



Statement of Environmental Effects

PROJECT: DEMOLITION OF EXISTING HOUSE &
CONSTRUCTION OF A NEW DWELLING &
RETAINING WALL

LOCATION: LOT 8 DP 212961
45 THE ESPLANADE,
FRENCHES FOREST NSW 2086

APPLICANT: KATHLEEN & MICHAEL BENSON
C/O MONTGOMERY HOMES
PO BOX 480 BELMONT NSW 2280

INTRODUCTION

This Statement of Environmental Effects has been prepared by Montgomery Homes to accompany a Development Application for the demolition of an existing 2 storey dwelling house and construction of a new double storey dwelling house and associated works located at **45 The Esplanade, Frenches Forest NSW 2086**.

This document has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure's (now DPE) *Guide to the Environmental Planning & Assessment Act 1979* (s4.15).

This SoEE has been prepared pursuant to the *Environmental Planning and Assessment Act 1979* (s4.12 (9)) and accompanying regulation. The objectives of this SoEE are as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s; and,
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

The completed Development Application consists of the following items (if these items have not been received please contact Montgomery Homes directly).

Item	Prepared by
BASIX Certificate	BSA
Cost Summary Report	Montgomery Homes
Development Plans	Montgomery Homes
External Colour Schedule	Montgomery Homes
Landscape Plans	ATC
Notification Plans	Montgomery Homes
Owners Consent	Montgomery Homes
Statement of Environmental Effects	Montgomery Homes
Stormwater Plans	ALW Design
Survey Plan	TSS Surveying
Sydney Water Stamped Plan	Sydney Water
Waste Management Plan	Montgomery Homes

PROPERTY DESCRIPTION

Address	Lot 8 DP 212961 45 The Esplanade Frenches Forest NSW 2086
Owner Details	Kathleen & Michael Benson PO BOX 480 Belmont NSW 2280
Zoning	R2 Low Density Residential
Property Dimensions	699m ²
Existing Land Use & Improvements	Occupied Residential

LAND USE AND ZONING

The site was zoned R2 Low Density Residential. The lot has a lawful dwelling entitlement. The proposed dwelling house is a permissible use within the zone.

EXISTING IMPROVEMENTS

The site is occupied by a dwelling house, and is subject to demolition.

SERVICES

Sewer, water, power, telephone and storm water are available to the site for connection as per historic land use as residential.



TOPOGRAPHY AND VEGETATION

The subject site has a crossfall by approximately 4m down towards the northern boundary of the site. The site has vegetation onsite, with three (3) trees proposed to be removed under this application. The State Environmental Planning Policy (SEPP) 2008 for Exempt and Complying Development allows for the removal of specific trees during the development of a site. The proposed trees for removal can meet the controls of complying development where the tree is no higher than 8m and will be within 3m of the proposed development.

No trees are listed on council's significant tree register or land mapped as having Terrestrial Biodiversity value and or heritage.

SITE CONTEXT AND NEIGHBOURING DEVELOPMENT

The allotment is bounded by established low scale residential dwellings displaying a diversity of building forms. One and two storey residential dwellings are the predominate development in the setting.

The locality's urbanised form, upon sloping allotments has resulted in sites being strongly leveraged in some instances. Many premises in the locality display alterations and additions as well as contemporary infill outcomes. There is a wide variety of styles, ages, construction materials and conditions in the surrounding streetscape showing the changing state of the area to larger residences.

ACCESS

Site access will be achievable off a newly created driveway onto Trigalana Place. The existing driveway will be removed and rehabilitated to a standard satisfactory to council.

DESCRIPTION OF PROPOSED DEVELOPMENT

PROPOSED DEVELOPMENT WORKS

The proposed development is for the demolition of an existing dwelling & construction of a new double storey split dwelling. The upper floor contains master bedroom with ensuite, double car garage, home theatre, study, powder room, meals and kitchen with access to rear upper floor deck.

