is provided to the external elevations of the building.</p> <p>The side boundary setbacks at ground level are unchanged.</p>	Yes
	2. 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.	No adjustment to existing side setback conditions proposed.	n/a
B7 Front boundary setback	1. Development is to maintain a minimum setback to road frontages.	<p>The <i>Front Boundary Setback Map</i> indicates 6.5m setback from the front boundary is required.</p> <p>The existing dwelling has a front setback of 6.5m. The proposed upper level will adopt a compliant 6.5m setback.</p>	Yes
	2. The front boundary setback area is to be landscaped and generally free of any structures,	The front setback area is landscaped and free of structures.	Yes

Clause	Control	Comment	Compliance
	basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.		
	3. Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.	The existing driveway will occupy <50% of the primary front setback area.	Yes
B9 Rear boundary setback	1. Development is to maintain a minimum setback to rear boundaries.	<p>The <i>Rear Boundary Setback Map</i> indicates a rear setback of 6m.</p> <p>The upper-level addition is > 6m from the rear property boundary.</p> <p>The proposed awning over the principal POS area will extend to within approx. 600mm of the rear property boundary.</p> <p>The merits of the rear setback variation are set out at Part 5.1 of this report.</p>	On merit
	2. The rear setback area is to be landscaped and free of any above or below ground structures.	<p>The rear setback is landscaped and free of structures except for the awning over the POS area and the swimming pool.</p> <p>Merits of the rear setback departure are outlined at Part 5.1 of this report.</p>	On merit
Part C Siting Factors			
C2 Traffic, access and safety	2. Vehicle access is to be obtained from minor streets and lanes where available and practical.	Existing vehicular access is from Soldiers Avenue and will be maintained. There are no alternatives available.	Yes

Clause	Control	Comment	Compliance
C3 Parking facilities	<p>1. The following design principles shall be met:</p> <ul style="list-style-type: none"> • Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site. • Parking is to be located so that views of the street from front windows are not obscured; and • Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser. 	<p>The existing integrated garage is to be retained.</p> <p>The garage door opening is <6m.</p>	Yes
	<p>4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses.</p> <p>Dwelling house = 2 spaces</p>	<p>The existing integrated garage and hardstand space are to be retained.</p>	Yes
C9 Waste management	<p>All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.</p>	<p>A waste management plan is supplied with the development application.</p>	Yes
Part D Design			
D1 Landscaped open space and bushland setting	<p>1. The required minimum area of landscaped open space is shown on DCP <i>Landscaped Open Space and Bushland Setting Map</i>.</p>	<p>The <i>Landscaped Open Space and Bushland Setting Map</i> indicates a that 40% of the site is to be provided as landscaped area.</p> <p>170sqm of landscaped area is proposed which equates to 42% of the site area.</p> <p>The area accounted for in the landscaped area</p>	Yes

Clause	Control	Comment	Compliance
		<p>calculation excludes hardstand areas and the pool.</p> <p>A calculation plan is included in the architectural plan set.</p>	
D2 Private open space	1. Residential development is to include private open space for each dwelling.	<p>Sufficient private open space areas are provided for the dwelling.</p> <p>The existing private open space area will be enhanced with the introduction of a covered area for weather protection and a swimming pool.</p> <p>Ground level private open space is supplemented by balcony areas.</p>	Yes
	2. The minimum area and dimensions of private open space are as follows: Dwelling houses with 3 or more bedrooms = A total of 60m ² with minimum dimensions of 5 metres	A private open space area of > 60sqm is provided in the rear yard. The private open space area satisfies the minimum dimension requirements.	Yes
	3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.	Private open space is directly accessible from the living area.	Yes
	4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.	The private open space is situated in the rear yard and boundary fencing will ensure privacy.	Yes
	5. Private open space shall not be located in the primary front building setback.	The principal private open space is situated in the rear setback area.	Yes

