



THE PLANNINGHUB

by Hawes & Swans

STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Change of Use and Fit Out to the
Ground Floor for the purpose of a Funeral
Home - 37 Ocean St, Woollahra**

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DOCUMENT INFORMATION

Prepared For:	JCP Construction & Development Pty Ltd.
Project Name:	37 Ocean St, Woollahra
Job Reference:	21-124 / V2
Date Approved:	4 June 2021

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JCP Construction & Development Pty Ltd
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JCP Construction & Development Pty Ltd

1.0 Introduction

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) submitted to Woollahra Council. This DA proposes a change of use and fit out for the purposes of Business Premises (Funeral Home) on ground level, fit out of a residential apartment on level 1 and associated works at 37 Ocean St, Woollahra.

This SEE provides a detailed description of the site and the proposal. This report will provide an assessment of the proposal against the relevant heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*. That assessment has found that the proposal:

- Meets the current objectives of the LEP and DCP where applicable;
- Will not result in significant negative impacts on surrounding land uses and environment;
- Is responsive to site context and presents a positive visual relationship with surrounding uses; and
- Is in the public interest.

The SEE forms part of a suite of documents that are submitted in support of the application and are attached as **Appendices A-J**.

1.1 History

The subject site has a history of relevant approvals issued by Council in the past 8 years, including:

- DA215/2013 – Approved 25 June 2013, for the change of use and fit out from a retail shop to a gallery at ground floor level and associated internal changes.
- DA490/2016 – Approved 13 May 2017, for the alterations and additions to the existing g building including ground floor, first and second floor additions, internal configuration, new garage with loft above.
- DA523/2017 – Approved 31 September 2017, for new basement storage under the approved garage.

2.0 Site Analysis

2.1 Location and Context

The site sits within the West Woollahra Precinct of Woollahra Conservation Area and it is approximately 5km from the Sydney's CBD. The site is located approximately 32m north of Queen Street, 258m north of Oxford Street, 333m west of Edgecliff Road and 1km to the south of Edgecliff Train Station.

The site has two street frontages, one located on the eastern side of Ocean Street and the other on the western side of Kilminster Lane. Vehicular access is provided via the secondary frontage of Kilminster Lane, while pedestrian access is predominantly provided via Ocean Street, the primary frontage.

The site's locational context is demonstrated in **Figures 1 & 2** below.

