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Proposed alterations and additions at No. 60 Wyuna Avenue, Freshwater

Statement of Environmental Effects

February 2022

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1 EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared for the owners of No. 60 Wyuna Avenue, Freshwater by AK Planning to accompany a Development Application (DA) to Northern Beaches Council. The proposed development is located at **No. 60 Wyuna Avenue, Freshwater** this being **Lot 20 in DP8389**. The site has a site area of **514.7m²** and is zoned **R2 Low Density Residential** under Warringah Local Environmental Plan 2011 (WLEP 2011).

The Development Application seeks consent for a new studio above the existing garage off Raffo Lane. A detailed description of the proposal is provided under **Section 3**.

This SEE has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. The purpose of this document is to:-

- describe the existing improvements on the site;
- detail the proposed development;
- review the applicable planning regime relating to the proposal;
- assess the degree of compliance; and
- examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

The SEE concludes that the proposed development is considered to be of an appropriate scale without adversely impacting on the amenity of adjoining land by way of loss of views; overshadowing or overlooking. Accordingly, it is considered that the proposal will deliver a suitable and appropriate development within Northern Beaches LGA and is worthy of approval.

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2 THE SITE AND CONTEXT

2.1 The Site

The site is located at No. 60 Wyuna Avenue, Freshwater and has a legal description of **Lot 20 DP8389**. The site is rectangular in shape and has an area of **514.7sqm**. The site is located on the southern side of Wyuna Avenue with rear vehicular access to Raffo Lane (refer to **Figure 1**). The site topography falls towards the rear. The site currently contains a single storey dwelling with a single garage at the rear off Raffo Lane.



Figure 1 – Site location plan

Source: SIX Maps



Figure 2: Aerial View of site

Source: SIX Maps

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Photo 1: View of site from Wyuna Avenue



Photo 2: View of site from Raffo Lane



Photo 3: View of subject site from Raffo Lane

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2.2 Surrounding Development

The immediate locality is characterised by single, and two storey detached dwellings with many structures fronting Raffo Lane including garages; garages with studios and secondary dwellings.

To the east of the subject is No. 58 Wyuna Avenue, being a single storey dwelling (see **Photo 3**). To the west of the subject site is No. 62 Wyuna Avenue a single storey dwelling (see **Photo 4**). The southern / rear boundary of the site adjoins Raffo Lane. The lane is highly urbanised with larger two storey structures located on the lane frontage— refer to **Photos 5 & 6**.



Photo 4: No. 58 Wyuna Avenue

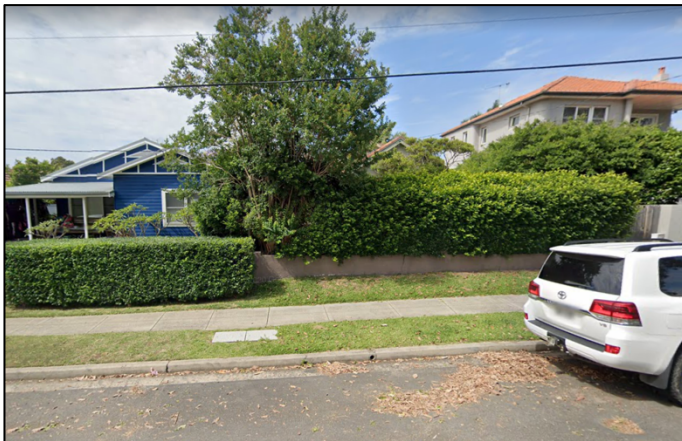


Photo 5: No. 62 Wyuna Avenue

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Photo 6: Raffo Lane looking east



Photo 7: Raffo Lane looking west



Photo 8 & 9: Raffo Lane - existing two storey built form east of the subject site



Photo 10 & 11: Rafo Lane – existing two-storey built form west of the subject site

3 DESCRIPTION OF THE DEVELOPMENT

3.1 General description

The proposed Development Application seeks consent for the addition of a new studio above the existing garage fronting Raffo Lane. In more detail the proposed development consists of the following components: -

First / studio Floor (RL26.30)

- New studio with access off existing deck

3.2 Demolition

The proposal includes the demolition of the existing garage roof, as demonstrated on the architectural plans. All demolition works will be undertaken in accordance with AS 2601 - 1991: The Demolition of Structures.

