

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR THE PROPOSED CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING TO PROVIDE FOR THE CONVERSION OF AN EXISTING CARPORT TO A GARAGE AND THE CONSTRUCTION OF A FRONT AND SIDE BOUNDARY FENCE

LOCATED AT

44 KOOLOORA AVENUE, FRESHWATER

FOR

JOSH LARGE



**Prepared
October 2024**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared by Emma Macindoe Interior Design, Drawings No. CO1-C03, A01 – A04, Issue 1.2, dated 3 October 2024, detailing the proposed construction of alterations and additions to an existing dwelling at **44 Kooloora Avenue, Freshwater**.

The existing dwelling on the site previously was the subject of a development consent under DA2021/2478 which provided for alterations and additions to the existing dwelling. The works were completed, with an Occupation Certificate issued under OC2024/0212, submitted 14 March 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. 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 (EP&A Act)*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Warringah Local Environmental Plan 2011 (WLEP 2011)*
- *Warringah Development Control Plan 2011 (WDCP 2011)*

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. 2407112, Issue A dated 10 October 2024.

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 carport 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. 18354Edetail, dated 7 August 2024, which accompanies the DA submission.

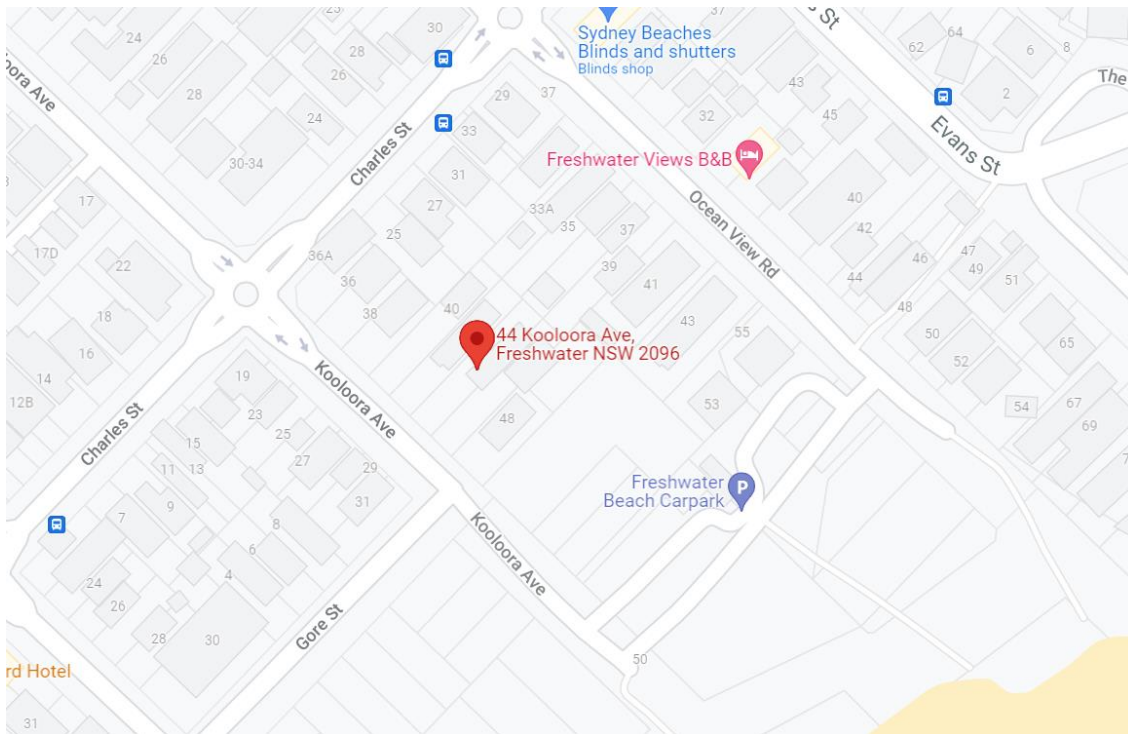


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of the subject site from Kooloora Avenue, looking north-east



Fig 3: View of the adjoining development to the north-west of the site, noting the existing open style front fencing Kooloora Avenue



Fig 4: View of the existing streetscape to the south-east of the site, facing Kooloora Avenue

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:

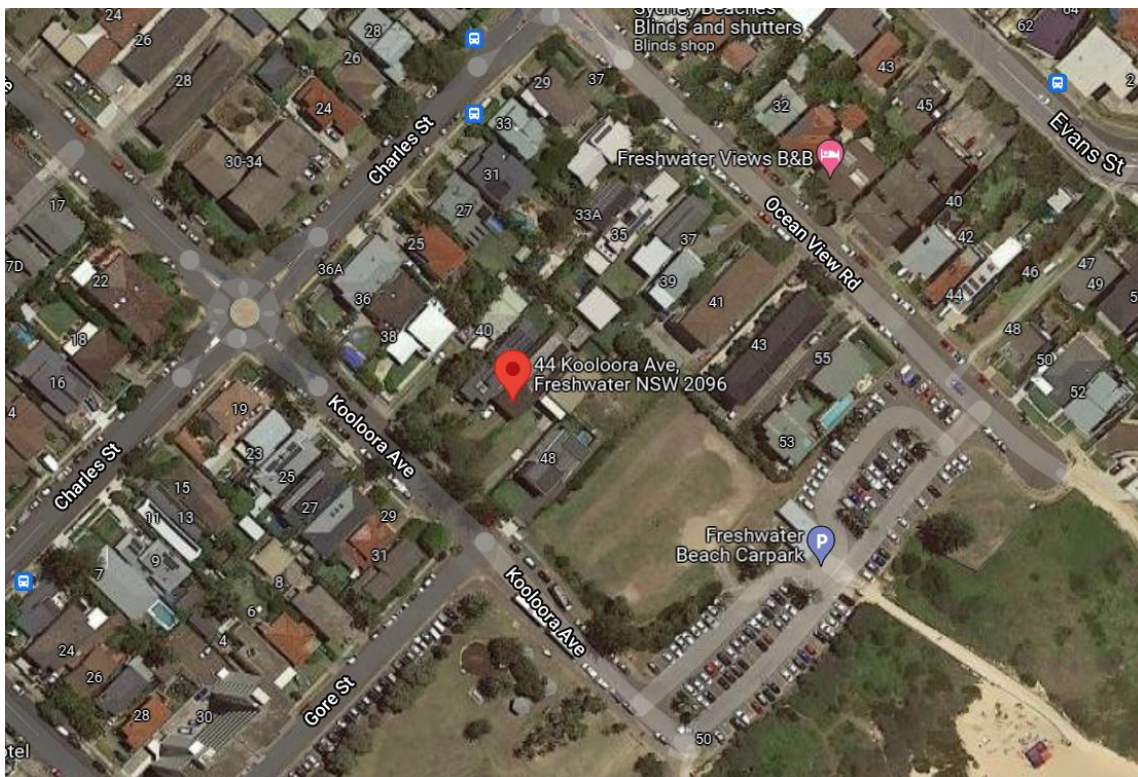


Fig 5: Aerial view of locality
(Source: Google Maps)

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 comprise external works including:

- Enclosure of the existing open double carport to provide for an enclosed garage
- Additions to the existing low level front brick fence to provide for a part brick column and part open style powder coated steel fence panels with matching powder coated steel double entrance gates, with the fence and gates to present a maximum height of 1.5m.
- New matching side boundary fencing comprising open style powder coated steel fence panels to varying heights from 1.5 m and to match existing fence sides will be provided to each side boundary to match existing side fence and elements.

Given the site is flood affected, the works to enclose the carport will comprise open slatted panels with a panel lift garage door also comprising slats to allow the free flow of water in flood events.

The fence and carport works are addressed within the Flood Risk Management Report prepared by NB Consulting Engineers, Issue A dated 10 October 2024.

The new works will not see any noticeable change to the existing site coverage and the landscaped area for the site will remain consistent with landscaped area of 27.9 as discussed within the Assessment Officer's Development Application Assessment Report prepared for DA2021/2478.

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation.

No significant or high value vegetation is proposed to be removed as part of the proposed development.

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

Clause 4.6(1)(a) of SEPP (Resilience and Hazards) prescribes that the 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.

The proposal is consistent with the provisions of Chapter 4 of this policy.

6.3 State Environmental Planning Policy (Sustainable Building) 2022

SEPP (Sustainable Buildings) 2022, commenced on 1 October 2023 and applies to the proposed development. Given the works comprise non-habitable construction, the provisions of the SEPP do not apply in this instance.

6.4 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.

