

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING
DWELLING INCLUDING NEW CARPORT AND SWIMMING POOL**

LOCATED AT

5 KOOLOORA AVENUE, FRESHWATER

FOR

MICHELLE & ANTHONY YEATES



**Prepared
July 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Michelle & Anthony Yeates by Rachel Hudson Architect, Drawings No's. YH-01-DA – YH-18-DA, dated 10 June 2021, detailing the construction of alterations and additions to an existing dwelling including a new carport and swimming pool at **5 Kooloora Avenue, Freshwater**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

2.0 Property Description

The subject allotment is described as 5 Kooloora Avenue, Freshwater, being Lot 3 within Deposited Plan 12377 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is located within a conservation area.

The land is noted as being within Area A on Council's Landslip Risk Map, and accordingly this matter will be discussed in further detail within this submission.

The proposal also involves excavation within the site with a depth of greater than 1.5m and as a consequence, a Geotechnical Investigation has been prepared by White Geotechnical Group under Report Reference J3560 dated 14 July 2021.

No other identified hazards have been identified.

3.0 Site Description

The property is a corner allotment located on the south-western side of Koolooro Avenue, with a secondary frontage to Murray Road.

The land has a slope towards the front, north-eastern boundary, with a total fall of approximately 2.6m over its length. The site is rectangular in shape, with a frontage of 13.405m to Koolooro Avenue and a depth of 28.005m. The rear boundary measures 13.365m and the land has a total area of 374.9m².

The site is currently developed with a two storey rendered brick residence with a tile roof.

Vehicular access is available to the site from Koolooro Avenue via a paved driveway. Car parking is currently available on site within an attached garage.

The details of the site are as indicated on the survey plan prepared by C.M.S Surveyors Pty Ltd, Survey Instruction 19012 dated 4 February 2020, which accompanies the DA submission.

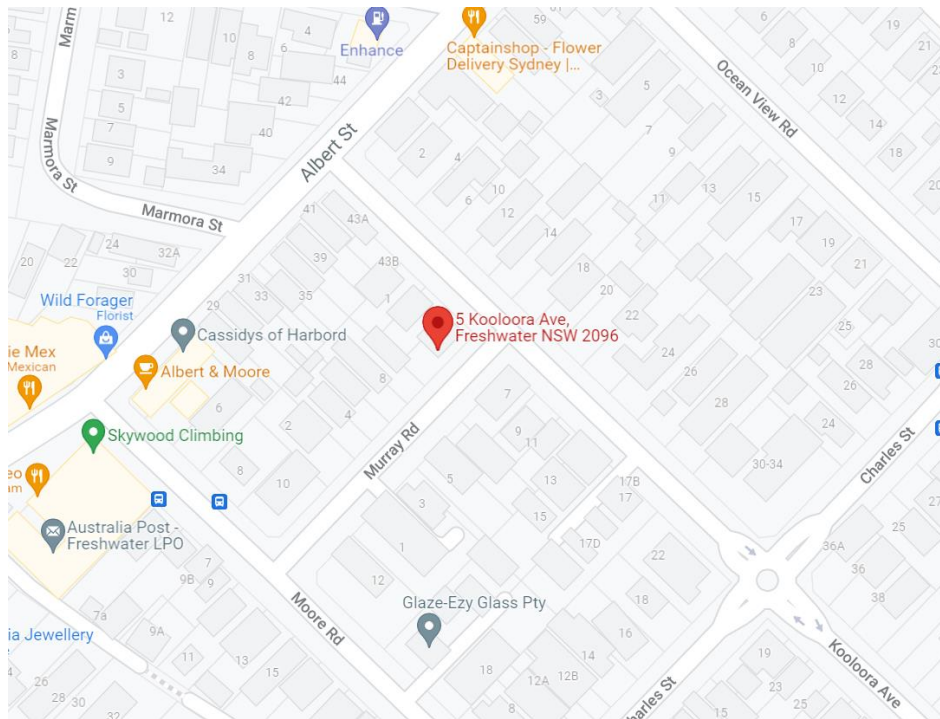


Fig 1: Location of subject site
(Source: Google Maps)



