

STATEMENT OF ENVIRONMENTAL EFFECTS

102 OLIVER STREET, FRESHWATER

**DWELLING ALTERATIONS AND ADDITIONS & BOUNDARY
FENCE**

**PREPARED ON BEHALF OF
Mr Hachenberg & Mr Bennett**

JULY 2021

TABLE OF CONTENTS

| | | |
|-----------|--|-----------|
| 1. | INTRODUCTION | 3 |
| 2. | SITE DESCRIPTION AND LOCALITY | 4 |
| 3. | THE DEVELOPMENT PROPOSAL | 6 |
| 4. | ZONING & DEVELOPMENT CONTROLS | 7 |
| 5. | EP&A ACT – SECTION 4.15 | 17 |
| 6. | CONCLUSION | 18 |

1. INTRODUCTION

This application seeks approval for the construction of alterations and additions to an existing dwelling on Lot 1 in DP 12072 which is known as **No. 102 Oliver Street, Freshwater**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by Kevin Brown Surveys, Ref No. S-30558 and dated 24.05.2021.
- Architectural Plans prepared by Scope Architects, Project No. 02102, Revision 1 and dated 07.07.2021.
- BASIX Certificate #S419226 and dated 08.07.2021.

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. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that 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.

2. SITE DESCRIPTION AND LOCALITY

The subject site is identified as Lot 1 in DP 12072 which is known as 102 Oliver Street, Freshwater. The site is located at the north-western intersection of Oliver Street and Wyadra Avenue. The site's eastern boundary has a frontage of Oliver Street with the southern boundary having a frontage of 44.195m to Wyadra Avenue. The site has an area of 653.7m² with a depth. The locality is depicted in the following map:



Site Location Map

The site contains a single storey dwelling house constructed with a "corner-store" style commercial premises (currently used as a Real Estate agency) aligned along the corner frontage with Wyadra Avenue and Oliver Street. Consent had been granted for use of the front portion of the site as a 'convenience store' on 20/08/2003 (DA2003/1055). The use of this part of the premises has been a commercial use since this consent. A detached secondary dwelling is located towards the southwest corner of the site as per Development Consent DA2013/1379. An at grade parking space for 2 cars is located immediately to the east of the secondary dwelling.

The central area of the site is landscaped with lawn, small trees and garden areas. The site is relatively flat with a gentle slope towards Wyadra Avenue. The site is adjoined by Harbord Park to the west, with single detached housing to the north and south.

The site is depicted in the following photographs:



View of Subject Site from Oliver Street



View of Subject Site from Wyadra Avenue

The existing surrounding development comprises a mix of one and two storey detached residential dwellings on generally larger allotments than the subject site, interspersed with some three storey residential flat buildings. More recent development comprises larger two storey dwellings of modern appearance.

The subject site and its immediate locality are depicted in the following photographs:



Aerial Photograph of Locality

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of alterations and additions to the existing dwelling and minor alterations to the existing commercial premises. There are no changes proposed to the detached secondary dwelling.

The alterations to the existing commercial premises are very minor and improve functionality. All works relating to the commercial premises are within the existing building envelope and include:

- Providing new internal opening between front reception area and the office.
- Removing internal door between office and dwelling.
- The existing WC on the northern side of the building will continue to be utilised by office staff.

The proposal provides for additions to the existing principal dwelling including additions at ground floor level and a new first floor. The additions will be constructed of lightweight cladding and a metal roof.

The additions at ground floor level are located at the rear of the existing dwelling and provide for a setback of 1.215m to the northern side boundary. The setback to the Wyadra Avenue frontage varies from 1.18m to 3.02m.

A new first floor is proposed and which provides for a setback of 2.255m to the northern boundary and a setback of at least 1.865m to the Wyadra Avenue frontage. This level generally provides for a setback of 5.45m to the Oliver Street frontage with the exception of the proposed terrace to be located over the existing commercial premises.

The proposal seeks to replace the existing fence along the Wyadra Avenue frontage. The existing 1.8m high lapped and capped timber paling fence will be replaced by a masonry fence with a maximum height of 1.8m.

