

STATEMENT OF ENVIRONMENTAL EFFECTS –

4.55 MODIFICATION

18 OCEAN VIEW ROAD, FRESHWATER

**DEMOLITION AND CONSTRUCTION OF A NEW DWELLING
AND SWIMMING POOL**

**PREPARED ON BEHALF OF
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1. INTRODUCTION

This application seeks approval for the 4.55 modifications to a new dwelling on Lot 7 in DP 11275 which is known as **No. 18 Ocean View Road, 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:

- Architectural Plans prepared by Scope Architects, Project No. 01719 and dated 7.08.20.
- BASIX Certificate.

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 modifications 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 modifications 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 7 in DP 11275 which is known as 18 Ocean View Road, Freshwater. The site is located at the north-eastern side of Ocean View Road with a street frontage of 13.87m. The site has an area of 464.97m² with a depth of 33.53m. The locality is depicted in the following map:

View of Subject Site from Ocean View Road

The existing surrounding development comprises a mix of one and two storey detached residential dwellings on generally similar sized allotments to 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 existing surrounding development is depicted in the following aerial photograph:



3. THE DEVELOPMENT MODIFICATION 4.55 PROPOSAL

This proposal seeks modification approval for the minor amendments shown in the architectural drawings – namely -

- 1.** An open timber frame pergola at the rear of upper level.
- 2.** Windows amendments at rear of upper level
- 3.** Internal structural wall reconfiguration for lower floor.

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 dwelling house is permissible in this zone with the consent of Council. The following Development Standards specified in the LEP are relevant to the proposed development:

Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	8.37m	Yes

The following provision is 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.

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	Not Applicable
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	Not Applicable
B4 – Site Coverage	Not Applicable	Not Applicable
B5 - Side Boundary setbacks	Minimum: 0.9m	Not Applicable
B7 – Front Boundary Setbacks	Minimum 6.5m	Not Applicable

Clause	Requirement	Compliance
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6.0m	Not Applicable
B11 – Foreshore Building Setback	Not applicable	Not Applicable
B12 – National Parks Setback	Not applicable	Not Applicable
B13 – Coastal Cliffs Setback	Not applicable	Not Applicable
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	Not Applicable

Clause	Requirement	Compliance
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Not Applicable
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Not Applicable
C5 – Erosion and Sedimentation	Soil and Water Management required	Not Applicable
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable
C7 - Excavation and Landfill	Site stability to be maintained	Not Applicable
C8 – Demolition and Construction	Waste management plan required	Not Applicable
C9 – Waste Management	Waste storage area to be provided	Not Applicable

Clause	Requirement	Compliance
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	Not Applicable
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	Not Applicable
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 Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	Yes The proposed additions will receive good solar access throughout the year. A BASIX certificate has been issued and forms part of the submission to Council.

Clause	Requirement	Compliance
D6 – Access to sunlight	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.	Not Applicable
D7 - Views	View sharing to be maintained	Not Applicable
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	<p>Yes</p> <p>The dwellings have been designed to ensure privacy of the adjoining properties is maintained. The proposal provides for the majority of high use living areas on the ground level. Whilst the upper level provides for a rumpus with a deck. The rear deck is proposed to be a landscaped roof garden with plantings around the perimeter.</p> <p>The open frame pergola will be used to grow vines over to add further privacy.</p> <p>This will obstruct direct views into the adjoining properties.</p>

Clause	Requirement	Compliance
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.	Not Applicable
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Not Applicable
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Not Applicable
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimized.	Not Applicable
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.	Not Applicable

Clause	Requirement	Compliance
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.	Not Applicable
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991.	Not Applicable
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.	Not Applicable
D21 – Provision and Location of Utility Services	Utility services to be provided.	Not Applicable

Clause	Requirement	Compliance
D22 – Conservation of Energy and Water	A BASIX Certificate is required.	Not Applicable
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
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

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 a new dwelling house and swimming pool 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 modification will not provide any detrimental impact on the environment, social and economic status of the locality.

The Public Interest

It is considered that the modification proposal is in the public interest in that it will provide a modification to a single dwelling that is 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 modification to a new dwelling and associated works. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011. The proposed modifications to the 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 modifications at **No. 18 Ocean Street, Freshwater** is worthy of the consent of Council.