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.*



Fig 6: Extract of Warringah Local Environmental Plan 2011

It is considered that the proposed alterations and additions to the existing dwelling comprising enclosure of the existing carport to form a garage and new front and side boundary fencing 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 2.6m for the works to enclose the carport 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 not require any significant excavation other than minor footing placement for fence panels. All site works will be carried out in accordance under the direction of the builder, 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 2.5m to works to enclose carport	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	Given the modest height of the new works, the proposal fully comply of Council building envelope control The garage maintains side setbacks of 0.9m (east) and 2.597m (west).	Yes

B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	Minimum proposed setback from eastern side to garage 0.9m and 2.597m to western side 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
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	No change to existing crossing and layback location.	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	The proposal retains existing parking area and provides for works to enclose the carport to form a garage. Given the open nature of the enclosing panels which comprise slotted screens, works will not present a dominant element when viewed from the street.	Yes
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council’s Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	No change to the existing stormwater provisions which direct stormwater to Council drainage infrastructure located at the front of the site.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Suitable sediment and erosion control measures to be provided during construction as necessary however given there is not major site disturbance, no significant erosion or sediment issues are anticipated.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A		N/A
C7 – Excavation and Landfill	Site stability to be maintained	No major site disturbance proposed	Yes


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 surrounding the dwelling.	Yes
Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>The proposal will see the retention of the approved landscaped area of 27.9% as detailed under DA2021/2478</p> <p>The proposal will retain 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>	Yes
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 works will not introduce any new noise sources and the acoustic amenity of the neighbouring properties will not be otherwise comprised.	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun	The site enjoys a good northerly aspect and	Yes

	<p>Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements</p>	<p>access to northern sun to the rear yard area.</p>	
D6 – Access to sunlight	<p>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>	<p>The modest nature of the fencing works and enclosure of the carport will not have any direct impact on the solar access to the primary living spaces of the neighbouring properties.</p> <p>Shadow diagrams are not required in this instance.</p>	Yes
D7 – Views	<p>View sharing to be maintained</p>	<p>The controls require that development should enable the reasonable sharing of views.</p> <p>Nature of the works to see the enclosure of the existing carport to a garage and new front and side boundary fencing will not adversely affect the views of neighbouring properties.</p>	Yes
D8 – Privacy	<p>This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open</p>	<p>The proposed new works will not unreasonably reduce the privacy enjoyed by the neighbours.</p>	Yes

	space of adjoining properties		
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 and in particular the changes to the front fence which will be consistent with the form and style of offences in the immediate locality will complement the existing streetscape.	Yes
D10 – Building Colours and materials		The new works will utilise colours and finishes to match the visiting dwelling finishes.	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposal will not alter the existing roof form of the current dwelling.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The modest changes to the existing dwelling will not result in any significant glare or reflection to the surrounding properties.	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.	The proposed events it will have a height of up to 1.5 m at the street boundary however this is compatible with the nature and form of other similar open style fencing, comprising a mix of brick plinth annals	N/A

		<p>with open metal style panels above.</p> <p>In this regard, the fence is considered to be consistent and compatible with the streetscape.</p>	
D14 – Site Facilities	<p>Garbage storage areas and mailboxes to have minimal visual impact to the street</p> <p>Landscaping to be provided to reduce the view of the site facilities</p>	Garbage storage areas and mail box remain unchanged.	N/A
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	New open style side boundary fencing to be provided to the side boundaries and will be installed in conjunction with neighbouring properties.	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.	N/A	N/A
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	<p>Buildings to enhance the security of the community.</p> <p>Buildings are to provide for casual</p>	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the	Yes

	surveillance of the street.	street is available from the dwelling to the street over and through the front landscaped area.	
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 is not required in this instance.	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	Yes

		and scale of the works will not present any significant visual impacts either to or from the public areas surrounding the site.	
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 Drainage Infrastructure. Accordingly, a Flood Risk Management Report has been prepared by NB Consulting Engineers, Job No. 2407112 dated 10 October 2024. The report concludes the following: <i>In accordance with accepted engineering practice, NBCE has undertaken a flood study of the stormwater drainage system at 44 Kooloora Avenue in Freshwater and can confirm the accuracy of the</i>	Yes

		<p><i>calculated results based on the DRAINS modelling. 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>	
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7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of WLEP 2011. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its objectives.

The proposal has also considered all relevant SEPPs, and Council can be satisfied that the proposal is consistent with these policies.

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

There are no 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 WDCP 2011.

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

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 has been located and designed to appropriately minimise impacts on the amenity of adjoining properties, resulting in a development that is 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 applicable SEPPs, 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 enclosure of the existing carport to form a garage and new front and side boundary fencing.

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 Any 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 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 the demolition of e enclosure of an existing carport to for a garage and new front and side boundary fencing.

The proposal is a site-specific design response which takes advantage of the properties locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

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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