The existing parking in the rear yard will be reduced from the current 2 spaces to 1 space to improve the usability of the rear private open space. The existing office store will be converted into a garage and as such there is no loss of on site parking.

The proposal will result in the following numerical indices:

| | |
|-------------------------|--------------------------|
| Site Area: | 654m ² |
| Landscaped Area: | 265m ² or 40% |

4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Warringah Council.

4.1 Planning for Bushfire Protection 2006

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply.

4.2 Warringah Local Environmental 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) came into effect on Friday 9 December 2011.



Extract of Zoning Map

The site is zoned R2 Low Density Residential. Development for the purposes of a alterations/additions to an existing dwelling house are permissible in this zone with the consent of Council.

The existing commercial use has existing use rights, with a history of the site discussed below:

10 July 1986

DA No. 1986/246 and Consent No: 86/255 was issued on 10 July 1986 for the use of the existing premises for an instant printing business and residence.

Mid 2003

The premises was utilised as a printing business in 2003 until such time that the current owner/applicant, Mr Bernard Hachenberg, took lease of the premises for use as a real estate office.

Whilst it is understood that a consent (DA2003/1005) was issued for the change of use to permit a convenience store, this was never enacted.

At the time of Mr Hachenberg occupying the premises, the Warringah LEP 2000 was in force. The WLEP 2000 at Schedule 1 provided 'Exempt Development' criteria. Schedule 1 provided that a change of use from one office to another office as exempt development. The change of use from the printing business to the real estate office is therefore considered to be 'exempt development'.

The following Development Standards specified in the LEP are relevant to the proposed development:

| Clause | Development Standard | Proposal | Compliance |
|------------|----------------------|-----------------------|------------|
| 4.3 Height | 8.5m | Refer to plans – 7.3m | Yes |

The following provisions are also relevant:

Clause 6.4 Development on Sloping Land

The site is classified as Class A on Council's Landslip Map and therefore no further information is required in this regard.

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

4.3 Warringah Development Control Plan 2011

The Warringah Development Control Plan (DCP) has been prepared by Council and was due to come into effect upon the gazettal of the LEP 2011. The new DCP contains detailed planning controls that support LEP 2011.

The following table provides a summary of the relevant controls of the DCP:

| Clause | Requirement | Compliance |
|--|---|---|
| B1 – Wall heights | 7.2m | Yes Proposed wall height is approximately 7.34m |
| B2 – Number of storeys | Not Applicable | Not Applicable |
| B3 - Side Boundary Envelope | Building envelope 45 degrees from 5m. Eaves up to 675mm are an allowable encroachment | Yes Small encroachment of the parapet is a permissible encroachment. |
| B4 – Site Coverage | Not Applicable | Not Applicable |
| B5 - Side Boundary setbacks | Minimum: 0.9m | Yes A setback of at least 1.215m to the northern boundary. |
| B7 – Front Boundary Setbacks | Minimum 6.5m Secondary frontage 3.5m | Proposal provides for a setback of 5.45m to Oliver Street and 1.865m to Wyadra Avenue. See discussion at end of table.** |
| B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks | 6.5m | Yes The additions provide a setback of 19.3m to the rear boundary. There is no change proposed to the detached secondary dwelling. |
| B11 – Foreshore Building Setback | Not applicable | Not Applicable |
| B12 – National Parks Setback | Not applicable | Not Applicable |
| B13 – Coastal Cliffs Setback | Not applicable | Not Applicable |

| Clause | Requirement | Compliance |
|---------------------------------------|---|--|
| B14 – Main Roads Setback | Not applicable | Not Applicable |
| B15 – Minimum Floor to Ceiling Height | Not applicable | Not Applicable |
| C2 – Traffic, Access and Safety | Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy | Yes The proposal utilises the existing vehicular cross overs on both Oliver Street and Wyadra Avenue. It is noted that the garage on Oliver Street will be reinstated. |
| C3 – Parking Facilities | Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1 | There will be no impact on the existing streetscape. The conversion of the storeroom to a garage is internal only as this structure currently presents as a garage to the street with a roller door. |
| C4 - Stormwater | To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification. | Yes The proposal provides for all collected stormwater to drain to the street gutter in accordance with Council controls. |
| C5 – Erosion and Sedimentation | Soil and Water Management required | Yes A Soil Erosion Management Plan has been prepared and forms part of the submission to Council. |

