

STATEMENT OF ENVIRONMENTAL EFFECTS

46 SURFERS PARADE, FRESHWATER

**DEMOLISH EXISTING GARAGE AND CONSTRUCT NEW
DETACHED GARAGE AND NEW PERGOLA ANCILLARY TO
AN EXISTING DWELLING**

**PREPARED ON BEHALF OF
Mr & Mrs Long**

FEBRUARY 2025

TABLE OF CONTENTS

1.	INTRODUCTION	3
2.	SITE DESCRIPTION AND LOCALITY	4
3.	THE DEVELOPMENT PROPOSAL	8
4.	ZONING & DEVELOPMENT CONTROLS	9
5.	EP&A ACT – SECTION 4.15	18
6.	CONCLUSION	19

1. INTRODUCTION

This application seeks approval for the demolition of the existing garage and construction of a new detached garage and new pergola ancillary to an existing dwelling upon land at Lot 12, Section 1 in DP 5466 which is known as **No. 46 Surfers Parade, 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.

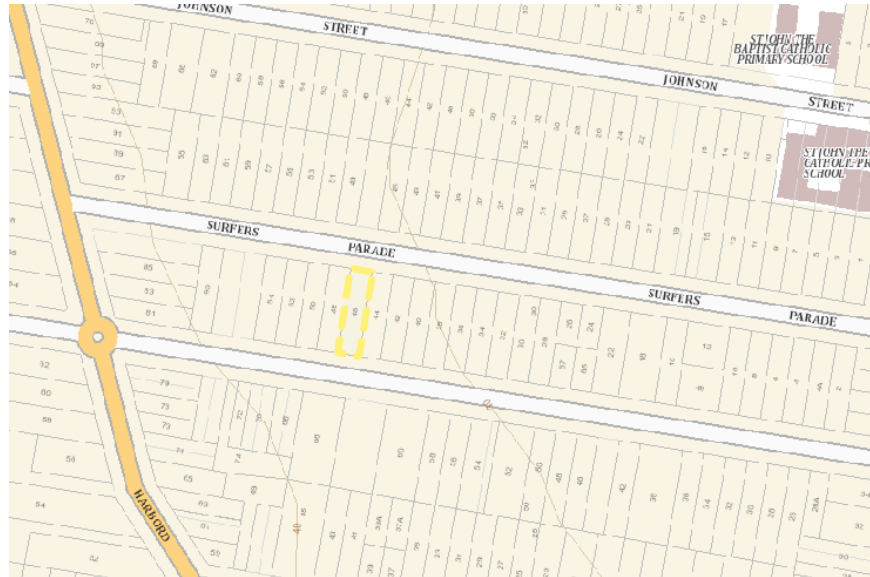
The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by CMS Surveyors Pty Ltd, Ref No. 23309A and dated 03/02/2025.
- Architectural Plans prepared by Scope Architects, Project No. 01811, Revision 1 and dated 25/02/2025.

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 12, Section 1 in DP 5466 which is known as 46 Surfers Parade, Freshwater. The site is a rectangular shaped allotment located at the southern side of Surfers Parade and has an area of 405.2m². The sites northern boundary has a frontage of 10.055m to Surfers Parade, with the southern rear boundary having a frontage of 10.055m to Soldiers Avenue. The site has a depth of 40.235m. The locality is depicted in the following map:



Site Location Map

The site currently comprises a two storey clad dwelling with metal roof. The dwelling is located centrally and is orientated towards Surfers Parade. A detached clad garage with pitched metal roof is located towards the southwest corner of the site. This garage is orientated towards and accessed from Soldiers Avenue.

The site has a slope from the Soldiers Avenue frontage (RL 34.5) towards the Surfers Parade frontage (RL32.27). Consistent with the fall of the land stormwater is discharged to the street gutter in Surfers Parade.

The site is depicted in the following photographs:



View of Subject Site from Soldiers Avenue

The existing surrounding development comprises a mix of original housing stock and a more recent emergence of larger two storey dwellings. The site is located in close proximity to local services and facilities, schools and a number of playing fields.

The subject site and existing surrounding development are depicted in the following photographs:



Aerial Photograph of Locality

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the demolition of the existing garage and construction of a new detached garage and a new pergola attached to the existing dwelling.

Detached Garage

The existing garage towards the southwest corner is to be demolished. A new single car garage is to be constructed in a similar location. The garage is to be constructed of a concrete slab with external clad walls a pitched metal roof.

The garage is provided with a nominal setback to the Soldiers Avenue street frontage. A setback of 0.575m is provided to the sites western side boundary. The garage provides parking for a single garage. The subfloor area is to be enclosed and used for storage. A stair is proposed from the rear (north) of the garage to provide access to the yard and dwelling. A new driveway is to be provided to ensure a compliant gradient.