4 STATUTORY PLANNING CONSIDERATIONS

4.1 Environmental Planning and Assessment Act 1979

The Act is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the relevant objectives of the Act in relation to the proposed development are:-

- “(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment”.*

The proposal is consistent with the objects of the Act as:-

- The proposal will result in the orderly and economic use and development of land as the site is of an appropriate size, location and land use zoning to enable the proposed development;
- Good design outcome consistent with the surrounding built form;
- Appropriate utility services are available; and
- There will be no unreasonable adverse amenity impacts on the environment.

The relevant matters for consideration under Part 4 Section 4.15 of the Environmental Planning and Assessment Act, 1979, have been addressed in table 2 below:

Table 2: Part 4 Section 4.15 consideration

“MATTERS FOR CONSIDERATION”	COMMENTS
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	The subject development is lodged pursuant to WLEP 2011 and is located within the Northern Beaches LGA. See discussions under Section 4.3 of this report.

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"MATTERS FOR CONSIDERATION"	COMMENTS
Section 4.15 (1) (a)(ii) – Provisions of any proposed/draft instrument	None
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	See discussion on Development Control Plans at Section 5.1 within this report below.
Section 4.15 (1) (a) (iiia) - Any planning agreement that has been entered into under Section 7.4	None applicable to this proposal.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p>All demolition work will be undertaken in accordance with Clause 92 of the EPA Regulations 2000 requiring the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>.</p> <p>Clause 93 and/or 94 of the EPA Regulation 2000 requires a certifying authority to have regard to fire safety measures. This matter can be been addressed by introducing smoke alarms as a condition of consent prior to the issue of a construction certificate.</p> <p>All building work will be carried out in accordance with Clause 98 of the EPA Regulations 2000 requires the consent authority to consider the provisions of the National Construction Code.</p>
Section 4.15 (1) (a)(v) – Provisions of any coastal zone management plan	None
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>Public Domain The proposal will not impact on existing and future opportunities for public recreation or use of public open spaces within the locality. There is no public access across the site.</p> <p>Utilities and Services Existing utility services will adequately service the proposal.</p> <p>Other land resources The proposal will not impact on other land resources such as productive agricultural land, mineral and extractive resources or water supply catchments.</p> <p>Water Management The proposed development will not impact on conservation of water resources. Existing utility services will adequately service the development.</p> <p>Waste It is considered that normal domestic waste collection would apply to this development.</p>

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"MATTERS FOR CONSIDERATION"	COMMENTS
	<p>Noise & vibration It is anticipated that there would be no more noise than that generally anticipated by the use of a residential premises.</p> <p>Natural hazards The subject is not subject to any natural hazards.</p> <p>Construction Construction works will be required as a consequence of the proposed development. Appropriate conditions of consent may be incorporated should the application be considered worthy of approval which ensures the management of the site during construction works as well as the site safety for both the general public and anyone working on the subject site.</p> <p>Environmental Impact The environmental impacts of the proposed development on the natural and built environment, are addressed in detail within the WDCP section at Section 5.1.</p> <p>Social Impact The proposed studio will not have a detrimental social impact in the locality considering the consistency in built form character of the proposal to the existing structures fronting Raffo Lane.</p> <p>Economic Impact The proposal will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use (being retained as low-density residential).</p>
Section 4.15 (1) (c) – the suitability of the site for the development	<p>Location – there are no prohibitive constraints on the site. The site is considered to be suitably located with regard to public transport and utility services.</p> <p>Physical - The proposal is compatible with conserving the existing development form in the area.</p> <p>Natural – the site is identified as being located within potential landslip land. As the works are located above an existing structure with no change to the existing footprint, there will be no soil disturbance.</p>
Section 4.15 (1) (d) – any submissions made in accordance with the Act or Regs	It is envisaged that any resident concerns raised can be addressed where relevant.
Section 4.15 (1) (e) – the public interest	Pursuant to case law of <i>Ex Gratia P/L v Dungog Council</i> (NSWLEC 148), the question that needs to be answered is " <i>Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development</i> ".

