



8 SURFERS PARADE FRESHWATER



STATEMENT OF ENVIRONMENTAL EFFECTS FOR A GARAGE AND DRIVEWAY

Report prepared for
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1. Introduction

- 1.1** This is a statement of environmental effects for a new garage and driveway at 8 Surfers Parade, Freshwater.
- 1.2** The report describes how the application addresses and satisfies the objectives and standards of relevant State Environmental Planning Policies, 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).
- 1.3** This statement of environmental effects has been prepared with reference to the following:
- Site visit
 - Site Survey prepared by C.M.S Surveyors Pty Limited
 - Architectural Plans prepared by GM Kett Pty Ltd
 - Arborist Report prepared by Hugh the Arborist
- 1.4** The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and the coastal setting 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 southern side of Surfers Parade, approximately 80 metres west of its intersection with Oliver Street in Freshwater. It is legally described as Lot 31 Sec 1 DP 5466 and is known as 8 Surfers Parade, Freshwater.
- 2.2** It is a rectangular shaped lot with front and rear boundaries of 10.06 metres (north and south) and side boundaries of 40.235 metres (east and west). It has frontage to both Surfers Parade and Soldiers Avenue and comprises an area of 404.7m².
- 2.3** The site is currently occupied by a single storey brick dwelling with a tile roof and a metal garden shed. It slopes gently from the rear to the Surfers Parade frontage and there is currently no formal onsite carparking, although a crossover and double gates are provided to Soldiers Avenue frontage.
- 2.4** The property is surrounded by predominantly detached residential dwellings, with a small number of attached dwellings and strata subdivided multi-dwelling housing. It is located in close proximity to shops and public transport facilities in Freshwater Village and Freshwater Beach to the south-east.



