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WILLOW TREE
PLANNING

Statement of Environmental Effects

Proposed Construction of a Dwelling House

19 Kooloora Avenue, Freshwater (Lot 16 Section 2 DP7022)

Prepared by Willowtree Planning Pty Ltd on behalf of
Playoust Churcher Architects



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PART A PRELIMINARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd on behalf of Playoust Churcher Architects and is submitted to Northern Beaches Council to support a Development Application (DA) for the proposed construction of a dwelling house at 19 Kooloora Avenue, Freshwater (Lot 16 Section 2 DP7022).

The proposed development is located on land that is zoned R2 Low Density Residential pursuant to the *Warringah Local Environmental Plan 2011* (WLEP2011). This SEE provides an assessment of the proposed development against the relevant matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The key considerations relevant to the proposed development are summarised as follows:

- The primary objective of the proposal is to provide a dwelling house within a low density residential environment.
- The proposal will be consistent with the zone objectives and the objectives of the specific locality plans.
- The site is located within an established residential precinct and the proposed dwelling house is consistent with the intended function of designated residential lands.
- The proposed development is highly compatible with surrounding land uses and will integrate with the residential character of the Freshwater area.
- The site is suitably separated from any offensive development or other alternate land uses and will not exhibit any adverse amenity impacts.
- The site is highly accessible by the existing regional road network meaning that it is suitably situated.
- The site is zoned R2 Low Density Residential pursuant to WLEP2011 and the proposal is permissible with consent.
- The development of the site is also subject to the Warringah Development Control Plan 2011 (WDCP2011). The proposal is generally consistent with the provisions of WDCP2011 and where a minor departure from the numeric controls is proposed, consistency with the objectives is demonstrated.

This SEE describes the site and proposed development, provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the SEE is as follows:

- **Part A** Preliminary
- **Part B** Site Analysis
- **Part C** Proposed Development
- **Part D** Legislative and Policy Framework
- **Part E** Environmental Assessment
- **Part F** Conclusion

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PART B SITE ANALYSIS

2.1 SITE LOCATION & EXISTING CHARACTERISTICS

The subject site is identified as 19 Kooloora Avenue, Freshwater, being legally described as Lot 16 Section 2 DP7022.

The site exhibits an area of 376.8m² and affords a primary frontage of 11.58m to Kooloora Avenue to the north east, and a 32.535m frontage to Charles Street to the north west.

The site is located within an established urban area characterised predominantly by low density residential development. The site is also located in close proximity to the Freshwater Beach. In its existing state, the site comprises a dwelling house with an outbuilding at the rear of the site. Vehicle access to the site is gained from Kooloora Avenue, which offers access to Pittwater Road and Condamine Street, connecting the vicinity to the wider region.

The site is also reasonably accessible via public transport given that the site is serviced by several bus routes along Charles Street, Moore Road and Evans Street. The subject site and the immediate vicinity are illustrated in **Figure 1** and **Figure 2** below.