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"MATTERS FOR CONSIDERATION"	COMMENTS
	There are no unreasonable impacts that will result from the proposed development, therefore, the benefits outweigh any disadvantage and as such the proposed development will have an overall public benefit.

4.2 State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist councils and developers to determine when land has been at risk.

Clause 7 of SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

The site has historically been used for residential purposes, there is no evidence to suggest that the site is contaminated therefore the requirements of SEPP 55 have been satisfactorily addressed.

4.3 State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004

As the proposal involves works in excess of \$50,000.00 a valid BASIX certificate is required detailing energy efficiency commitments to be undertaken with the proposed works. A BASIX certificate is submitted with the application (refer to **Appendix 3**) and commitments where relevant have been reflected on the plans as submitted.

4.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) works together with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to all clearing of native vegetation that

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exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.

The proposal meets the objectives of the SEPP because the application does not involve clearance of existing native vegetation and would have no materials impacts on bushland in the vicinity of the subject site.

4.5 Warringah Local Environmental Plan 2011

Warringah LEP 2011 defines the zoning regime, objectives and provisions to be considered in the assessment of any application for development within Warringah LGA.

4.5.1 Permissibility and Zone Objectives

The subject site is located within the Northern Beaches Local Government Area (LGA) and is subject to the provisions within the Warringah Local Environment Plan (WLEP) 2011.

Permissibility and Zoning

The site is zoned **R2 Low Density Residential** under the WLEP 2011 – see **Figure 3** below.

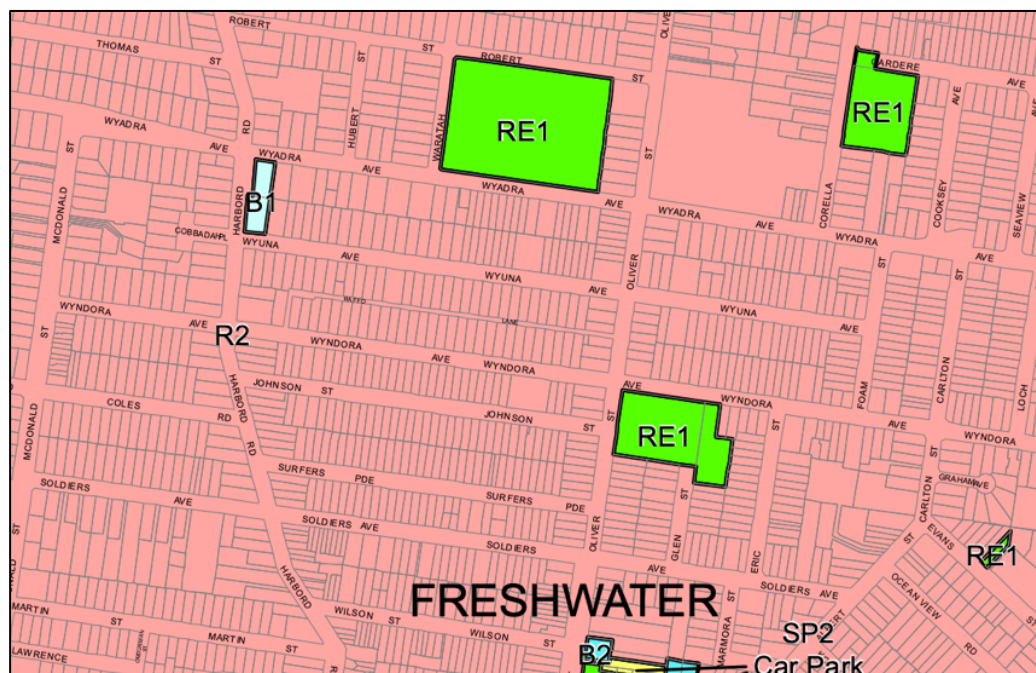


Figure 3: Zoning R2 Low Density Residential

The objectives of the R2 zone are as follows:-

- *“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.*

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- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.”*

The proposed development is considered consistent with the zone objectives for the following reasons:-

- The proposal enables uses on the site that meet the day to day needs of the residents;
- The proposal maintains a consistent scale with surrounding residential premises and similar structures;
- The proposal result in no adverse amenity impacts on surrounding properties; and
- The proposed maintains the low density residential environment and landscape setting.

