



## **133 FISHER ROAD NORTH CROMER**

### **STATEMENT OF ENVIRONMENTAL EFFECTS FOR ALTERATIONS AND ADDITIONS TO A DWELLING AND A NEW SWIMMING POOL**



Report prepared for  
**Action Plans**  
November 2020

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## **1. Introduction**

- 1.1 This is a statement of environmental effects for alterations and additions to an existing dwelling at 133 Fisher Road North Cromer.

The report describes how the application addresses and satisfies the objectives and standards of the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan 2011 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

- 1.2 This statement of environmental effects has been prepared with reference to the following:

- ◆ Survey prepared by DA surveys
- ◆ Site visit
- ◆ DA Plans prepared by Action Plans
- ◆ BASIX Certificate prepared by Action Plans
- ◆ Geotechnical Report prepared by Ascent Geotechnical Consulting

- 1.3 The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and streetscape and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

## 2. The site and its locality

- 2.1 The subject site is located on the eastern side of Fisher Road North, approximately 40 metres north of its intersection with Lynwood Avenue in Cromer. The site is legally described as Lot 6 DP788171 and is known as 133 Fisher Road North, Cromer.
- 2.2 It is an irregular shaped lot with a front boundary of 4.725 metres to Fisher Road North, side boundaries of 15.8885 metres (west), 28.845 metres (North), 25.475 metres (South), and a rear boundary of 19.170 metres (East).
- 2.3 The site has an area of 547.6m<sup>2</sup> and slopes east (from the street frontage to the rear of the lot). It is currently occupied by a single storey weatherboard residence with a tile roof, with a car parking area at the rear of the site.
- 2.4 The site benefits from a right of carriageway; easement to drain water; and easement for services on the shared driveway to the north which is made up of narrow handles from 4 other lots sharing this accessway. There is also a triangular area in front of the lot, where the subject site appears to front the street, which is part of a separate lot. See lot layout below.