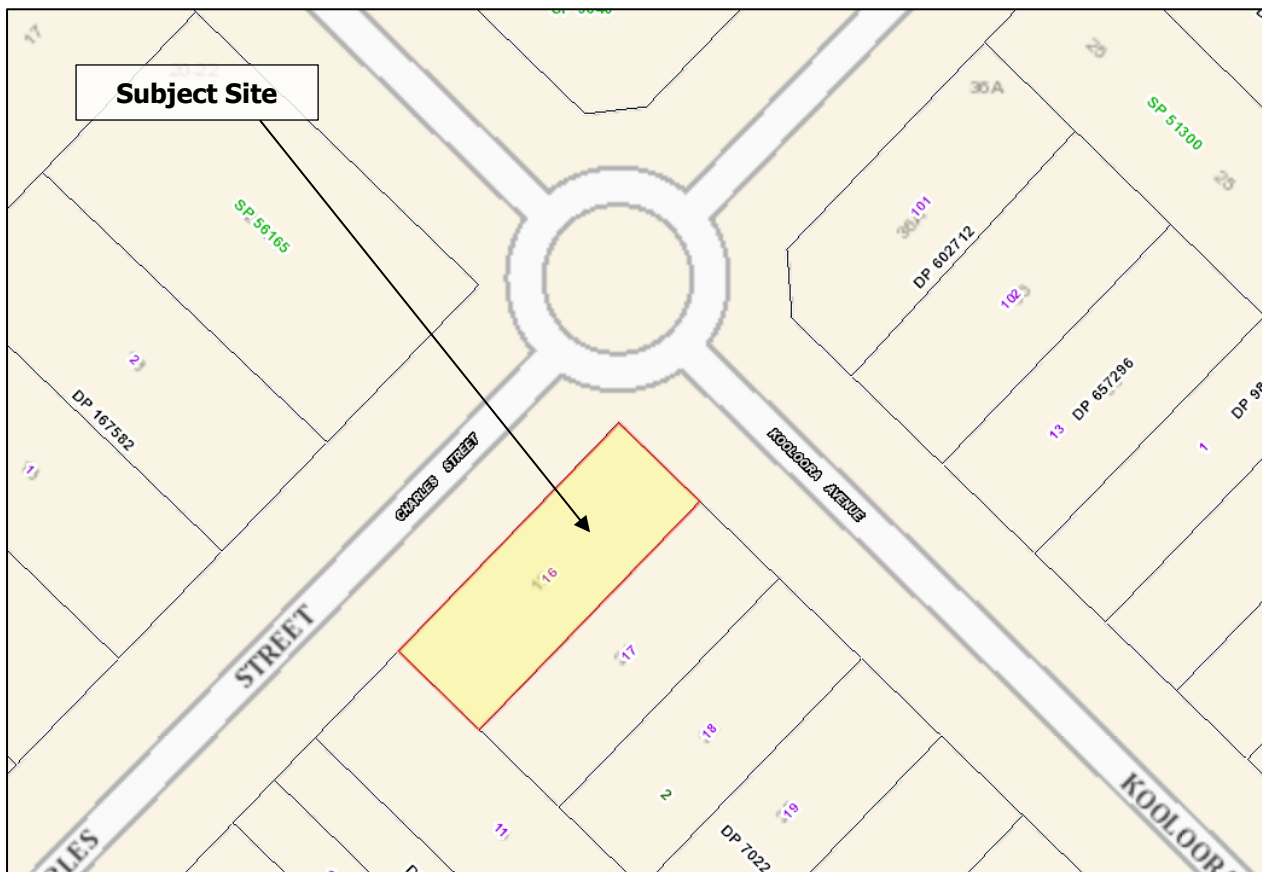


Figure 1 Cadastral Map (SIX Maps 2019)

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Figure 2 Aerial Map (Nearmap 2019)

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PART C PROPOSED DEVELOPMENT

3.1 AIMS AND OBJECTIVES OF THE PROPOSAL

This DA seeks to provide low-impact residential development within an area with ecological and aesthetic values. The proposal aims to deliver a dwelling house within a low density setting which is compatible with the existing streetscapes of the Freshwater locality. The proposal also will not result in any adverse environmental or amenity impacts on the surrounding context.

3.2 DESCRIPTION OF THE PROPOSED WORKS

The proposal seeks development consent for the proposed construction of a dwelling house. The proposal has been designed to complement the residential streetscape along Kooloora Avenue and Charles Street. Specifically, the proposal entails the following:

- Demolition of existing dwelling house and associated structures;
- Retention of existing outbuilding;
- Construction of a dwelling house;
- Construction of a swimming pool;
- Tree removal; and
- Landscaping.

The development particulars of the construction are provided in **Table 1** below.

Table 1 Development Particulars	
Location	Proposed Elements
Basement	Driveway, double garage, workshop, cellar, store and storage
Ground Level	Living room, kitchen, family room, laundry, bin and drying area, outdoor dining area, pool, cabana and landscaping
First Level	Four bedrooms, bathroom and ensuite

It is noted that the proposal includes the removal of six trees located at the rear of the site. The implications of the tree removal are further discussed in **Section 5.5** of this SEE.

The proposed development will provide a dwelling house within a low density residential environment which complements the existing and desired future character of the locality. The proposal provides adequate parking with the proposed double garage and improvements to the access arrangements.

The proposed works are illustrated within the Architectural Plans prepared by Playoust Churcher Architects (**Appendix 3**).

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PART D LEGISLATIVE AND POLICY FRAMEWORK

Section 4.15(1) of the EP&A Act sets out specific matters that Council is to take into consideration in the assessment and determination of development applications.