4.5.2 Development Controls

Table 2 below identifies the relevant WLEP 2011 controls.

Table 2: Compliance with WLEP 2011

CLAUSE	COMMENT	COMPLY
Clause 4.3: Height of Buildings Required = 8.5m	Proposed height = 7m	Yes
Clause 5.9: Preservation of trees or vegetation	The application does not seek removal of any trees.	N/A
Clause 5.10 Heritage conservation	The subject site is not heritage nor is it located within a Heritage Conservation area.	N/A
Clause 6.2 Earthworks	The proposed works is located above an existing structure with no cut or fill proposed. As such the existing landform remains unchanged.	Yes
Clause 6.4 Development on sloping Land	The site is identified as within land subject to landslip (refer to Figure 4)	Yes

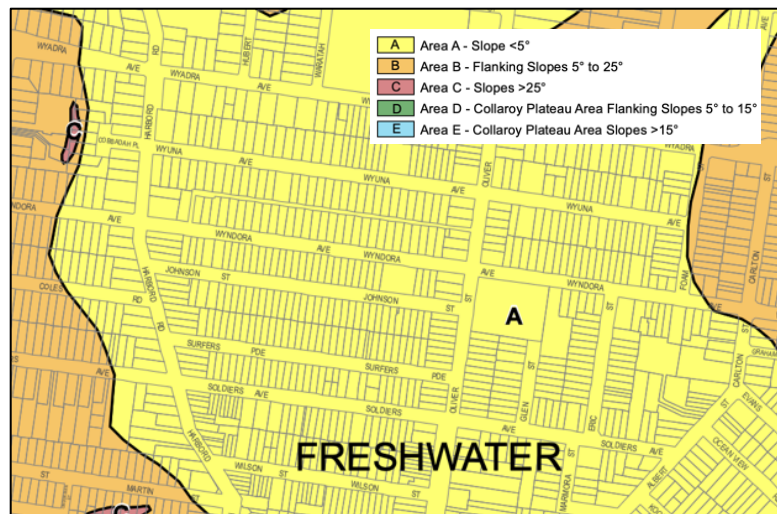


Figure 4: Landslip Map

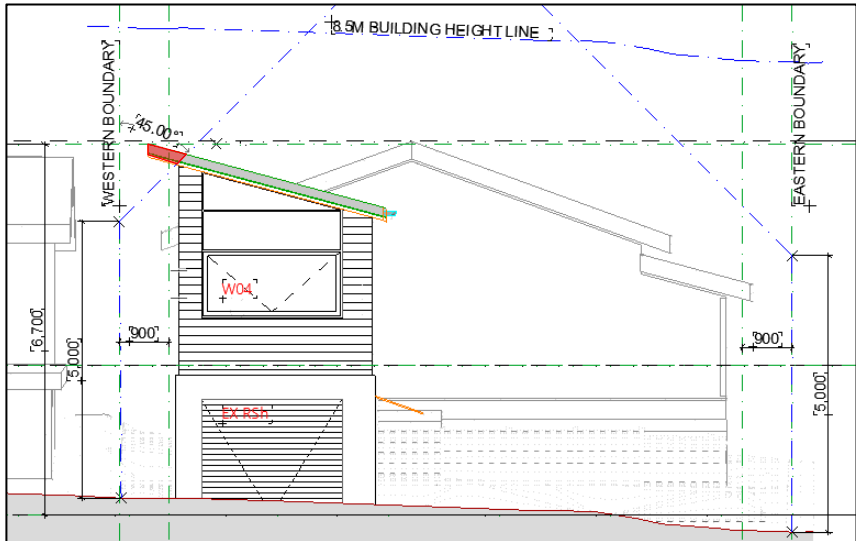
	The subject site is located within Area A (subject to slopes less than 5 degrees). As the works are located above an existing structure with no change to the existing footprint there will be no soil disturbance. The proposal will have no adverse impact on existing subsurface flow conditions or impacts resulting from stormwater discharge.	
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5 NON-STATUTORY CONSIDERATION