Clause	Control	Comment	Compliance
	6. Private open space is to be located to maximise solar access.	The private open space area has northern aspect and will receive sufficient sunlight throughout the day.	Yes
D3 Noise	1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.	Acoustic impact is not anticipated to be an issue in this scenario.	-
	4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.	The proposed internal arrangement of rooms ensures limited noise transmission between spaces.	Yes
	5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.	Living rooms are located on the street side of the dwelling.	Yes
D6 Access to sunlight	1. Development should avoid unreasonable overshadowing any public open space.	The proposal will not cast shadow over public land.	Yes
	2. 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><u>Site</u></p> <p>The private open space area has northern aspect and will receive ample direct sunlight throughout the day.</p> <p><u>Neighbour</u></p> <p>Shadow diagrams have been prepared at 9am midday and 3pm to demonstrate shadow</p>	Yes

Clause	Control	Comment	Compliance
		<p>impact on neighbouring properties.</p> <p>The diagrams demonstrate that no additional shadow is cast over the principal POS area of neighbouring dwellings.</p> <p>Detailed discussion concerning overshadowing impacts is provided at Part 5.2 of this report.</p>	
D7 Views	1. Development shall provide for the reasonable sharing of views.	The proposal provides for reasonable sharing of views.	Yes
D8 Privacy	1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	The building layout is designed to preserve privacy for occupants of the development and neighbouring dwellings.	Yes
	2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.	<p>Living room spaces are oriented to the street and to the rear yard thereby mitigating cross-viewing between properties.</p> <p>No living areas are proposed at upper levels.</p>	Yes
	3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	<p>New openings are oriented to the front or rear yard areas of the property.</p> <p>No windows are proposed on side elevations thereby eliminating direct sight lines between properties.</p> <p>The awning over the POS area in the rear yard will contain a non-trafficable green roof.</p> <p>Access to the green roof is provided for maintenance. Overlooking occurring during roof maintenance will be incidental and infrequent.</p> <p>Window and POS arrangement preserves neighbour privacy.</p>	Yes

Clause	Control	Comment	Compliance
	4. The windows of one dwelling are to be located so they do not provide direct or close views (i.e. from less than 9 metres away) into the windows of other dwellings.	New windows openings are positioned to avoid direct line of sight to neighbouring windows.	Yes
D9 Building bulk	1. Side and rear setbacks are to be progressively increased as wall height increases.	Proposed side and rear setbacks are generally greater than the minimum required by the minimum setback controls.	Yes
	2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	The upper-level addition is modest and does not constitute a large wall plane. Materiality and window openings serve to articulate elevations.	Yes
	4. Building height and scale needs to relate to topography and site conditions.	The proposed alterations and additions will result in a modestly scaled building which is comfortably compliant with the height of buildings development standard.	Yes
	5. Orientate development to address the street.	The proposed development addresses the street frontage.	Yes
	6. Use colour, materials and surface treatment to reduce building bulk.	A combination of external materials is proposed to ameliorate apparent building volume and achieve an aesthetically pleasing building product.	Yes
	7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.	Landscaping is proposed to ameliorate apparent building volume. Landscape arrangement and species selection is set out in the landscape plan submitted with the development application. Existing verge plantings in Soldiers Avenue ameliorate building volume.	Yes

Clause	Control	Comment	Compliance
	8. Articulate walls to reduce building mass.	Proposed elevations are modestly scaled. Walls are articulated to ameliorate apparent building volume. Materiality and window openings also contribute to articulation of building elevations.	Yes
D10 Building colours and materials	1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.	Spotted gum timber batten cladding is proposed to the external walls of the upper-level addition. These materials are compatible with external materials present in the locality. The development will make a positive visual contribution to streetscape appearance.	Yes
	3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.	Spotted gum timber batten cladding is proposed to the external walls of the upper-level addition. Proposed external materials provide a tasteful contrast to existing weatherboard cladding at the ground level.	Yes
D11 Roofs	2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.	A skillion style roof is proposed and complements roof forms in the locality.	Yes
	4. Roofs shall incorporate eaves for shading.	No eaves are proposed on the dwelling. Thermally efficient cladding and wall and roof installation will ensure heat loading is managed.	Yes
	5. Roofing materials should not cause excessive glare and reflection.	The proposed Colourbond roof sheeting is commonplace in the locality, is a neutral colour and will not cause excessive glare. The roof form is largely concealed by the external	Yes

