
DEVELOPMENT APPLICATION RELATING TO PROPERTY AT 34 JOHNSON STREET, FRESHWATER (LOT 67 DP 7310)



Statement of Environmental Effects

Addition of new pool cabana and pergola structure

**34 Johnson Street, Freshwater, NSW
2096**

(Lot 67 DP 7310)

Prepared by Chipchase Planning on behalf of the
property owner

April 2025



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34 JOHNSON STREET, FRESHWATER
LOT 67 DP 7310

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STATEMENT OF ENVIRONMENTAL EFFECTS

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Executive Summary

This Statement of Environmental Effects (SEE) has been prepared by Chipchase Planning on behalf of the property owners. The application is submitted to Northern Beaches Council to support a Development Application (DA) for the addition to 34 Johnson Street, Freshwater. The subject site is legally described as Lot 67 Deposited Plan 7310.

The proposal seeks to support the addition of a new pool cabana and pergola structure to the existing dwelling to cater for the residential needs of the residents. The proposed cabana structure lines the western perimeter of the pool pavement area and is an open structure with timber framed roof with open wall penetrations the sides. The western wall of the cabana is setback from the western boundary. The proposed development proposes no other changes to the CDC approved and recently constructed dwelling.

The underlying objective of this Development Application is to improve the residential amenity to the private open space by providing a structure which provides sun protection from westerly suns by mid-afternoon. Due to the north/south orientation of the site, it was identified that a permanent structure was required setback from the western boundary to provide shaded area while using the pool. Furthermore, the proposed cabana provides privacy to the pool and will act as an acoustic buffer for when the residents are enjoying the private open space.

The proposal provides practical and functional solution optimising the current living amenity for the site occupants. The proposed open structure outcome provides contemporary addition which considers the existing presentation of the dwelling as well as the residential amenity of the neighbours. The proposed pergola structure cannot be seen from the streetscape and has no visual impact to the character of the area. The proposal considers and responds to the immediate and surrounding locality to ensure the residential amenity is respected.

The SEE provides an assessment of the proposed development against the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The primary Environment Planning Instruments (EPIs) applicable to the site and proposed development include *Warringah Local Environmental Plan 2011* (WLEP 2011) and the *Warringah Development Control Plan 2011* (WDCP 2011).

The proposed development provides improvement to the private open space offering of the site. It is requested Council consider this when assessing the setback controls with respect of the approved CDC and built development and the constrained allotment width that numerical compliance is considered unnecessary in the circumstances of the case and there are sufficient planning grounds which justify and demonstrate the objectives of the control are satisfied.

Based on the assessment undertaken, it is recommended that Council's favorable consideration to the approval of the DA be given.

Proposed Development Summary

The development for which approval is sought relating to the subject site is described as follows:

- New proposed pool cabana and structure

No excavation or landscape works proposed.

Assessment

The proposed development has been assessed against the relevant existing planning policies.

- The proposal is consistent with State and Local planning policies.

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- The subject site is located within R2 Low Density Residential under WLEP 2011 and achieves and protects the relevant objectives of the zone.
- The proposal demonstrates compliance with the relevant development standards under the WLEP 2011 and the WDCP 2011. In the circumstances numerical compliance isn't established, justification is provided to demonstrate accordance with the relevant objectives of the standard and controls. It is noted that the site is constrained by the lot width and should be considered based on the existing approved CDC development.
- The proposal retains the existing approved and constructed development and proposes no changes.
- Contextually, the proposal is considered to have no adverse impact on the character of the streetscape.
- The proposed development maintains appropriate level of amenity, considered to have negligible impact to neighbouring or the surrounding locality.
- The design of the residential component has been formulated having close consideration of bulk, scale, views, solar access, and the character of the existing neighbourhood.

The Statement of Environmental Effects (SEE) provides an assessment of the proposal for Council's consideration. The assessment considers the development will not have a significant adverse impact on any adjoining land or low-density residential neighbourhood nor the adjacent neighbours.

The proposed development provides sufficient planning grounds, and that approval for the development would be in the public interest.

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1. INTRODUCTION

1.1 OVERVIEW

This SEE has been prepared to support a Development Application on behalf of the property owners facilitating the proposed addition of a new pool cabana and pergola to the existing dwelling.

The proposed works relate to the rear private open space providing a cabana and pergola structure which provides sun protection and privacy to the pool area. No other development particulars are proposed as part of this proposal.

To achieve the desired intent, the proposal provides no changes to the existing CDC approval and proposes a cabana wall dedicated by the existing permitter boundary of the paved pool area. The cabana is a structure with timber framed roof with open wall penetrations on the sides.

The proposed development carefully considers the size, dimension and orientation of the allotment with respect of the neighbouring properties. The proposed development is permissible with development consent and is contextually appropriate when considered against the relevant planning framework. The proposal has been thoughtfully designed with regard to amenity benefit for the site occupants with respect of considering the neighbouring properties. No impacts to the streetscape or character of the area as the proposal relates to the rear backyard of the dwelling with no other development particulars proposed.

The site is zoned for R2 (Low Density Residential) under the *Warringah Local Environmental Plan 2011* (WLEP 2013). The proposal is permissible with development consent and is contextually appropriate when considered against the relevant planning framework.

The SEE provides an assessment of the proposed development against the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The document is arranged as follows:

- **Part 1** Introduction – Summary of Proposed Development
- **Part 2** Site Analysis – Describes the site and its context
- **Part 3** Proposed Development – Outlines the details of the proposed development
- **Part 4** Planning Framework – Provides an assessment against the relevant policies and planning framework
- **Part 5** Likely Impacts of the Development – Outlines the potential impacts of the development
- **Part 6** Conclusion – Provides the conclusions and recommendations

1.2 PURPOSE OF THIS REPORT

The report provides the following:

- A description of the site context, including identification of the site, existing development on the site, and surrounding development;
- Detailed description of the proposed development;
- Demonstrated compliance of the proposal against the relevant Strategic, State and Local planning controls;
- Identification and assessment of the issues relevant to the proposed development; and
- Assessment of relevant matters under Section 4.15 of the *EP&A Act*.

The purpose of this report is to support the assessment of the proposed development, to ensure the transparent and expedient assessment of the proposal given the physical and statutory context of the site and surrounding locality.

