



TAKE THE LEAD

STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of 1 Dwelling House

Prop. Lot 1 (within Lot A DP 404074)
94 Toronto Avenue, Cromer NSW 2099

Prepared for **Birdy Homes**

April 2022

Our Ref: 372-21

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Issue	Date	Author	Reviewed	Approved
A	21/04/2022	Nick Gunn		Frank Carrozza



1. Introduction

Craig & Rhodes Pty Ltd has been engaged by Birdy Homes to prepare a Statement of Environmental Effects (SEE) for the construction of one dwelling house on Proposed Lot 1 under DA 2022/0081, currently under assessment by Council.

As Proposed Lot 1 is not yet approved or registered, the legal description of the land is Lot A, DP404074 with the street address being 94 Toronto Avenue, Cromer. It is currently occupied by one split level dwelling house which is proposed to be demolished under DA 2022/0081.

This SEE has been prepared under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and is submitted in accordance with Division 1 of Part 3 of the Environmental Planning and Assessment Regulation 2021 (the Regulations). It finds that the proposal is generally consistent with the controls and objectives of the Warringah Local Environmental Plan 2011 (WLEP) and the Warringah Development Control Plan 2011 (WDCP). This SEE outlines steps to be undertaken to protect the environment and to mitigate against any potential harmful impacts, if necessary.

Based on this assessment the proposal is considered an acceptable form of development, satisfying the provisions of S.4.15 of EP&A Act on which basis it may be supported on its merits for approval.

Accompanying this SEE are the following plans and supporting documentation:

Table 1: Supporting plans

Document	Prepared by	Date
Detail Survey Plan	CMS Surveyors	16/12/2021
Architectural Plans: <ul style="list-style-type: none"> - Site Plan - Site Analysis & Management & Sediment Control - Landscape Plan - Landscape Area Calculations - Ground Floor Plans - First Floor Plans - Elevations 1 & 2 - Elevations 3 & 4 - Sections 1 & 2 - Sections 3 - Slab & Roof Plans - Window & Door Schedule 	Birdy Homes	06/04/2022
Concept Stormwater Plan	Residential Engineering	06/04/2022
Cost Estimate	Tribeca Construction	03/05/2022
BASIX Certificate	Frys Energywise	06/04/2022
Waste Management Plan	Craig & Rhodes	12/05/2022



2. Existing Environment

2.1 Background

DA 2022/0081 was lodged with Council on 2 February 2022 for the following development over Lot A / DP404074, being 94 Toronto Ave, Cromer ('Parent Lot'):

Subdivision of one (1) lot into two (2) lots, including demolition works and construction of a dwelling house and swimming pool on Proposed Lot 2

The DA is currently under assessment by Council. Under DA 2022/0081 Proposed Lot 1 will remain vacant.