The following current and draft State, Regional and Local planning controls and policies have been considered in the preparation of this application:

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Protection of the Environment Operations Act 1997*
- *Biodiversity Conservation Act 2016 No 63*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

Local Planning Context

- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan 2011*

This planning framework is considered in detail in the ensuing sections.

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the overarching governing statute for all development in NSW and pursuant to Part 4, the subject proposal is Local Development.

4.2 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."

The proposal as submitted to Council does not trigger any thresholds in respect of the POEO Act.

4.3 BIODIVERSITY CONSERVATION ACT 2016 NO 63

The *Biodiversity Conservation Act 2016 No 63* (BC Act) aims to maintain a healthy, productive and resilient environment of the community through supporting biodiversity conservation in nature and establishing a legal framework to avoid, minimise and offset the impacts of proposed development on biodiversity.

The Biodiversity Values Map (BV Map) identifies land with high biodiversity value, as defined by the *Biodiversity Conservation Regulation 2017*. The Biodiversity Offsets Scheme applies to all local developments, major projects or the clearing of native vegetation where the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* applies. Any of these will require entry into the Biodiversity Offsets Scheme if they occur on land mapped on the Biodiversity Values Map.

Upon review of the Biodiversity Values Map, the site is not identified as containing any biodiversity value. Accordingly, the area of proposed vegetation removal at the site does not trigger the threshold for the Biodiversity Offset Scheme under the BC Act.

Therefore, in light of the above, the proposal does not warrant further consideration under the BC Act.

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4.4 STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

Under the provisions of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55), where a development application is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Given the site has historically been used for residential purposes, the site is suitable for the proposed development and hence further assessment against SEPP 55 is not warranted.

4.5 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence.

Referral may be required for the erection of new premises, or the enlargement or extension of existing premises where their size or capacity satisfy certain thresholds. Schedule 3 lists the types of development that are defined as Traffic Generating Development.

As the proposed development is not listed under Schedule 3, the proposal does not trigger the referral threshold for traffic-generating development. Accordingly, referral to the RMS is not required.

4.6 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

The site lies within a local government area (Northern Beaches) and a land zone (R2 Low Density Residential) which are subject to the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP).

Clause 7 of Vegetation SEPP provides that vegetation at the site may not be cleared without either a council permit or a relevant development consent in place. As addressed within the Aboriginal Impact Assessment Report (**Appendix 5**), six trees are proposed to be removed due to the proposed construction, new surfacing, trees being in poor condition or re-landscaping. The trees to be removed are located at the rear of the site.

As outlined in **Section 4.3** of this SEE, the site is not identified as containing any biodiversity value therefore no assessment is required against the proposed vegetation removal under the BC Act, however the removal will be subject to the proposed development application obtaining development consent.

4.7 WARRINGAH LOCAL ENVIRONMENT PLAN 2011

4.7.1 Zoning and Permissibility

The site is identified within the R2 Low Density Residential zone pursuant to WLEP2011 (**Figure 3**).

The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

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- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The proposal achieves the objectives of the R2 Low Density Residential zone as it will provide for a dwelling house within a low density residential environment. The proposal is also consistent with the objectives as it is considered to be sympathetic in scale to the landform and landscape of the subject site and its immediate vicinity.

The following development is permitted with consent in the R2 zone:

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals*

The proposed development is defined as 'Dwelling house', a use that is permissible with consent within the R2 zone. Notwithstanding the land zoning and land use pursuant to WLEP2011 as outlined above.