Fig 2: View of the subject site, looking south from Kooloora Avenue



Fig 3: View of the subject site, looking south-west from the Kooloora Avenue/Murray Road intersection



Fig 4: View of the subject site and the neighbouring dwelling to the south at No 10 Murray Road, looking north-west from Murray Road



Fig 5: View of the existing development to the east of the site, looking south-east from Kooloora Avenue



Fig 6: View of the adjoining development to the west of the site, looking south from Kooloora Avenue



Fig 7: View of the existing development opposite the site, looking north from Kooloora Avenue

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single detached dwellings and associated ancillary structures such as garages, storage sheds and swimming pools. The neighbouring properties to the north and south comprise similar two storey dwellings.

Properties in the area receive limited local views.

The site and its surrounds are depicted in the following aerial photograph:

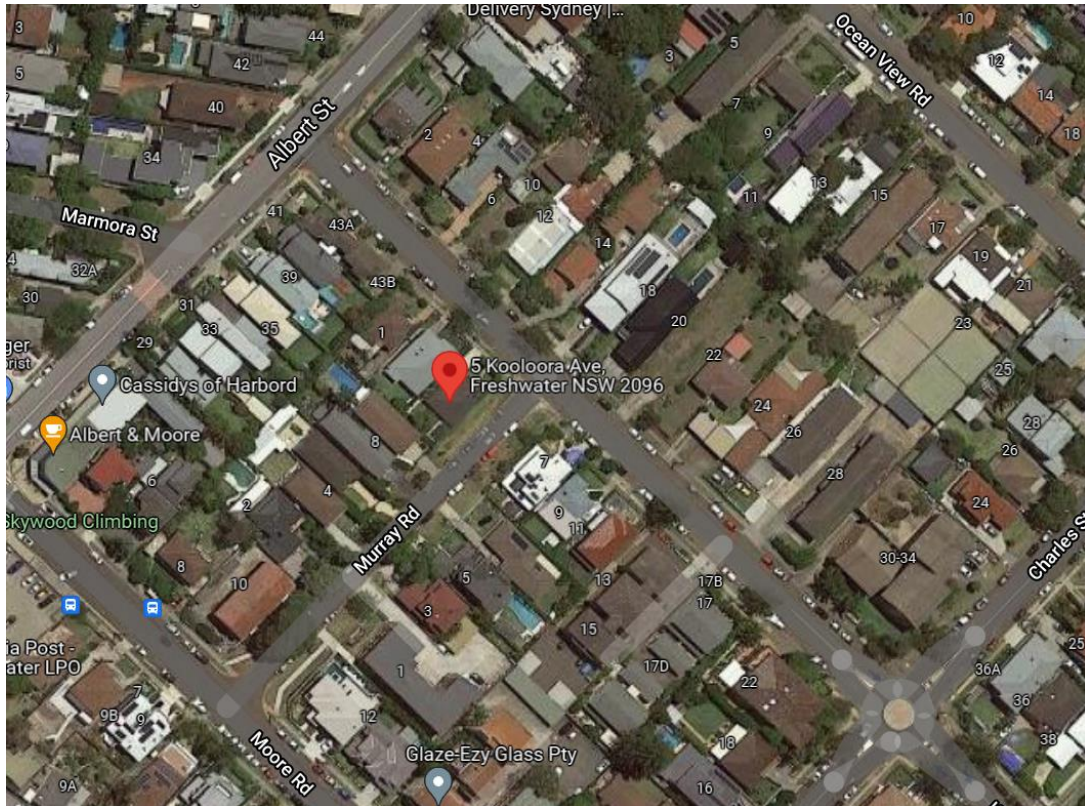


Fig 8: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for the construction of additions and alterations to the existing dwelling including new carport.