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2. SITE ANALYSIS

2.1 SITE DESCRIPTION AND EXISTING DEVELOPMENT

The site is identified as 34 Johnson Street, Freshwater and is legally described as Lot 67 in Deposited Plan 7310. The site is rectangular in shape and adheres to an area of 403.68m², hosting street frontage of 10.06m as depicted in the survey (**Appendix 1**).

The site occupies a two-storey dwelling and is setback 4.645m from the front boundary line. The site can accommodate two (2) cars in the hardstand area within the front boundary setback.

The land is relatively flat and therefore the proposal presents a linear structure with no uneven height differences. The surrounding area is characterised by two-story freestanding dwelling houses, with distinct thin linear subdivision pattern. The rear of the property contains landscaped area, paving and pool.

A survey plan depicting the building compliance with the newly constructed CDC additions is attached within **Appendix 1** of this Report.

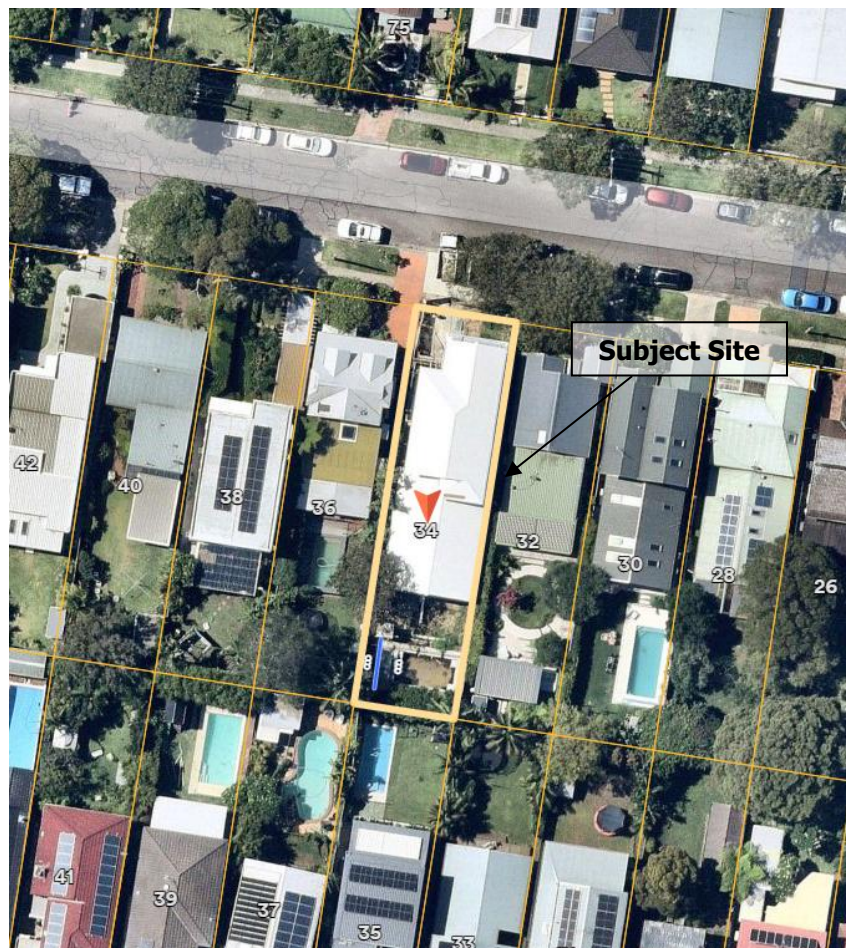


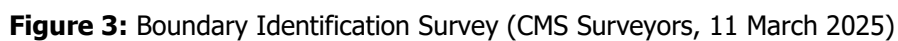
Figure 1: Aerial Site Location (NearMaps 2025)

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The site is located within the suburb of Freshwater, which forms part of the Northern Beaches Local Government Area (LGA). The site lies within an established urban area characterized by low-density residential development consisting of free standing detached one to two-storey dwelling houses.

The site is located at the doorstep of Freshwater Village which has frequent express bus services to the city as well as 1.7km walking distance from the Brookvale B-Line bus station which is serviced by the B-Line and supporting bus system providing connectivity to Sydney Central Business District (CBD).

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3. PROPOSED DEVELOPMENT

3.1 DEVELOPMENT HISTORY

There are no recorded development applications since the original house was constructed which is believed to have been circa 1950-60.

The original house was demolished Complying Development Certificate and included the construction of new double storey dwelling, pool and landscaping works as captured below.

- Complying Development Certificate CDC2025/0027 MOD CDC – Demolition of existing buildings, construction of a double storey dwelling, swimming pool and related landscaping (minor window changes) – CDC2024-553-MOD1 - submitted 17 January 2025
- Complying Development Certificate CDC2024/0480 – Demolition of existing structures and construction of a new two storey dwelling & swimming pool - CDC2024-553 – submitted 1 July 2024

The proposed development has been undertaken as a DA due to the realization of sun protection post construction of the CDC works.

3.2 AIMS AND OBJECTIVES OF THE PROPOSAL

The proposal seeks to support the proposed addition of the new cabana and pergola structure to the existing dwelling house. The following objectives have been identified as forming the basis of the proposed development:

- improve the residential amenity to the private open space by providing a structure which provides sun protection from westerly suns within the afternoon.
- provides privacy to the pool and will act as an acoustic buffer for when the residents are enjoying the private open space.
- practical and functional solution optimising the current living amenity for the site occupants
- proposed open structure outcome provides contemporary addition which considers the existing presentation of the dwelling as well as the residential amenity of the neighbours
- responds to both the topography of the site and the location of the built form on adjoining properties to minimise the potential effect of bulk and scale on surrounding residential amenity.
- achieve a high-level of amenity for the site occupant and surrounding residents.
- provides a minimalist design which minimizes visual impact, disruption of views, loss of privacy or solar access.
- compatible with the architectural style, nature, height and scale of existing dwelling and surrounding nearby development.
- manage the visual impact of development from all aspects of the Freshwater setting.

The site, the continuation of the use and proposed additions are considered to meet the aims and objectives of the proposal. The proposed development ensures the siting and design of the proposed cabana and pergola structure provides a high level of visual and acoustic privacy for occupants, neighbour's and streetscape consideration.