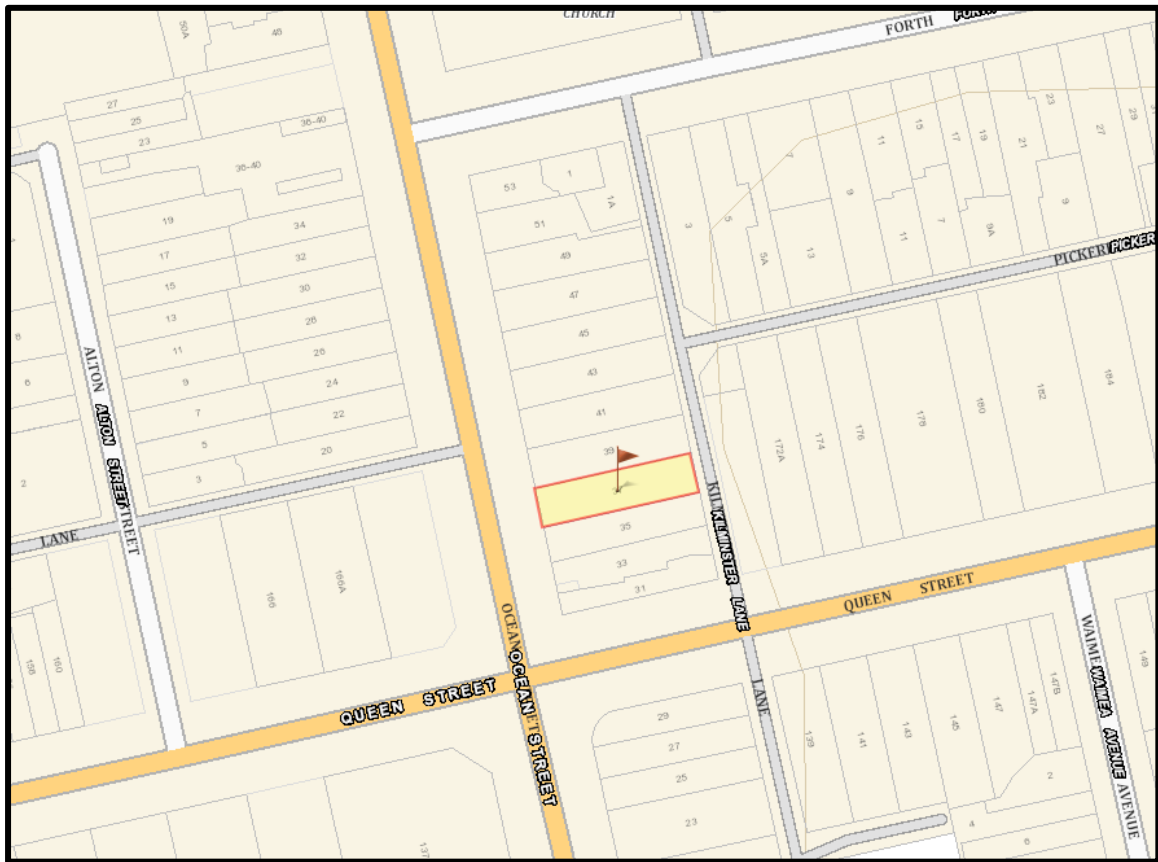


Figure 1: Locality Plan demonstrating the site outlined in red (Source – Sixmaps).