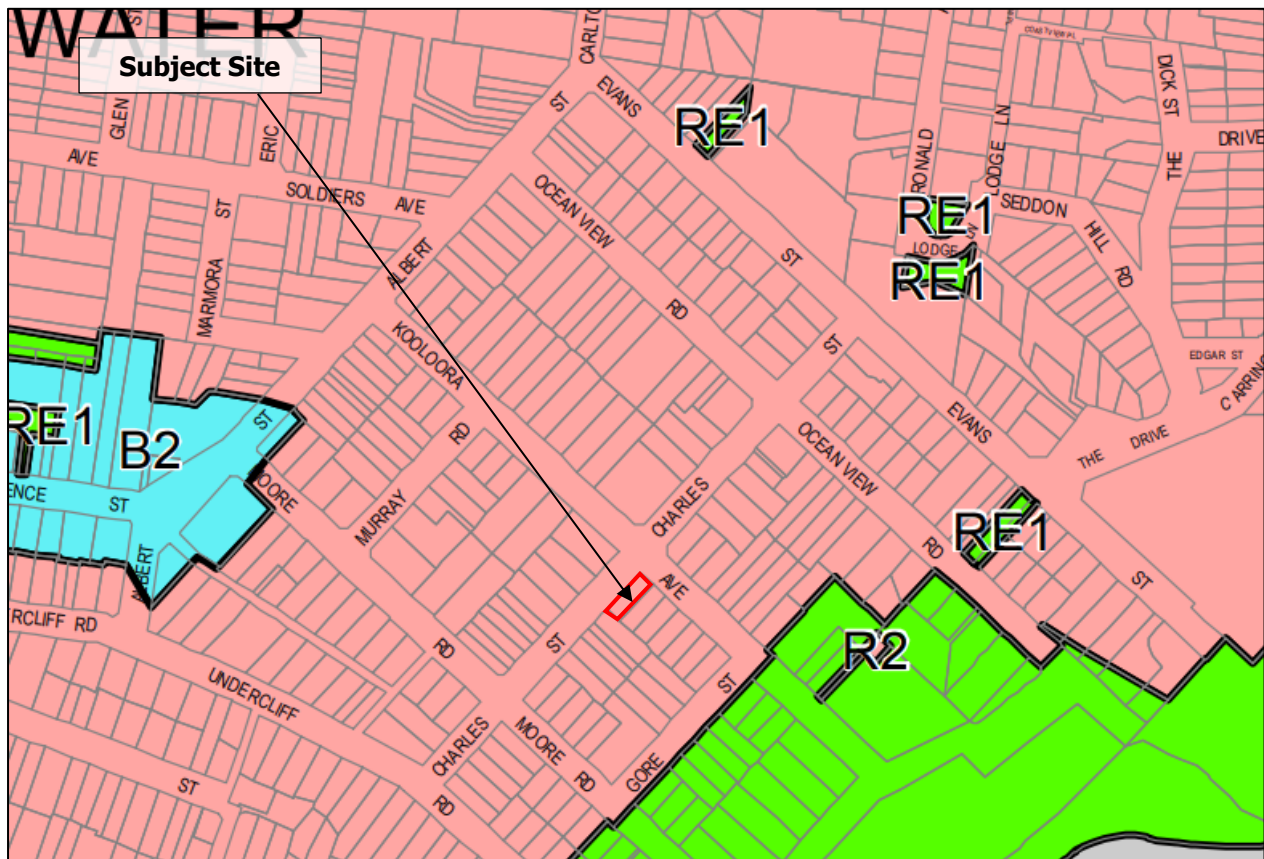


Figure 3 Zoning Map (NSW Legislation 2019)

4.7.2 Height of Buildings

The site is subject to a maximum building height of 8.5m, pursuant to Clause 4.3 of WLEP2011. As illustrated in the Architectural Plans at **Appendix 3**, the proposed dwelling house will not exceed the maximum building height of 8.5m. Therefore compliance is achieved with Clause 4.3.

4.7.3 Floor Space Ratio

The site is not subject to a Floor Space Ratio (FSR) under Clause 4.4 of WLEP2011.

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4.7.4 Heritage Conservation

The site is not identified to be of heritage significance or noted to be within a Heritage Conservation Area. However the site adjoins Kooloora Avenue to the north east, which is identified as a Local Heritage Item being *Street trees* (I69) (**Figure 4**). As the proposal is located within the site boundaries, it will not result in impacts on the heritage or landscape significance of the heritage item. The proposal also will not obstruct the view to and from the heritage item. Therefore the proposal is considered appropriate in this regard.