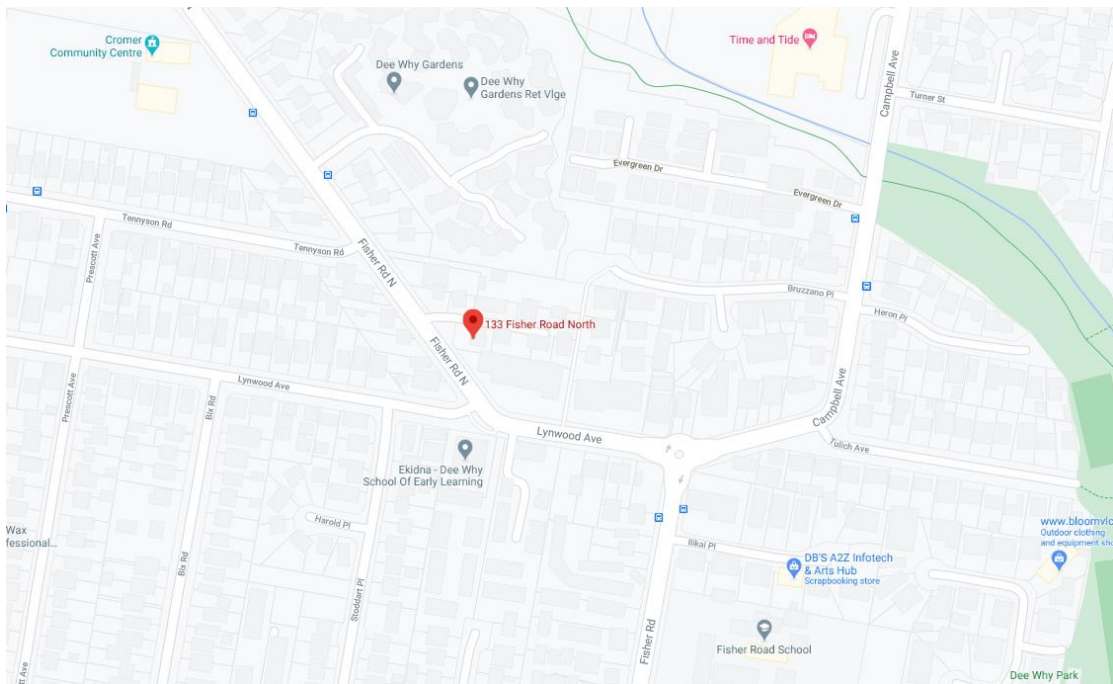


**Figure 1. The site and it's immediate surrounds**

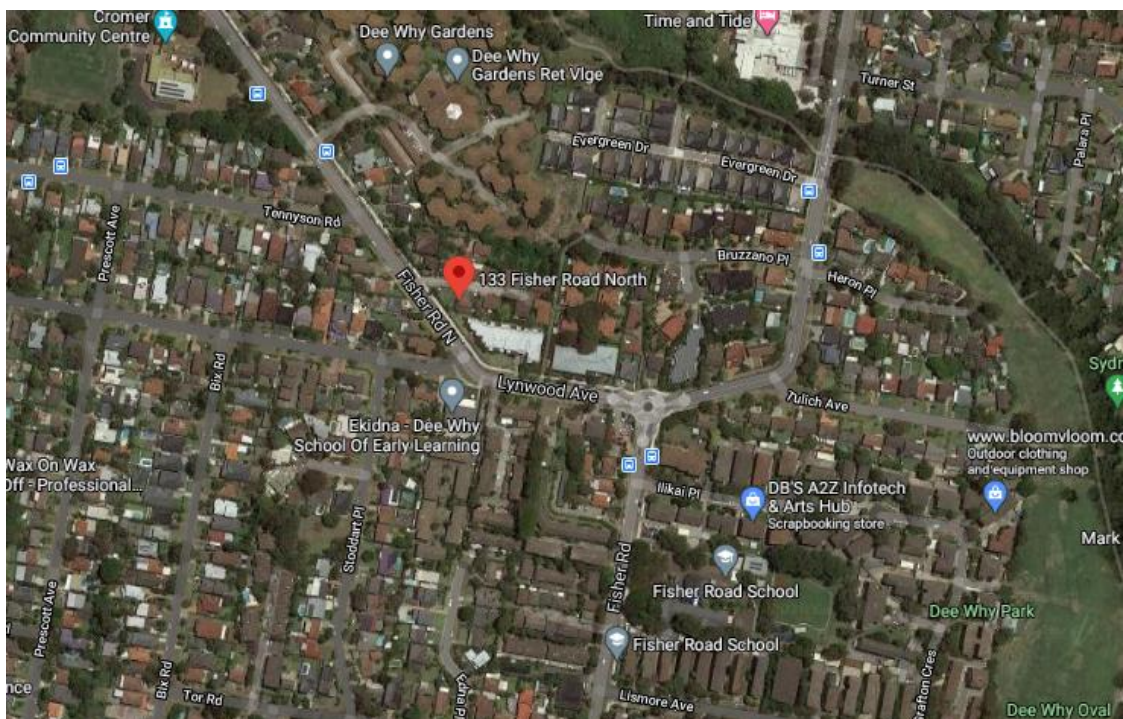
- 2.5 The site is surrounded by detached residential dwellings to the north and west. Immediately adjacent to the south on Fisher Road is a multi-unit housing development within the R3 zone boundary commencing at this site. The site is in close proximity to Cromer's community centre (approximately 287 metres to the north west) and Sporting



fields (approximately 300metres to the north east) The site is located in close proximity to retail and public transport services connecting to main bus routes on Pittwater Road.



**Figure 2. The site within the locality**



**Figure 3. Aerial image of the site within the locality**



### 3. Site Photos



Figure 4. The front yard, looking east from front boudary



Figure 5. The rear of the property looking south west





Figure 6. Rear of the property viewed from Right of way with existing parking



Figure 7. The front of the site, looking north east to the proposed location of pool and deck

## 4. Proposed Development

- 4.1 The proposed development is for alterations and additions to the existing dwelling, to reconfigure and extend the ground floor, construct a new first floor, construct a new double garage accessed from the ROW and new inground swimming pool in the front yard of the subject site.