Figure 1. Aerial Image of the subject site

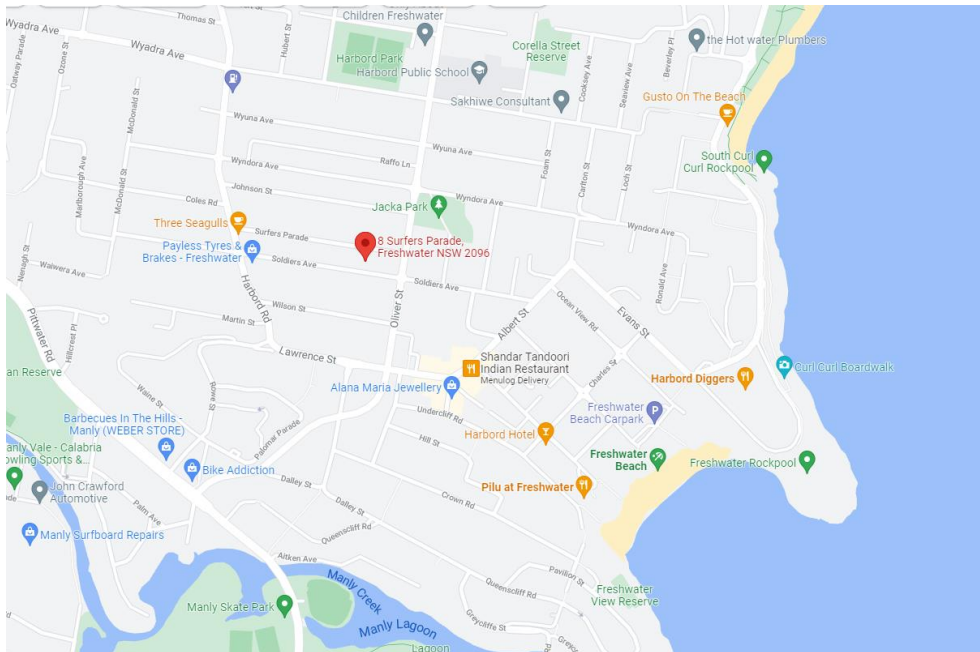


Figure 2. The site within the locality

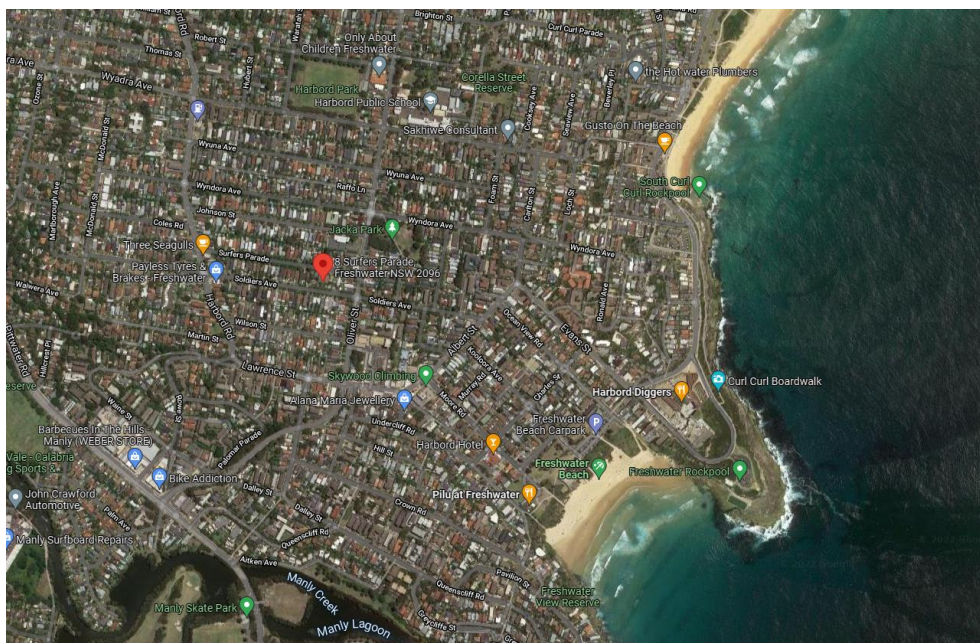


Figure 3. Aerial Image of the site within the locality

3. Site Photos



Figure 4: The subject site, looking south from Surfers Parade.



Figure 5: The subject site, looking north from Soldiers Avenue.



Figure 6: The rear of the subject site, looking north.



Figure 7: The rear yard, looking south towards Soldiers Avenue where double gates open to crossover

4. Proposed Development

- 4.1 The proposed development is for the construction of a new garage, and pedestrian access gate on the subject site.
- 4.2 The proposed development has been designed to ensure that it complements the existing streetscape, maintaining a scale consistent with garages along Soldiers Avenue.
- 4.3 The proposed development will be made up of the following:

Dwelling:

- Retain the existing dwelling,

New Garage:

- A 5 metre by 6.5 metre garage on concrete slab, with internal shelving,
- Face brick construction on the northern, eastern, and western elevation,
- Face brick and 3.2 metre wide roller door on the southern elevation,
- A 15 degree pitched roof of colourbond construction,
- A grate drain and retention of the gravel driveway connected to the existing crossover,
- Timber pedestrian gate,
- Retain the existing timber paling fence.

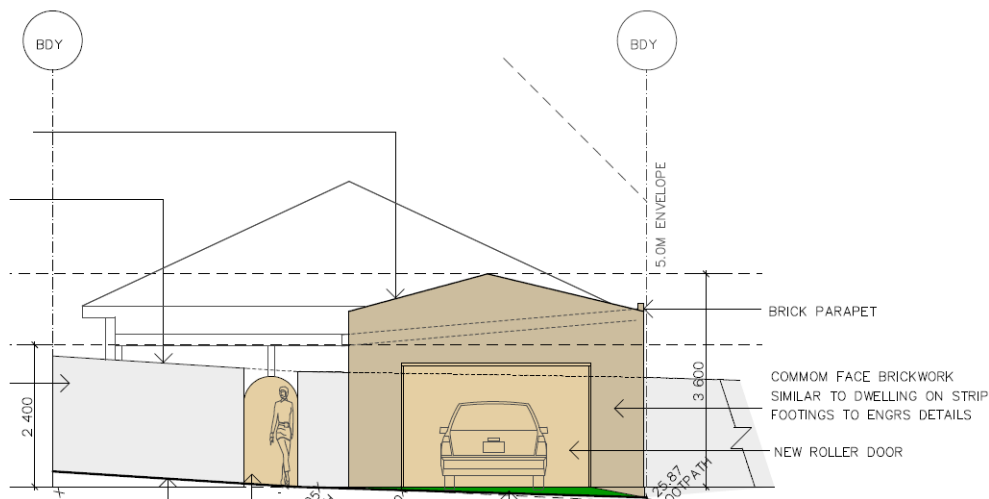


Figure 8: Proposed garage (south elevation)