| Clause | Requirement | Compliance |
|--|---|--|
| C6 - Building over or adjacent to Constructed Council Drainage Easements | Not Applicable | Not Applicable |
| C7 - Excavation and Landfill | Site stability to be maintained | Yes Minimal excavation proposed. |
| C8 – Demolition and Construction | Waste management plan required | Yes Waste Management Plan submitted. |
| C9 – Waste Management | Waste storage area to be provided | Yes There is sufficient area on site for waste and recycling bins. |
| D1 – Landscaped Open Space and Bushland | Min 40% Landscaped Area to be maintained | Yes The proposal provides for a landscaped area of 265m ² or 40%. |
| D2 - Private Open Space | Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m | Yes Proposed dwelling provides for sufficient private open space in the rear yard. This open space is directly accessible from the living areas and is level. |
| D3 - Noise | Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements | Not Applicable |
| D4 – Electromagnetic Radiation | Not Applicable | Not Applicable |
| D5 – Orientation and Energy Efficiency | Dwellings to be orientated to receive northern sun | Yes The proposed dwelling will receive good solar access throughout the year. A BASIX certificate |

| Clause | Requirement | Compliance |
|-------------------------|--|--|
| | <p>Appropriate construction to enhance thermal properties and ventilation/natural cooling</p> <p>Compliance with SEPP (BASIX) requirements</p> | <p>has been issued and forms part of the submission to Council.</p> |
| D6 – Access to sunlight | <p>The controls require that sunlight to at least 50% of the private open space of both the subject and adjoining properties' private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.</p> | <p>Yes</p> <p>Given the east-west orientation and Wyadra Avenue to the south the proposal does not result in any additional overshadowing to residential premises. Shadow diagrams have been prepared which depict compliance with the controls of this clause.</p> |
| D7 - Views | <p>View sharing to be maintained</p> | <p>Yes</p> <p>The subject site and surrounding properties do not enjoy any significant views.</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>Yes</p> <p>The proposed additions have been designed to ensure privacy of the adjoining properties is maintained. Whilst the upper level provides for a games room, this room is provided with only a highlight window on the northern elevation. The deck on the rear elevation is provided with a privacy screen along the northern elevation to prevent overlooking.</p> |

| Clause | Requirement | Compliance |
|--------------------------------------|---|---|
| | | In addition, the upper level is provided with an appropriate setback to the northern side boundary. |
| D9 – Building Bulk | This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street. | Yes The proposal results in a two-storey dwelling which is compatible with the existing surrounding development. |
| D10 – Building Colours and materials | External finishes and colours sympathetic to the natural and built environment | Yes External finishes selected to be compatible with the existing surrounding development and the natural environment. |
| D11 - Roofs | The LEP requires that roofs should not dominate the local skyline. | Yes The proposal provides for a flat roof form which is compatible with the variety of roof forms in the locality. |
| D12 – Glare and Reflection | Glare impacts from artificial illumination minimised. Reflective building materials to be minimized. | Yes The proposal will not result in unreasonable glare or reflection. |

| Clause | Requirement | Compliance |
|------------------------------------|--|---|
| 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. | <p><u>Wyadra Ave:</u> The proposal provides for a new front fence to replace to the existing fencing on site. Whilst the proposal provides for a maximum height of 1.8m this is consistent with the existing fencing. Further being a secondary frontage, it is required to ensure private open space is maintained. The fencing is compatible with other fencing on the nearby corner allotments.</p> <p><u>Oliver Street</u> It is proposed to replace the existing gate and fence on Oliver Street. The existing garage door is also to be replaced. The garage door and gate/fence are to be constructed of timber battens to provide a uniform look and improve the presentation to Oliver Street.</p> |
| 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. | Yes There is ample area on site for storage and site facilities. |
| D15 – Side and Rear Fences | Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991. | Yes |

