

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR PROPOSED ALTERATIONS & ADDITIONS TO AN APPROVED NEW DWELLING
TO PROVIDE FOR A BASEMENT LEVEL**

LOCATED AT

48 JOHNSON STREET, FRESHWATER

FOR

TARA & JAMES McDOUGALL



**Prepared
February 2022**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared by MCK Architecture + Interiors on behalf of Tara & James McDougall, detailing the proposed excavation of the site to provide for the construction of a basement level below the approved new dwelling at **48 Johnson Street, Freshwater**.

The architectural plans which comprise the submission are noted as Revision A & B, dated 28 January 2022 and include:

- DA 00 Cover Sheet
- DA 05 Basement Plan
- DA 10 Ground Floor Plan
- DA 11 First Floor Plan
- DA 13 Site Plan
- DA 20 Elevations
- DA 21 Elevations
- DA 22 Elevations
- DA 30 Sections
- DA 31 Sections

Northern Beaches Council issued Development Consent DA2020/1723 Notice of Determination dated 20 April 2021 provided for *“Demolition Works and construction of a dwelling house, including swimming pool”*.

The consent was subsequently modified under Mod2021/0572 and dated 5 August 2021 to correct an error in the conditions relating to the stormwater design for the site.

The consent is valid until 20 April 2026 and to date, no work has commenced on the site.

The proposal intends to provide for an excavated basement level below the approved dwelling, with the approved floor levels, building heights and position on the site to be unaltered. An approved central courtyard lowered to the basement level of RL28.650 and provide for light and ventilation to the excavated basement level.

Given that the works are largely below ground level, the appearance of the approved development to the neighbouring properties and from the public domain will be largely unaltered.

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. As a result of this 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.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

In 2.0 Property Description

The subject allotment is described as 48 Johnson Street, Freshwater, being Lot 74 within Deposited Plan 7310 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The land is noted as being within Area A on Council's Landslip Risk Map, and accordingly this matter will be discussed in further detail within this submission.

No other identified hazards have been identified.

3.0 Site Description

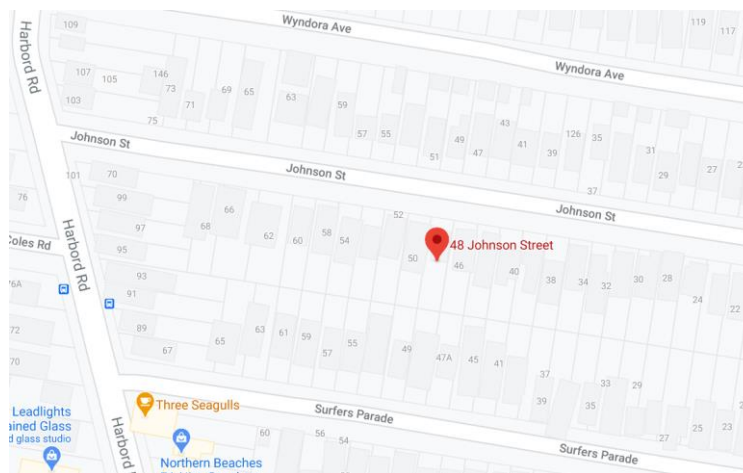
The property is located on the southern side of Johnson Street.

The land has a gentle slope towards the north-east, with stormwater from the roof areas being directed to the street gutter.

The site is rectangular in shape, with a width of 10.06m and a depth of 40.235m. The land has a total area of 404.6m².

The site is currently developed with a fibro & weatherboard residence with a metal roof. An existing fibro garage with metal roof is located in the rear yard. Development Consent for the demolition of the existing structures has been issued under DA2020/1723.

The details of the site are as indicated on the survey plan prepared by ESA Survey Land Survey Consultants, Drawing No. 4091/20, dated 9 April 2020, which accompanies the DA submission.