5. Statutory Framework

5.1 State Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as it does not propose to remove any trees.

The Arboricultural Impact Assessment Report provided with this application, provides tree protection measures, which will be implemented as a part of the development.

5.2 Warringah Local Environmental Plan 2011

The relevant clauses of the Warringah Local Environmental Plan 2011 are addressed below.

Zoning

The site is zoned R2 Low Density Residential, pursuant to the provisions of the Warringah Local Environmental Plan 2011. The proposed development is for a new garage (ancillary to a dwelling house) and dwelling houses are permitted with consent in the R2 zone.



Figure 9: Extract from Warringah LEP 2011 Zoning Map

Demolition

No demolition work is proposed.

Minimum Lot Size

The site is mapped with a minimum lot size of 450m². The subject site is an existing undersized lot with an area of 404.7m² and no subdivision is proposed.

Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres. The garage proposes a compliant maximum height of 3.6 metres.

Heritage Conservation

The subject site adjoins Heritage Item I75 - *Street trees, plaques, and memorials* along Soldiers Avenue.

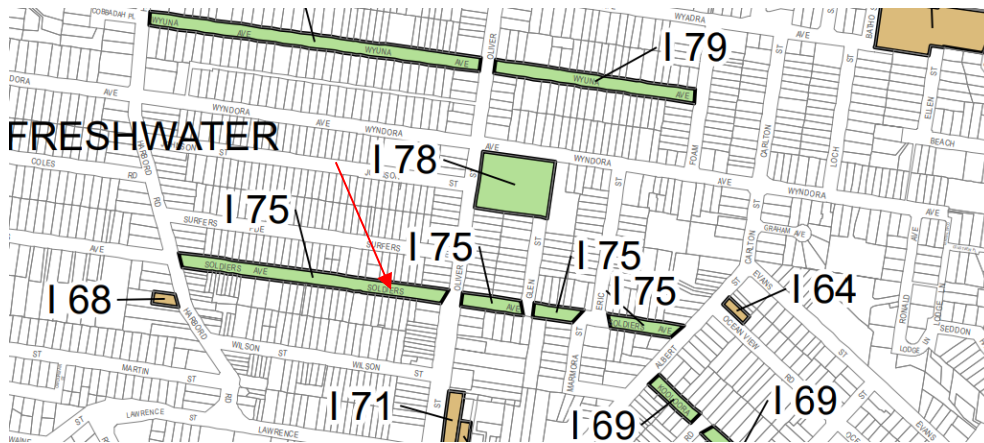


Figure 10. Extract from Warringah LEP 2011 Heritage Map

In accordance with Cl. 5.10(4) of LEP 2015 the consent authority must consider:

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The proposed garage and driveway will have no impact any street trees, plaques, or memorials along Soldiers Avenue. An Arboricultural Impact Assessment Report is provided with this application, which sets out recommended tree protection measures, which will be implemented as a part of the development.

There are several other existing examples of garages along Soldiers Avenue and the proposal will be consistent with the scale, bulk, and appearance of these structures.

The proposed development will not affect or impede views along Soldiers Avenue and remains consistent with the objectives of Clause 5.10 outlined above.

Flood Planning

The site is not identified on the NBC Flood Hazard Map.

Acid Sulfate Soils

The site is not identified on the Acid Sulfate soils map.

Earthworks

Minor earthworks are proposed for construction of the new garage and driveway. Standard erosion and sediment control measures will be implemented, and any engineering specifications and conditions of consent adhered to, to ensure best practice procedures are followed.

Development on Sloping Land

The site is identified on the LEP maps as Area A – Slope <5. 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.*

Due to the low-level risk within Area A, no additional details are required to be submitted.

