



statement of environmental effects



NEW DWELLING

67 WOOLGOOLGA STREET

NORTH BALGOWLAH NSW 2093

March 2023

Disclaimer

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introduction

This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of Jess and Scott Shepherd to accompany the lodgement of a development application for the construction of a new dwelling and swimming pool at 67 Woolgoolga Street, North Balgowlah (**site**).

This statement is informed and accompanied by the following documentation:

- Architectural Plans by Rama Architects
- Landscape Plan by Rama Architects
- Detail and Boundary Survey by Total Surveying Solutions
- Geotechnical Report by White Geotechnical Group
- Stormwater Management Plans by Stellen Consulting
- Arborist Report by Blues Bros Arboriculture
- BASIX Certificate by Rama Architects
- NatHERS Certificate by Efficiency Assessments Pty Ltd
- Waste Management Plan by Rama Architects

site details

The site is legally identified as Lot 29 of Deposited Plan 23447, and is commonly referred to as 67 Woolgoolga Street, North Balgowlah. The site is irregular in shape, with a 8.1m wide curved frontage to the cul-de-sac of Woolgoolga Street to the east, a maximum width of 31.7m, a maximum depth of 46.005m and a total area of 878m².

The site is currently vacant, with the demolition of the pre-existing single storey house undertaken pursuant to CDC2022/0667.

The site falls from the street (RL 91.21m AHD) down towards the rear (RL 86.77m AHD), as shown on the Detail and Boundary Survey accompanying this application. The site contains a number of existing canopy trees, with additional trees located in close proximity to the property boundaries. The surrounding area is characterised by residential development of varying density, height and age.

Woolgoolga Street is a local street, which terminates at the cul-de-sac at the frontage of the site. Overhead infrastructure is located on the southern side of the street, adjacent to the subject site.

Aerial images of the site and its surrounds is provided in Figures 1 and 2 on the following page. Images of the site, the existing dwelling and the streetscape are also provided (Figure 3-6).



Figure 1 – Aerial image with site bordered in yellow
Source: Nearmap



Figure 2 – Aerial image (zoom) with site bordered in yellow
Source: Nearmap



Figure 3 – The site (centre) as seen from Woolgoolga Street
Source: NBP



Figure 4 – Looking in a westerly direction along the southern side boundary
Source: NBP



Figure 5 – The adjoining dwelling to the north at 66 Woolgoolga Street as seen from the subject site
Source: NBP



Figure 6 – The adjoining dwelling to the south at 65 Woolgoolga Street as seen from the subject site
Source: NBP

proposed development

The application seeks consent for the construction of a new dwelling house and swimming pool, as depicted in the Architectural Plans prepared by Rama Architects, and as described as follows:

- Construction of a new dwelling:
 - Lower Ground Floor: rumpus room and plant room,
 - Ground Floor: garage, entrance foyer, study, snug, sunken lounge, kitchen, dining, butlers' pantry, laundry, powder room and store,
 - First Floor: master bedroom with ensuite and WIR, three bedrooms, bathroom and study nook
- Internal driveway
- Northern courtyard
- Swimming pool
- Landscaping, and
- Infrastructure.

legislation, plans and policies

The following relevant state and local policies are applicable to the proposed development:

- Environmental Planning and Assessment Act (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Warringah Local Environmental Plan 2014 (**WLEP 2011**):
 - Lot Size Map: 600m²
 - Land Zoning Map: R2 Low Density Residential
 - Height of Buildings Map: 8.5m
 - Landslip Risk Land Map: Areas A and B
- Warringah Development Control Plan 2011 (**WDCP 2011**)

environmental planning and assessment act

The matters prescribed by section 4.15(1) of the EP&A Act are considered, as follows:

Clause	Provision	Comment
(a)	<p><i>the provisions of—</i></p> <ul style="list-style-type: none"><i>i. any environmental planning instrument, and</i><i>ii. 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</i><i>iii. any development control plan, and</i><i>iv. 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, and</i><i>v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> <p><i>that apply to the land to which the development application relates,</i></p>	<p>The relevant provisions of WLEP 2011, all relevant SEPPs, and WDCP 2011 have been considered and addressed in this statement.</p>
(b)	<p><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></p>	<p>The likely impacts of the proposed development have been addressed with respect to relevant plans and policies in this statement. The proposed development will not result in any unacceptable impacts upon the natural or built environment, or any social or economic impacts in the locality.</p>
(c)	<p><i>the suitability of the site for the development,</i></p>	<p>The subject site is suitable for the proposed development.</p>
(d)	<p><i>any submissions made in accordance with this Act or the regulations,</i></p>	<p>The application will be notified to all potentially affected properties, with any submissions received to be considered by Council.</p>
(e)	<p><i>the public interest.</i></p>	<p>The proposed development is in the public interest, in so far as it is consistent with the objectives and outcomes of WLEP 2011 and WDCP 2011.</p>

state environmental planning policy (resilience and hazards)

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The site has been used for residential purposes for an extended period of time, with no known prior land uses. The site is not identified on the public register of contaminated sites and is not located in the vicinity of any.

Council can be reasonably satisfied that there is no contamination risk. Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

state environmental planning policy (biodiversity and conservation)

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The application is supported by an Arborist Report by Blues Bros Arboriculture which assesses the health and significance of 11 trees in the vicinity of the works proposed. The report confirms that all but one tree, Tree 7, can be safely retained, with the impact to Tree 7 justifiable, as it facilitates the retention of trees of higher significance on the site.

As such, the proposed development is considered to be consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

state environmental planning policy (building sustainability index: basix)

The proposed works constitute 'BASIX affected development', as defined by the EP&A Regulation. The application is accompanied by a BASIX Certificate demonstrating that the proposed development can meet relevant performance criteria.

The site is identified on the Land Application Map of WLEP 2011 and the provisions of this policy are applicable in relation to the site and the proposed development.

The relevant provisions of WLEP 2011 are considered, as follows:

Clause	Standard	Proposal	Compliance
Zone R2 Low Density Residential			Yes See discussion
4.3 Height of buildings	8.5m	7.9m	Yes
6.2 Earthworks			Yes
6.4 Development on Sloping Land			Yes See discussion

Zone R2 Low Density Residential

The site is zoned R2 Low Density Residential under the provisions of WLEP 2011. Pursuant to the land use table in Part 2 of this instrument, dwelling houses (and associated ancillary development) are permissible with consent.

Clause 6.4 Development on Sloping Land

The site is identified within Areas A and B on the Landslip Risk Map of WLEP 2011. In accordance with the provisions of clause E10 (Landslip Risk) of WDCP 2011, the application is supported by a Geotechnical Report by White Geotechnical Group. Further, the application is supported by Stormwater Management Plans by Stellen Consulting

Council can be satisfied that the risk associated with landslides in relation to both property and life has been considered, that the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and that the development will not impact on or affect the existing subsurface flow conditions.

development control plan

WDCP 2011 is applicable to the site and the proposed development. The relevant provisions of WDCP 2011 are considered, as follows:

Clause	Control	Proposal	Compliance
B1 Wall Height	7.2m	North: 3.2m – 6.5m South: 3.6m – 7.4m	No See discussion
B2 Number of Storeys			N/A
B3 Side Boundary Envelope	45 degree plane from a point 4m above the side boundaries	North: Within envelope South: Beyond envelope	No See discussion
B5 Side Boundary Setbacks	0.9m	North: 0.9 – 12.0m South: 1.4m – 2.3m	Yes
B7 Front Boundary Setbacks	6.5m	8.5m – 10.2m	Yes
B9 Rear Boundary Setbacks	6.0m Pool may be located within rear setback but must not exceed 50% of the rear setback area.	12.2m – 14.4m Pool covers less than 10% of the rear setback area.	Yes
C2 Traffic, Access and Safety	Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.	Existing vehicle crossing to be retained.	Yes
C3 Parking Facilities	2 spaces Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser	2 spaces Width of garage is <6m and <50% of the building width.	Yes
C4 Stormwater	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water	The application is supported by Stormwater Management Plans demonstrating consistency with Council's Water	Yes