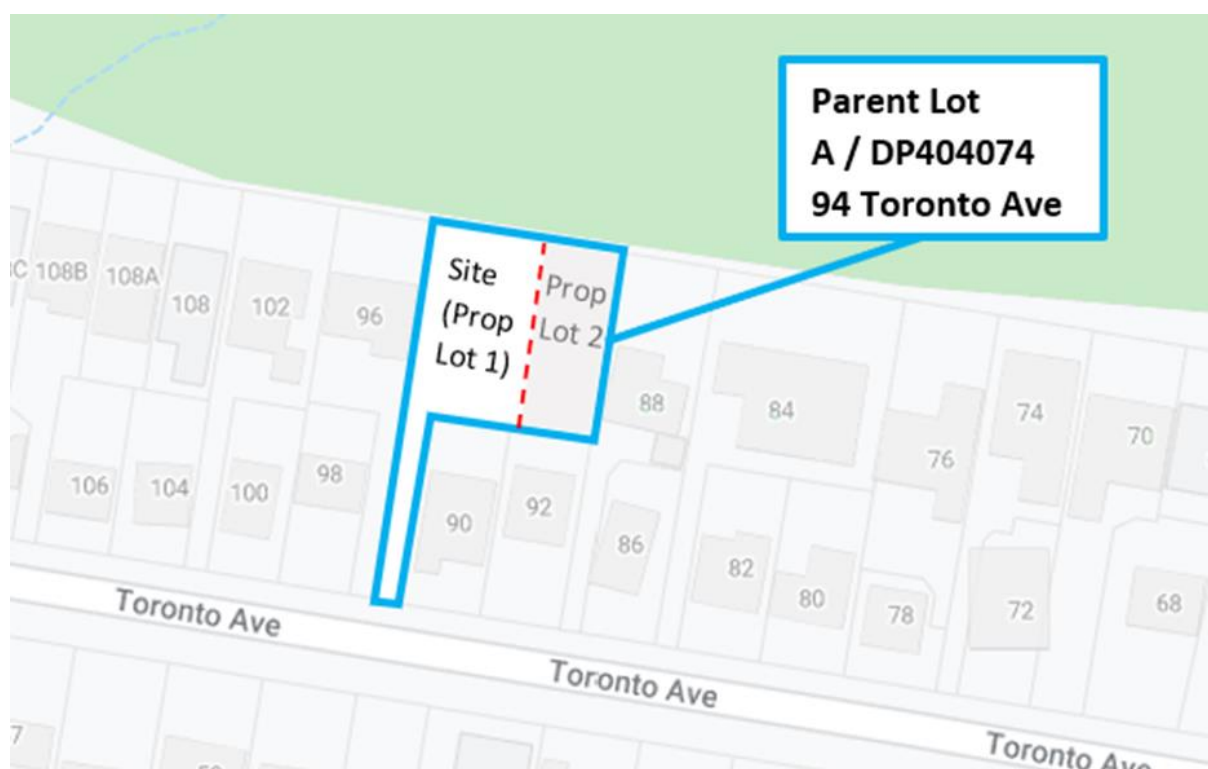
2.2 Subject Site

The subject Site is Proposed Lot 1 under DA 2022/0081 as described above. Site details are provided in **Table 2** and the lot boundaries are shown in **Figure 1**.

Table 2: Site details

Site	Registered (Parent) Lot	Address	Owner	Area (m ²)
Prop. Lot 1 (Under DA 2022/0081)	A / DP404074	94 Toronto Ave, Cromer	Lisa Joanne Arcus	<ul style="list-style-type: none"> • Parent Lot: 1848 m² • Subject Lot (Prop. Lot 1): 1,220m² (Incl. handle) 975m² (excl. handle)

Figure 1: Cadastre boundaries of subject lots





2.3 Site Description

The Parent Lot is a regular battle-axe shape and slopes gently towards the north / north-east. It is currently occupied by one split level dwelling house and associated structures including a metal shed, swimming pool and double garage. These structures are proposed for demolition under DA 2022/0081. Vehicular access is via a driveway from Toronto Avenue.

2.4 Surrounding development

The locality is characterised by low density residential housing. Single and double storey detached dwellings houses are positioned either side of the Parent Lot with the Cromer Golf Club to the north.

2.5 Zoning

The Site is zoned R2 Low Density Residential, pursuant to the Warringah Local Environmental Plan 2011.

2.6 Noise Environment

The Site is located in a quiet residential area and is not impacted by significant transport or industrial noise.

2.7 Flora and Fauna

The site is clear of any trees.

2.8 Flooding and Storm Water

The Site has not been identified as being flood affected on Council's Flood mapping.

2.9 Non-Indigenous Heritage

The Site has not been identified as being within a heritage conservation area or as containing any items of heritage significance.

2.10 Bushfire

The Site is not identified as being bushfire prone on Council's Bushfire Prone Land Map.



3. Development Proposal

Development consent is sought for the construction of a two-storey dwelling house, swimming pool and associated landscaping at the subject Site (Refer

Figure 2).

Access will be via the existing battle-axe access handle which will be reconstructed and shared with Proposed Lot 2 under DA 2022/0081.

Note that demolition, subdivision into Proposed Lots 1 and 2, and civil works associated with the subdivision are proposed under DA 2022/0081 (Refer **Section 2.1**).

