

STATEMENT OF ENVIRONMENTAL EFFECTS

58 OLIVER STREET, FRESHWATER

CONSTRUCTION OF A NEW TWO STOREY DWELLING

**PREPARED ON BEHALF OF
Allcastle Homes Pty Ltd**

FEBRUARY 2025

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1. INTRODUCTION

This application seeks approval for the construction of a new two storey dwelling upon land at Lot 45 in DP 7310 which is known as **No. 58 Oliver Street, Freshwater**.

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

- Environmental Planning & Assessment Act, 1979.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.

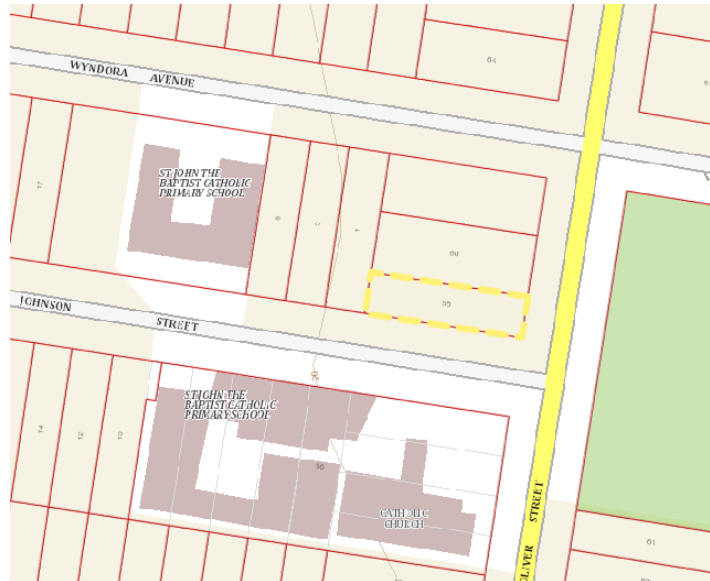
The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by Burton & Field, Ref No. E7318-86767 and dated 29/05/2024.
- Architectural Plans prepared by Allcastle Homes, Job No. 7630, Revision E and dated 20/01/2025.
- Landscape Plan prepared by DA Landscape Plans, Ref No. D1630 and dated 13/02/2025.
- Stormwater Management Plan prepared by EZE Drainage Designs, Job No. 17081, Issue A and dated 20/01/2025.
- BASIX Certificate #1780331S and dated 14 November 2024.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. SITE DESCRIPTION AND LOCALITY

The subject site is identified as Lot 45 in DP 7310 which is known as 58 Oliver Street, Freshwater. The site is a rectangular shaped allotment located at the northwest of the intersection of Oliver Street and Johnson Street and has an area of 398.5m². The sites eastern boundary has a frontage of 10.06m to Oliver Street with the southern boundary having a frontage of 39.625m to Johnson Street. The locality is depicted in the following map:



Site Location Map

The site currently comprises a single storey masonry and clad dwelling located towards the eastern portion of the site. Separate approval has been sought for demolition of the existing dwelling. A detached rendered garage is located towards the southwest corner of the site and is to be retained. This garage provides parking for two cars and is accessed from Johnson Street. A low rendered/masonry wall extends along both street frontages. A timber paling fence is erected along a portion of the boundary fronting Johnson Street.

The site has a gentle slope from the western boundary (RL21.48) towards the Oliver Street frontage (RL18.87). Consistent with the fall of the land stormwater is discharged to the street gutter.

The site is depicted in the following photographs:



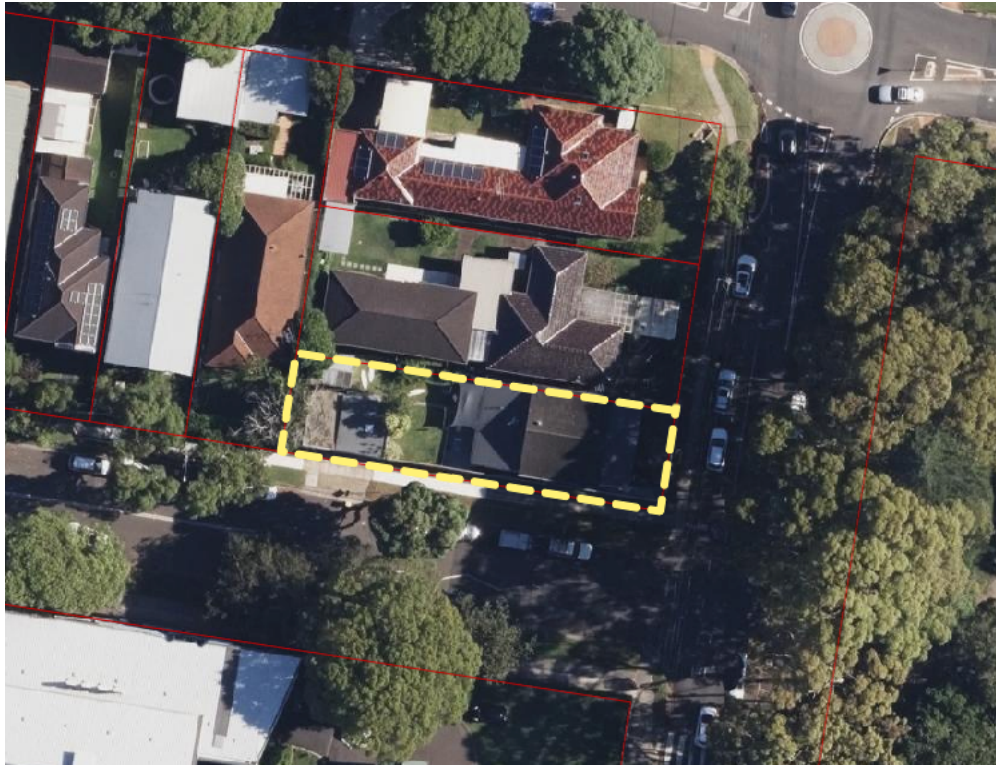
View of Subject Site from Oliver Street



View of the Subject Site from Johnson Street

The existing surrounding development comprises a mix of original housing stock and a more recent emergence of larger two storey dwellings. The site is located in close proximity to local services and facilities, schools and a number of playing fields.

The subject site and existing surrounding development are depicted in the following photographs:



Aerial Photograph of Locality

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of a new two storey dwelling with associated landscape and stormwater works. The existing detached garage will be retained. The dwelling is to be constructed of face brick with a tiled pitched roof.

The proposed dwelling is designed to be orientated towards Oliver Street. The dwelling is provided with a setback at least 6.5m to the boundary fronting Oliver Street as measured from the porch and the wall of the dwelling with the garage setback 7.5m to this frontage. A setback of 1.458m is provided to the boundary fronting Johnson Street. The dwelling is setback 12.965 to the rear boundary.

The dwelling will comprise the following:

Ground Floor: Entry, lounge, powder room, laundry, family and kitchen/meals.
First Floor: Four bedrooms (Bed 1 with ensuite), bathroom, WC and living room.

The proposal provides for all collected stormwater to be discharged to the street gutter in Oliver Street via a rainwater reuse tank with a capacity of 3,000L.

The proposal will result in the following numerical indices:

Site Area: 398.5m²
Proposed Landscaped Area: 136.2m² or 34.18%
(39.63% including areas less than 2m)

4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Northern Beaches Council.

4.1 Planning for Bushfire Protection 2019

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2019 do not apply.

4.2 Warringah Local Environmental 2011

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



Extract of Zoning Map

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

Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	8.525m	Clause 4.6 Variation request submitted.

Clause 6.4 Development on Sloping Land

The site is classified as Class A on Council's Landslip Map. No further information is required in this regard.

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

4.4 Warringah Development Control Plan 2011

The Warringah Development Control Plan (DCP) has been prepared by Council and was due to come into effect upon the gazettal of the LEP 2011. The new DCP contains detailed planning controls that support LEP 2011.

The following table provides a summary of the relevant controls of the DCP:

Clause	Requirement	Compliance
B1 – Wall heights	7.2m	Yes Wall height is approximately 6.4m in height.
B3 - Side Boundary Envelope	Building envelope 45 degrees from 4m. Eaves up to 675mm are an allowable encroachment	The front northeast corner of the dwelling encroaches the building envelope. However, the non-compliance is considered justified in this instance for the following reasons: <ul style="list-style-type: none"> The non-compliance is very minor, confined to a small portion of the northeast corner of the dwelling. This is due to the slope of the site.