Clause	Control	Comment	Compliance
		walls and will not be apparent from neighbouring properties.	
D14 Site facilities	1. Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places.	Site facilities are conveniently located and are discretely positioned to avoid adverse visual impacts.	Yes
D16 Swimming pools and spas	1. Pools are not to be located in the front building setback.	The proposed swimming pool is situated in the rear yard.	Yes
Part E The natural environment			
E10 Landslip risk	For land identified as being in Area A: Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions by a suitably qualified geotechnical engineer/ engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.	<p>The site is located within Area A.</p> <p>The site is almost level and little site disturbance is proposed i.e. the bulk of works proposed relate to an upper level addition.</p> <p>The proposal will have no impact on slope stability and will not adversely impact subsurface hydrology.</p> <p>A preliminary assessment by a geotechnical engineer is unwarranted in this scenario.</p>	n/a

4.4. PLANNING AGREEMENTS

There are no planning agreements associated with this site.

4.5. THE REGULATIONS

Section 92 of the *Environmental Planning and Assessment Regulation 2000* prescribes additional matters that the consent authority must consider in determining a development application. Each matter for consideration and its relevance to the proposal is noted in Table 3.

Table 3 | Additional matters for consideration (Regs)

Clause	Matter	Relevance
92(1)(b)	In the case of a development application for the demolition of a building, the provisions of <i>AS 2601 The demolition of structures</i> .	Demolition works will be carried out as per the provisions of AS 2601.
92(1)(c)	In the case of a development application for development on land subject to a subdivision order, the provisions of that subdivision order.	The site is not subject to a subdivision order.
92(1)(d)	In the case of certain development on land within 200km of Siding Spring Observatory, the <i>Dark Sky Planning Guideline</i> .	The site is not within 200km of the Siding Spring Observatory.
92(1)(e)	In the case of a development application for a manor house or multi dwelling housing (terraces), the <i>Medium Density Design Guide for Development Applications</i> .	The development application does not propose a manor house or multi dwelling housing (terraces).
92(1)(f)	In the case of a development application for residential development within the Penrith City Centre, the <i>Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in Penrith City Centre</i> .	The site is not within the Penrith City Centre.

5. PLANNING ASSESSMENT

This section provides a planning assessment of the likely impacts of the proposed development, considers the suitability of the site and evaluates whether the development is in the public interest, as required by section 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

5.1. IMPACTS ON THE NATURAL AND BUILT ENVIRONMENT

The proposed alterations and additions are sited and designed to optimise occupant amenity and to mitigate adverse impact on neighbour amenity. The development will result in positive built environment outcomes and will have no significant adverse impact on the natural environment.

Below we outline aspects of the proposal that relate to built environment considerations.

5.1.1. Setbacks

Part B9 of WDCP provides rear setback controls and requires that development maintain a minimum setback from side boundaries as shown on the *Rear Boundary Setback Map*. The required rear boundary setback is 6m.

The objectives of this control are to provide opportunity for deep soil areas, to provide a sense of openness in rear yards, to preserve amenity of adjacent land, and to maintain existing visual continuity and pattern of buildings, rear gardens and landscape elements.

The awning projecting over the proposed paved private open space area is situated a nominal distance from the northern property boundary. The awning is within 6m of the rear property boundary.

Despite non-compliance, the proposal is acceptable because:

- The awning is required to provide weather protection over the principal area of private open space in the rear yard. Presently there are no outdoor spaces with protection from the sun and inclement weather. The awning will improve the utility value of the outdoor living space.
- The awning is an unenclosed structure and does not contribute significantly to building volume as perceived from neighbouring properties. The green-roof over the awning and timber clad finish will soften the built form to ensure the structure does not visually overwhelm neighbouring properties.
- The proposed encroachment into the rear setback area does not occur at the expense of deep soil area and landscaping opportunities. The extent of landscaped area proposed equates to half of the site area which exceeds the minimum required.