Figure 2: Site Plan





4. Statutory Considerations of the Development

4.1 Environmental Planning and Assessment Act 1979

The following assessment of the proposal is undertaken in accordance with the heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act).

Table 3: Matters for Consideration (Section 4.15 Requirements)

EP&A Section and Requirement	Comment
(1) <i>Matters for consideration – General.</i>	
<i>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application -</i>	
(a) <i>The provisions of:</i>	
(i) <i>Any Environmental Planning instrument.</i>	An assessment against the relevant Environmental Planning Instruments (EPIs) including the Warringah Local Environment Plan 2011 is contained in Section 4.3
(ii) <i>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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).</i>	At the time of writing this SEE there is a draft consolidated Local Environment Plan. The draft EPI has been exhibited for public comment and is expected to be gazetted in mid-2022. The draft EPI has been considered in Section 4.4.
(iii) <i>Any development control plan, and</i>	The provisions of the Warringah Development Control Plan 2011 have been considered in Section 4.5
(iiia) <i>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.</i>	There are no known Voluntary Planning Agreements (VPAs) that have been proposed or entered into by the Applicant.
(iv) <i>The regulations (to the extent that they prescribe matters for the purposes of this paragraph).</i>	The relevant matters under the EP&A Reg 2000 that relate to the proposed development have been considered.
(b) <i>The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i>	An Assessment of the likely impacts of the proposed development has been undertaken in Section 5
(c) <i>The suitability of the site for development</i>	The suitability of the site has been considered in Section 6
(d) <i>Any submissions made in accordance with this Act or the regulations.</i>	The DA will be notified and placed on exhibition in accordance with Council requirements. It is understood any public submissions will be considered in accordance with the Regulations and Council's standard assessment procedures.
(e) <i>The public interest.</i>	The public interest has been considered in Section 7



4.2 SEPP (Resilience and Hazards) 2021

Clause 4.6 of SEPP (Resilience and Hazards) 2021 requires contamination and remediation to be considered in determining development applications to reduce the risk of harm to human health or any other aspect of the environment.

The risk of contamination is considered to be very low, given the site's long history of being used for residential purposes. The site has no history of being used for industrial or intensive agricultural purposes. It is therefore considered that no further investigation into the contamination is required.

4.3 Warringah Local Environmental Plan 2011

The WLEP 2014 is the principal environmental planning instrument which applies to the site. Relevant provisions are set out and addressed as follows:

Objectives of the R2 Low Density residential zone

- *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 provide for a variety of housing types.*

The proposal is consistent with these objectives in that it proposes a dwelling house to provide for the housing needs of the community. Dwelling houses are a permissible with consent in the R2 zone.

Height of Building

Under Clause 4.3 of the WLEP 2014 the site has a maximum building height of 8.5m. The Proposed dwelling is a maximum 8.29m at the ridge. The proposal therefore complies with this standard.

Heritage conservation

The site is not within proximity of any items of local heritage significance. It is therefore considered highly unlikely to impact upon any heritage significance items.

Acid sulfate soils

The site is described as Class 5 on the Acid Sulfate Soils Map within the RLEP 2014. It is not within 500m of Class 1 – 4 land nor is it lower than 5m AHD. Therefore, no further consideration of acid sulfate soils is warranted.

4.4 Draft Consolidated LEP

Council has lodged a Planning Proposal to consolidate the three existing LEPs in operation within the Northern Beaches LGA. The Draft Consolidated LEP has been issued gateway determination and was publicly exhibited until 5 September 2021. Submissions have now closed and the public comments are under consideration.

The key development standards affecting the site under the Draft LEP have been considered in the table below.

*Table 4: Draft Consolidated LEP development standards for site*

Item	Change between WLEP 2011 and draft LEP (for site)	Compliance
Zoning	No change	Complies
Minimum lot size	No change	Complies
Height of Building	No change	Complies
Acid Sulfate Soils	No change	Complies



4.5 Warringah Development Control Plan 2011 (WDCP)

Relevant provisions of the Warringah Development Control Plan 2011 (WDCP) that apply to the proposal are set out and addressed in Table 5 below.