**Fig 1: Location of subject site
(Source: Google Maps)**



Fig 2: View of the subject dwelling and existing carport, (to be demolished) looking south from Johnson Street (taken prior to determination of DA2020/1723)



Fig 3: View of the subject site, and adjacent dwelling at No 50 Johnson Street, looking south



Fig 4: View of the streetscape to the west of the site, including existing carports within the front setback to Johnson Street, looking south-west



Fig 5: View of adjacent dwelling at No 46 Johnson Street, looking south-east



Fig 6: View of the streetscape to the east of the site, including existing carports within the front setback to Johnson Street, looking south-east



Fig 7: View of the rear yard of the subject site, looking south towards the rear boundary



Fig 8: View of the rear yard of the subject site, looking south-west towards the rear boundary



Fig 9: View of the rear yard of the subject site, looking south-west towards the rear boundary



Fig 10: View of the rear yard and rear elevation of the subject dwelling, looking north



Fig 11: View looking north-west towards the rear elevation of the adjacent dwelling at No 50 Johnson Street



Fig 12: View looking north-east towards the rear elevation of the adjacent dwelling at No 46 Johnson Street

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single detached dwellings and associated ancillary structures such as garages, storage sheds and swimming pools.

Properties in the area enjoy view local views and whilst sites are being redeveloped within the area for new dwellings or alterations and additions to existing dwelling, a common two storey height and scale has been maintained which allows for a consistent streetscape pattern in terms of setbacks and the presentation of parking structures to the street boundaries.

The site and its surrounds are depicted in the following aerial photograph:

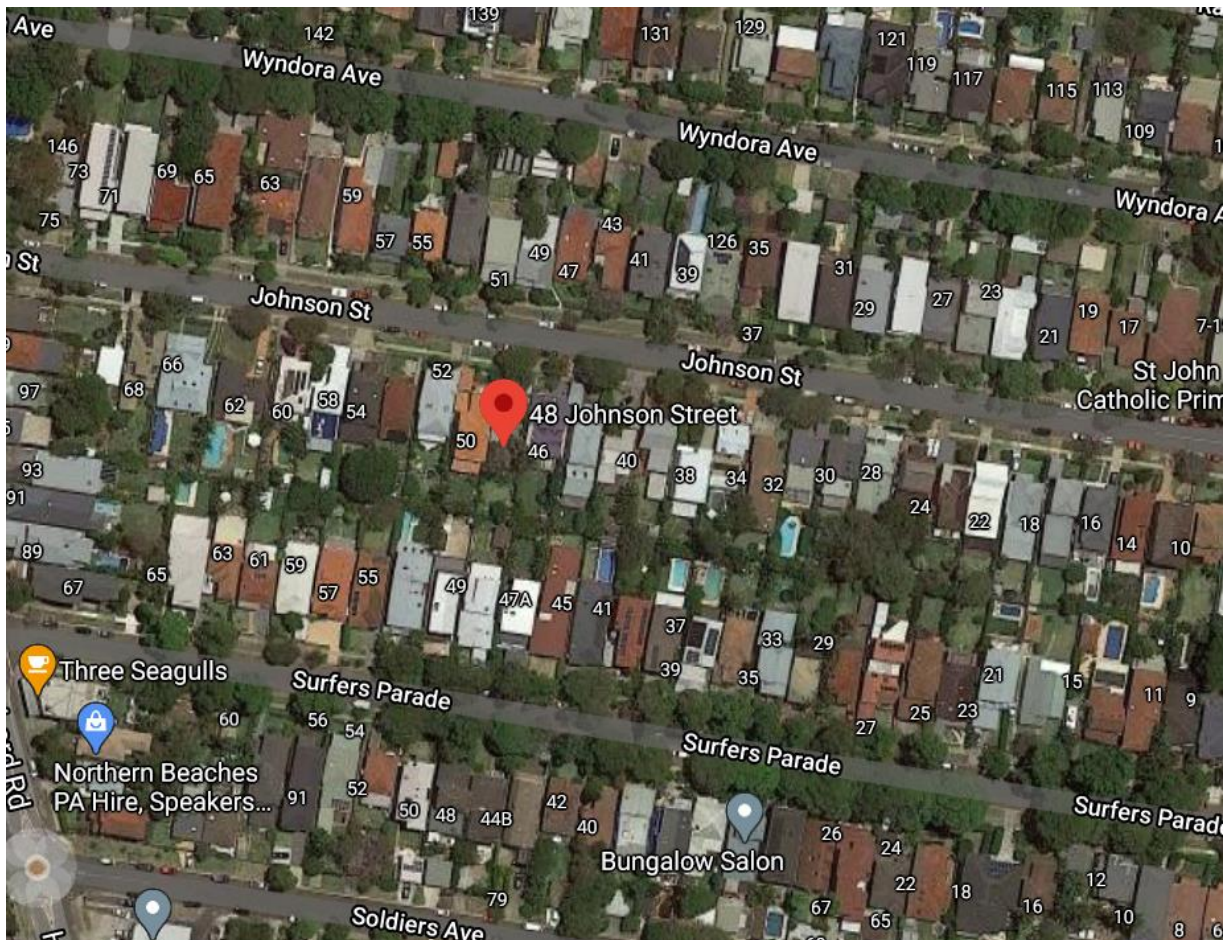


Fig 13: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As previously discussed, Northern Beaches Council issued Development Consent DA2020/1723 under Notice of Determination dated 20 April 2021 which provided for *“Demolition Works and construction of a dwelling house, including swimming pool”*.

The consent was subsequently modified under Mod2021/0572 and dated 5 August 2021 to correct an error in the conditions relating to the stormwater design for the site.

The consent is valid until 20 April 2026 and to date, no work has commenced on the site.

The proposal intends to provide for an excavated basement level below the approved dwelling, with the approved floor levels, building heights and position on the site to be unaltered. An approved central courtyard lowered to the basement level of RL28.650 and provide for light and ventilation to the excavated basement level.

The proposed basement level will include a multipurpose room with bar area, laundry store room, separate WC and sunken external courtyard, with internal stair access to the ground floor level of the approved dwelling.

Given that the works are largely below ground level, the appearance of the approved development to the neighbouring properties and from the public domain will be largely unaltered.

In order to support the extent of the proposed excavation the potential impact on the stability of the site and the neighbouring properties, a Geotechnical Investigation has been prepared by Green Geotechnics under Report GG10127.001B dated 8 November 2021.

The report considers the existing site conditions and specifically references the proposed basement level, together with the swimming pool, each of which are proposing excavation of the site between 2 m to 3.6 m in depth.

The report concludes in Section 6 - General Recommendations that the site has been determined as low-risk of slope instability, and that the site is suitable for residential development provided good hillside building practices are followed.

The report also provides a number of recommendations to be observed during the construction work and the future development to ensure that the stability the site is maintained. The proposal will be carried out in accordance with the recommendations of the Geotechnical Investigation and also under the direction of Consulting Structural Engineer.

As the proposed works which are the subject to this application are wholly below the existing approved floor level, the retention of the approved floor levels, side setbacks and approved roof levels will ensure that appearance of the building from the adjoining properties and public domain is consistent with Council's recent determination.

The proposal will not alter the approved indices for the site which remain as (over):

Site Area:	404.6m ²
Required Landscaped Area:	40% or 161.84m ²
Proposed Landscaped Area:	40.1% or 162.1m ²

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

Development for the purposes of alterations and additions to a dwelling house are permissible in this zone under the WLEP 2011.



Fig 14: Extract of Warringah Local Environmental Plan 2011 Zoning Map

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

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

It is considered that the proposed excavation of the site to provide for a new basement level below the approved dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposed works are wholly beneath the approved building footprint and with the form of the approved dwelling in terms of approved floor level setbacks and overall height being unchanged, the development will remain consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on the existing landscaped area or long distance views..