The proposed alterations and additions remain consistent with the streetscape and the locality. The proposal is consistent with Council controls, ensures privacy and solar access are maintained for both neighbours and the subject site.

- 4.2 The alterations and additions to the dwelling will be made up as follows:

### Ground Floor

- Reconfigure and extend to the rear (into existing covered deck area) to create:
  - open plan living/ kitchen/ dining area;
  - Master bedroom with WIR, study and ensuite;
  - Bathroom
  - laundry
- New internal staircase on the southern side of the property with relocated entrance;
- New front deck;
- Proposed new garage at the rear with internal access.

### Proposed First Floor

- New first floor including:
  - Bedroom 1, 2 and 3 and robes.
  - Bathroom
  - Living room with front deck
  - Internal stair

### Site

- Demolish the existing shed
- Construct a new inground pool (23,000 litres, 1.65m deep) with associated decking and landscaping in front yard

- 4.3 The design has been sited to suit the unusual site which has its key open space in the front yard, and parking in the rear, where the site benefits from the vehicular ROW to existing parking behind the dwelling. Development to the front of the lot allows for maximised privacy for the site and neighbours.



## **5. Statutory Framework**

### **5.1 State Environmental Planning Policies**

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

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of the standard instrument LEP relating to the preservation of trees and vegetation.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development does not require the removal of any trees or small vegetation.

## 5.2 Warringah Local Environment Plan 2011

### Zoning

The site is zoned R2 Low Density Residential, pursuant to the provisions of the Warringah Local Environment Plan 2011. The proposed development is for alterations and additions to an existing dwelling house including a pool and is a permitted with consent in the R2 Zone.



Figure 11. Extract from Warringah LEP zoning map

### Demolition

Consent is sought for minor demolition works, as described above and illustrated in the attached DA plan set, to allow for the construction of the proposed alterations and additions and swimming pool.

### Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres. The proposed development results in a maximum building height of 8.375 metres.

### Earthworks

The proposed earthworks will allow construction of the proposed additions and new swimming pool.

Proposed earthworks in the front yard comprise of excavation for the partly in-ground pool swimming pool to a maximum depth of 1.65m, is proposed, with the pool to be surrounded with compliant fencing.

All works will be undertaken in accordance with engineering details and any conditions of consent.

### **Development on Sloping Land**

The site is located in the area nominated the LEP maps as Area A – Slope < 5 and Area B – Flanking Slopes 5 to 25. As such the consent authority must be satisfied that:

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

A geotechnical report in support of the application accompanies the proposal.



### 5.3 Warringah Development Control Plan 2011

The relevant sections of the Warringah DCP 2011 are addressed below.

#### Part B General Controls

##### Wall Heights

A maximum wall height of 7.2 metres is permitted by the DCP.

The alterations and additions propose compliant wall heights.

The proposed development does not present with excessive bulk when viewed from the street or neighbouring sites, rather it represents an attractive addition to the streetscape.

##### Side Building Envelope

The site requires a side boundary envelope of 4m/45°. The development proposes a minor variation to the building envelope control on the southern elevation.

The variation is considered appropriate, in this case, the minor breach occurs for the small length of the stairwell only. The breach is minor in its length and occurs to allow for a gable roof form which is to the benefit of the architectural view of the building.

The impact on neighbours is further reduced by the splayed frontage which results in the subject site sitting further to the west and accordingly, no being immediately adjacent the neighbouring multi-unit housing development.

##### Side Boundary Setbacks

Side setbacks of 900mm are permitted on the subject site.

The proposed alterations and additions propose entirely compliant side setbacks for the dwelling as detailed below.

##### **Dwelling**

|       | Ground floor                    | First Floor                     |
|-------|---------------------------------|---------------------------------|
| East  | 9.7m (deck)<br>13.6m (dwelling) | 9.7m (deck)<br>13.6m (dwelling) |
| North | 2.178m                          | 4.679m                          |
| South | 2.163m                          | 2.17m                           |

The swimming pool also fully complies with side setbacks.