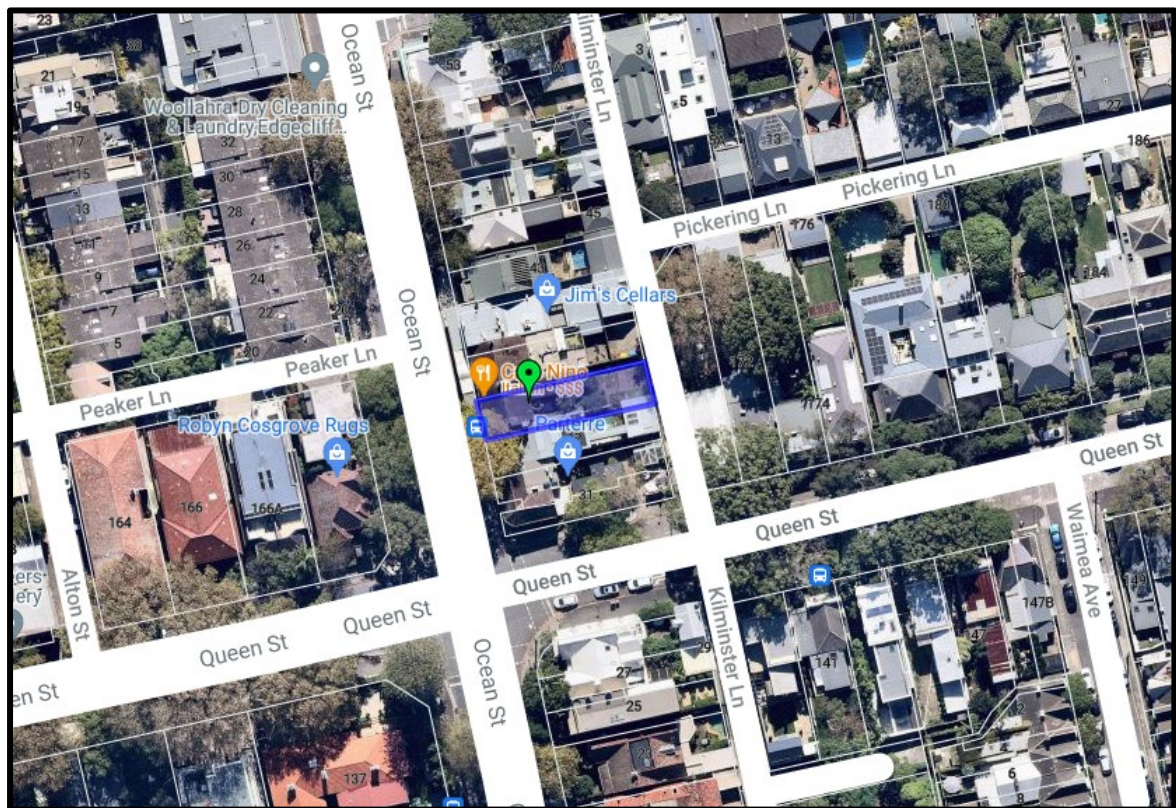


Figure 2: Location Plan demonstrating the site area outlined in blue (Source: Nearmap).

2.2 Site Description

The site is commonly known as No 37 Ocean Street, Woollahra and is legally described as Lot 37 DP181112. The site has a total area of approximately 231.3m² and a frontage of 7.56m to Ocean Street with existing established rear pedestrian and vehicle access.

Surrounding development consists of a range of residential and commercial uses. The proposed development is located approximately 1km to the south of Edgecliff Train Station, while serviced by a range of bus services including 200, 328 and N91. Further bus services are accessed via the Bondi Junction Interchange.

2.3 Existing Site Conditions

Existing Structures	The subject site contains an existing 2 storey Victorian/Georgian style building containing a gallery on the ground floor and residential use on the first floor and attic.
Access	Pedestrian access is located on Ocean Street. Vehicle access is provided via Kilminster Lane with 3 on-site carparking spaces provided at the rear.
Heritage	The site does not contain a heritage listed item. However, the site is located within the West Woollahra Precinct of Woollahra Conservation Area.

3.0 Proposed Development

3.1 Overview

This DA seeks consent for a change of use and fit out to the ground floor as a Funeral Home which is a type of Business Premises. The DA also seeks minor internal changes to the existing residential apartment on Level 1.

Whilst the non-residential use is defined as a funeral home, the use is primarily an office for a funeral home business associated with the arrangement of funerals and memorials, and not a body holding or preparation facility. There would be occasional private viewings of the deceased at the premises for private viewings.

It is envisaged that viewings will be conducted at the premises on a sporadic basis where it is expected that 3-4 people would attend a private viewing for up to 30 mins. The maximum number of attendees would be limited to 10 per private viewing

Proposed works include:

- Ground Floor

- Generally, to retain existing room layout and repurpose rooms as an office for funeral activities, and a funeral home. One rear room to the rear will be a viewing room, other rooms will be reception and service rooms.
- Installation of the following for use during private viewings:
 - New blind to front door which will be closed during viewing session.
 - Non-transparent partition will be erected between shopfront and rear of premises to ensure privacy from street.
- The rear open space of the property is to be developed with a carport / covered loading bay including a lift for transferring coffins from a van to the display room. There will be a roller door to the structure to Kilminster Lane.
- The purpose of the structure is to provide all-weather workings and to screen the activities specially from the extensive glass areas of the adjoining residence at number 35 Ocean St.
- The manouvering / paved area will be landscaped with paving and shrub planting to achieve soft landscape objectives and provide a setting appropriate to the building, and the conservation area
- First Floor
 - Stair access to be re-activated from Ocean St.
 - Internal re-configuration to create a two bedroom apartment.
 - Access from a rear car park space to be maintained by rebuilt steel stair. Screens to two existing decks to screen the ground level courtyard from first floor decks.

The whole of the existing black painted exterior is to be painted an off-white colour the same exterior first floor colour as number 39. This initiative will unite the two buildings as one under the same roof line, and is considered more in keeping with the colours of late nineteenth century buildings in the Conservation Area. The awning fascia will be kept black colour. The proposed structure at the rear will be clad with "Standing seam" metal cladding colour mid grey - 'Basalt'

3.2 Operations

The proposed hours of operation of the funeral home is 8am till 10pm, Monday to Sunday however normal business would be conducted between 9am and 4pm Monday to Friday.