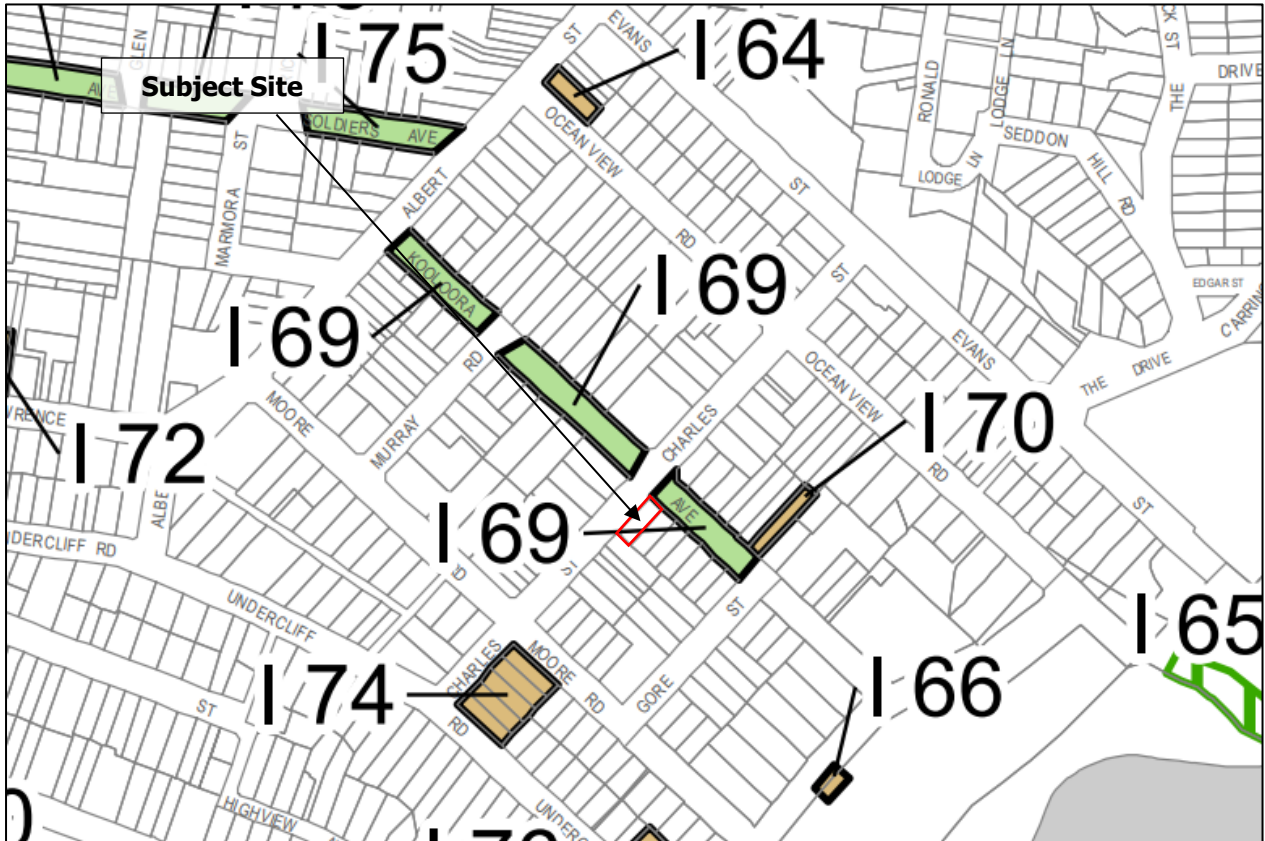


Figure 4 Heritage Map (NSW Legislation 2019)

4.7.5 Development on Sloping Land

The site has been identified as being sloped $<5^\circ$ (Area A) (**Figure 5**). While the proposal involves the construction of garage and workshop on the basement level, the proposed dwelling house will be carried out in accordance with the relevant engineering practice. The proposal is also not anticipated to result in adverse impacts on stormwater discharge.