Table 5: DCP compliance

Section	Standard	Assessment	Complies?
Part B Built Form Controls			
B1	Wall Heights – walls not to exceed 7.2 metres from ground level to the underside of the ceiling on the uppermost floor. refer to DCP Map – I Layer 8.5m	5.82m proposed	Complies
B2	Number of Storeys	Not Applicable – Site is not shown on the ‘number of storeys map	N/A
B3	Side Boundary Envelope – 45 degrees from 4m height	Building is within a 45-degree envelope from 4m.	Complies
B4	Site Coverage	Not Applicable – Site is not shown on the ‘Site Coverage’ map.	N/A
B5	Side Boundary Setbacks 0.9m	West – 1.184m min; East – 0.96m min. NB: To rear boundary of southern lot – 7.075m.	Complies
B6	Merit Assessment of Side Boundary Setbacks	Not Applicable – Site is not mapped as side boundaries ‘merit assessment’	N/A
B7	Front Boundary Setbacks	Not Applicable – located on Battleaxe Block	N/A
B8	Merit assessment of front boundary setbacks	Not Applicable – located on Battleaxe Block	N/A
B9	Rear Boundary Setbacks – 6m	6.96m proposed	Complies
B10	Merit assessment of rear boundary setbacks	Not Applicable – Site is not mapped as rear boundary ‘merit assessment’	N/A
B11	Foreshore Building Setback	Not Applicable	N/A
B12	National Parks Setbacks	Not Applicable	N/A
B13	Coastal Cliffs Setback	Not Applicable	N/A
B14	Main Roads Setback	Not Applicable	N/A



Part C Siting Factors			
C1	Subdivision Minimum width 13 metres Minimum Depth 27 metres Minimum building area: 150m2 Driveway passing bay Driveway width 3.5m	Not applicable – no subdivision proposed under this DA. Notwithstanding, it is noted driveway width would comply at 6m total width and 3.5m concrete driveway	N/A
C2	Traffic, Access and Safety	Not applicable	N/A
C3	Parking Facilities	Garage will not be visible from the street and a turning bay has been provided.	Complies
C3(A)	Bicycle Parking and End of Trip Facilities	Not applicable	N/A
C4	Stormwater – system to be design in accordance with Council's Water Management policy	Stormwater system is in accordance with Water Management Policy. Refer to concept stormwater plan.	Complies
C6	Building over or adjacent to Constructed Council Drainage Easement	Proposed dwelling is clear of stormwater infrastructure.	Complies
C7	Excavation and Landfill	Minimal cut & fill proposed (<0.5m)	Complies
C8	Demolition and Construction	Not applicable – no demolition proposed under this DA (NB demolition of existing dwelling proposed under DA 2022/0081, currently under assessment).	N/A
C9	Waste Management	Refer to Waste Management Plan	Complies
Part D Design			
D1	Landscaped Open Space and Bushland Setting - 40% of site	Incl. access handle: 500.87m2 (41%) Excl. access handle: 429.15m2 (44%)	Complies
D2	Private Open Space – 60m2 min dimensions 3m	Covered patio of approx.. 47m2 will adjoin a garden area of approx. 180m2. Total = 227m2	Complies
D3	Noise	Not applicable	N/A
D4	Electromagnetic Radiation	Not applicable	N/A
D6	Access to Sunlight - At least 50% of the required area of private open space of each dwelling	POS will face north and not be overshadowed by any structures.	Complies
D7	Views - Development shall provide for the reasonable sharing of views.	Nos. 90 and 92 Toronto Ave have no views at present due to vegetation (to be retained) along the common boundary. No impacts are anticipated. The views enjoyed by the existing dwellings either side of the parent lot (88 Toronto Ave to the east and 96 Toronto Ave to the west) will not be impacted in any significant way by the proposed	Complies