In the event of private viewings or urgent arrangements being required, the premises may be opened outside normal hours. In the event of evening viewings, all patrons shall be escorted off the premises by 930pm.

The business is envisaged to employ 2 full time staff who will be present during normal operating hours.

There would be occasional private viewings of the deceased at the premises. It is envisaged that viewings will be conducted at the premises on a sporadic basis where it is expected that 3-4 people would attend a private viewing for up to 30 mins. The maximum number of attendees would be limited to 10 per private viewing.

Note: There will be no storage, dressing, or preparation of deceased persons at the site. For viewing purposes, all deceased persons will be prepared and dressed prior to viewing, transported to site, then removed offsite after the viewing. There will be no traditional funeral activities either at or near the premises such as funeral processions or corteges.

All patrons will be required to leave the premises on completion of viewing.

No change to existing signage is proposed as part of this DA.

4.0 Assessment of Environmental Impacts

4.1 Statutory Planning Framework and Compliance

An assessment of the proposal has been made against the relevant planning instruments applicable to the land and the proposal. These are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Woollahra Local Environmental Plan 2014; and
- Woollahra Development Control Plan 2015.

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

The SEPP aims to encourage sustainable residential development and requires DA's for such development to be accompanied by a list of BASIX commitments as to the manner in which the development will be carried out. The proposed development is consistent with the aim of the SEPP and all of its planning controls.

A BASIX certificate has been prepared for the proposed development and demonstrates that the proposed development satisfies the requirement of the BASIX SEPP. The BASIX certificate is located at **Appendix G**.

4.1.2 Woollahra Local Environmental Plan 2014

Permissibility

The site is situated within the Woollahra Local Government Authority (LGA) and is subject to the provisions of the Woollahra Local Environmental Plan (LEP) 2014. The site is zoned R2 Low Density Residential, see **Figure 3** below.