| Clause | Requirement | Compliance |
|--|---|--|
| 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. | Not Applicable |
| D17 – Tennis Courts | N/A | Not Applicable |
| D18 - Accessibility | Safe and secure access for persons with a disability to be provided where required. | Not Applicable |
| D19 – Site Consolidation in the R3 and IN1 Zone | Not Applicable | Not Applicable |
| D20 – Safety and Security | Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street. | Yes The proposal will continue to provide a good outlook of dwelling approach and street. |
| D21 – Provision and Location of Utility Services | Utility services to be provided. | Yes Existing facilities on site. |
| D22 – Conservation of Energy and Water | A BASIX Certificate is required. | Yes |
| D23 - Signs | Not Applicable | Not Applicable |
| E1 – Private Property Tree Management | Arboricultural report to be provided to support development where impacts to trees are presented. | Not Applicable |
| E2 – Prescribed Vegetation | Not identified on map | Not Applicable |
| E3 – Threatened species, populations, ecological communities | Not identified on map | Not Applicable |

| Clause | Requirement | Compliance |
|--|---|----------------------------------|
| E4 – Wildlife Corridors | Not identified on map | Not Applicable |
| E5 – Native Vegetation | Not identified on map | Not Applicable |
| E6 - Retaining unique environmental features | Unique or distinctive features within a site to be retained | Not Applicable |
| E7 – Development on land adjoining public open space | N/A – not identified on map | Not Applicable |
| E8 – Waterways and Riparian Lands | Not identified on map | Not Applicable |
| E9 – Coastline Hazard | Not identified on map | Not Applicable |
| E10 – Landslip Risk | Identified on map as A | No further information required. |
| E11 – Flood Prone Land | Not Applicable | Not Applicable |

The following provision is discussed in more detail:

****B7 Front Setback**

This clause specifies a minimum front setback of 6.5m to the primary street frontage and a secondary setback of 3.25m. The proposal provides for a setback of 5.45m as measured from the new wall of the upper level to Oliver Street and a setback of 1.865m to the Wyadra Avenue frontage. This is considered justified in this instance for the following reasons:

- The site is unique, being a corner allotment and comprising an original ‘corner shop and dwelling’ development. The existing development is currently built to the boundaries of both Oliver Street and Wyadra Avenue. This development has been in existence prior to 1943 (evidence in the aerial photograph – SIX maps).
- The proposal provides for a new first floor. This level provides for a setback of 5.45m to the Oliver Street frontage. This is for the stair only with the remainder of upper level located behind the required setback, being setback 7.2m. The encroaching element will not be prominent in the streetscape, as it is located well behind the existing parapet.
- The additions are well articulated providing for varied setbacks and orientated to address both Oliver Street and Wyadra Avenue.
- The development has been designed to ensure privacy of the adjoining properties.

- The additions do not result in any obstruction of existing views.
- The proposal provides for a garden area within the majority of the setback to Wyadra Avenue.

There are no other provisions of the DCP that apply to the proposed development.

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned R2 Low Density Residential under the provisions of the LEP. Construction of dwelling alterations/additions are permissible with the consent of Council in this zone. It is considered that the provisions of this document have been satisfactorily addressed within this report and that the proposal complies with the relevant provisions.

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

The Likely Impacts of the Development

It is considered that the development will provide for the construction of dwelling alterations/additions without any detrimental impact on the environment, social and economic status of the locality.

The Suitability of the Site for the Development

The subject site is zoned R2 Low Density Residential and the construction of dwelling alterations/additions in this zone is permissible with the consent of Council. The resultant dwelling is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons it is considered that the site is suitable for the proposed development.

The Public Interest

It is considered that the proposal is in the public interest in that it will provide for dwelling alterations/additions that are consistent with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

6. CONCLUSION

This application seeks approval for the construction of alterations and additions to the existing dwelling and commercial premises and ancillary works. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011. The proposed dwelling does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed construction of dwelling alterations/additions and alterations to an existing commercial premise at **No. 102 Oliver Street, Freshwater** is worthy of the consent of Council.

Natalie Nolan
Grad Dip (Urban & Regional Planning) Ba App Sci (Env Health)
Nolan Planning Consultants
July 2021