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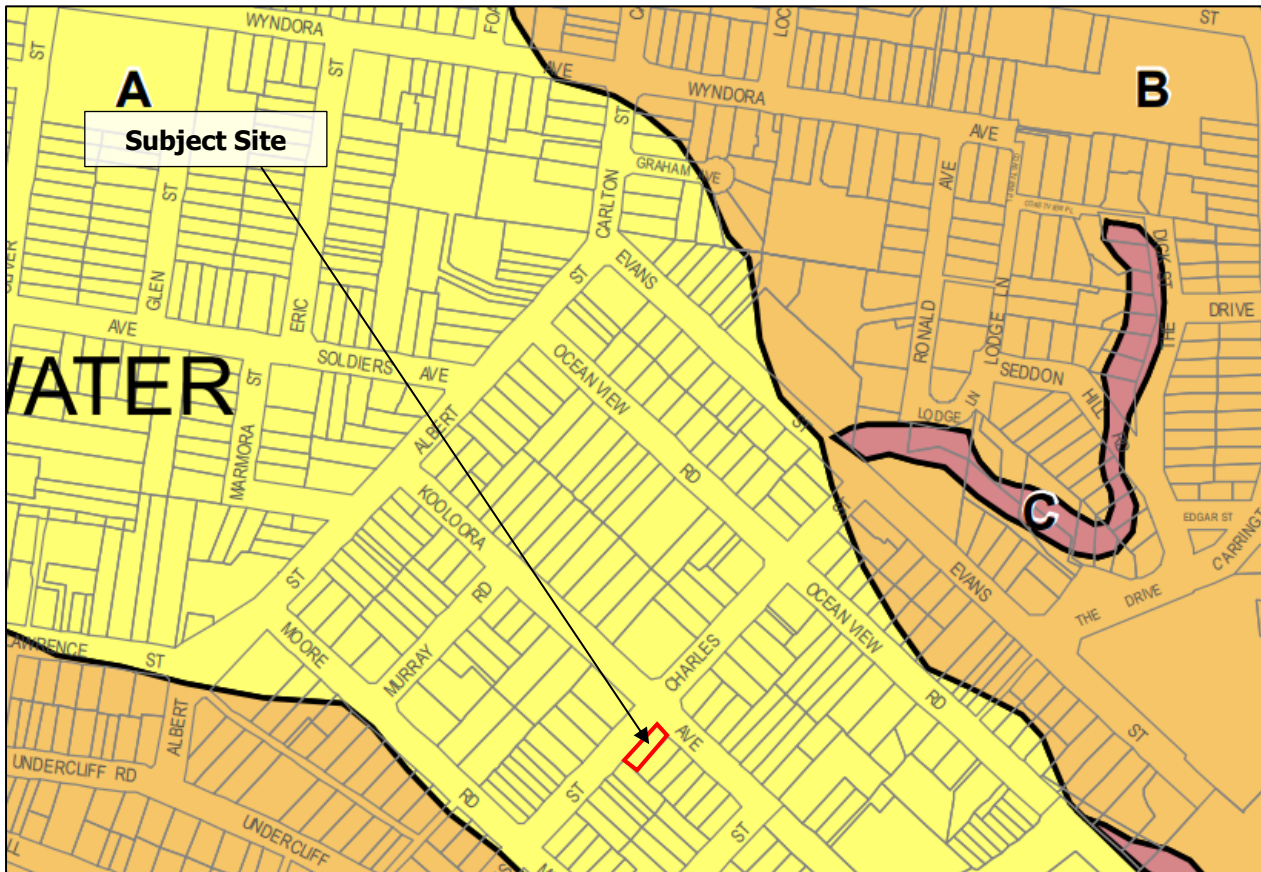


Figure 5 Landslip Risk Map (NSW Legislation 2019)

4.7.6 Minimum Lot Size

The site is subject to a minimum lot size of 450m² pursuant to Clause 4.1 of WLEP2011. As the proposal does not involve land subdivision, further consideration is not warranted in this regard.

4.8 WARRINGAH DEVELOPMENT CONTROL PLAN 2014

The WDCP2014 provides guidance for the design and operation of development within the Northern Beaches LGA to achieve the aims and objectives of WDCP2014.

An assessment of the proposal against the relevant sections of WDCP2014 is provided in **Appendix 1**.

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PART E ENVIRONMENTAL ASSESSMENT

Pursuant to Section 4.15(1) of EP&A Act, the following matters have been addressed.

5.1 CONTEXT AND SETTING

The proposed development is situated in an established residential area, on a lot that has been used historically for residential purposes. The proposal is consistent with the existing and desired future character of the locality and is compatible with the land uses within the locality as a high quality design will be adopted for the proposal which will enhance the aesthetic of the existing streetscape.

5.2 DESIGN AND APPEARANCE

The proposed development exhibits a new modern dwelling design that will enhance the overall residential interface along Kooloora Avenue. The existing site characteristics and natural environment of the vicinity have been taken into consideration during the design of the development.

5.3 PARKING, TRAFFIC AND ACCESS

Vehicular access to the site will be facilitated via the existing driveway off Kooloora Avenue. The proposal also entails a proposed double garage for parking. The proposed parking is considered to be adequate for the dwelling house. The proposal is considered unlikely to have adverse traffic or amenity impacts on the locality.