5.1 Warringah Development Control Plan

The application has been assessed against the Warringah DCP as detailed in the table below:

Table 3: Consistency with DCP

CLAUSE	COMMENT	COMPLY
Part B: Built Form Controls		
B1 Wall Heights 7.2m to underside of topmost ceiling	Proposed = 6.7m	Yes
B3 Side Boundary Envelope 5m at 45degrees	<p>The Architectural plans include side boundary envelope analysis which demonstrate that the eave and skillion roof form protrudes beyond the building envelope along the western elevation – refer to Appendix 2 and reproduced at Figure 5 below.</p>  <p>Figure 5: Boundary envelope non-compliance hatched in red</p> <p>Part B3 of the WDCP allows eaves to be exempt from compliance with the boundary envelope, however due to the roof design Council may construed it as additional massing. Accordingly, notwithstanding the numerical non-compliance the application is considered to meet the objectives of the side boundary envelope control without prejudice, for the following reasons:-</p> <ul style="list-style-type: none"> the western wall fully complies with the side boundary envelope; 	On merit

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		<ul style="list-style-type: none"> the development does not become visually dominant by virtue of its height and bulk with a small non-compliance measuring a maximum vertical height above the 45° plane of only 450mm; length of eave (600mm) is as a result of BASIX requirement; the proposal does not result in adverse impact by way of overshadowing or privacy impacts to No 62 Wyuna Avenue; the proposal allows for adequate spatial separation between buildings allowing plantings within the side setback; and the development responds to the topography of the site. 	
B5 Boundary Setback 900mm	Side	<p>Western side boundary setback Garage level = no change (1m) Studio level = 1m</p> <p>Easter side boundary setback Garage level = no change (7.5m) Studio floor = 7.5m</p>	Yes
B7 Boundary Setback 6.5m	Front	No change as works is limited to the rear yard.	Yes
B9 Boundary Setback 6m Secondary frontage (Lane) of 3.5m	Rear	<p>Existing garage is setback 3m to Raffo Lane. The studio above continues the existing 3m setback</p> <p>Notwithstanding the numerical non-compliance the proposal is considered to be consistent with the underlying objectives of the control as follows:-</p> <ul style="list-style-type: none"> To create a sense of openness The proposal retains the existing setback to Raffo Lane, only seeking a new studio above the established built form. The existing 3m setback remains and is in keeping with the established character of the lane and will not unreasonably detract from the sense of openness. In addition, there will be no change to the existing landscape area on the site. To maintain the visual continuity and pattern of buildings and landscape elements The immediate area is characterised by a number of structures on Raffo Lane (see Figure 5 and Photos 6-11 above). As such there is a precedent of structures with zero or small setbacks to Raffo Lane including a number of developments with living spaces above garages with windows fronting the lane. As such the proposed development continues the established pattern of buildings along Raffo Lane. Moreover the proposal maintains the visual continuity of built forms along Raffo Lane. 	Existing non-compliance On merit

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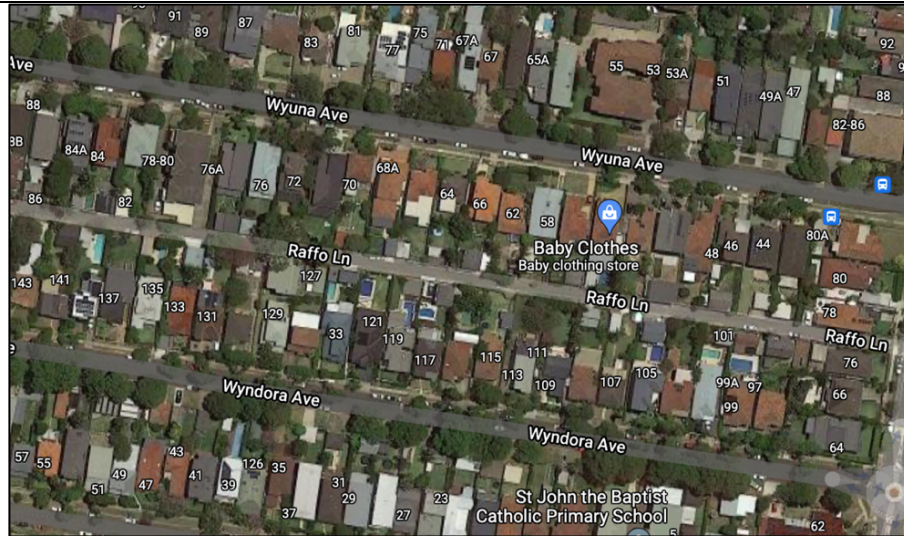