3.3 DESCRIPTION OF THE PROPOSAL

Development consent is sought for the addition of a new cabana and pergola structure to the existing dwelling. This would achieve the objective of the proposal to improve the livability and residential amenity by providing a structure which provides sun protection from westerly suns particularly in mid-afternoon. This would achieve the objectives of improving the usability to suit the needs of the site occupants.

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Key elements and development particulars are summarised as follows:

<i>Table 1 – Proposed Development Particulars</i>	
Proposed Works	Description
Excavate	▪ No excavation works proposed.
Demolition	▪ No demolition works proposed.
Construction	▪ New cabana including rendered masonry wall and timber open roof pergola structure
External works	▪ No retaining walls or landscaping proposed.

The proposed development is detailed within the architectural plans annexed within **Appendix 2** of this Report.

Details of the re-use, store and disposal of materials are further outlined within the Waste Management Plan at **Appendix 3**.



Figure 4: Artist Impression (Action Plans, 2025)

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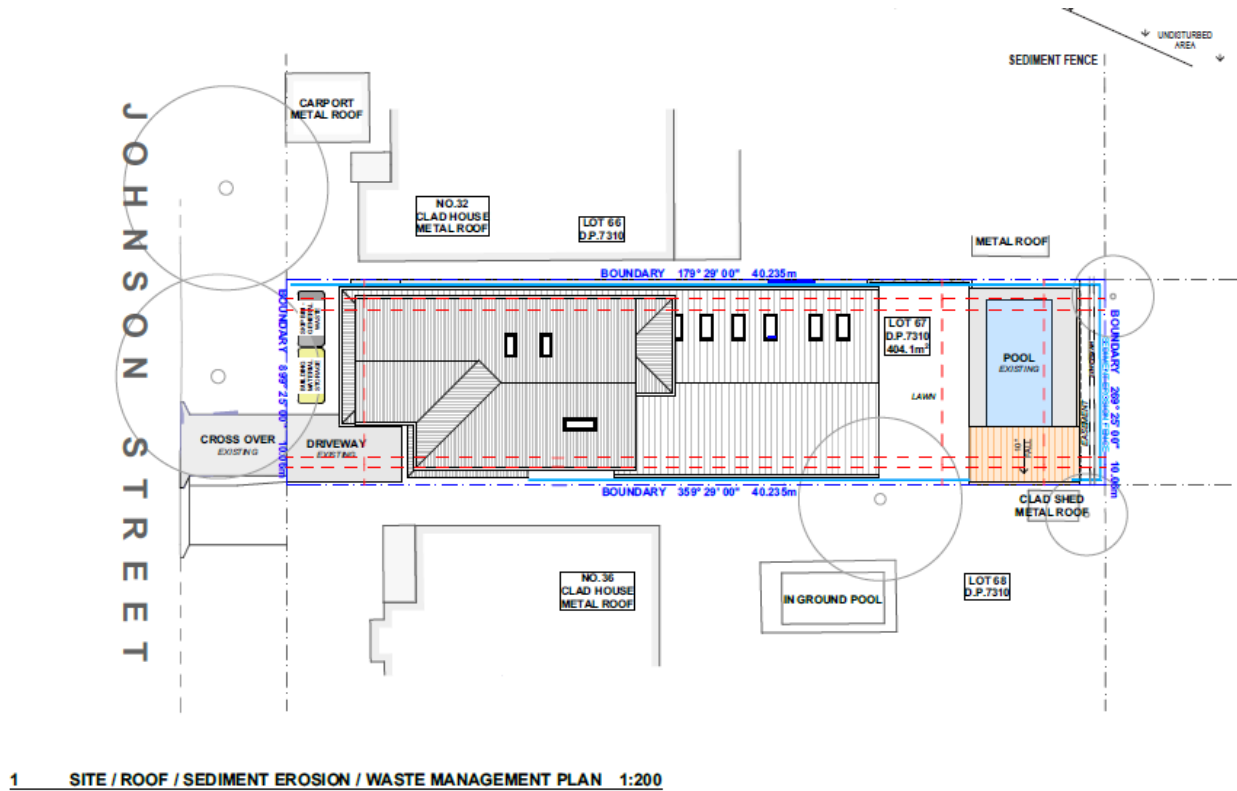


Figure 5: Site Plan showing proposed new cabana and pergola structure (Action Plans, 2025)

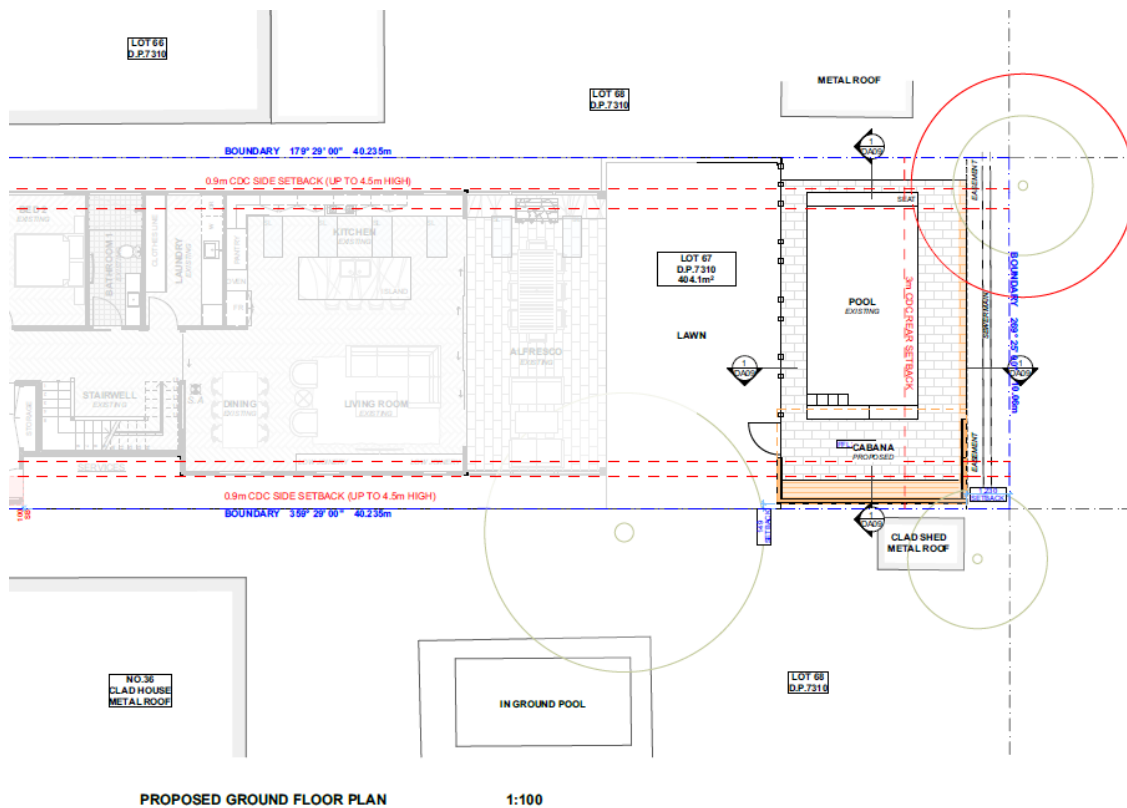


Figure 6: Proposed Ground Floor Plan (Action Plans, 2025)