Clause	Control	Proposal	Compliance
	Management for Development Policy.	Management for Development Policy.	
C7 Excavation and Landfill	Excavated and landfill areas shall be constructed to ensure the geological stability of the work.	The application is supported by a Geotechnical Report that provides detailed recommendations to ensure an acceptable level of risk.	Yes
C8 Demolition and Construction	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	The application is supported by a Waste Management Plan.	Yes
C9 Waste Management	All development must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	The application is supported by a Waste Management Plan.	Yes
D1 Landscaped Open Space	40% (351.2m ²) of the total site area	480.15m ² or 54.7%	Yes
D2 Private Open Space	60m ² with minimum dimension of 5m	>60m ² with a minimum dimension of 5m	Yes
D3 Noise	Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.	Plant equipment associated with the swimming pool and lift is to be located in a soundproof enclosure.	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	The application is supported by solar access diagrams by Rama Architects.	Yes

Clause	Control	Proposal	Compliance
	open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	<p>The rear area of open space will receive in excess of 3 hours of sunlight in midwinter.</p> <p>The proposed new dwelling does not result in unreasonable overshadowing of the property to the south, with 3 hours of sunlight retained to private open space at the rear of the site.</p>	
D7 Views	Development shall provide for the reasonable sharing of views.	The proposed development is unlikely to result in any adverse impacts upon views.	Yes
D8 Privacy	Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	The proposed development maintains a reasonable level of privacy to a degree that is commensurate with surrounding properties.	Yes
D9 Building Bulk	<p>Orientate development to address the street.</p> <p>Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.</p>	<p>The proposed development is sensitively designed to respond to the individual circumstances of the site and Council's built form controls.</p> <p>The proposed development is well articulated, with varied setbacks and materiality to ensure that the bulk and scale of the development is appropriately minimised.</p>	Yes
D10 Building Colours and Materials	The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.	The proposed development is to be finished in colours and materials that complement the locality, as demonstrated on the Schedule of External Finishes prepared by Rama Architects to accompany the application.	Yes

Clause	Control	Proposal	Compliance
D12 Glare and Reflection	Sunlight reflectivity should be minimised.	The proposed development will not result in excessive or unreasonable glare.	Yes
D13 Front Fences and Walls	Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.		Yes
D14 Site Facilities	Site facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places.	Appropriate site facilities are proposed.	Yes
D16 Swimming Pools and Spa Pools	Pools are not to be located within the front setback.	The proposed pool is located within the rear yard.	Yes
D20 Safety and Security	Buildings are to overlook streets as well as public and communal places to allow casual surveillance.	The proposed development has appropriate regard for the CPTED principles.	Yes
D22 Conservation of Energy and Water	All development must comply with Council's Water Management Policy.		Yes
E1 Preservation of Trees or Bushland Vegetation		The application is supported by an Arborist Report by Blues Bros Arboriculture, which supports the proposed removal of Tree 7.	Yes
E2 Prescribed Vegetation			Yes
E6 Retaining Unique Environmental features		The proposed development strikes an appropriate balance between the development of the vacant site and the retention of existing canopy trees.	Yes
E10 Landslip Risk	Areas A and B	The application is supported by a Geotechnical Report that provides detailed recommendations to ensure an acceptable level of risk.	Yes

Clause B1 Wall Height

The south-western corner of the southern elevation has a maximum wall height of 7.4m, resulting in a 200mm non-compliance with the maximum wall height prescribed. The wall height non-compliance arises due to the slope of the land, which falls more steeply at the south-western corner of the site, and is limited to a length of approximately 1m.