The lower/ mid floor contains three (3) bedrooms (4 bedrooms in total), storage, laundry, bathroom and rumpus with access to backyard. A 3,000L water tank is proposed as per BASIX and onsite stormwater management requirements. Stormwater overflow discharge will be directed to the existing street kerb & gutter network along The Esplanade.

A landscape and stormwater management plan are provided to support this development application.

The proposal is consistent with the relevant planning provisions including the *Warringah Local Environmental Plan 2011* and the objectives of the Warringah Development Control Plan 2011. The proposal is characterised as a dwelling house which is permissible in the R2 Low Density Residential and is consistent with the zone objectives as it is a low impact use that will have minimal impact on the environmental qualities of the area. The dwelling is modest in height at approximately 6.94m where 8.5m is permitted and is consistent with the building siting and envelope objectives of the DCP.

The proposal seeks to provide high quality design and functionality in terms of layout and open space elements. The proposed development represents a good example of revitalization of infill development and is appropriate in scale when viewed in consideration against surrounding developments.



STATUTORY PLANNING REQUIREMENTS

Environmental Planning & Assessment Act 1979

The following details the proposal against the relevant heads of consideration in Section 4.15(1) of the EP&A Act as amended, namely:

- Environmental planning instruments (EPIs) that are in force, proposed or exhibited;
- Development control plans (DCPs);
- 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;
- The EP&A Regulations;
- Likely impacts to natural and built environments, society and economy;
- Suitability of the site for the proposed development; and
- Public interest

Other Legislation

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

- *Coal Mine Subsidence Compensation Act 2017*
- *Fisheries Management Act 1994*
- *Heritage Act 1994*
- *Mining Act 1992*
- *National Parks and Wildlife Act 1991*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Water Management Act 2000*

After consideration of the above, it has been identified that the development will not be Integrated Development under the *EP&A Act 1979*.

State Environmental Planning Policies

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

SEPP (BASIX) 2004 applies to the proposed development. A BASIX Certificate is submitted with the application and confirms that the proposal will comply with the water, thermal comfort and energy efficiency requirements of the policy.

State Environmental Planning Policy No. 55 – Remediation of Land

The objectives of this SEPP are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- a) By specifying when consent is required, and when it is not required, for a remediation work.*
- b) By specifying certain considerations that are relevant in rezoning land and in determining Development Applications in general and Development Applications for consent to carry out a remediation work in particular.*

c) *By requiring that a remediation work meet certain standards and notification requirements.*

Under Clause 7(1) of the SEPP a consent authority must not consent to the carrying out of any development on land unless:

- a) *It has considered whether the land is contaminated.*
- b) *If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.*
- c) *If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

No notices or declarations have been issued for the site under the *Contaminated Land Management Act 1997*. As the contaminated land register did not identify the site as being contaminated, no further investigations are required.

The proposed development will not result in a change of use on the site, it proposes the demolition of the existing dwelling house for a new residential dwelling house and it is considered that clause 7(2) does not apply.

LOCAL ENVIRONMENTAL PLAN

The site was zoned R2 under *Warringah Local Environmental Plan 2011*. The proposed dwelling house is a permissible under the zone, subject to development approval. The proposed dwelling house is not only permissible under the zone, but supports the objectives of the zone by providing a new dwelling to provide for the needs of the owner/ community within a low density residential environment and provides a landscaped dwelling that harmonises with the natural environment

The proposal accords with Council's applicable LEP Maps in the following areas:

Subject Map	Requirement	Applicable
Height of Buildings	8.5m	6.94m
Minimum lot size	600m ²	N/A
Development on Sloping Land	Area B	Complies

DEVELOPMENT CONTROL PLAN

The Warringah Development Control Plan 2011 apply to this site and sets out development standards for residential development upon the site. An analysis of the proposed development against the relevant sections of the DCP has been undertaken and appears below.

Any areas of non-compliance have been highlighted, and discussed in greater detail.