Figure 6: Established built form to Raffo Lane Source Google Maps

- **To protect and enhance the visual quality of streetscapes and public spaces**
The proposal will provide an attractive addition to the streetscape in keeping with the established character of Raffo Lane.
- **To achieve reasonable view sharing**
It is anticipated that no views will unreasonably be impacted by the proposal.

Part C Sitting Factors		
C2 Traffic, Access and Safety	The proposal does not seek to alter the existing arrangement.	Yes
C3 Parking Facilities	The existing situation allows for a single garage off Raffo Lane. The proposal does not seek to alter the existing arrangement.	Yes
C4 Stormwater	Refer to Stormwater plans at Appendix 4 . The roof drains to existing downpipes which connects to the existing Stormwater line which in turns connects to Councils existing infrastructure. As the works is for alterations and additions with no increase in the impervious areas, no additional OSD is required.	Yes
C5 Erosion and Sedimentation	An Erosion and Sediment Control Plan has been prepared and is attached at Appendix 4 . Appropriate conditions associated with management of erosion and sedimentation for the duration of works on the site is considered satisfactory to meet the requirements of this clause.	Yes
C7 Excavation and Landfill	No excavation is proposed.	N/A
C8 Demolition and Construction	A Waste Management Plan has been provided at Appendix 2 .	Yes
C9 Waste Management		
Part D Design		
D1 landscape Open Space and Bushland Setting 40% LOS	Existing = 197.29 sqm or 38.3% Proposed = no change to existing as works are located above existing garage. Notwithstanding the numerical non-compliance the proposal is considered to be consistent with the underlying objectives of the control as follows:- <ul style="list-style-type: none">To enable planting to maintain and enhance the streetscape The proposal does not include any works to the primary street frontage (Wyuna Avenue). This frontage will remain open with existing landscaping. The Raffo Lane	Existing non-compliance

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	<p>setback also remains unchanged with the works located above the existing garage. Raffo Lane is characterised by structures (garages and built form above garages) with little to no planting forward of these structures. The subject site however includes a 3m wide strip along the full length of the secondary frontage which includes grass and plantings. This buffer will remain unchanged and will continue to provide relief and enhance the streetscape.</p> <ul style="list-style-type: none"> To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife No significant indigenous vegetation, topographical features or habitat for wildlife is identified on the site. To provide for landscape open space with dimensions that are sufficient to enable the established low-lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of buildings The existing landscape area on site, is slightly below the required 40% at 38.3% (being an existing shortfall 8.58sqm). The proposal does not alter the existing landscape area on site as the works is located above an existing structure with no change to the existing footprint. To enhance privacy between buildings The existing landscaping will contribute to minimising the opportunity for overlooking. The proposed studio allows for high-sill windows with little to no opportunity for overlooking. To accommodate appropriate outdoor recreation opportunities that meet the needs of the occupants Adequate outdoor recreation space will be maintained, as the works is located above an existing structure with no change to the existing footprint. To provide space for service functions, including clothes drying Space for service functions will remain unchanged. To facilitate water management, including on-site detention and infiltration of stormwater The proposal does not alter the existing impervious surface on site as the works is located above an existing structure with no change to the existing footprint. The proposal maintains appropriate water infiltration. 	
D2 Private Open Space 60sqm with min dim. of 5m	The proposal is allowing for sufficient private open space (128sqm) with min. dimensions of 5m.	Yes
D3 Noise	It is not anticipated that the development will result in any noise intrusion other than normal domestic/ residential noise.	Yes
D6 Access to Sunlight	<p>Shadow diagrams are attached at Appendix 2. The shadow diagrams demonstrate the following:-</p> <p>9am Additional shadow will occur to a small portion of the private open space of No. 62 Wyuna Avenue, during the 9am mid-winter period with the majority falling towards Raffo Lane.</p> <p>12noon At 12 noon mid-winter the additional shadow falls across Raffo Lane with no impact to adjoining properties.</p>	Yes