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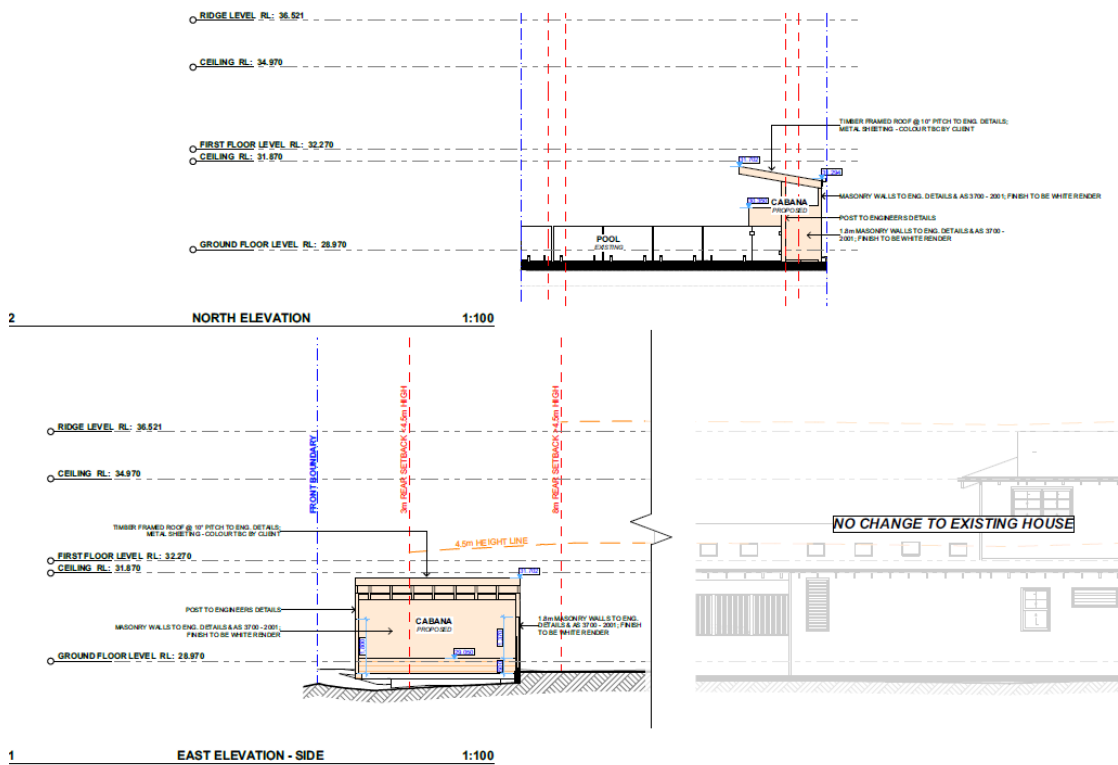


Figure 7: North/East Elevations (Action Plans, 2025)