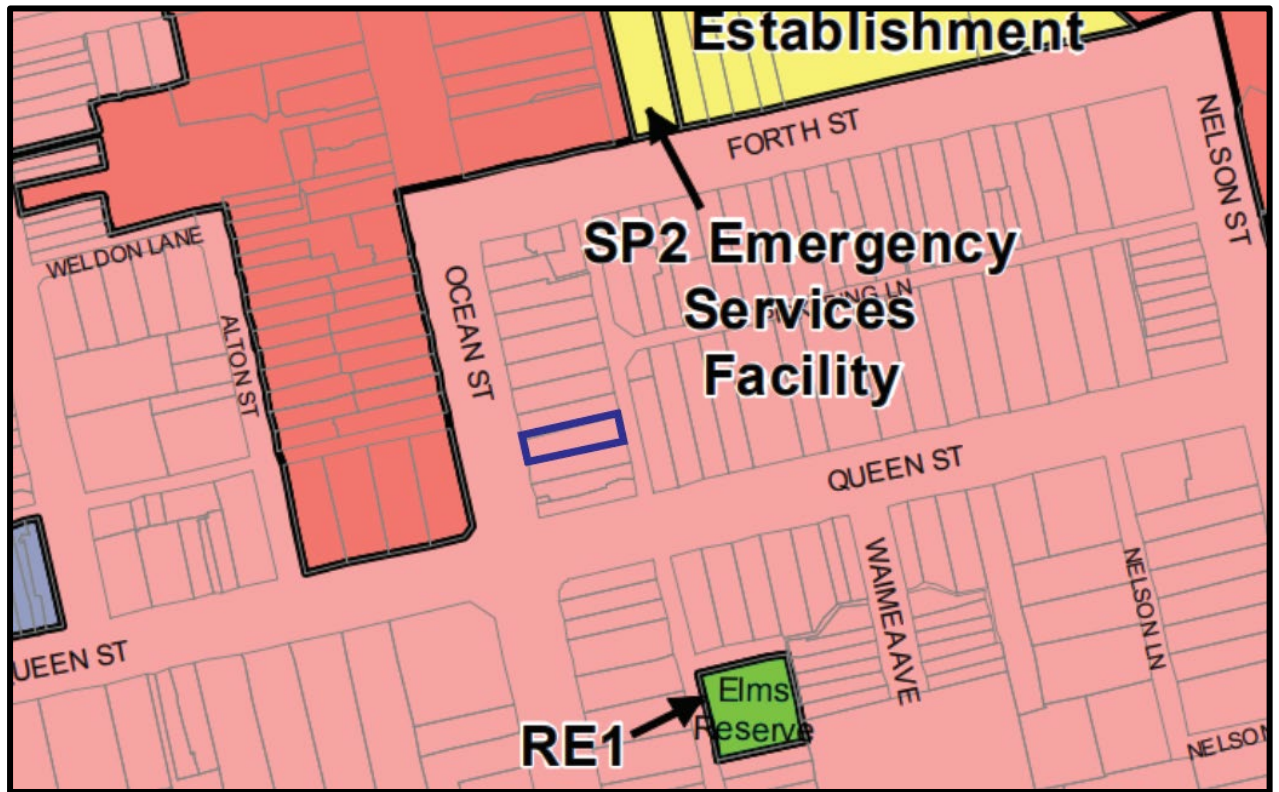


Figure 3: Land Zoning Map demonstrating the subject site as outlined in blue (Source –NSW Legislation).

The proposed development involves the change of use and fit out of an existing tenancy for the purposes of a Funeral Home which is a type of business premises. A Business Premises (Funeral Home) are permitted with consent in the R2 zone. The residential use is also permissible.

Zone Objectives

The objectives of the R2 Low Density Residential Zone in the Woollahra LEP 2014 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.
- To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

Comment

The proposed development is consistent with the relevant objectives of the zone. The proposal is responsive to the communities housing needs through retention of the first-floor residence and by proposing a design seeks to visually protect adjacent uses. The proposed non-residential use on the ground floor provides a service to meet the day to day needs of residents. The development has been designed to be compatible with the character and amenity of the surrounding neighbourhood and achieves the future character of the neighbourhood.

An assessment of the proposal against the relevant clauses of the LEP applying to the subject land and development is provided in **Appendix A**.

4.1.3 Woollahra Development Control Plan (DCP) 2015

The Woollahra Development Control Plan (DCP) 2015 applies to the site and proposed development. An assessment of the proposal against the relevant development controls applying to the subject land is provided in **Appendix B**.

4.2 Heritage Impact

Clause 5.10 of the Woollahra LEP refers to heritage items and heritage conservation areas. In consideration of this development on heritage significance, a Heritage Impact Assessment has been prepared in support of this development.

The subject site does not contain a heritage listed item, but it is a contributory item situated in the West Woollahra Precinct of the Woollahra Conservation Area. The existing building is a detached two storey late Victorian shop house currently used for commercial uses. A Heritage Impact Assessment has been prepared by Gary Stanley AAIA and is provided in **Appendix D**.

4.3 Social and Economic Impacts

The construction of the proposed development will bring with it important environmental benefits for the local and wider community as outlined below.

- The development will provide a service for the local community;
- Provide an economic benefit through construction expenditure and employment; and
- Positively protects the character and amenity of the WCA;

4.4 Site Suitability

Having regard to the characteristics of the site and its location in Surry Hills, the proposed development is considered appropriate in that:

- The zoning of the site permits the proposed use;
- The size and dimensions of the land are appropriate for accommodating the proposal;
- The service that positively responds to the current site conditions and is compatible in size and siting with surrounding uses;
- The site location is considered suitable and satisfies the need for the area and its surroundings; and
- It is consistent with the objectives and complies with its relevant development controls.

4.5 Public Interest

The proposal is in the public interest and will provide the following public benefits:

- The fit out has been designed in a manner that enhances and responds sensitively to its setting, creating a space that reflects the desired scale this building.
- The proposed change of use and fit out facilities for a service that presents a high-quality design that fits within the character of the area and responds to the site attributes and development controls applicable.
- The development is in proximity to public transport services that support residential localities throughout Woollahra. and
- There are no adverse impacts on surrounding properties.