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The building height limit for development in this portion of Freshwater is 8.5m. The proposed new works are wholly below the approved building footprint for the new dwelling and will not alter the approved maximum height of 8.48m.

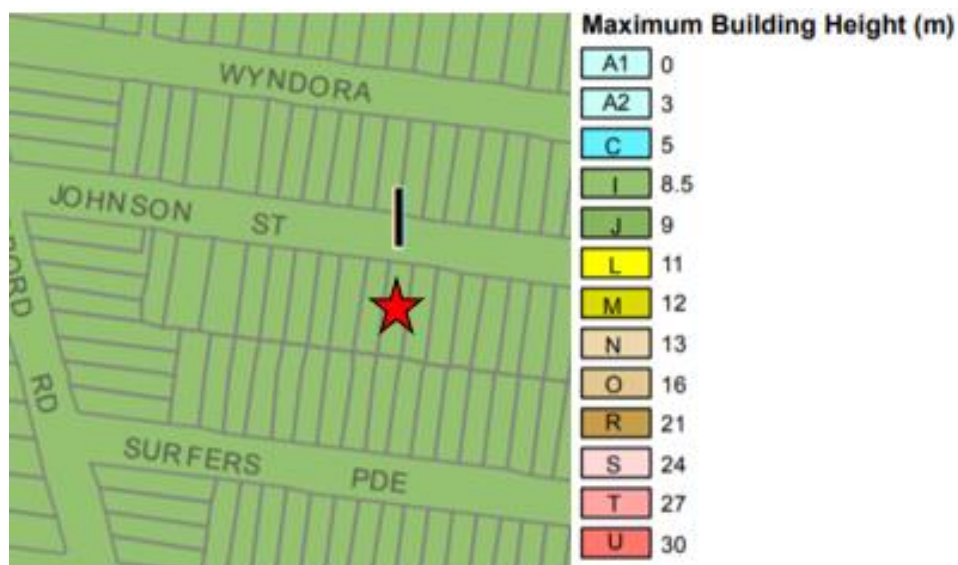


Fig 15: Extract of Warringah Local Environmental Plan 2011 Height of Building Map

Clause 6.2 relates to earthworks. The proposal will involve excavation of the site to provide for the new basement level, to a depth of 3.6m and the previously approved excavation for the approved swimming pool which will have a depth of up to 2m.

In order to support the extent of the proposed excavation the potential impact on the stability of the site and the neighbouring properties, a Geotechnical Investigation has been prepared by Green Geotechnics under Report GG10127.001B dated 8 November 2021 which supports the proposal.

The proposed excavation associated with the basement level and the approved swimming pool will be carried out under the direction of the Geotechnical Consultant and in accordance with recommendations within the Geotechnical Investigation and the Consulting Structural Engineer.

Clause 6.4 relates to development on sloping land. The site is noted as Area A on Council's Geotechnical Risk Mapping.

As the works proposed to excavate the site to depths between 2m - 3.6 m, the Geotechnical Investigation prepared by Green Geotechnics has been provided and supports the proposal.



Fig 16: Extract of Warringah Local Environmental Plan 2011 Landslip Risk Map

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

6.4 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 7.2m	Approved wall height unchanged as the works are wholly below the approved ground floor level	N/A
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope and Side Setback	Building envelope 45 degrees from 5m. Setback 0.9m	The proposal involves excavation below the existing dwelling, which will maintain the approved side setbacks and will not alter the building envelope control applying to the approved dwelling.	Yes
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	The proposed new works are wholly below the approved dwelling and will not reduce the approved side setbacks of the upper story. The basement level will stand from 0.9m to the eastern and western boundaries respectively which complies with Council's control.	Yes
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A

B7 – Front Boundary Setbacks	Minimum 6.5m Secondary frontage 3.5m	The approved front setback to the dwelling remains unchanged. The proposed basement stand from 7.32m to the front setback and by being wholly below the approved ground floor level, will not be visible when viewed from the street domain.	Yes
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	Min 6m rear setback	The new works do not reduce the approved rear setback for the dwelling and by being wholly below ground level, will not impact on properties to the rear..	Yes
B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A
B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A

Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	The approved driveway provisions are unaltered.	N/A
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	The approved car parking provisions are unaltered and the site will retain a total of two vehicle spaces off street.	N/A
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	The proposed works will not have impact on the stormwater run-off from the site. A stormwater pit has been provided at the basement level and will allow for any collected groundwater to be pumped to the stormwater design for the dwelling, which directs overflow to Johnson Street.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Suitable sediment and erosion control measures to be provided during construction.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A		N/A
C7 – Excavation and Landfill	Site stability to be maintained	No major site works proposed	N/A
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage available within curtilage of the dwelling.	Yes

Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	The proposed works are wholly beneath the approved dwelling and will not see any change to the approved landscape ratio of 40.06%.	Yes
D2 – Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	The proposal will not alter the approved areas of private open space.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	N/A	N/A
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
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	The proposed works are wholly below the approved dwelling and will not see any change to the orientation or energy efficiency of the approved dwelling. A BASIX Certificate has been prepared to support the proposal	Yes
D6 – Access to sunlight	At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight	As the works are wholly below the approved ground floor level the building, there will be no change to the solar access enjoyed by either the subject or neighbouring properties.	Yes

	between 9am and 3pm on June 21.		
D7 – Views	View sharing to be maintained	As the works are wholly below the approved ground floor level of the dwelling, with no change to the views or outlook enjoyed by either the subject or neighbouring properties.	Yes
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	The proposed works will not impact on the privacy or amenity of the neighbouring properties.	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	As the proposed works are wholly below the ground floor level of the approved dwelling, there will be no change to the perceived bulk and scale as viewed from the neighbouring properties or from the surrounding public areas.	Yes
D10 – Building Colours and materials		The new works will utilise recessive colours and finishes to match the surrounding area and the approved finishes of for the new dwelling.	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposed works are wholly below the ground floor level of the approved dwelling and will not result in	N/A

		any change to the approved roof form.	
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The proposed external finishes and colours will match the approved finishes and will not result in any glare impacts to surrounding properties.	Yes
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.	No change to approved fencing	N/A
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	No change to approved garbage storage areas and mailboxes	N/A
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	Side fences are to be unchanged.	N/A
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.	Approved swimming pool is unchanged.	N/A
D17 – Tennis Courts	N/A		N/A
D18 – Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A

D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is a retained from the future dwelling to the street over and through the front landscaped area.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate has been provided to support the proposed development.	Yes
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.	No signage proposed	N/A

Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	No significant or protected trees are affected by the works.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map	The works to provide for the excavated basement below the approved dwelling will not have any impact on the adjacent public land.	Yes
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area A.	The proposal will not require any substantial disturbance to the site to accommodate the additions. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer, and therefore satisfy the provisions of this clause.	Yes
E11 – Flood Prone Land	Not identified on map		N/A

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 Any environmental planning instrument

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. It is considered that the provisions of this environmental planning instrument has been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for the excavation of the site to provide for a basement level below the approved dwelling, with no change to the approved form of the dwelling in terms of its footprint, front, side and rear setbacks and overall height is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the SEPP, Council's LEP and DCP.

7.7 The suitability of the site for the development

The site is considered suitable for the proposed development.

The proposal will provide for the construction of alterations and additions to an approved new dwelling to provide for an excavated basement level below the dwelling.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

7.8 Any submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment; the character of the locality and will mitigate any unreasonable visual impacts on the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for additions and alterations to provide for an excavated basement level below an approved new two storey dwelling.

The approved floor levels, front side and rear setbacks and overall building height will of the approved dwelling will remain unchanged.

As the works are wholly below the approved ground floor level, the proposed basement level is not visible from the adjoining properties or when viewed from the public domain surrounding the site.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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