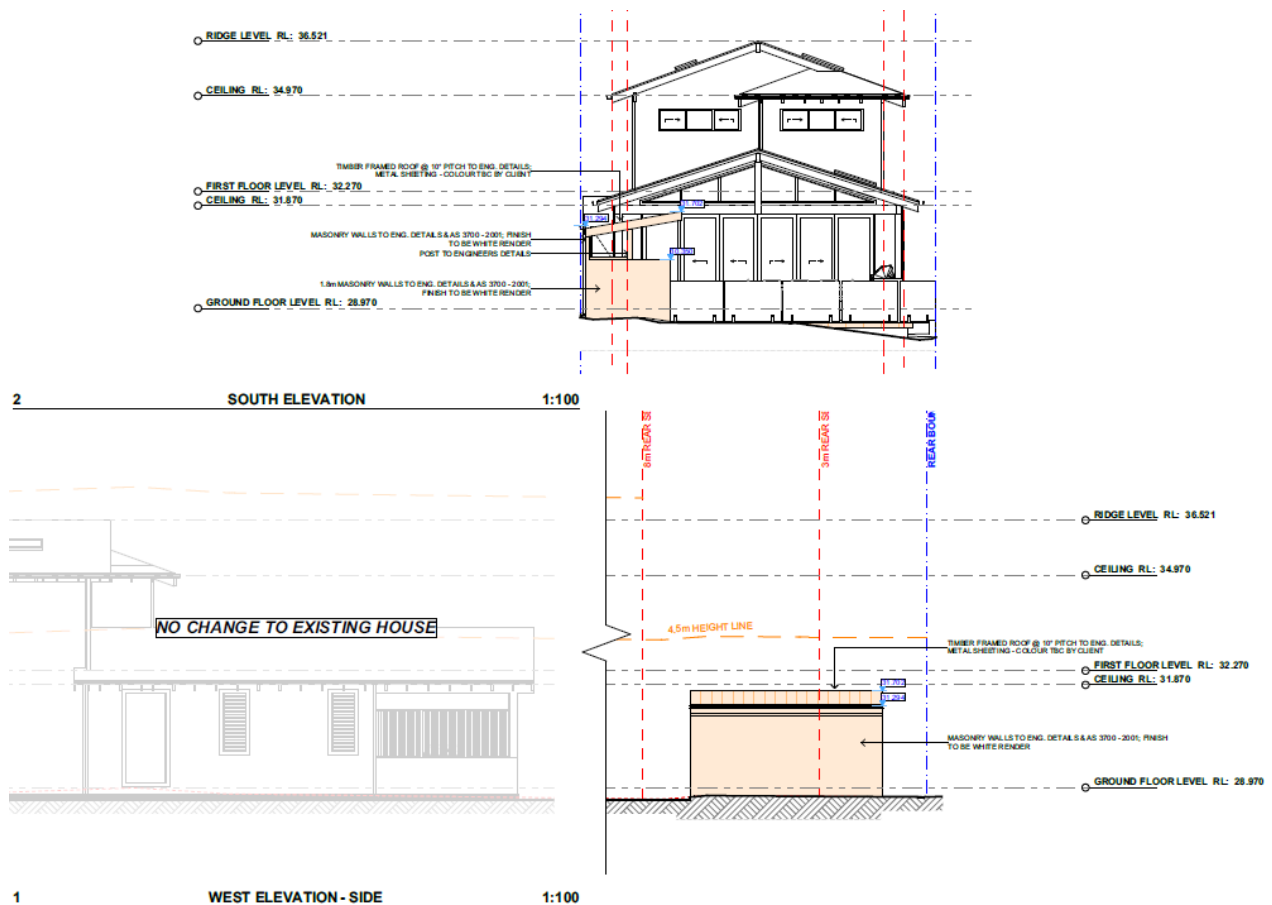


Figure 8: South/West Elevation (Action Plans, 2025)

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4. LEGISLATIVE AND POLICY FRAMEWORK

4.1 OVERVIEW

Section 4.15 of the EP&A Act set out specific matters that Council is to take into consideration in the assessment and determination of DAs.

This section of the SEE assesses and responds to the relevant current and draft State, Regional and Local planning controls and policies, including:

- **State Planning Context**

- *Environmental Planning and Assessment Act 1979 (as amended)*
- *Environmental Planning and Assessment Act 2000*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)*
- *State Environmental Planning Policy (BASIX) 2005 (SEPP BASIX)*

- **Local Planning Context**

- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan 2011*

The sections below respond to the relevant matters in applicable legislation and policy documents.

4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the overarching governing document for all development in NSW and pursuant to Part 4, the subject proposal is Local development.

4.3 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) prescribes requirements for Development Applications and Statements of Environmental Effects in Schedule 1. This SEE and the supporting DA documentation contained with the appendices have been prepared in accordance with the form prescribed by the EP&A Regulation.

4.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 of the SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether the land is contaminated prior to granting of consent to the carrying out of any development on that land. Previous and current use has been for residential purposes, thus it is not considered there is any risk in respect of contamination.

4.5 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The proposal does not fall under the provisions of the SEPP (Transport and Infrastructure) 2021 and therefore no assessment is required.

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4.6 STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2005

BASIX is not applicable as the estimated cost of work is below the \$50,000 threshold. Despite this, the application still provides a BASIX Certificate (**Appendix 5**) to demonstrate that the proposal achieves the appropriate thermal performance & water saving criteria as approved under the previous DA.

4.7 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The subject site is subject to the provisions of *Warringah Local Environmental Plan 2011* (WLEP 2011). Relevant permissibility and development standards are summarized in the subsequent sections of this SEE.

Zoning and Permissibility

The subject site is zoned R2 Low Density Residential pursuant to WLEP 2011 (**Figure 9**). The objectives of the zone 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.*

Within the R2 zone the following are permissible without consent:

Home-based childcare; Home occupations

Within the R2 zone the following are permissible with consent:

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals*

The proposal maintains the existing dwelling house use and will improve and enhance the livability of the occupants.

In light of the above, the proposal is both consistent with the relevant objectives of the zone, and permissible with development consent.

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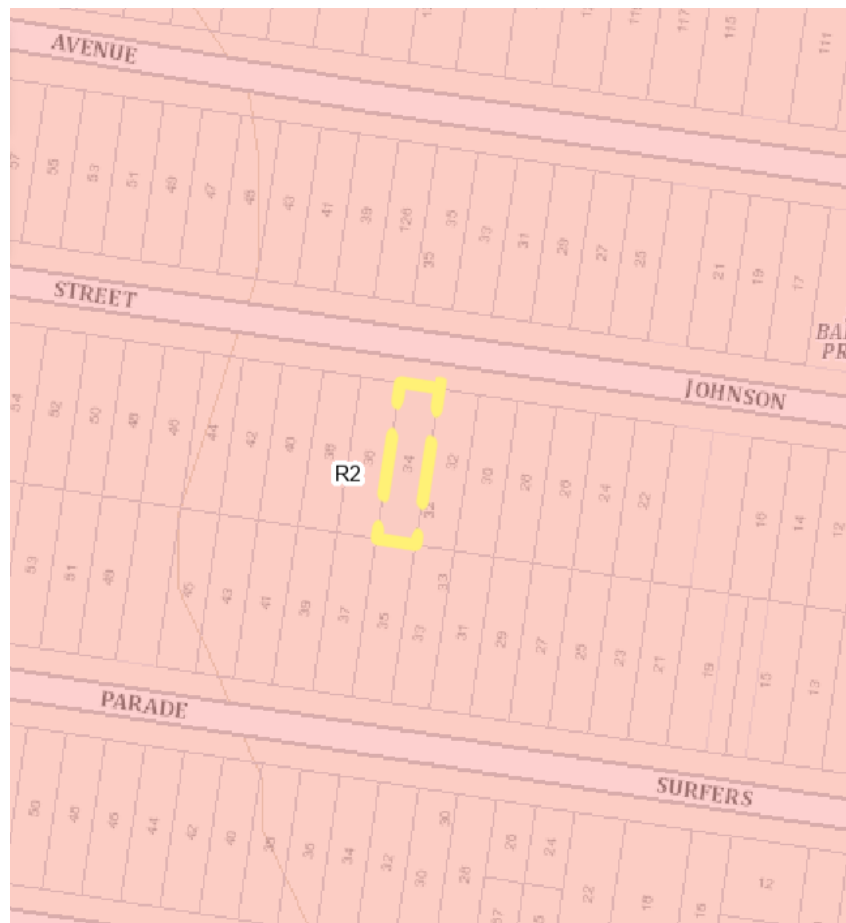


Figure 9: Land Zoning Map (NSW ePlanning 2021)

Clause 4.3 Height of Buildings

The development standard provides controls relating to the height.

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 maximum height for the subject site is 8.5 metres.