Pergola

A new pergola is proposed to the rear (southern) elevation of the existing dwelling. The pergola is provided with setbacks of 1.685m and 1.36m to the eastern and western side boundaries, respectively. The pergola is proposed with operable louvres. The pergola is constructed over an existing paved area.

Trees

The proposal does not require the removal of any trees. There is one tree within 5 metres of an existing tree. This is an avocado tree which is an exempt species as noted on the plans.

The proposal will result in the following numerical indices:

Site Area:	405.2m ²
Existing Landscaped Area:	133m ² or 33%
Proposed Landscaped Area:	138m ² or 34%

4. ZONING & DEVELOPMENT CONTROLS

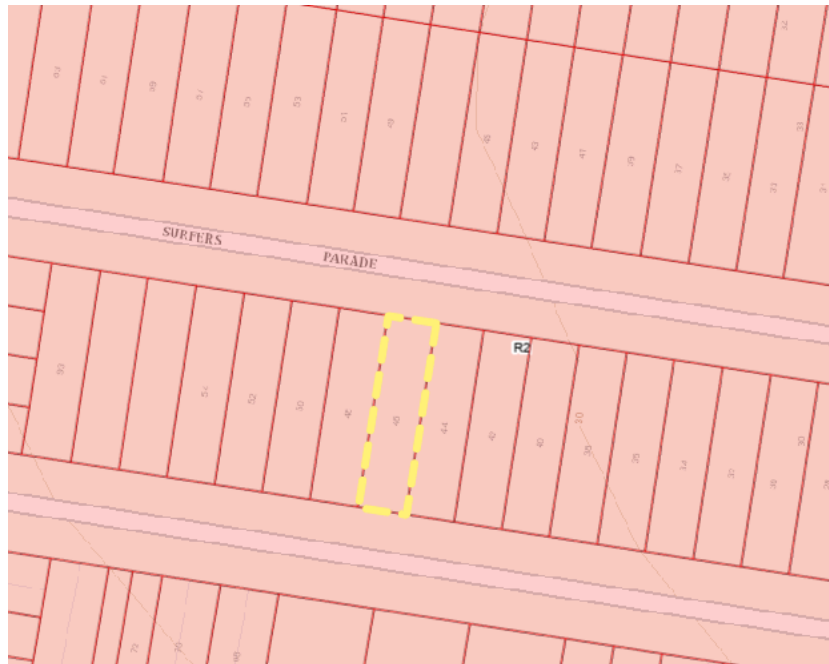
The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning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

4.1 Planning for Bushfire Protection 2019

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 2019 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	5.28m – garage 3.16m – pergola	Yes

Clause 6.4 Development on Sloping Land

The site is classified as Class A on Council's Landslip Map. 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.

4.4 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 Wall height is approximately 4.4m in height.
B3 - Side Boundary Envelope	Building envelope 45 degrees from 5m. Eaves up to 675mm are an allowable encroachment	Yes
B5 - Side Boundary setbacks	Minimum: 0.9m Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause.	The pergola complies with the requirements of this clause. The proposed garage is provided with a setback of 0.575m to the western side boundary. This is considered appropriate in this instance for the following reasons:

Clause	Requirement	Compliance
		<ul style="list-style-type: none"> • The proposed garage provides for a setback consistent with the existing garage on site. • The garage is a non-habitable structure that will not reduce privacy or amenity to the adjoining properties. There are no windows on the side western elevation. • Given the north south orientation of the allotment, the garage will not result in overshadowing of habitable rooms or private open space of the adjoining properties. • The garage is proposed adjacent to a garage on the adjoining property to the west.
B7 – Front Boundary Setbacks	Minimum 6.5m Secondary frontage 3.5m	The site has two street frontages. The proposed garage is orientated towards Soldiers Avenue (secondary frontage). The non-compliance with this clause is discussed at the end of the table.**
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6.5m On corner allotments, where the minimum rear building setback is 6 metres, the rear building setback does not apply.	The site has two street frontages and the setback to Soldiers Avenue is discussed above and at the end of this table.

Clause	Requirement	Compliance
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
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Yes The proposal provides for a new driveway at an appropriate grade in a similar location to the existing driveway. The existing layback will be retained.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Yes The proposal provides for a new single car garage to be accessed from Soldiers Ave. This garage replaces an existing garage and is compatible with the existing surrounding streetscape, which predominantly comprises parking structures in close proximity to the street frontage in this portion of Soldiers Avenue.
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Yes All collected stormwater will discharge to the existing stormwater system which disperses to Surfers Parade.

Clause	Requirement	Compliance
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	Yes Some fill is required to provide for a driveway that meets the current Australian Standard and Council controls.
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 and behind the building line for the storage of waste and recycling containers.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	The proposal provides for a landscaped area of 34%. Whilst this does not strictly comply with the numerical controls of this clause, the proposal does increase the existing landscaped area. The existing landscaping area is only 133m ² or 33% and as such the proposal will increase landscaping by 5m ² .
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	Yes There is sufficient private open space in the rear yard which is located immediately adjacent to the internal living areas.