BUILT FORM CONTROLS

Control	Notes
Wall Height	The development will not exceed a wall height of 7.2m (see section plan)
Number of Storeys	The development will be a two storey dwelling at a maximum height of 6.94m
Side Building Envelope	Complies (see elevations plans).
Site Coverage	The site will have a maximum coverage of approximately 29.79%.

Side Boundary Setback	The development will have a side setback of 5.66m from the northernmost boundary and a 1.1m setback to the southern boundary. The development at the southern elevation will than tier accordingly to a maximum of 5m to the boundary as per the shape of the allotment.
Front Boundary Setbacks	<p>The development is located on a corner block. The development will be setback 7m from the proposed new primary frontage (fronting Trigalama Place) and setback 5.66m from the new secondary frontage (The Esplanade). The garage is appropriately setback (7.9m) from the primary street frontage so to ensure this element does not dominate the streetscape.</p> <p>The development can meet the numerical controls and objectives of the DCP despite the new arrangements of where the dwelling will front of the corner lot. Appropriate landscaping is proposed on both frontages to ensure the development maintains the leafy outlook in this location. Existing vegetation will be maintained on the streetscape to ensure the development continues to maintain the general character of the area.</p> <p>The bulk, scale, articulation, setbacks, and materials have been carefully considered to not only enhance the character of the surrounding locale, but to also alleviate any adverse impacts on the immediate neighbouring properties. A portico has been incorporated into the design on the front of the house to further lock in the overall design aesthetic, sympathetic to the local environment.</p> <p>In consideration of the general compliance and the absence of any significant adverse impacts on the neighbouring properties and natural environment, the proposal can be viewed upon as permissible and a recommendation for its approval is sought.</p> <p>The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and the streetscape and results in improved amenity for the residents of the site.</p>
Rear Boundary Setbacks	The development will have a 6.2m rear setback from the upper floor rear deck (8.7m from the main building wall) to the rear boundary, compliant with the minimum distance set out under the DCP.

SITTING FACTORS

Control	Notes
Traffic, Access and Safety	The development will allow for one new residential driveway access point onto Trigalama Place to suit the new building footprint. The existing driveway will be removed and rehabilitated to a permeable/ grassed space.
Parking Facilities	The proposed development will incorporate a double car garage that will be integrated into the house design and has been setback a further 1m to minimise any visual dominance to the streetscape.
Stormwater	A stormwater plan is provided with this development application. The site has a crossfall towards the northern boundary. The existing arrangement sees stormwater runoff discharging to the kerb outlet and rear. The proposed method for stormwater management will lead to a better outcome for stormwater management. It is proposed to discharge stormwater from the proposed 3000L water tank and driveway to the existing kerb & gutter as per the supporting engineer stormwater management plan. Discharge will be directed on The Esplanade. Full details and checklist are provided within the attached plans.
Erosion & Sedimentation	An erosion and sediment control plan is provided with this development application.
Excavation & Landfill	<p>Due to the topography of the site, cut & fill is proposed with this development.</p> <p>Construction techniques to manage earthworks will use a stepped design and constructed on bearers and joist to lift the development to reduce works cutting into the site, dropped edged beams (see southern and eastern elevations) to contain cut within the footprint and retaining walls (integrated and external) (maximum 1m) will be used to retain works within the boundary.</p> <p>Due to the above techniques, all works will reduce any likelihood of adverse impacts on adjoining land. As all works will be contained within the subject site, negligible impacts to adjoining land will occur. Proposed stormwater management systems have been designed with the proposed development and will ensure all discharge and overflows will be directed to the nominated</p>

	<p>discharge point (the existing kerb and gutter system on The Esplanade). Necessary fill will be battered and backfilled to ensure the appropriate grades are in place prior to occupation.</p> <p>No fill will be required to be imported to the site, with all excess cut to be removed off site as per the attached waste management plan.</p>
Demolition & Construction	<p>The existing dwelling is subject for demolition. All demolition works are to comply with the <i>relevant Australian Standard. Australian Standard AS 2601-2001 'Demolition of Structures'</i> at this time of writing.</p> <p>Should any asbestos be present onsite, then the applicable Code of Practice for the Safe Removal of Asbestos shall apply. It is requested that this be put as a condition of consent to ensure compliance with these requirements are put in place during the construction/ demolition period. Please refer to the attached/ supporting Waste Management Plan for further details.</p>
Waste Management	Please refer to the attached Waste Management Plan for further details.