The proposed pergola structure has maximum height of 2.9m which is compliant with the maximum height standard.

Clause 4.4 Floor Space Ratio

No maximum Floor Space Ratio (FSR) control relates to the subject site.

The proposed cabana is an open structure and is not constituted as a habitable area under the definition of Gross Floor Area (GFA) as the area is not enclosed.

Clause 5.10 Heritage Conservation

The site is not identified to be a heritage item and is not located within a heritage conservation area under the provisions of the WLEP 2011. No heritage significant items are located in the vicinity of the site.

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Clause 5.11 Bush fire hazard reduction

The subject site is not located in a bush fire hazard reduction zone.

Clause 6.1 Acid Sulfate Soils

The subject site is not identified to contain any Acid Sulfate Soil.

Clause 6.2 Earthworks

No earthworks proposed.

Clause 6.3 Flood Planning

The site is not identified to be affected by flooding.

Clause 6.4 Development on Sloping Land

This site is subject to Clause 6.4 Development on sloping land. The site is identified on land located on Area A (Flanking Slopes <5°).

The objectives of the clause are:

- (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
- (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

Sub-clause 3 of the clause states that Development Consent must not be granted unless the consent authority is satisfied that:

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

The Site is located on land identified to have the minimal landslide risk. No demolition or substantial works relate to the site that would have impact on development and on properties in the vicinity.

4.8 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft Environmental Planning Instruments apply to the proposed development.

4.9 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

An assessment of the proposed development is provided against the relevant provisions of the *Warringah Development Control Plan 2011* (WDCP 2011).

The proposal considers the relevant matters and demonstrates compliance with the key controls of the WDCP 2011. The proposal generally complies with the provisions, and where the proposal departs from the controls, it is considered to have a negligible impact on the outcome of the proposal. If the control is considered not to comply to the numerical requirement, refer to the comments demonstrating consistency with the aims and the objectives.

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Table 3. Part B – Built Form Controls			
Control	Required	Proposed	Compliance
B1 Wall height	Western – 7.2m	2.9m	Complies
B3 Side Boundary Envelope	West – 5m		Complies – no changes to the approved and constructed building envelope (dwelling).
B4 Site Coverage	33.3%	Unchanged from CDC approval	Complies – unchanged
B5 Side Boundary Setbacks	<p>Western – 0.9m</p> <p>Land Zoned R2 Ancillary to a dwelling house:</p> <ul style="list-style-type: none"> Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause 	Ground – 0.149m	<p>Complies, on merit and DCP exception – the proposed development provides merit assessment of side boundary setbacks against Control B6 of the WDCP 2011 and demonstrates no impact to streetscape, retention of amenity to surrounding properties and setbacks of neighboring properties.</p> <p>As stated in the Exceptions under B5 Side Boundary Setbacks of the WDCP 2011, consent may be granted to allow a single storey pergola which does not comply with the requirements of this clause. The proposed development is ancillary to the dwelling house and is a pergola structure which is an open structure and doesn't propose inhabitable area which is less intrusive.</p> <p>The proposal meets the objectives of the provision as detailed in the justification below Table 3.</p>
B9 Rear Boundary Setbacks	<p>6m</p> <p>Land Zoned R2 and Land Zoned</p>	1.23m	<p>Complies, on merit and DCP exception.</p> <p>The proposed pool cabana/pool structure</p>

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	RU4 with frontage to The Greenway On land zoned R2 Low Density Residential, and land zoned RU4 Rural Small Holdings that has frontage to "The Greenway", Duffy's Forest, where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met.		comprises approximately quarter of the width of the allotment and does not exceed 50% of the rear setback area. Further, the pergola structure follows the existing approved pavement area of the CDC approved pool which is setback 1.23m from the rear boundary. The proposal meets the objectives of the provision as detailed in the justification below Table 3 .
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (161.64m ²)	Unchanged from CDC approval	Complies
D2 Private Open Space	60m ²	Unchanged from CDC approval	Complies

B5 Side Boundary Setbacks

The proposed development proposes no changes to the CDC approved setbacks of the original dwelling. The proposed development seeks for variation to the side boundary setback to provide acoustic/privacy buffer to the swimming pool area.

The pergola structure is setback 0.149m from the western boundary which is variation to the side setback which is sought as part of this application. The proposed variation meets the objectives of the control based on the following merit assessment:

- The proposed pergola structure setback accords with the paved POS as approved under CDC and doesn't impact or hinder deep soil landscape areas;
- The proposed pergola is limited to the rear of the structure therefore not visually dominant from the streetscape;
- The proposed development provides a wall and open structure selectively designed to minimise any perceived bulk and scale. The decision was made not to enclose to ensure the amenity of the rear neighbours was respected.
- The proposed structure aligns with the CDC approved design and provides a separation which enables a covered and practical cabana area. The structure ensures acoustic and privacy to maintain residential amenity to the site and the neighbours whilst maintaining adequate solar access as validated in the overshadowing diagrams of the architectural plans (**Appendix 2**).
- The proposed structure is limited to one storey with slightly graded roof to ensure no views are obstructed despite no lines of sight to significant features within the locality.

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The proposed development complies on merit and on exception of the control and is further reinforced by satisfying the objectives of the control.

B9 Rear Boundary Setbacks

The proposed development seeks for variation to the rear boundary setback to provide acoustic/privacy buffer to the swimming pool area.

The pergola structure is setback 1.23m from the northern boundary which is variation to the rear setback which is sought as part of this application. The proposed variation meets the objectives of the control based on the following merit assessment:

- The proposed pergola structure setback accords with the paved POS as approved under CDC and doesn't impact or hinder deep soil landscape areas, noting there is sufficient landscaped area at present;
- The proposed structure is limited to less than a quarter of the width of the allotment and still provides a sense of openness. The design of the structure is open and limited to a small portion of the yard to ensure the rear yard is not dominated by built form is considered an open structure to ensure openness;
- The proposed development is provided to the western side of the pool to provide shade to the POS from the westerly sun setting in the afternoon. The intent for the placement of the structure offset from the western boundary is to improve the amenity to adjacent neighbour, most important being privacy and acoustics to the pool area;
- The existing visual continuity and pattern of the built form is maintained including the rear gardens and landscape elements;
- The proposal provides an improved solution to maintain privacy between the private open spaces/landscaped areas.