The minor wall height non-compliance is supportable on merit, as the objectives of the wall height control are otherwise achieved, as follows:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment: The 200mm wall height non-compliance is limited to the rear south-western corner of the building and will not be readily visible from the street. Furthermore, the non-compliance is unlikely to be readily perceived by the adjoining dwelling to the south, as the non-compliance does not arise due to an increase in the height of the roof at that point, but rather as a consequence of the fall of the land at that particular location. The top of wall height is consistent across the entire upper floor and is predominantly maintained well below the maximum permitted wall height.

- *To ensure development is generally beneath the existing tree canopy level.*

Comment: As evident on the South Elevations by Rama Architects that accompany this application, the proposed development will be retained below the canopy of existing trees.

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment: The portion of development that extends above the prescribed wall height will not result in any adverse impacts upon views available from nearby and adjoining sites.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment: The wall height non-compliance does not result in any new or additional adverse impacts upon the amenity of adjoining or nearby dwellings, specifically with regard to solar access or visual privacy. The upper floor, where the wall height occurs, is stepped back from the level below to minimise the visual impact of the development as seen from neighbouring dwellings and the street.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment: The proposed development is stepped in response to the fall of the land, and site disturbance is appropriately minimised.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment: The proposed development incorporates a parapet roof form, that is maintained well below the maximum height plane.

Clause B3 Side Boundary Envelope

Clause B3 of WDCP 2011 prescribes that buildings are to be maintained within a plane projected at 45 degrees from a height of 4 metres above existing ground levels along the side boundaries. The proposed upper floor of the dwelling protrudes beyond the prescribed side boundary envelope to varying degrees, as demonstrated on the South Elevation by Rama Architects that accompanies this application.

The departure from the prescribed side boundary envelope is supportable on merit in these specific circumstances, as the objectives of the control are otherwise achieved, as follows:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment: The proposed development has a one and two storey presentation to Woolgoolga Street, with the upper floor setback from the level below on all four sides. In addition to the increased setbacks at the upper floor, the proposed development will be finished in varying materials to provide further visual interest and articulation as seen from both the public domain and the neighbouring properties.

The proposal has also been designed with more generous side setbacks along the southern elevation at the lower level, 500mm greater than the minimum setbacks prescribed. The increased side setback actively reduces the visual dominance of the development as seen from the adjoining property to the south. The dwelling as a whole is maintained well below the 8.5m maximum building height, with a resultant landscaped area that far exceeds the 40% minimum prescribed.

The side boundary envelope non-compliance is limited to the southern side elevation, with the northern elevation maintained well below the envelope prescribed. As such, the upper floor is no larger/wider than that which is anticipated on the site under the provisions of WDCP 2011.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment: An appropriate degree of spatial separation is provided between the proposed dwelling and the adjacent dwelling to the south, with a 1.4m setback provided at the ground floor and a 2.3m setback proposed at the upper level. This results in a 2.6m minimum setback between properties at ground level, well in excess of the 1.8m spatial separation between buildings anticipated by WDCP 2011.

The side boundary envelope non-compliance does not result in any adverse impacts upon the amenity of the property to the south, with no unreasonable impacts arising with respect to privacy, solar access or views.

- *To ensure that development responds to the topography of the site.*

Comment: The proposed development is stepped in response to the fall of the land, and site disturbance is appropriately minimised.

conclusion

The proposal is a well resolved and considered design solution for the site, which has appropriate regard for the amenity of adjoining properties and the natural features of the site. The proposal is unlikely to result in any unreasonable impacts upon adjoining properties or the surrounding natural environment and appropriately reflects the desired character of the locality.

The proposal involves non-compliance with the wall height and side boundary envelope controls of WDCP 2011. We ask that Council apply flexibility in this regard, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, noting that works are appropriately characterised as alterations and additions to an existing dwelling, and as the objectives of these controls are nonetheless achieved.

Overall, the proposed development will positively contribute to the Woolgoolga Road streetscape, and the application warrants Council's support in this regard.



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