5.4 HERITAGE

The site is not identified to be of heritage significance or noted to be within a Heritage Conservation Area. However the site is identified to adjoin a local heritage item (I69) being *Street trees* along Kooloora Avenue. Given that the proposal is located entirely within the site boundaries and will not obstruct the viewing corridor to and from the heritage item, the proposal is not considered to adversely impact the adjoining heritage item.

5.5 FLORA AND FAUNA

The site is not identified to contain any ecologically significant species, habitats, or wildlife corridors. An Aboricultural Impact Assessment Report has been prepared by Urban Arbor to assess the potential impact of the proposal on the condition of the trees at the site. As addressed within the Assessment Report, six trees are recommended for removal due to the impacts from the proposal. The proposed trees to be removed are classified as Z retention value trees, which generally will not be a constraint to the development. The identified trees are proposed to be removed due to the proposed construction, new surfacing, trees being in poor condition or re-landscaping. The existing street tree adjacent to the site on Kooloora Avenue is to be retained in a viable condition in accordance with AS4970-2009.

The findings of the assessment are further discussed within the Aboricultural Impact Assessment Report at **Appendix 5**.

5.6 WASTE

Any waste during construction of the development will be appropriately stored, transported, recycled and disposed of. The bin storage area will be located adjacent to the drying area along the north western boundary of the site. Details of the type and volume of waste are addressed within the Waste Management Plan at **Appendix 8**.

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5.7 CONSTRUCTION

Construction activities will be undertaken in accordance with the conditions of consent. Appropriate measures will be undertaken to mitigate any potential impacts from the construction including dust, noise, odors, traffic impact and erosion.

5.8 BUILDING CODE OF AUSTRALIA

The proposal is capable of complying with all relevant BCA requirements.

5.9 SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposal seeks to provide a dwelling house within a low density residential environment, in order to cater for the housing needs of the residents. The site is therefore considered suitable for the proposed development, as it is compatible and consistent with the intended use of the site and does not adversely impact on surrounding property. The proposal presents a resourceful outcome for the site through the provision of a modern dwelling house. The proposed dwelling house has been appropriately sited to ensure the majority of the dwelling is sited clear of the adjoining heritage item. As such it is considered that the proposal achieves a sympathetic and ideal outcome for the subject site situated.

5.10 ANY SUBMISSION MADE IN ACCORDANCE WITH THE ACT

The applicant will address any submissions if required, should they be received by Council.

5.11 THE PUBLIC INTEREST

No significant environmental impacts are considered to result from the proposal. Rather an improvement in the level of residential amenity for the benefit of the residents. As such, the development is considered to be in the public interest.

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PART F CONCLUSION

The proposed dwelling house and associated landscaping is considered supportable for the following reasons:

- The proposal has demonstrated compliance with the relevant State and Local planning policies and design requirements. Where full compliance with the development control has not been achieved, the proposal will satisfy the objectives of the control;
- The proposed works are consistent with the existing land use and the existing buildings surrounding the site;
- The proposal provides for an optimal and positive architectural/streetscape outcome;
- The works will not result in intensification of the site use;
- The works are contained within the lot boundaries resulting in minimal environmental impact;
- The proposal has appropriately considered and been designed in accordance with the localities design requirements;
- The works will not adversely impact the streetscape amenity, but rather improve the streetscape aesthetic of Kooloorra Avenue; and
- The proposal is commensurate to surrounding land uses.

This SEE provides an assessment of the proposal against the relevant environmental planning framework, including WLEP2011 and WDCP2011. The assessment finds that the proposal is consistent with the objectives and controls of the relevant framework. No significant adverse environmental, economic, or social impacts have been identified as likely to arise from the proposed development.

It is therefore recommended Council grant development consent to the proposal.

APPENDIX 1 – DCP Compliance Table

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APPENDIX 2 – Survey Plan

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APPENDIX 3 – Architectural Plans

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APPENDIX 4 – BASIX Certificate

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APPENDIX 5 – Arboricultural Impact Assessment Report

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APPENDIX 6 – Civil Engineering Plans

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APPENDIX 7 – Landscape Plans

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APPENDIX 8 – Waste Management Plan

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APPENDIX 9 – Cost Summary Report