DESIGN

Control	Notes
Landscaping	The site has a maximum landscaped area of 62.4% - a landscape plan showing the extent of available landscape area and proposed landscaping is provided with this development application.
Private Open Space	Ample private open space is available at the rear of the site. Rear yard will be accessible by a habitual room.
Noise	The proposal is not subject to external sources of noise. Careful planning of private and living spaces within the home helps to ensure acoustic amenity.
Access to Sunlight	<p>The site will receive ample solar access in the morning to early afternoon with relevant livings areas receiving the bulk of sunlight during these times.</p> <p>The development is for low density residential development and provides ample space for cross ventilation inside and outside the dwelling.</p> <p>A shadow diagram is provided with this development application. No neighbouring property will be adversely impacted by the proposed development during the winter period.</p>
Views	The development will not obstructed any significant views in this area.
Privacy	The development is not anticipated to have any future privacy implications to neighbouring properties.
Building Form & Massing	<p>The proposed development will utilise the existing landform and responds accordingly by the proposed split level design. The development will have a maximum height of 6.955m and will not be out of scale to other neighbouring properties with no loss of amenity to these places.</p> <p>The front and rear facades have been articulated through the use of porches and stepping of the walls. The side elevations have primarily used windows, jut outs and some material combinations for articulation.</p> <p>The proposal seeks to provide high quality design and functionality in terms of layout and open space elements. The proposed development represents a good example of revitalization of infill development and is appropriate in scale when viewed in consideration against surrounding developments.</p>
Building Colours and Materials	A Schedule of Materials with samples is provided with this development application.
Roof Design	A pitched roof is included and has been designed for symmetry.
Glare & Reflection	The development will primarily use mutual colours with minimal reflective qualities.
Site Facilities	The development is residential in nature with all applicable facilities to be finalised by the owner. The development makes ample space/ opportunity for drying spaces, letter boxes, domestic waste management, etc to be installed.
Fencing	Fencing will not form part of this development application.
Swimming Pool	N/A
Conservation of Energy and Water	<p>The proposed dwelling has been designed in consideration of sustainability principles and includes;</p> <ul style="list-style-type: none"> Rain water tanks (3000L dedicated for BASIX); and BASIX certification/ commitments

ENVIRONMENTAL AMENITY

Control	Notes
Preservation of Trees or Bushland Vegetation	<p>The development proposes to remove three (3) trees as per the attached tree removal and retention plan. The development only proposes the removal of the trees that will be within proximity of the proposed development. The trees for removal are located within the rear of the site and not within the street frontage.</p> <p>The State Environmental Planning Policy (SEPP) 2008 for Exempt and Complying Development allows for the removal of specific trees during the development of a site. The proposed trees for removal can meet the controls of complying development where the tree is no higher than 8m and will be within 3m of the proposed development.</p> <p>Despite the removal of the existing trees, compensation of said removal is provided as per the attached landscape plan. This applications considers the overall objectives of the DCP for tree preservation so to ensure the existing urban forest is maintained within the site.</p>
Acoustic Amenity	As above – the development will be for residential purposed and is not anticipated to be a source of unreasonable noise.
Solar Access and Cross Ventilation	<p>The site will receive ample solar access in the morning to early afternoon with relevant livings areas receiving the bulk of sunlight during these times.</p> <p>The development is for low density residential development and provides ample space for cross ventilation inside and outside the dwelling.</p>
Landslip Risk	The site is identified as being located within Area B for Landslip Risk. All works will be caried out in accordance with the structural engineer guidelines and recommendations. Structural engineer plans for the foundation will be prepared in accordance with the details and recommendations provided by the attached soil assessment prepared by a geotechnical engineer. Stormwater will be managed as per the attached stormwater plan as described earlier in this report and blow.
Water Sensitive Urban Design	The submitted stormwater engineer plans have considered the site restrains and available easements for drainage. To ensure stormwater design avoids or minimise the adverse impacts of urban stormwater on the land, adjoining properties, native bushland and groundwater systems, mitigation measures are proposed in accordance with these plans. The stormwater management system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, on adjoining properties.
Bushfire	N/A
Waste Management	<p>The excavations are to be contained entirely within the confines of the lot.</p> <p>Erosion and Sedimentation controls are to be implemented on site during construction in accordance to the Sedimentation and Erosion Control Plan provided within the plan set. A waste management plan is also provided at the appendix of this report and also attached.</p>