The new works will comprise:

Lower Ground Floor

- Alterations and additions to the existing lower ground floor level to provide for new entry stairs and front terrace, bathroom and store

Mid Floor

- Alterations and additions to the existing mid floor level to provide for new entry and front terrace, open plan living, kitchen and dining, two bedrooms and bathroom, and internal stair access to proposed upper floor

Upper Floor

- Construction of a new upper floor to provide for master bedroom with ensuite, walk in robe and study

External Works

- New inground swimming pool
- New attached single carport
- New landscape plantings

The external form of the new works follows the sloping topography of the site, which assists with minimising the bulk and scale of the development. The external finishes of the new works comprises shiplap cladding, cement render, sandstone cladding and metal roofing and are complementary to the existing dwelling and surrounding locality.

The proposal will maintain a suitable area of soft landscaping, and will not require the removal of any significant vegetation.

The pool will be separated from the dwelling by an isolation fence. The fence and barriers to the pool will comply with the Swimming Pools Act 1992 & Regulations and are to be constructed in accordance with AS 1926.1-1993 "Fencing for Swimming Pools".

The proposal results in the following development indices:

Site Area:	374.9m ²
Required Landscaped Area:	40% or 149.96m ²
Proposed Landscaped Area:	46.9% or 175.77m ²

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

Development for the purposes of alterations and additions to a dwelling house are permissible in this zone under the WLEP 2011.

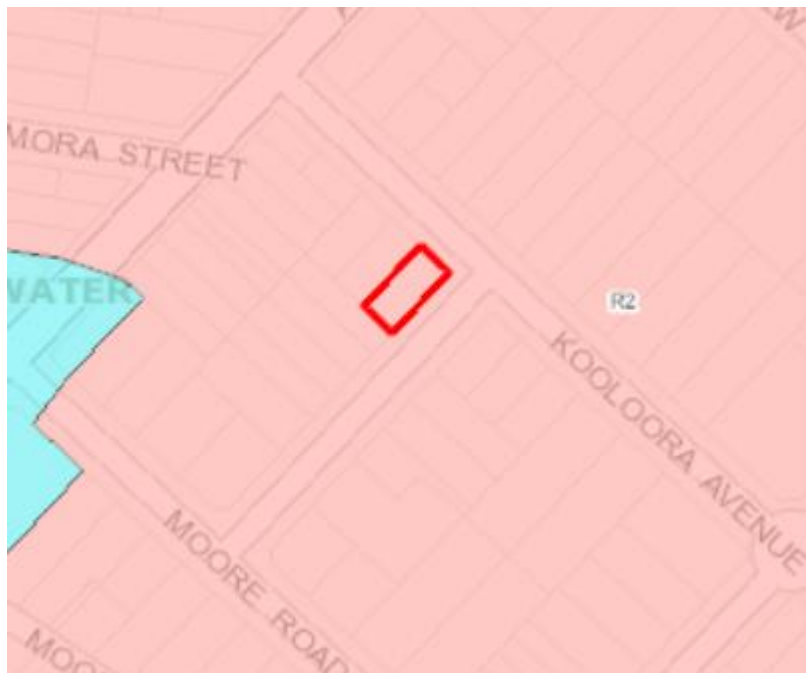


Fig 8: Extract of Warringah Local Environmental Plan 2011 Zoning Map

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *To provide for the housing needs of the community within a low density residential environment.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

It is considered that the proposed alterations and additions to the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on the existing landscaped area or long distance views.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The building height limit for development in this portion of Freshwater is 8.5m. The proposed new works will provide for a maximum building height of 8.35m above natural ground level and comply with this control.

Clause 6.2 relates to earthworks. The proposal will require some excavation to accommodate the proposed new works at the lower floor level. All site works will be carried out in accordance with the recommendations of the Consulting Structural and Geotechnical Engineers, and therefore satisfy the provisions of this clause.

Clause 6.4 relates to development on sloping land. The site is noted as Area A on Council's Geotechnical Risk Mapping. The proposal will require some excavation to accommodate the additions at the lower ground floor level.

Accordingly, Geotechnical Investigation has been prepared by White Geotechnical Group under Report Reference J3560 dated 14 July 2021.