		dwelling, noting the views are to the north. No part of the dwelling will obstruct these northerly views.	
D8	Privacy	<p>The following measures have been taken to minimise privacy impacts:</p> <p><u>Western neighbour:</u></p> <ul style="list-style-type: none"> - Highline windows are proposed in the upper floor rooms which face west - Approx.. 10m setback from the boundary to any windows facing west. <p><u>Eastern neighbour</u> (i.e. proposed dwelling on proposed Lot 2 under DA 2022/0081):</p> <ul style="list-style-type: none"> - No habitable rooms are proposed to face east from the upper floor. - Note the eastern dwelling has been designed to ensure no privacy issues between it and the dwelling proposed under this DA. 	Complies
D9	Building Bulk	The dwelling has been designed so the first floor is within a 45 degree envelope to reduce the appearance of bulk and minimise impacts on adjoining dwellings.	Complies
D10	Building Colours and Materials	The building has been designed to be consistent with surrounding buildings with rendered and weatherboard walls and a Colourbond roof	Complies
D11	Roofs	Roof pitch and material selected to complement surrounding style and materials.	Complies
D12	Glare and Reflection	No reflection expected from proposed roof material	Complies
D13	Front Fences and Front Walls	Not applicable – battle-axe lot	N/A
D14	Site Facilities	Ample space for bin storage will be available within the side setbacks. Bins will be placed on the verge on bin day.	Complies
D15	Side and Rear Fences	Existing fences are proposed to be retained.	Complies
D16	Swimming Pools and Spa Pools	The proposed pool is in the rear / side setback and complies with these controls	Complies
D17	Tennis Courts	Not applicable	N/A
D18	Accessibility and Adaptability	Not applicable	N/A
D19	Site Consolidation in the R3 and IN1 Zone	Not applicable	N/A
D20	Safety and Security	Not applicable	N/A
D21	Provision and Location of Utility Services	Connections to mains water, gas, telecommunications and electricity will be	Complies



		available for the dwelling to connect to, as proposed under DA 2022/0081. A S. 73 Certificate from Sydney Water and a Notice of Arrangement from Ausgrid will be provided upon application for a subdivision certificate under that DA.	
D22	Conservation of Energy and Water	Dwelling has been designed to minimise energy and water use / waste. It will include a rainwater tank which connects to the toilet and laundry. Refer to BASIX and NatHERs Certificates for details on sustainability measures employed.	Complies
D23	Signs	Not applicable	N/A
E7	Development on land adjoining public open space	Proposed Lot 1 – No rear fencing proposed to golf course.	Complies



5. The Likely Impacts of the Development

5.1 Natural environment

Impacts on the natural environment from the proposal are anticipated to be minimal. The removal of trees or other significant vegetation is not proposed and no impacts are likely on any threatened species of flora or fauna.

5.2 Built environment

The proposed dwelling is on a battle-axe lot. Therefore, the impacts on the built environment will be minimal and the existing character of Toronto Avenue will be retained. Access will be gained via the existing driveway, ensuring no impacts on traffic or parking.

The dwelling has been designed to ensure minimal impacts on the privacy or views of surrounding dwellings.

As such, no unacceptable impacts on the built on environment are anticipated.

5.3 Social and economic impacts

The proposal will have positive social and economic impacts as it will facilitate a new dwelling on proposed Lot 1. It will therefore increase the availability of low density housing in the Northern Beaches LGA, while retaining the existing character of Toronto Avenue.

6. Suitability of the Site for the Development

The site is considered suitable for the development as it is already used for residential purposes with no land use conflicts. The proposal will result in a new dwelling house without impacting upon the existing streetscape or character of Toronto Avenue. Further, no significant constraints exist. As such, only minimal environmental impacts are anticipated.

7. The Public Interest

The proposal will facilitate future residential development which is compatible with the existing character of Toronto Avenue and its wider locality. No adverse impacts on the surrounding area are likely to result from the proposal. This is reflected in the proposal being consistent with the controls and objectives of the Northern Beaches Council planning controls, on which basis it is considered within the public interest.

8. Conclusion

This proposal has been considered under the provisions of Section 4.15(C)(1) of the EP&A Act. The proposal is considered acceptable and worthy of approval for the following reasons:

- a. The proposal is consistent with the relevant provisions of the Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011;
- b. The proposal is considered to not have any adverse impacts to the surrounding residential environment; and



- c.** The proposal will aid the provision of future low density housing opportunities in an accessible location.