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	<p>3pm Additional shadow will occur to a portion of the private open space of No. 58 Wyuna Avenue, during the 3pm mid-winter period with the majority falling towards Raffo Lane</p> <p>Accordingly, the proposal retains a minimum of 3 hours of sunlight between 9am and 3pm during mid-winter (21 June) to adjoining premises private open space, with no impact on existing living areas.</p>	
D7 Views	The proposed works comply with the building height and it is not anticipated that any public or private views will be impacted.	Yes
D8 Privacy	<p>Ground floor The proposal does not include new windows or openings on the ground floor. It only replaces the laundry window on the western elevation and removes an existing laundry opening within the eastern elevation.</p> <p>First floor New windows on the western and eastern elevations are limited to high sill windows with limited opportunity for overlooking. There is a precedent for developments on the laneway with new windows on the first floor fronting the laneway. In addition the new window is located 7.4m from the opposite side of Raffo Lane (rear boundary of No. 113 Wyndora Avenue). The separation distance; precedent and consistency with existing developments, all contribute to mitigating adverse overlooking opportunity and in the circumstances is considered appropriate.</p>	On merit
D9 Building Bulk	The bulk and scale of the proposed built form is consistent with the predominant two-storey built form fronting Raffo Lane and does not dominate surrounding spaces.	Yes
D10 Building Colours and Materials	As shown on the Architectural Plans, the proposal would be of appropriate materials and finishes and has been designed to integrate with the surrounding natural landscape.	Yes
D11 Roofs	<p>The proposal does not contain any lift overruns or plants.</p> <p>The skillion roof form allows high sill and clerestory windows which permits light penetration into the studio.</p> <p>The proposed roof materials would not cause excessive glare and reflection.</p>	Yes
D12 Glare and Reflection	The materials for the proposed skillion roof and wall claddings are provided within the Architectural Plans, resulting in minimal glare or reflection.	Yes
D13 Front Fences and front walls	Non proposed	Yes
D14 Site Facilities	No change to existing.	Yes
D15 Side and Rear Fences	Existing to remain.	N/A
D20 Safety and Security	CPTED principles are more appropriately applied to larger residential development and new dwellings. The proposed works do not lend great opportunity to implement these design principles. However, the proposed design does increase activation of Raffo Lane and allows casual surveillance from the studio into the lane.	Yes
D22 Conservation of Energy and Water	A BASIX certificate is attached at Appendix 3 .	Yes
Part E The Natural Environment		
E10 Landslip Risk	The site has been identified as being sloped less than 5 degrees (Area A). The works are located above an existing structure with no change to the existing footprint. The proposal will have no soil disturbance with no adverse impact on existing subsurface flow conditions or impacts resulting from stormwater discharge.	Yes

6 CONCLUSION

The proposed alterations to the existing garage including a new studio addition above, fronting Raffo Lane, at **No. 60 Wyuna Avenue, Freshwater** is considered to:

- be consistent with the predominate built form character fronting Raffo Lane;
- not result in unacceptable bulk and scale;
- be a suitable and desirable use for the site and meets the relevant heads of consideration under **Section 4.15** of the Act;
- be in accordance with the aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and
- have no adverse environmental effect and no adverse impact by way of overshadowing; acoustic or visual privacy to adjoining properties.

Based on the above assessment, is it recommended to the Council that consent be granted to the application.

APPENDIX 1

SURVEY PLAN

APPENDIX 2

ARCHITECTURAL PLANS SHADOW DIAGRAMS WASTE MANAGEMENT PLAN

APPENDIX 3

BASIX CERTIFICATE

APPENDIX 4

STORMWATER PLANS SEDIMENT & EROSION CONTROL PLAN