5.4 Warringah Development Control Plan

The relevant sections of the DCP are addressed below.

Part A Introduction

Objectives

The proposed development is entirely consistent with the ecologically sustainable, environmental, social, and economic objectives as specified in the DCP. The proposal is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

Part B – Built Form Controls

Wall Heights

A maximum wall height of 7.2 metres is permitted by the DCP and the development proposes a compliant maximum wall height of 3.6 metres to the parapet.

Side Boundary Envelope

The site requires a side boundary envelope of 5m/45° and the proposed development complies with this control.

Side Boundary Setbacks

Side setbacks of 900mm are required by the DCP. The development proposes side setbacks of 0 metres (east) and 5 metres (west).

A variation to the side setback control is considered appropriate, as the development remains consistent with the objectives of the control, despite the variation, as addressed below:

Objectives of the control:

- *To provide opportunities for deep soil landscape areas.*

Comment

The subject site has an existing landscaped area of 153.42m² or 37.9% and the development will result in a minor reduction to 126.55m² or 31.27%. It is considered an

appropriate area of landscaping and lawn areas are retained on this undersized lot, in both the front and rear yards, providing ample area for deep soil landscaping.

- *To ensure that development does not become visually dominant.*

Comment

The proposed single garage is minor in scale and presents with an easily compliant maximum building height. The proposal will not present as visually dominant.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment

The proposed development is an appropriate bulk and scale for the site, presenting with a compliant building height and located within the permitted building envelope.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment

The proposed garage is not a habitable building and is located adjacent to a detached double garage (dwelling and garage currently under construction), ensuring there will be no impact on privacy, amenity or solar access.

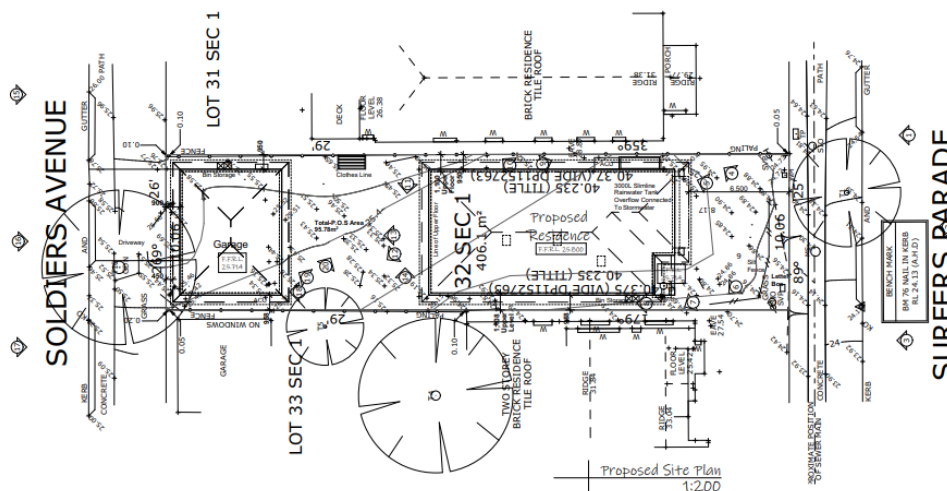


Figure 11. Extract from approved plans 6 Surfers Parade Freshwater (DA2021/0523)



Figure 12. The subject site and dwelling under construction at 6 Freshwater Parade.

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

Comment

A site visit has been undertaken and it is concluded the minor proposal will have no impact on views.

Front Setback

A front setback of 6.5 metres to the primary frontage and 3.5 metres to secondary frontage is required by the DCP.

No change is proposed to the existing minimum primary front setback to Surfers Parade of 6.02 metres.

The existing setback to the secondary frontage of Soldiers parade is 8.578 metres to the patio and the development proposes a 0 metre setback to the new garage. A variation to the secondary street frontage control is considered appropriate, as Soldiers Avenue is characterised by driveways and garages fronting the street, with examples provided below.



Figure 13. Garages fronting Soldiers Avenue (2-4 Surfers Parade).



Figure 14. Garage fronting Soldiers Avenue (8 Surfers Parade – the adjoining property to the west).



Figure 15. Garages fronting Soldiers Avenue (28 – 32 Surfers Parade).