The proposed development complies on merit and on exception of the control and is further reinforced by satisfying the objectives of the control.

Part C: Siting Factors

Part C provides an assessment against the matters relating to siting factors and utilities as presented in the table below.

Table 4. Part C – Siting Factors Controls		
Requirement	Comment	Compliance
C1 Subdivision	No subdivision is proposed as part of this application.	Not Applicable
C2 Traffic, Access & Safety	Existing driveway and carport are retained and remains in its current position.	Complies
C3 Parking Facilities	No changes to compliant parking facilities.	Complies
C4 Stormwater	The proposed development utilises the existing stormwater management system. The Stormwater Disposal and Management Plan is provided in Appendix 4 .	Complies
C6 Building over or adjacent to Constructed Drainage Easements	No council drainage easement is located on the site or within the immediate vicinity.	Complies
C7 Excavation and Landfill	No excavation works or proposed landfill is proposed.	Complies

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C8 Demolition and Construction	The relevant Waste Management Plan is annexed in Appendix 3 and complies with Council's guidelines.	Complies
C9 Waste Management	The relevant Waste Management Plan details the on-going waste management of the dwelling. The existing garbage location in the carport is maintained.	Complies

As demonstrated in **Table 4**, the proposal satisfies the requirements of Part C of the WDCP 2011 and the necessary information accompanies the application.

Part D: Design

Part D addresses and considers the relevant design matters contained in the WDCP 2011 as described in Table 4 below.

Table 4. Part D – Design		
Requirement	Comment	Compliance
D1 Landscaped Open Space (LOS) and Bushland Setting	Unchanged from CDC approval	Complies
D2 Private Open Space	Unchanged from CDC approval	Complies
D3 Noise	No unnecessary noise emissions will result from the proposed development.	Complies
D6 Access to Sunlight	<p>Refer justification in Section B3 Side Boundary Envelope and further detailed below.</p> <p>The proposed development provides reasonable access to sunlight and proposed negligible overshadowing impact to the neighbours.</p> <p>The proposed development is compliant with the access to sunlight DCP requirements providing:</p> <ul style="list-style-type: none">○ No. 32 Johnson Street – No additional overshadowing resulting from the proposed development○ No. 36 Johnson Street – negligible overshadowing at first sun at 9am then no additional overshadowing from 9:30/10am to 3pm winter solstice.○ No. 35 Surfers Parace – No additional overshadowing resulting from the proposed development <p>The proposed development meets the access to sunlight requirements of DCP control.</p>	Complies
D7 Views	<p>The proposed pool cabana and pergola structure is limited in size and scale and does not impede or obstruct views. The topography of the immediate area is flat and there are no views view lines from the property or from neighbouring properties.</p> <p>The proposed development has been appropriately designed utilising an open structure to ensure reasonable sharing of views from the streetscape and adjoining neighbours, if deemed.</p>	Complies

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D8 Privacy	<p>The primary objective of the proposal is to provide sun protection for the pool area whilst also providing visual screening (beyond the side boundary fence line) and improving the privacy for occupants and the neighbours. The proposal provides an innovative design solution to improve the outdoor area for personal and property security for the occupants.</p> <p>The proposal has been designed to shield the private open space to for privacy and will maintain by existing side boundary fence protecting the neighbouring rear private open spaces.</p>	Complies
D9 Building Bulk	<p>The proposed development has been selectively integrated into the CDC approved and constructed pool POS area to provide a structure which lines the existing perimeter of the space. The proposal cabana and roof pergola provide 10 degree pitch with metal sheeting and open side penetrations to minimise the bulk of the structure.</p> <p>The proposed development has been designed to minimise the visual impact of the development when viewed from adjoining properties and visually cannot be viewed from the streetscape.</p> <p>The proposed development provides for neutral colours and finishes to co-exist with the existing dwelling. The Schedule of Finishes & Materials is provided at Appendix 3.</p>	Complies
D10 Building Colours and Materials	<p>The external finishes include white rendered masonry walls with timber framed roof and metal sheeted. The colours are neutral and considered sympathetic to the natural and built environment, as like dwellings on the street.</p> <p>The proposed colours and materials are appropriate to the visual impact of the site and are harmonious with the character of the street.</p>	Complies
D11 Roofs	<p>The proposed pergola roof maintains similar and consistent material/colour with the existing dwelling roof. The pitch of the roof has been reduced to minimise bulk and to allow for rainwater runoff.</p>	Complies
D12 Glare and Reflection	<p>Refer comment above. The proposed development will not result in overspill or glare from artificial illumination or sun reflection and is considered to have no impact on the surrounds.</p>	Complies
D13 Front Fences and Front Walls	<p>No alterations or additions to the existing front fence of walls are proposed as part of this subject application.</p>	Complies
D14 Site Facilities	<p>The existing site facilities are preserved.</p>	Complies
D15 Side and Rear Fences	<p>The existing fencing is adequate, no changes proposed to the existing and rear boundary fences proposed.</p>	Complies
D16 Swimming Pools & Spa Pools	<p>No changes to the newly constructed pool proposed as part of this DA.</p>	Complies
D20 Safety & Security	<p>The proposed development maintains and enhances the security and safety of the surrounding residential environment as implemented through design.</p>	Complies

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D21 Conservation of Energy & Water	<p>The proposed development ensures energy and water is minimised and has been incorporated into the design as demonstrated in accordance with the BASIX requirements attached at Appendix 5.</p> <p>The solar access analysis (Appendix 2) validates that reasonable solar access is maintained to adjoining properties.</p>	Complies
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Part E: The Natural Environment

Part E provides the Natural Environment Controls and the relevant aspects of this are addressed below.

Table 4. Part E – The Natural Environment		
Requirement	Comment	Compliance
E1 Preservation of Trees or Bushland Vegetation	No trees or bushland vegetation proposed to be removed.	Complies
E2 Prescribed Vegetation	No prescribed vegetation is proposed to be removed under this application.	Not applicable
E6 Retaining unique environmental features	The site does not include distinctive environmental features. The built form has been designed to mitigate visual impact in response to the setting and outlook from Oliver Street.	Complies
E10 Landslip Risk	The landslip risk has been adequately addressed in Section 4.7 of this Report.	Complies
E11 Flood Prone Land	The subject site is not located on flood prone land and water run-off and management is addressed at Section 4.7 of this Report.	Complies

The proposed development is consistent with the objectives and requirements of the WDCP 2011.