Clause	Requirement	Compliance
		<p>The non-compliance is adjacent to the northern boundary and as such does not result in overshadowing to adjoining properties.</p> <ul style="list-style-type: none"> The non-compliance is a direct result of the slope of the site.
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes Setback of 1.1m provided to the northern side boundary.
B7 – Front Boundary Setbacks	<p>Minimum 6.5m</p> <p>Secondary frontage 3.5m</p>	<p>Yes The proposed dwelling provides for a setback of at least 6.5m to the Oliver Street frontage.</p> <p>The proposal provides for a setback of 1.458m to the boundary fronting Johnson Street. See discussion at end of table. **</p>
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	<p>6.5m</p> <p>On corner allotments for land zoned R2 Low Density Residential or R3 Medium Density Residential, where the minimum rear building setback is 6 metres, the rear building setback does not apply.</p>	Yes Whilst the rear setback provisions do not apply to corner allotments, the proposed dwelling is setback 12.965m to the rear boundary.
B11 – Foreshore Building Setback	Not applicable	Not Applicable

Clause	Requirement	Compliance
B12 – National Parks Setback	Not applicable	Not Applicable
B13 – Coastal Cliffs Setback	Not applicable	Not Applicable
B14 – Main Roads Setback	Not applicable	Not Applicable
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Yes The proposal retains the existing vehicular crossing and garage.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Yes The proposal retains the existing garage which is accessed via Johnson Street.
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Yes All collected stormwater will discharge to the street gutter via rainwater reuse tanks as detailed in the stormwater management plan.
C5 – Erosion and Sedimentation	Soil and Water Management required	Not Applicable
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable
C7 - Excavation and Landfill	Site stability to be maintained	Yes Some excavation is required, however it does not have any impact on existing protected trees or the amenity of adjoining properties.
C8 – Demolition and Construction	Waste management plan required	Yes Waste Management Plan submitted.

Clause	Requirement	Compliance
C9 – Waste Management	Waste storage area to be provided	Yes There is sufficient area within the existing garage and behind the building line for the storage of waste and recycling containers.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	The proposal provides for a landscaped area of 34.18%. See discussion at end of table. **
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	Yes There is sufficient private open space in the rear yard which is located immediately adjacent to the internal living areas.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Not Applicable
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun and ensure appropriate ventilation/natural cooling. Compliance with SEPP (BASIX) requirements.	Yes The dwelling will receive good solar access throughout the year. A BASIX certificate has been issued and forms part of the submission to Council.

Clause	Requirement	Compliance
D6 – Access to sunlight	The controls require that sunlight to at least 50% of the private open space of both the subject and adjoining properties' private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	Yes Shadow diagrams have been submitted with the application. Given the orientation of the allotment, the proposal continues to maintain at least 3 hours of solar access to private open space and living areas of the adjoining properties. The proposal complies with this clause.
D7 - Views	View sharing to be maintained	Yes The surrounding properties do not currently enjoy any significant views.
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	Yes The proposed dwelling has been designed to maintain privacy to the adjoining properties. This has been achieved by locating the majority of high use living areas on the ground floor. Whilst the upper level provides for a living room, this room is orientated towards the street and does not provide for any window openings on the side elevations. The lounge room will not reduce privacy to the adjoining properties.

Clause	Requirement	Compliance
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	Yes The proposed dwelling is well articulated through the use of varied setbacks and change in external finishes. The proposal is compatible with the existing surrounding development.
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Yes External finishes selected to complement the existing surrounding development and the natural environment.
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Yes The proposed incorporates a traditional pitched roof form which is compatible with the local skyline.
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimized.	Yes The proposal will not result in unreasonable glare or reflection.
D13 - Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street.	Not Applicable
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street.	Yes There is ample area on site for storage and site facilities.