In addition, the works will be carried out in accordance with the recommendations of the consulting Structural Engineer. The proposal will therefore satisfy the provisions of this clause.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

6.4 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall height	Max 7.2m	Max wall height of new works approx. 4.7m to the north-eastern extremity of the north-western and south-eastern elevations and therefore readily complies this control.	Yes
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope and Side Setback	Building envelope 45 degrees from 5m. Setback 0.9m	<p>The proposed north-western and south-eastern elevations of the new roof form over the upper level present a minor variation to the building envelope control.</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> • <i>To ensure that development does not become visually dominant by virtue of its height and bulk.</i> • <i>To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</i> • <i>To ensure that development responds to the topography of the site.</i> <p>Notwithstanding the minor variation to the</p>	Yes – on merit

		<p>building envelope control which occurs as a result of the site constraints, the proposal provides a compatible two storey form and steps to follow the sloping terrain of the site. The proposed building form will not result in any adverse impacts for neighbouring properties in terms of privacy, solar access, views or general amenity.</p> <p>The proposal is therefore in keeping with the desired outcomes of this clause, and is worthy of support on merit.</p>	
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	The proposed works will stand 0.9m and 6m from the north-western and south-western side boundaries respectively and therefore comply with this control.	Yes
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A

<p>B7 – Front Boundary Setbacks</p>	<p>Minimum 6.5m</p>	<p>The proposed additions at the mid floor level stand 5.85m from the front boundary and therefore present a minor variation to the front setback control. In addition, the proposed carport presents a nil setback to the front boundary.</p> <p>The existing lower floor and proposed upper floor readily comply with the setback requirement.</p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> • <i>To create a sense of openness.</i> • <i>To maintain the visual continuity and pattern of buildings and landscape elements.</i> • <i>To protect and enhance the visual quality of streetscapes and public spaces.</i> • <i>To achieve reasonable view sharing.</i> <p>The proposed additions provide a modulated front elevation which maintains a sense of openness to the Kooloora Avenue streetscape.</p>	<p>Yes – on merit</p>
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		<p>The site maintains a generous area of soft landscaping and will not require the removal of any significant vegetation.</p> <p>The proposal will not result in any loss of views for uphill properties.</p> <p>Notwithstanding the minor variation to the front setback control, the proposal is in keeping with the desired outcomes of this clause.</p>	
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	Min 6m rear setback	N/A – subject site is a corner allotment	N/A
B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A
B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A

Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Existing driveway crossing and layback location to be maintained and will provide suitable access to the carport.	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	New carport provided in accordance with Council's controls. The proposed carport is effectively integrated into the design of the dwelling.	Yes
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	Runoff from the new roof areas is connected to the existing stormwater system, which directs reporters to the street gutter in Murray Road and Kooloora Avenue.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Suitable sediment and erosion control measures to be provided during construction.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A		N/A
C7 – Excavation and Landfill	Site stability to be maintained		
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage available within proposed garage.	Yes

Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>The proposal will see the retention of 175.77m² or 46.9% of the site area as soft landscaping which complies with Council's requirement.</p> <p>The development within the site will continue to achieve the objectives of the controls, which are noted as:</p> <ul style="list-style-type: none"> • <i>To enable planting to maintain and enhance the streetscape.</i> • <i>To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.</i> • <i>To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.</i> • <i>To enhance privacy between buildings.</i> • <i>To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.</i> • <i>To provide space for service functions, including clothes</i> 	Yes

		<p>drying.</p> <ul style="list-style-type: none"> • To facilitate water management, including on-site detention and infiltration of stormwater. <p>The proposal will provide for sufficient area for the private open space and recreational requirements of the owners, whilst maintaining areas of soft soil planting within the front and rear yard area.</p> <p>The proposal will not see any change to the existing stormwater arrangements.</p> <p>The proposal is supported by Landscape Plan prepared by Rachel Hudson Architect which will provide for the managed replanting of the site. The new planting within the yard areas of the site will provide for enhanced and amenity for both the subject property and assist in protecting the privacy and amenity of the neighbours.</p>	
D2 – Private Open Space	<p>Dwelling houses with three or more bedrooms</p> <p>Min 60m² with min dimension 5m</p>	<p>The proposal will maintain a substantial area of private open space, which is directly accessible from the dwelling and will</p>	Yes