SECTION 4.15 (EP&A Act)

The proposed development has been assessed in consideration of the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1997.

THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT (EPI)

Refer to Statutory Planning Requirements for a detailed discussion of compliance with the relevant LEP.

THE PROVISION OF ANY DRAFT EPI

There is no Draft LEP that applies to the site.

ANY DEVELOPMENT CONTROL PLAN

Refer to Statutory Planning Requirements for a detailed discussion of compliance with the relevant DCP.

ANY MATTERS PRESCRIBED BY THE REGULATIONS

There are no other matters applicable to this application.

LIKELY IMPACTS OF THE DEVELOPMENT

Context and siting

The proposal is consistent with the surrounding residential environment, and respects the constraints both upon the site and in the immediate context. The proposed development will add to the quality and variety of existing building stock in the local area.

The height and scale of the proposed works will be entirely commensurate with that established within the sites visual catchment with no unacceptable residential amenity impacts in terms of visual bulk, views, privacy or overshadowing.

Public Domain

The proposal will not impact upon the public domain, other than to enhance the quality of the existing street scape and quality of building stock within the area.

Utilities

The proposal will connect with existing utility services within the area. The proposal will not place undue demands upon the available capacity of utility services in the area.

Social and Economic Impact in the Locality

The proposal will provide a new high quality family home within the area. Construction of the home will help to sustain construction jobs in the region, whilst occupation of the home will likely result in increased personal spending within the local area, helping to sustain local businesses.

The proposed development will not have any significant negative impact on economic factors within the area notwithstanding that it will generate short term employment opportunities through the construction period of the development.

Site Design and Internal Design

The site is ideally suited to the proposed development, having been designed and zoned specifically for the purpose. The proposal has been designed to suit the site, its topography and constraints. The proposed development can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on future occupants.

Cumulative Impacts

The proposal is consistent with a residential environment, and will work to cohesively enhance the streetscape and quality of building stock in the area. Cumulative impacts are likely to be positive as a result of this form of development.

SITE SUITABILITY

The site is ideally suited to the proposed development, and accordingly the proposal has been carefully designed to reflect the site attributes. The development is consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005)

NSW LEC 191 where it has been formed and considered in opinion that most observers would not find the proposed development offensive, jarring or unsympathetic in a streetscape context nor having regard to the built form characteristics of development within the sites visual catchment. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings

SUBMISSIONS

The applicant has not received any representations of interested parties with regard to the proposal. The Consent Authority will need to consider any submissions received as a result of notification.

THE PUBLIC INTEREST

We are not aware of any relevant issues in the public interest, which would relate to this development. The provision of new, quality, compliant housing within a zoned residential environment could unlikely be seen as anything other than a public benefit.

The proposed works are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposed works given the topography of the land. The development would not be contrary to the public interest.