Clause	Requirement	Compliance
	Landscaping to be provided to reduce the view of the site facilities.	
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991.	Yes
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	Not Applicable
D17 – Tennis Courts	N/A	Not Applicable
D18 - Accessibility	Safe and secure access for persons with a disability to be provided where required.	Not Applicable
D19 – Site Consolidation in the R3 and IN1 Zone	Not Applicable	Not Applicable
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	Yes The dwelling entry is orientated towards Oliver Street and provides views of the street and the dwelling approach.
D21 – Provision and Location of Utility Services	Utility services to be provided.	Yes Existing facilities on site.
D22 – Conservation of Energy and Water	A BASIX Certificate is required.	Yes
D23 - Signs	Not Applicable	Not Applicable

Clause	Requirement	Compliance
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	Yes The proposal does not require the removal of any trees.
E2 – Prescribed Vegetation	Not identified on map	Not Applicable
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable
E4 – Wildlife Corridors	Not identified on map	Not Applicable
E5 – Native Vegetation	Not identified on map	Not Applicable
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Not Applicable
E7 – Development on land adjoining public open space	N/A – not identified on map	Not Applicable
E8 – Waterways and Riparian Lands	Not identified on map	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable
E10 – Landslip Risk	Identified on map as A	Yes No further information is required.
E11 – Flood Prone Land	Not Applicable	Not Applicable

****B7 Front Boundary Setbacks**

In relation to secondary street frontages, this clause provides:

On corner allotments or sites with a double street frontage, where the minimum front building setback is 6.5 metres to both frontages, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street variations must consider the character of the secondary street and the predominant setbacks existing to that street.

The subject site is a corner allotment, with Johnson Street being the secondary frontage. The proposal provides for a setback of 1.458m to the Johnson Street frontage.

This is considered appropriate in this instance and to achieve the objectives of this clause for the following reasons:

- The proposal replaces an existing dwelling on site. The existing dwelling provides for a setback to the Johnson Street frontage of approximately 900mm. The proposed dwelling improves the existing circumstances.
- The site has a width of only 10.06m. Complying with the setback requires of the DCP would limit the dwelling width to only 5.66m which would prohibit a dwelling house.
- The setback provided enables some landscaping within the setback to Johnson Street as depicted in the landscape plan submitted with the application.
- The setback is consistent with similar sized corner properties in the immediate vicinity including No. 62 and 64 Oliver Street.
- The proposal does not result in the obstruction of any existing views from the adjoining properties or the public domain.

****D1 Landscaped Open Space and Bushland Setting**

This clause requires a landscaped area of 40% of the site. The proposal provides for a landscaped area of 34.18%, however when including areas less than 2m the landscaped area is 39.63% which represents a non-compliance of less than 2m². It is considered that the objectives of this clause have been achieved and that the non-compliance should be supported in this instance for the following reasons:

- The non-compliance, when including areas less than 2m in dimension is very minor, being less than 2m². The non-compliance is not discernible and amendments to achieve compliance would not serve any benefit.
- The proposal does not require the removal of any protected vegetation and the proposal provides for good areas of soft landscaping which will improve amenity and enhance the landscaped character of the locality. The landscaped areas are of sufficient size and dimension to provide for a good range of vegetation which is commensurate with the dwelling size.
- The site is very small, significantly less than the minimum required lot size of 450sqm. Therefore, providing for a dwelling that is considered appropriate in this location and requiring strict compliance is considered unreasonable. If the site had an area of 450sqm, the proposed development would comply with the minimum landscaped area control.
- The dwelling has been designed to ensure privacy to the adjoining properties and does not rely on landscaping to achieve privacy.
- There is sufficient area in the rear yard to accommodate outdoor recreation.
- All collected stormwater is been discharged to Oliver Street and therefore the minor non-compliance with the landscaping will not result in additional runoff to the adjoining properties.

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

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned R2 Low Density Residential under the provisions of the LEP. Construction of a new dwelling house and associated works are permissible with the consent of Council in this zone. It is considered that the provisions of this document have been satisfactorily addressed within this report and that the proposal complies with the relevant provisions.

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

The Likely Impacts of the Development

It is considered that the development will provide for the construction of a new two storey dwelling without any detrimental impact on the environment, social and economic status of the locality. The proposal does not require the removal of any significant vegetation and there is no detrimental impact on the adjoining properties.

The Suitability of the Site for the Development

The subject site is zoned R2 Low Density Residential and the construction of a new two storey dwelling in this zone is permissible with the consent of Council. The resultant building is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons it is considered that the site is suitable for the proposed development.

The Public Interest

It is considered that the proposal is in the public interest in that it will provide for a new dwelling that is consistent with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

6. CONCLUSION

This application seeks approval for the construction of a new two storey dwelling and associated landscape and drainage works. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011. The proposed dwelling does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed construction of a new two storey dwelling upon land at **No. 58 Oliver Street, Freshwater** is worthy of the consent of Council.

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