In addition, the development remains consistent with the objectives of the control, despite the variation, as addressed below:

- *To create a sense of openness*

Comment

The proposed garage is situated behind the dwelling at the rear of the lot, similar to other existing garages along this side of Soldiers Avenue. The minimal single garage proposed retains a sense of openness to the street.

- *To provide opportunities for casual surveillance of the street.*

Comment

The proposed garage is located to the rear of the dwelling, allowing for casual surveillance to the primary street frontage of Surfers Parade to be maintained.

- *To provide opportunities for deep soil landscape areas and aesthetic improvements.*

Comment

As described above the subject site has an existing landscaped area of 153.42m² or 37.9% and the development will result in a minor reduction to 126.55m² or 31.27%. It is considered an appropriate area of landscaping and lawn areas are retained on this undersized lot, in both the front and rear yards, providing ample area for deep soil landscaping.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment

The proposed garage is consistent with adjoining properties which have garages at the rear fronting Soldiers Avenue. The proposal is, therefore, consistent with the existing building pattern of the street, retaining visual quality.

- *To achieve reasonable view sharing.*

Comment

A site visit has been undertaken and it is concluded the minor proposal will have no impact on views.

Rear Setback

A rear setback of 6 metres is required by the DCP. As the subject site has 2 street frontages, it does not have a rear setback.

Part C Siting Factors

Traffic, access and safety

The subject site has an existing driveway crossover and informal vehicular access from Soldiers Avenue. The development proposes to retain the existing gravel driveway from the existing crossover, to access the new garage.

Parking facilities

The DCP requires 2 carparking spaces per dwelling house. The subject site currently has no formal onsite parking and the development proposes a single garage (plus additional space for storage).

A variation to the current car parking control is considered appropriate, given the improvement to the existing non-compliance. In addition, the provision of a numerically compliant double garage, would result in an unreasonable loss of landscaped area and private open space in the rear yard of this undersized lot.

Stormwater

The subject lot drains to the street and the new garage will be connected to Council's existing stormwater system.

Excavation and Landfill

Minor earthworks are proposed as a part of the application. Standard erosion and sediment control measures will be implemented, and any engineering specifications and conditions of consent adhered to, to ensure best practice procedures are followed.

Demolition and Construction

No demolition works are proposed. All construction works will be undertaken as required by Council and compliant with any relevant conditions of consent.

Waste Management

Appropriate waste management will be undertaken during the construction process. A Waste Management Plan is included in the architectural drawing package attached to this development application.

Part D Design

Landscaped open space and bushland setting

The DCP requires 40% landscaped area on the site which is equivalent to 161.88m² for the site area of 404.7m². The subject site has an existing non-compliant landscaped area of 153.42m² or 37.9% and the development will result in a minor reduction to 126.55m² or 31.27%.

A variation to the landscaped area control is considered appropriate, as the development remains consistent with the objectives of the control, despite the variation, as addressed below:

Objectives of the control:

- *To enable planting to maintain and enhance the streetscape.*

Comment

The development will not alter the existing planting and landscaping on the primary street frontage of Surfers Parade. The secondary street presentation to Soldiers Avenue is of a rear boundary fence and the addition of a small single garage and pedestrian access gate will not significantly alter the existing presentation. The street trees on Soldiers Avenue will not be impacted by the proposal.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment

No indigenous vegetation, topographical features or wildlife habitat will be impacted by the proposal.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment

There is sufficient area for the retention and establishment of low lying and medium shrubs and existing canopy trees in Soldiers Avenue.

- *To enhance privacy between buildings.*

Comment

Privacy is easily maintained between dwellings, with no changes proposed to the existing single storey dwelling house or boundary fencing. The proposed garage is not a habitable building and will not create any privacy issues with neighbouring dwellings.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment

The addition of a single garage on the secondary street frontage, allows for the retention of a 54.29m² lawn and landscaped area in the rear yard, as well as the rear patio for outdoor recreational opportunities.

