

STATEMENT OF ENVIRONMENTAL EFFECTS

12 HUBERT STREET, FRESHWATER

**CONSTRUCTION OF A NEW DWELLING, FRONT FENCE &
SWIMMING POOL**

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

March 2023

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 construction of a new two storey dwelling including a new front fence and swimming pool on Lot A in DP 18993 which is known as **No. 12 Hubert Street, 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 DC Surveys, File No. 5214 and dated 10/02/2023.
- Architectural Plans prepared by Scope Architects, Project No. 02007, Revision 1 and dated 25/01/2023.
- BASIX Certificate #1336347S_02 and dated 8 February 2023.
- Stormwater Management Plan
- Landscape Plan prepared by Botanique Design, Drawing No. L01 and dated 23/09/2022.
- Stormwater Management Plan prepared by WaterDesign Civil Engineers, Job No. 2021-084, Revision A and dated 09/01/2022.

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 A in DP 18993 which is known as 12 Hubert Street, Freshwater. The site is located at the western side of Hubert Street with a street frontage of 15.378m. The site has an area of 563m² with a depth of 36.576m. The locality is depicted in the following map:



Site Location Map

The site is currently occupied by a single storey rendered brick dwelling with a tiled roof and attached garage. A concrete driveway and vehicular crossing are provided adjacent to the southern boundary. A low sandstone wall exists along the street frontage.

The site has a gradual slope from the rear western boundary (RL35.40) towards the street frontage (RL31.09). Stormwater can be discharged to the street gutter. There is no significant vegetation on site, however there is one large street on Council's road reserve. This tree will be retained as part of this application.

Development Consent (DA2021/0770) was issued by Council for the construction of dwelling alterations and additions, front fence and swimming pool. The approved footprint is similar to that proposed under this application with the pool to be repositioned. DA2021/0770 remains active.

The site is depicted in the following photographs:



View of Subject Site from Hubert Street

The existing surrounding development comprises a mix of one and two storey detached residential dwellings on generally larger allotments than the subject site. More recent development comprises larger two storey dwellings of modern appearance. The site's rear boundary adjoins a large parcel of land that is occupied by a Place of Public Worship.

The site's northern boundary adjoins No. 8 Robert Street, which provides for a large masonry garage with a nil setback to the common boundary with the subject site and the street frontage.

The property further to the south, No. 8 Hubert Street, provides for a carport providing parking for 2 cars with reduced setback to the street frontage.

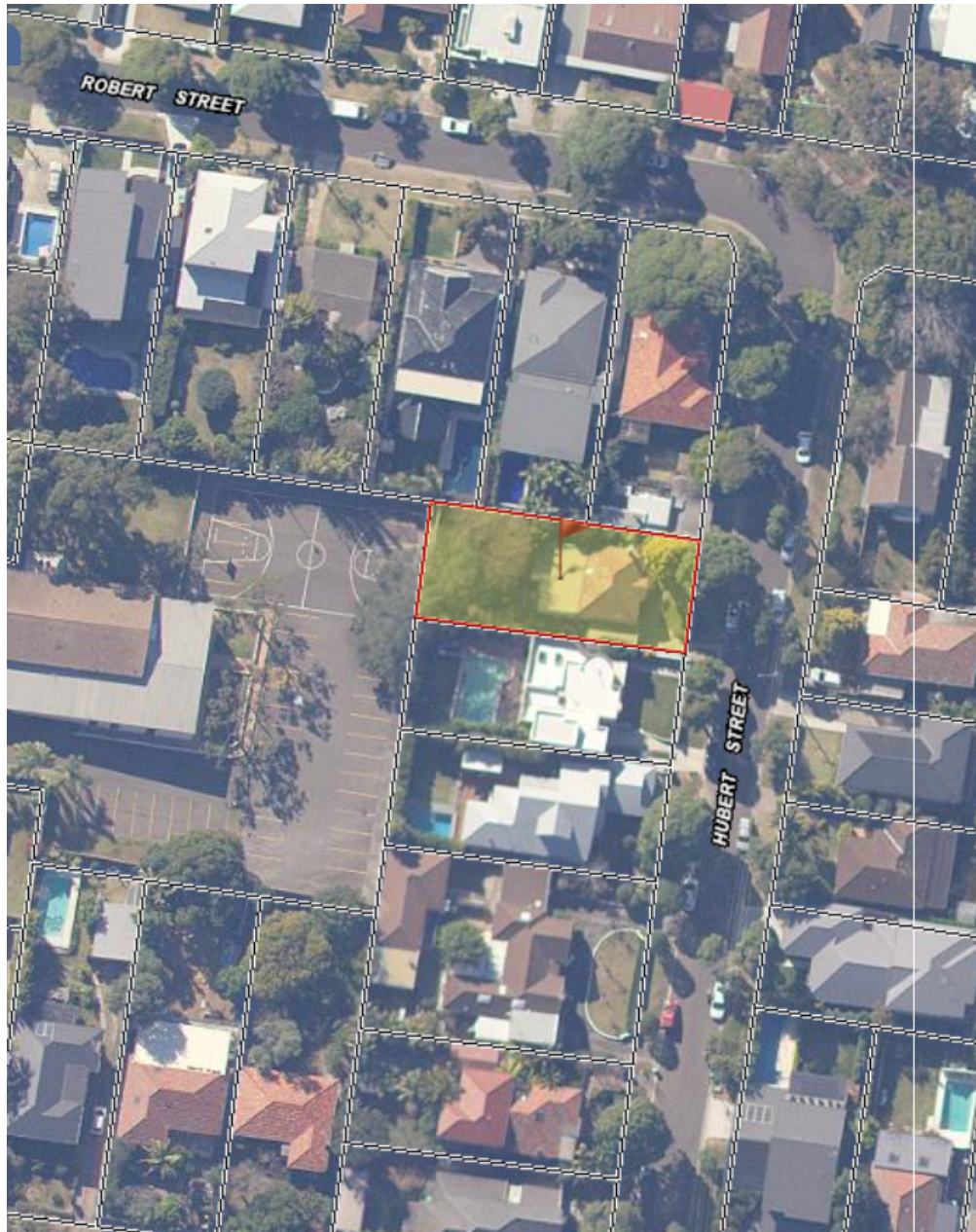
The subject site and existing surrounding development are depicted in the following photographs:



**Existing Garage/Carport of No. 8 Robert Street
as viewed from Hubert Street**



View of No. 10 Hubert Street and carport at No. 8 Hubert Street



Aerial Photograph of Locality

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of a new two storey dwelling, swimming and front fence.

New Dwelling

The proposal provides for a new two storey dwelling to be constructed of vertical clad walls and a metal roof.

The dwelling is provided with a setback of 7.31m to the street frontage as measured from the garage with the wall of the dwelling setback 8.85m. Setbacks of 0.9m and 1.1m are provided to the sites northern and southern side boundaries. A setback of 6.51m is provided to the rear boundary.

The dwelling will comprise the following:

Ground Floor: Entry, office, rumpus, kitchen, dining/living room, laundry, bathroom and double garage with storage.

First Floor: Four bedrooms (main with ensuite).

Swimming Pool

The proposal provides for a new swimming pool to be located in the adjacent to the northern boundary. The pool is setback 1.1m from the water edges to the northern side boundary.

Front Fence

The proposal provides for a new front fence. The fence is to be constructed of steel support posts with timber infill panels to a maximum height of approximately 1.4m.

The proposal will result in the following numerical indices:

Site Area:	562.8m ²
Landscaped Area:	231.1m ² or 41.1%

4. ZONING & DEVELOPMENT CONTROLS

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

4.1 Planning for Bushfire Protection 2006

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply.

4.2 Warringah Local Environmental 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) came into effect on Friday 9 December 2011.



Extract of Zoning Map

The site is zoned R2 Low Density Residential. Development for the purposes of a new dwelling and ancillary development 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	Refer to plans - < 8.5m	Yes

The following provisions are also relevant:

Clause 6.4 Development on Sloping Land

The site is classified as Class A on Council's Landslip Map and therefore no further information is required in this regard.

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

4.3 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 Proposed wall height is approximately 6.0m
B2 – Number of storeys	Not Applicable	Not Applicable
B3 - Side Boundary Envelope	Building envelope 45 degrees from 5m. Eaves up to 675mm are an allowable encroachment	Yes
B4 – Site Coverage	Not Applicable	Not Applicable
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes Setbacks of at least 0.9m to the northern boundary 1.1m to the southern boundary.
B7 – Front Boundary Setbacks	Minimum 6.5m	Yes Dwelling is setback 7.31m to the street frontage as measured from the garage.
	Secondary frontage 3.5m	N/A

Clause	Requirement	Compliance
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6.5m	Yes The dwelling is setback 6.51m to the rear boundary. The pool slightly encroaches the rear setback however it does not encroach more than 50% of the rear setback area.
B11 – Foreshore Building Setback	Not applicable	Not Applicable
B12 – National Parks Setback	Not applicable	Not Applicable
B13 – Coastal Cliffs Setback	Not applicable	Not Applicable
B14 – Main Roads Setback	Not applicable	Not Applicable
B15 – Minimum Floor to Ceiling Height	Not applicable	Not Applicable
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Yes The proposal provides for a new driveway and vehicular crossing towards the southern side boundary.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Yes The garage is well integrated into the dwelling design and does not dominate the streetscape. The garage complies with the required front setback.