		maintain good access to the northern sun.	
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	The pool filter will be contained within an acoustic enclosure to reduce potential acoustic impacts.	N/A
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	The site enjoys good access to northern sun to the yard areas.	Yes
D6 – Access to sunlight	At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	The proposal is accompanied by Shadow Diagrams (Drawing No. YH-15-DA) which demonstrate that the subject and neighbouring properties will retain suitable solar access to their internal and external living areas.	Yes
D7 – Views	View sharing to be maintained	The controls require that development should enable the reasonable sharing of views. The works see the construction of alterations and additions to an existing dwelling, the majority of which will comply with Council's	Yes

		<p>statutory height control.</p> <p>The site and the neighbouring properties enjoy local views only.</p> <p>The works will not unreasonably obstruct the outlook for the neighbouring properties.</p> <p>The proposed new works will not unreasonably reduce the view corridors available for the adjacent neighbours.</p>	
D8 – Privacy	<p>This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties</p>	<p>The proposed new works have been designed to primarily overlook the yard areas of the subject site and will not unreasonably reduce the privacy enjoyed by the neighbours.</p> <p>Louvered privacy screening is provided to the site-facing windows within the upper level which minimises opportunities for overlooking to the neighbouring properties.</p> <p>The proposed pool is largely sited at ground level within the rear yard. The proposed perimeter plantings and boundary fencing within the rear yard</p>	Yes

		minimises privacy impacts for neighbouring properties.	
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	The existing surrounding development comprises a mix of one and two storey dwellings. The form of the proposed new works will maintain a modest two storey height and scale that complements the prevailing scale of the surrounding development.	Yes
D10 – Building Colours and materials		The new works will utilise recessive colours and finishes to match the surrounding area and existing dwelling.	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposal will provide for modest roofing, including a varied pitched roof form. The proposed portion of roof minimises bulk and scale and maximises view retention to adjoining properties.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The proposed external finishes and colours will be selected to minimise glare and will complement the existing dwelling. No significant glare impacts will result from proposed new works.	Yes

D13 – Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street.	New front fencing proposed, comprising a 900mm high solid wall with open fencing above to a height of 1.8m. The proposed fencing is consistent with the streetscape character.	Yes – on merit
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities	Garbage storage areas and mail box maintained	N/A
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	Side fences unchanged.	Yes
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	N/A	N/A
D17 – Tennis Courts	N/A		N/A
D18 – Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A

D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the dwelling to the street over and through the front landscaped area.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate has been provided to support the proposed development.	Yes
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.	No signage proposed	N/A
Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	No significant protected trees are affected by the works.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A

E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area A.	<p>The proposal will require some excavation to accommodate the additions at the lower ground floor level.</p> <p>Accordingly, a Geotechnical Investigation has been prepared by White Geotechnical Group, Report Reference J3560 dated 14 July 2021.</p> <p>In addition, the works will be carried out in accordance with the recommendations of the consulting Structural Engineer. The proposal will therefore satisfy the provisions of this clause.</p>	Yes
E11 – Flood Prone Land	Not identified on map		N/A

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 Any environmental planning instrument

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. It is considered that the provisions of this environmental planning instrument has been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to the numerical development controls in the DCP as justified in this report. In particular, we consider that the variation to the building envelope and front setback controls is reasonable given the constraints posed by the existing development on site.

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

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for proposed construction of alterations and additions to an existing dwelling including new carport and swimming pool dwelling, which have been located and designed to appropriately minimise impacts on the amenity of adjoining properties, are compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the SEPP, Council's LEP and DCP.

7.7 The suitability of the site for the development

The site is considered suitable for the proposed development.

The proposal will provide for the construction of alterations and additions to an existing dwelling.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

7.8 Any submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment; the character of the locality and will mitigate any unreasonable visual impacts on the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for construction of alterations and additions to an existing dwelling including new carport and swimming pool, which will not have a detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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