##### **Pool**

|       | Coping | Water line | Decking |
|-------|--------|------------|---------|
| East  | 5.72m  | 5.84m      | 5.115m  |
| North | 2.24m  | 2.36m      | 1.64m   |

### **Garage**

The garage has a 0.377 m setback to the northern side setback. This is entirely appropriate as this side back abuts the access handle and mirrors the location of the existing parking spaces. The impact is negligible for neighbours with only a private road impacted by the location.

### **Front Setback**

A front setback of 6.5 metres is required on the site. The dwelling easily complies with a minimum front setback of 7.76metres provided to the deck on both levels. And 10.202m provided to the dwelling wall.

### **Rear Setback**

A rear building setback of 6 metres is required on the site. The existing dwelling has a setback of 4.633 metres which is retained for the new ground floor works. The proposed garage will sit in a similar area to that currently occupied by parking spaces and will have a rear setback of 900mm.

These reduced setback are entirely appropriate in this instance as this area is not the key open space of the lot. It also does not abut the key rear outdoor living area of the neighbour, who has their outdoor area on the eastern side of their lot away from the rear boundary of the subject site.

There are no detrimental impacts, rather the retention of a space which is primarily utility.

## **Part C Siting Factors**

### **Traffic Access and safety**

The proposed garage is proposed to be located in a similar location to the existing parking space and is entirely appropriate.

### **Parking**

The DCP requires 2 car parking spaces for a dwelling house.

The proposed garage will be able to provide secure off-street parking for two cars, with ample turning area to allow for ease of use and no disruption to other users of the ROW.

The garage is compliant with Australian Standards with regard to depth, width and grade.

### **Storm water**

The proposed alterations and additions will be connected to Council's existing drainage network via the drainage easement in the ROW.

### **Excavation and Landfill**

Earthworks are proposed to allow construction of the proposed additions and new swimming pool as described above.

All works will be undertaken in accordance with engineering details.

### **Demolition and Construction**

The proposed alterations and additions will involve demolition works as detailed above and in the attached plan set. All demolition and construction works will be undertaken as required by Council controls and compliant with any relevant conditions of consent.

### **Waste Management**

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

The dwelling has an existing bin storage area at the side of the dwelling, with waste to be collected by Council's regular service.

## **Part D Design**

### **Landscaping and Open space and bush land setting**

The DCP requires 40% landscaping on the site which is equivalent to 219.04m<sup>2</sup> for the site area of 547.6m<sup>2</sup>.

The existing landscaped area on the site is a compliant 64% or 349.18m<sup>2</sup>. The development proposes a landscaped area of 53% or 287.94m<sup>2</sup> which is easily compliant.

### **Private open space**

The DCP requires a minimum private open space area of 60m<sup>2</sup> (with minimum dimensions of 5 metres) for the subject site. A compliant area of private open space is provided in the front yard.



## **Noise**

The development is consistent with the residential area and will not result in noise levels inappropriate to a residential area. The site is not located in close proximity to a noise generating activity.

The pool filter pump will be located adjacent to the swimming pool and study, in the front yard, in a soundproof enclosure.

## **Access to sunlight**

At least 50% of the private open space of the subject site and the adjoining dwellings are required to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 by this clause DCP.

9am

The proposed shadow at 9am doesn't impact upon the neighbouring property to the south with additional shadows falling to the street.

12pm

The proposed shadowing at 12 noon will result in minor shadowing over the front corner of the property at 62-64 Lynwood Avenue, but the vast majority of the front dwelling being unaffected.

3pm

At 3pm the proposed additions will see a minor increase to shadowing to the front of neighbouring property, 133A Fisher Road, as well as shadowing to the northern side of the property at 62-64 Lynwood Avenue. Neither of these impacts are unacceptable.

The shadow diagrams included with this application demonstrate that both the subject site and the adjoining properties retain compliant solar access. The properties enjoy a north to rear aspect and the development will result in only a minor increase to shadowing.