Clause	Requirement	Compliance
		The proposed pergola will improve the useability of this area.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Not Applicable
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun and ensure appropriate ventilation/natural cooling. Compliance with SEPP (BASIX) requirements.	Yes The dwelling will receive good solar access throughout the year. BASIX is not required given the minor non-habitable nature of the works.
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.	Yes The proposal provides for a single storey garage and pergola at ground floor level. Given the orientation of the allotment, any overshadowing will not extend to habitable rooms or private open space. The proposal complies with this clause.
D7 - Views	View sharing to be maintained	Yes The surrounding properties do not currently enjoy any significant views.

Clause	Requirement	Compliance
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 garage is a non-habitable structure, with no windows on the western elevation.</p> <p>The pergola is located at ground level over an existing paved area and will not result in any loss of privacy.</p>
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.	<p>Yes</p> <p>The proposed single garage and pergola comply with the Council height and building envelope controls, which aim to reduce bulk and scale. The pergola being located at ground level will not be visible from the street and not be dominant when viewed from the adjoining property.</p> <p>The garage is of an appropriate bulk and scale and is compatible with other similar parking structures in this part of Soldiers Avenue.</p>
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	<p>Yes</p> <p>External finishes selected to complement the existing surrounding development and the natural environment.</p>
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	<p>Yes</p> <p>The proposed garage comprises a traditional pitched roof form which is compatible with the local skyline.</p>

Clause	Requirement	Compliance
		The flat roof pergola is not visible from the public domain and is appropriate in its form.
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.
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
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
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

Clause	Requirement	Compliance
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 dwelling continues to be orientated towards Surfers Parade.
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.	Yes The proposal does not require the removal of any trees.
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

Clause	Requirement	Compliance
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	Yes No further information is required.
E11 – Flood Prone Land	Not Applicable	Not Applicable

****B7 Front Boundary Setbacks**

In relation to secondary street frontages, this clause provides:

On corner allotments or sites with a double street frontage, where the minimum front building setback is 6.5 metres to both frontages, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street variations must consider the character of the secondary street and the predominant setbacks existing to that street.

The subject site has frontages to both Surfers Parade and Soldiers Avenue. The primary frontage is Surfers Parade. The proposal provides for a new garage to replace an existing garage in a similar location. The garage is orientated towards Soldiers Avenue and is provided with a nominal setback. This is considered appropriate in this instance and to achieve the objectives of this clause for the following reasons:

- The proposal provides for a new garage to replace an existing garage in a similar location.
- The existing parking is inaccessible due to the steep gradient. The proposal provides for a compliant driveway gradient which will allow the residents to park on site and reduce the demand for street parking.
- Providing for an increased setback would result in additional bulk and scale and also decrease landscaped area.
- The northern side of this portion of Soldiers Avenue is characterised by a number of parking structures with reduced setbacks to the frontage. In particular, No. 48, 50 and 58 Surfers Pde to the west and to the east, No. 42, 40 & 38 Soldiers Pde. No. 40 Surfers was recently approved (DA2021/2503) with a double garage with a setback of 495mm to the Soldiers Avenue frontage.
- A recent approval (DA2022/1355) was issued for the construction of an oversized single garage with a nil setback to Soldiers Avenue at No. 54 Surfers Parade.
- The proposal does not result in the obstruction of any existing views from the adjoining properties or the public domain.

- This northern side of Soldiers Avenue is characterised by parking structures with reduced setbacks to the Soldiers Avenue frontage. The majority of the properties on the northern side of Soldiers Avenue have the primary frontage to Surfers Parade, with the Soldiers Avenue frontage presenting more as a lane way character. The properties with garages with a nil or reduced setback are identified below:



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 garage and pergola ancillary to an existing dwelling 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 a new garage to replace an existing garage on site. A new pergola is also proposed over an existing paved area. These works will not have any detrimental impact on the environment, social and economic status of the locality. The proposal does not require the removal of any vegetation and there is no detrimental impact on the adjoining properties.

The Suitability of the Site for the Development

The subject site is zoned R2 Low Density Residential and the proposed works being ancillary to an existing dwelling house is permissible with the consent of Council. The resultant building 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 alterations and a new garage to ease the demand on street parking and 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 demolition of the existing garage and construction of a new single garage and pergola ancillary to an existing dwelling house. 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 demolition of the existing garage and construction of a new single garage and pergola ancillary to an existing dwelling upon land at **No. 46 Surfers Parade, Freshwater** is worthy of the consent of Council.

Natalie Nolan
Grad Dip (Urban & Regional Planning) Ba App Sci (Env Health)
Nolan Planning Consultants
February 2025