5.0 Conclusion

The proposal is generally consistent with the relevant environmental planning instruments, including Woollahra Local Environmental Plan 2014 and satisfies both the relevant objectives and controls of Woollahra Development Control Plan 2015. The proposed development has planning merit in the following respects:

- The proposed use is consistent with the use of the ground floor as a non-residential use;
- The works proposed are minor and responsive to the significance of the contributory item; and
- There are no adverse impacts on surrounding development.

Having regard to the above, and in light of the relevant heads of consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* the proposal is reasonable and appropriate and warrants favourable consideration.



**A PUBLICATION BY
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APPENDIX A

Woollahra LOCAL ENVIRONMENTAL PLAN 2012 - COMPLIANCE TABLE

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Sydney Local Environmental Plan 2012 37 Ocean Street, Woollahra			
Clause	Requirement	Comment	Complies
4.3 Height of Buildings	The height of development is not to exceed 9.5m.	Yes. No changes to the existing maximum building height are proposed.	✓
4.4 Floor Space Ratio	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. No maximum Floor Space Ratio apply to the land	Yes. No maximum FSR controls are applicable the subject site.	✓
5.10 Heritage conservation	To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.	Yes. The proposed development is not a heritage listen item. The subject site however is within a heritage conservation area. A heritage impact assessment has been prepared in support of this application, see Appendix D .	✓
6.1 Acid Sulfate Soil	The objective of this clause is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage.	Yes. The site is in a class 5 Acid sulphate Soils. As this application is for the fit out and use of an existing building, works do not involve disturbance of soils nor will it lower the water table.	✓
6.6 Use of exiting non-residential building in residential zone	(3) Despite any other provision of this Plan, development consent must not be granted to development to which this clause applies for the purposes of business premises, a community facility, an information and education facility, office premises, a public administration building or a shop unless—		

	<p>(a) the whole or part of the development has a history of a lawfully commenced non-residential use, whether or not that use has been discontinued, abandoned or interrupted, and</p> <p>(b) the whole or part of the development was originally lawfully carried out with a non-residential design or was lawfully altered or adopted to a non-residential design, and</p> <p>(c) the consent authority is satisfied that the development—</p> <p>(i) will not adversely affect the enjoyment by an occupier of the land adjoining or in the neighbourhood of the land on which the development is situated, and</p> <p>(ii) if located in a heritage conservation area—will not adversely affect the heritage significance of the building in which, or the land on which, the development is situated, or the heritage conservation area.</p>	<p>Yes. The subject site has historically been used as a non-residential use, including being used as a shop prior to 2013 and since as a Gallery approved under DA215/2013.</p> <p>Yes. The subject building has lawfully been modified, particularly at ground floor under DA215/2013 for the fit out as a gallery.</p> <p>Yes. The adjoining developments are currently used for non-residential purposes and will not be adversely affected from the addition of this service.</p> <p>Yes. Proposed development will not adversely affect the West Woollahra Precinct of the Woollahra Conservation area. A Heritage Impact Assessment has been prepared in support of the application and found at Appendix D.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
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APPENDIX B

Woollahra DEVELOPMENT CONTROL PLAN 2012

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Sydney Development Control Plan 2012 – Compliance Table

37 Ocean Street, Woollahra

Chapter 2 Locality Statement

**C2.3.2 West
Woollahra Precinct**

The proposal is classified a contributory item in the West Woollahra Precinct. The proposal is consistent with the precinct objectives in that it continues to ensure the conservation of culturally significant landscape elements and street tree planting. The development conserves the strong pedestrian character of the precinct and the proposal utilises the existing rear lane access for parking by preserving existing spaces and incorporating a loading bay that services the function of the business. No part of the primary frontage is proposed to be altered, ensuring important features and other components are maintained to continue the buildings role as a contributory item.