## **Views**

A site visit has been undertaken and it is concluded that the development will not result in any view loss for surrounding properties.

## **Privacy**

Privacy will be retained for neighbours with ample setbacks and no direct overlooking into any key living areas.

The upper level deck is located at the front of the dwelling and overlooks the street and not open or private areas of neighbours.

### **Building Bulk**

The proposed alterations and additions incorporate articulation and balconies to alleviate bulk. The alterations and additions will refurbish the existing dwelling to provide a modern, aesthetically pleasing, and complimentary addition to Fisher Road.

### **Building Colours and Materials**

The proposed building materials include Colourbond metal roofing, weatherboard cladding, aluminium sliding doorframes in black and a childproof pool fencing with self-locking gate as per swimming pool regulations as 1926.1 - 2007.

All materials and finishes are complementary to the residential surrounds and consistent with a modern finish.

### **Roofs**

The proposed new roof design has a 22.5-degree pitch. The roof over the deck on the first floor has a pitch of 20 degrees and the ground floor and garage has a 15 degree fall. New roofing will be constructed of non-reflective metal sheeting and eaves are incorporated for shading.

### **Glare & Reflection**

Materials have been chosen to ensure no glare or reflection issues.

### **Site Facilities**

The existing dwellings have appropriate waste, recycling areas and drying facilities.

### **Swimming Pools and Spa Pools**

A new 23,000 litre swimming pool is proposed in the front yard. The pool proposes a depth of 1.2 metres to 1.6 metres and will be constructed of concrete.

The pool will have appropriate setbacks, compliant pool fencing and be private from the street with existing private boundary fencing.

### **Safety and Security**

An ability to view the street frontage is retained allowing for casual surveillance which is to the benefit of the safety and security.

### **Conservation of Energy and Water**

The design has achieved a BASIX Certificate which accompanies the application.

## **Part E Design**

### **Preservation of Trees or Bushland Vegetation**

No trees are proposed to be removed from the site.

### **Retaining unique Environmental Factors**

The development will have no impact on any unique environmental factors in the area.

### **Landslip Risk**

A geotechnical report is provided in support of the Development Application.



## 6. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

### **The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations**

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Warringah LEP and DCP.

The development is permissible in the zone.

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

#### 7.1. Context and Setting

*What is the relationship to the region and local context in terms of:*

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

*What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed alterations and additions have been designed to complement the site and its surrounds. The development is appropriate and will have negligible impact on adjacent properties.

## **7.2. Access, transport and traffic**

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

The proposed development includes a double garage and will allow secure parking for two vehicles. No conflict or issues will arise as a result of the proposed development.

## **7.3. Public domain**

The proposed development will have a positive impact on the public domain as the proposal is consistent with the character and streetscape of the residential area.

## **7.4. Utilities**

There will be no impact on the site, which is already serviced.

## **7.5. Flora and fauna**

There will be no impact.

## **7.6. Waste**

There will be no impact.

## **7.7. Natural hazards**

The site is affected by slip. A report is not required with appropriate impacts anticipated.

## **7.8. Economic impact in the locality**

There will be no impact, other than the possibility of a small amount of employment during construction.

## **7.9. Site design and internal design**

*Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is highly appropriate to the site with regard to all of the above factors. The development fits well within the context of the surrounds and is an appropriate scale, well-suited to its residential locality.

*How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia. Additionally finishes, building materials and all facilities will be compliant with all relevant Council controls.

## **7.10. Construction**

*What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

### **The suitability of the site for the development**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*



- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

*Are the site attributes conducive to development?*

The site is appropriate for the alterations and additions proposed.

#### **Any submissions received in accordance with this Act or the regulations**

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

#### **The public interest**

It is considered that the proposal is in the public interest as it allows for appropriate use of an existing residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

## **8. Conclusions**

- 8.1 The proposed development for alterations and additions to an existing dwelling and a new swimming pool at 133 Fisher Road North, Cromer is appropriate considering all State and Council controls.
- 8.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 8.3 Considering all the issues, the fully compliant development is considered worthy of Council's consent.