CONCLUSION

The proposal has been assessed against the requirements of Section 4.15(1) of the Act, the *Warringah Local Environmental Plan 2011* as well as the Warringah Development Control Plan 2011.

The proposal involves a contemporary inspired design that is appropriately setback from the site edges to maximise light, ventilation and openness. The proposal is located and configured to complement the property's established neighbourhood character without any significant changes or impacts on the existing development character or neighbouring amenity.

It has been demonstrated that the proposal is mainly in accordance with the Aims, Objectives and Provisions of these controls. We believe council can accept the minor variation to the building setback due to the minor encroachment and the low impact it will have along the existing streetscape. This report demonstrates that the variation will not give rise to any unacceptable residential amenity or streetscape consequences.

The proposed dwelling will increase the quality and variety of housing stock in the local area. Through careful design, the proposal will have a negligible environmental impact on its surrounds and will enhance the appeal of the streetscape.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

We recommend the application to council for approval.

WASTE MANAGEMENT PLAN – CONSTRUCTION

	Reuse	Recycling	Disposal	
Type of Waste generated	Estimate Volume or weight M ³	Estimate Volume or Weight	Estimate Volume or weight M ³	Specify method of Onsite reuse, contractor and recycling outlet and /or waste depot to be used
Excavation Material	80m ³		124m ³	Approved fill site
Timber		<0.5m ³	0.25	Tip
Concrete	<0.5m ³		TBD	Crushing Plant
Bricks	<0.5m ³	<0.5m ³	TBD	Crushing Plant
Tiles	<0.5m ³	<0.5m ³	TBD	Crushing Plant
Metal	TBD	<0.5m ³	TBD	Approved fill site
Glass	N/A	N/A	<0.5m ³	Approved fill site
Plasterboard		<0.5m ³	TBD	Reclaimed by supplier
Fixtures and fittings	<0.5m ³	<0.5m ³	TBD	Approved fill site
Floor Covering	<0.5m ³	<0.5m ³	TBD	Approved fill site
Packaging	N/A	<0.5m ³	TBD	Approved fill site
Garden Organics	N/A	N/A	0	Tip
Containers	N/A	<0.5m ³	TBD	Tip
Paper / Cardboard	<0.5m ³	<0.5m ³	TBD	Tip
Residual Waste	TBD	TBD	2.0	Tip (General waste, packaging, other offcuts etc)
Hazardous Specify Eg. Asbestos	N/A	N/A	N/A	

WASTE MANAGEMENT PLAN – DEMOLITION

	Reuse	Recycling	Disposal	
Type of Waste generated	Estimate Volume or weight M ³	Estimate Volume or Weight	Estimate Volume or weight M ³	Specify method of Onsite reuse, contractor and recycling outlet and /or waste depot to be used
Concrete		40m ³		Concrete Recyclers
Bricks		40m ³		Concrete Recyclers
Roof Tiles		10m ³		Concrete Recyclers
Metal		10m ³		TBD
Asbestos			TBD	Accredited removalist TBD
Mixed Waste			120m ³	Local Waste Centre

All demolition work will be accordance with AS2601-2001

Demolition works to be completed at 45 The Esplanade, Frenchs Forest shall comply with the provisions of AS2601:2001 – The demolition of Structures.

PROCEDURE:

- Location & disconnection of services.
- Exclusion zone to be established.
- Use machinery to remove all floor surfaces.
- Use machinery to remove buildings.
- Machinery will be used to push/pull down brickwork.
- Machinery will be used to perform site strip, demolish retaining walls, rock walls and tree stumps.
- Debris will be loaded on to trucks with excavator.
- Debris will be disposed of at a licensed waste facility, any material that can be recycled e.g concrete, metal will go to the appropriate recycle plant.
- The demolition has at time frame of approximately one week.
- All persons working within the exclusion zone are supplied with appropriate PPE, have been inducted into the site & will carry out works as per the SWMS on site.
- The exclusion zone is no less than four metres from the demolition area & is fenced with safety fencing.