- *To provide space for service functions, including clothes drying.*

Comment

There is sufficient area to accommodate service functions including clothes drying.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment

Stormwater runoff resulting from the proposed development will be connected to the existing stormwater system and into the street gutter via the existing stormwater connection

Private open space

Private open space area of 60m² is required by the DCP. A compliant private open space area of 83.59m² is provided on the rear patio and rear lawn area for the enjoyment of the residents.

Noise

The development is appropriate and will not result in noise levels inappropriate to a residential area.

Access to sunlight

The DCP requires at least 3 hours of sunlight between 9am and 3pm on June 21, to 50% of the private open space of both the subject site and the adjoining dwellings.

Given that the lot has a southern boundary with the street and the fact that the proposed garage adjoins neighbouring garages, it is considered there will be no shadowing impacts.

Views

The subject site has been visited and no views are present or impacted by the proposed development.

Privacy

As discussed above, privacy will be retained for neighbouring properties.

Building Bulk

The proposed garage incorporates a variety of materials and finishes to minimise building bulk, as well as a compliant height and building envelope. The design remains consistent with surrounding development and the streetscape.

Building Colours and Materials

The development will be constructed of colourbond roofing, face brick (similar to the existing dwelling), garage roller door and brickwork. Colours and materials are entirely consistent with the existing dwelling and the residential setting.

Roofs

The development proposes a compliant, colourbond gable roof with a 15 degree pitch.

Safety and Security

The development retains casual surveillance of the street, which is of benefit to the safety and security of the site. The addition of a secure lock up garage will provide safe carparking and storage on the site.

Part E: The Natural Environment

Preservation of Trees or Bushland Vegetation

The Arboricultural Impact Assessment Report provided with this application, provides tree protection measures, which will be implemented as a part of the development.

Prescribed Vegetation

The subject site is not mapped as native vegetation, high conservation habitat or wildlife corridor.

Retaining unique Environmental Features

No unique environmental features will be impacted by the proposal.

Development on land adjoining public open space

The subject site is not mapped as land adjoining public open space.

Landslip Risk

The site is identified as Area A – <5 and it is considered that no additional information is needed in this instance.

6. Numerical Control Table

The following table provides a summary of the development proposal, in accordance with the relevant numerical planning controls contained in the Warringah LEP 2011 and the Warringah DCP 2011.

	Standard	Proposed	Compliance
Warringah LEP 2011			
Lot Size	450m ²	404.7m ²	No change
Building Height	8.5 metres	3.6m	Yes
Warringah DCP 2011			
Wall Height	7.2 metres	3.6m	Yes
Side Boundary Envelope	5 metres / 45 degrees	Yes	Yes
Side Boundary Setbacks	0.9 metres	0m (east)	Merit assessment
		5m (west)	Yes
Front Boundary Setback	6.5 metres (primary frontage)	6.02 metres	No change (Surfers Parade)
	3.5 metres (secondary frontage)	0 metres	Merit assessment (Soldiers Avenue)
Rear Boundary Setbacks	6 metres	N/A – dual street frontage	N/A
Parking	2 spaces	1 space	Merit assessment – improves existing non-compliance.
Landscaped Open Space and Bushland Setting	40% of lot area (161.88m ² for the site area of 404.7m ²)	31.27% (126.55m ²)	Merit assessment
Private Open Space	60m ²	83.59m ²	Yes
Solar Access	3 hours sunlight to 50% of POS of both subject site and adjoining properties between 9am and 3pm on June 21.	Yes	Yes

7. 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:

7.1 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 R2 zone.

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

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 proposal has been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

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?*

No conflict or issues will arise as a result of the proposed development.

Public domain

The proposed development will not impact the public domain.

Utilities

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

Flora and fauna

There will be no impact.

Waste

There will be no impact.

Natural hazards

The site is mapped as affected by low level slip. No additional information is required at this stage.

Economic impact in the locality

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

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 appropriate to the site with regards to all of the above factors. The development fits well within the context of the surrounds and is well suited to the residential surrounds.

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.

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.

7.3 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 and is highly consistent with the proposed garage.

Are the site attributes conducive to development?

The site is appropriate for the proposed garage.

7.4 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.

7.5 The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of the 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 a new garage and driveway at 8 Surfers Parade Freshwater, 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 development is considered worthy of Council's consent.