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5. LIKELY IMPACTS OF THE DEVELOPMENT

Pursuant to Section 4.15 of the EP&A Act, the following matters have been addressed.

5.1 LIKELY IMPACTS

5.2.1 LAND USE AND SITE SUITABILITY

The proposal is both consistent with the relevant objectives of the zone, and permissible with development consent. The proposed development will improve the residential amenity of the existing dwelling whilst retaining the residential amenity of adjoining neighbours.

improve the residential amenity to the private open space by providing a structure which provides sun protection from westerly suns within mid-afternoon

5.2.2 CONTEXT AND SETTING

The proposed development corresponds with the statutory setting of the locality, providing low density residential development characterised by landscaped settings that are in harmony with the natural environment.

The site is in an established residential area comprising of similar structures or outbuildings within the rear yard or to complement the pool. The proposal will not exhibit any significant environmental impacts and will not adversely impact on the amenity or environmental values of any adjoining sites. The proposed development is compatible with the site context and setting.

5.1.2 DESIGN AND APPEARANCE

The proposed development will maintain the visual continuity and pattern of the existing dwelling and surrounding buildings.

The proposed alterations and additions are sensitively positioned to ensure that these have no adverse impact on the adjoining properties and the streetscape. The proposed open structure was methodically chosen to ensure minimalist design to complement the architectural composition of the building to ensure it does not result in adverse bulk or scale impacts.

5.1.3 AMENITY

The following design considerations were implemented to ensure the proposal does not have any impact to the neighbouring amenity of the area:

- provides sun protection/shade from westerly suns within mid-afternoon.
- Provides privacy and acoustic buffer for the residents and neighbours private open space area.
- responds to the site constraints and the built form on adjoining properties to minimize the potential effect of bulk and scale.
- overlooking or onlooking is prevented over side boundaries to rear private open space areas/landscape areas.
- the sides of the cabana are open and not enclosed to limit bulk and scale.
- maintains the existing level of residential amenity

The design holistically demonstrates effective design principals and consideration of amenity for the occupants and neighbours to ensure the proposed development is compatible for the intended use.

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5.1.3 TRAFFIC, ACCESS & TRANSPORT

No changes to the compliant existing access and car parking arrangement will remain and are in accordance with the requirements of the WDCP 2011.

5.1.4 HERITAGE

The proposal as submitted to Council will have no unacceptable impact in respect of heritage. The site is not identified as containing any heritage significance nor is it within proximity of any heritage items or heritage conservation areas.

5.1.5 SOLAR ACCESS

The proposed development maintains the existing access to sunlight to the subject property and the neighbouring and meets the respective requirements. The proposal achieves the sufficient required solar access levels, also to adjoining neighbours, providing no overshadowing on habitable areas of neighbouring properties.

5.1.6 WASTE

The relevant Waste Management Plan details the on-going waste management of the dwelling is provided and is consistent with Council guidelines. All waste materials associated with the construction will be sorted and stored on the site before being transported to licensed recycling or disposal facilities. Waste reduction will be achieved through materials re-use and recycling.

5.1.7 UTILITIES

All essential services and utilities are available to the site and are capable of accommodating the development.

5.1.8 CONSTRUCTION

The development will be undertaken in accordance with all relevant Australian Standards. The proposed design will not compromise the ability of the built form to conform to the building regulations.

5.1.10 CUMULATIVE IMPACTS

No foreseeable cumulative impacts are to result from the proposed development. The proposed development considers and addresses all potential impacts including amenity and impacts of services and provides measures to mitigate in the circumstances that this may arise.

5.2 SUITABILITY OF THE SITE FOR DEVELOPMENT

The proposal is both consistent with the relevant objectives of the zone, and permissible with development consent. The assessment demonstrates that the development will not have a significant adverse impact on any adjoining land.

5.3 SUBMISSIONS

No submissions have been received in relation to the proposed development at the time of writing. However, the applicant is willing to address any submissions, should they be received by Council.

5.4 THE PUBLIC INTEREST

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

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In fact, the proposed development is within the public interest, providing improvements to the residential amenity of the occupants and the neighbours. The proposal has no impact to the Johnson Street streetscape/frontage.

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6. CONCLUSIONS

The proposed development will improve the residential amenity by providing sun protection and privacy to the private open space area. The proposed development considers the amenity for the site occupants and responds to the site context with consideration of adjoining neighbours and poses no impact to the streetscape and character of the locality.

The SEE provides an assessment of the proposal against the relevant components of the environmental planning framework, including strategic and statutory pursuant to WLEP 2011 and WDCP 2011. The assessment finds that the proposal is consistent with the objectives and controls of the relevant instruments and policies.

No environmental economic or social impacts have been identified as likely to arise from the proposed development. Rather, the proposal will provide for positive impacts by improving the current state of the dwelling complementing the streetscape.

In overview, it is considered that the proposal should warrant a positive assessment for the following compelling reasons:

- improve the residential amenity to the private open space by providing a structure which provides sun protection from westerly suns within mid-afternoon.
- provides privacy to the pool and will act as an acoustic buffer for when the residents are enjoying the private open space.
- practical and functional solution optimising the current living amenity for the site occupants
- proposed open structure outcome provides contemporary addition which considers the existing presentation of the dwelling as well as the residential amenity of the neighbours
- responds to both the topography of the site and the location of the built form on adjoining properties to minimise the potential effect of bulk and scale on surrounding residential amenity.
- achieve a high-level of amenity for the site occupant and surrounding residents.
- provides a minimalist design which minimizes visual impact, disruption of views, loss of privacy or solar access.
- compatible with the architectural style, nature, height and scale of existing dwelling and surrounding nearby development.
- manage the visual impact of development from all aspects of the Freshwater setting.

As stipulated previously in this report, the matters for consideration under Section 4.15 of the EP&A Act have been satisfactorily addressed demonstrating the proposal is compatible with the surrounding environment.

Accordingly, it is recommended that Council grant development consent to the proposal.

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APPENDIX 1**Boundary Identification Plan**

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APPENDIX 2
Architectural Plans

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APPENDIX 3
Waste Management Plan

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APPENDIX 4**Stormwater Management Plan**

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APPENDIX 5
BASIX Certificate

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APPENDIX 6**Cost Summary Report**