Clause	Requirement	Compliance
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Yes The proposal provides for all collected stormwater to drain to the street gutter in accordance with Council controls.
C5 – Erosion and Sedimentation	Soil and Water Management required	Yes A Soil Erosion Management Plan has been prepared and forms part of the submission to Council.
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable
C7 - Excavation and Landfill	Site stability to be maintained	Yes Minimal excavation proposed.
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 for waste and recycling bins.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	Yes The proposal provides for a landscaped area of 231.1m ² or 41.1% of the site.
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	Yes Proposed dwelling provides for sufficient private open space in the rear yard. This open space is directly accessible from the living areas and is level.

Clause	Requirement	Compliance
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Not Applicable
D4 – Electromagnetic Radiation	Not Applicable	Not Applicable
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	Yes The proposed dwelling will receive good solar access throughout the year. A BASIX certificate has been issued and forms part of the submission to Council.
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 Given the east-west orientation the proposal does result in some additional overshadowing. Shadow diagrams have been prepared which depict compliance with the controls of this clause. These diagrams depict additional overshadowing only at 9am with no change to the existing shadowing at 12noon and 3pm. The proposal provides sufficient area of solar access to the adjoining properties in accordance with this clause.

Clause	Requirement	Compliance
D7 - Views	View sharing to be maintained	Yes The subject site and surrounding properties do not enjoy any significant views.
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	Yes The proposed additions have been designed to ensure privacy of the adjoining properties is maintained. The proposal provides for all high use living areas on the ground level, with the upper level providing for only bedrooms and bathrooms. These are not high use living areas and will not reduce privacy to the adjoining properties. The upper level provides for a balcony, however this is on the front elevation and provides for views of only the street and dwelling approach.
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.	Yes The resultant two-storey dwelling is compatible with the existing surrounding development.
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Yes External finishes selected to be compatible with the existing surrounding development and the natural environment.

Clause	Requirement	Compliance
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Yes The proposal provides for a conventional pitched roof form which is compatible with the variety of roof forms in the locality.
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.	The proposal provides for a new front fence to replace to the existing fencing on site. Whilst the proposal provides for a maximum height of 1.4m this is consistent with the form of fencing in the immediate locality, which comprises a mix of fencing styles and heights.
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

Clause	Requirement	Compliance
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.	Yes Pool is in rear yard and will not have a detrimental impact on the neighbours.
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 will provide a good outlook of dwelling approach and street.
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.	Not Applicable
E2 – Prescribed Vegetation	Not identified on map	Not Applicable
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable

Clause	Requirement	Compliance
E4 – Wildlife Corridors	Not identified on map	Not Applicable
E5 – Native Vegetation	Not identified on map	Not Applicable
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Not Applicable
E7 – Development on land adjoining public open space	N/A – not identified on map	Not Applicable
E8 – Waterways and Riparian Lands	Not identified on map	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable
E10 – Landslip Risk	Identified on map as A	No further information required.
E11 – Flood Prone Land	Not Applicable	Not Applicable

There are no other provisions of the DCP that apply to the proposed development.

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned R2 Low Density Residential under the provisions of the LEP. Construction of a new dwelling house, front fence and swimming pool is 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 dwelling front fence and swimming pool without any detrimental impact on the environment, social and economic status of the locality. The proposal does not require the removal of any significant 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 construction of a new dwelling in this zone is permissible with the consent of Council. The resultant dwelling 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 construction of a new dwelling that is consistent with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

6. CONCLUSION

This application seeks approval for the construction of a new dwelling, front fence and a swimming pool. 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 construction of a new dwelling front fence, swimming pool and front fence at **No. 12 Hubert Street, Freshwater** is worthy of the consent of Council.

Natalie Nolan
Grad Dip (Urban & Regional Planning) Ba App Sci (Env Health)
Nolan Planning Consultants
February 2023