- The awning structure will have no adverse impact on the amenity of neighbouring properties. Shadow diagrams demonstrate that the structure will not cast a shadow beyond site boundaries between 9am and 3pm on the winter solstice. The green roof is non-trafficable and therefore no privacy impacts are anticipated.
- The encroachment into the rear setback area will not disrupt or compromise the pattern of rear building alignments in the subject block owing to the unique configuration of the subject lot. The shallow site depth means that any structure in the rear yard will encroach the rear yard.

The non-compliant element of the building is of a modest scale and volume and will have no significant adverse impact on neighbour amenity. The discussion set out above demonstrates that the proposal satisfies the objectives of the rear setback control.

5.1.2. Overshadowing

Part D6 of WCP contains solar access controls and states that 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 the winter solstice.

The objectives of the solar access controls are to ensure reasonable access to sunlight is maintained and to encourage innovative design solutions to improve the urban environment and public open space.

Shadow diagrams have been prepared to demonstrate shadow cast by the proposed development between 9am and 3pm on the winter solstice. The diagrams distinguish between existing shadow and additional shadow cast by the proposed development.

Part D2 of WDCP explains that private open space areas “may include courtyards, terraces, balconies, verandas, roof gardens, and hard and soft landscape areas”. The private open space areas of adjoining development are identified in yellow in the aerial image at Figure 3.



Figure 3 | Location of neighbour POS

Shadow diagrams confirm that shadow cast by the proposed addition will not fall over the identified private open space areas. Rather, shadow will fall over the roof area of adjoining detached garages. The proposal satisfies the solar access control and meets associated objectives.

5.2. SOCIAL IMPACTS

The proposal will have positive social impacts from the perspective of future occupants of the dwelling who will enjoy high amenity spaces conducive to contemporary living. Short term disturbance associated with demolition and construction works is likely however mitigation measures such as prescribed hours of work will minimise impact.

Social impacts are overwhelmingly positive and adverse social impacts can be mitigated and are short term.

5.3. ECONOMIC IMPACTS

The proposal will have short term economic impact through job creation associated with demolition and construction works. The proposed development will improve housing stock in Freshwater and there will be resultant uplift in property value.

Economic impacts associated with the proposal are positive.

5.4. SITE SUITABILITY

The site presently accommodates a residential land use which is both permitted within Zone R2 and compatible with surrounding land use. The development involves alterations and additions to existing housing stock in a manner encouraged by applicable zone objectives and planning controls.

The development is designed to integrate with streetscape character and preserve the amenity of neighbouring dwellings. The site does not present any constraints that would preclude reasonable development of the land for residential purposes.

The site is suitable for the proposed development.

5.5. PUBLIC INTEREST

The development will improve housing stock in a manner encouraged by the applicable zone objectives. The development has been designed to respond to site conditions, minimise impacts on neighbours and integrate with the streetscape. The proposal aligns with the public interest.

6. CONCLUSION

This statement of environmental effects has been prepared to support an application for alterations and additions to the existing dwelling at 49 Soldiers Avenue, Freshwater.

The objective of the development proposal is to deliver a contemporary dwelling in a manner encouraged by the zone objectives and planning controls. The alterations and additions will enhance the functionality of the dwelling and preserve the amenity of neighbours.

Our report describes the key aspects of the proposal which include reconfiguration of the ground floor layout and construction of an additional level. An awning with non-trafficable green roof will project over a rear courtyard. A new in-ground swimming pool and associated deck are proposed.

Our evaluation of the proposal against the relevant planning instruments has found that the proposal is broadly consistent with instrument objectives, development standards, provisions and controls, with a minor and justifiable exception to the rear setback control.

We have assessed the environmental impacts of the proposal and have determined that there are no apparent adverse impacts. We have assessed building siting and arrangement and neighbour amenity and consider that development outcomes are site responsive, and no design modification is warranted.

Our report explains that the site is suitable for the development as it is zoned for residential purposes and is compatible with surrounding land use. We establish that the development is in the public interest given the absence of adverse impact and the resultant improvement to housing stock.

We conclude that the proposal is worthy of approval.



APPENDIX A | SURVEY



APPENDIX B | ARCHITECTURAL PLANS



APPENDIX C | WASTE MANAGEMENT PLAN