Sydney Development Control Plan 2012 – Compliance Table

37 Ocean Street, Woollahra

Control	Requirement	Comment	Complies
Part C Heritage Conservation Areas			
C2.3.2 West Woollahra Precinct	An assessment of relevant control has been assessed in the Heritage impact Assessment conducted by Gary Stanley, see Appendix D		
Part C 2.4 Building Type Controls			
C2.4.6 – Retail and Commercial Buildings	Be a traditional form with shops at ground level and housing or commercial spaces above	The proposal will retain its existing non-residential use at ground floor and will provide a residence at first floor level	✓

	<p>Be built to the street alignment and to side boundaries at all levels, unless the predominant character is otherwise</p> <p>Be no higher than adjoining significant retail buildings. If no retail buildings adjoins, they are to be no higher than the predominant height of adjacent contributory items</p> <p>Below the awning level of retail buildings, new work is to be consistent with the style and character of the building and the streetscape.</p> <p>Modification and adaptive re-use of retail buildings must retain the original characteristics of the building type, its architectural style and context.</p>	<p>The ground and first floor Ocean Street setback will remain as existing. The proposed garage will be constructed to the rear garage, in line with the adjoining garage</p> <p>The maximum building height will remain as existing. New work will remain lower than the maximum height</p> <p>The proposal will not change the existing streetscape character in Ocean Street</p> <p>Original characteristics of the building type are retained when viewed from Ocean Street</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
Part C 2.5 General Controls for all Development			
C2.5.1 Building height, form and character	<p>Additions to existing buildings are to be consistent with levels and setbacks of adjoining buildings</p> <p>Rear setback to allow for sufficient space for useable private open space and landscaping</p> <p>Height bulk and envelope must be consistent with similar development in the street</p> <p>Storey heights to conform to adjacent contributory items</p>	<p>Proposal will be generally consistent with setbacks and levels of adjoining buildings.</p> <p>Proposal includes private open space and landscaping</p> <p>Proposed height, bulk and envelope of new addition at the rear is consistent with existing and emerging development in the street</p> <p>The rear addition will retain the existing two-storey height.</p> <p>The height of the garage will be consistent with adjoining development at rear of No. 35 Ocean Street</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

	<p>Views and vistas from the public domain are not to be obstructed</p> <p>Principal views from habitable rooms, balconies and private open space is not to be unreasonably obstructed</p> <p>Sunlight to be provided to at least 50% of the main ground level private open space of adjoining properties for a min. 2 hours on June 21 between 9am and 3pm</p> <p>North facing habitable rooms to receive min 3 hours of sun between 9am and 3pm</p>	<p>Views and vistas from the public domain are not affected</p> <p>Proposal is unlikely to obstruct views</p> <p>The proposal will not substantially affect adjoining private open space</p> <p>North facing habitable rooms of adjoining properties are unaffected by the proposal.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
C2.5.6 Open Space and Landscaping	<p>Deep soil landscaping 15% of site area (34.63m²)</p> <p>Minimum of 35m²</p> <p>Principal rear area to have minimum dimension of 16m²</p> <p>Private open space to be directly accessible from the main living area</p>	<p>Landscaped area: 37.7m² 16%</p> <p>Private open space is >35m² Principal rear area > 16m²</p> <p>First floor private open space is located directly off the living area</p>	<p>✓</p>
C2.5.8 Parking and Garages	<p>All parking to be behind the front outer wall of the building</p> <p>If a property has rear lane access, vehicular access is to be from the rear</p>	<p>Parking is located at the rear of the site</p> <p>Proposed access is from the rear of the site at Kilminster Lane</p>	<p>✓</p>
C2.5.12 Acoustic and Visual Privacy	<p>Bedroom windows are to be located 3m away from streets, shared driveways and parking areas of other dwellings</p> <p>Windows, balconies and landscaping are to be located to minimise direct overlooking of adjoining properties</p>	<p>Bedroom windows are located away from the street and driveways</p> <p>Proposed windows and deck are located and designed to minimise overlooking.</p>	<p>✓</p> <p>✓</p>
Part E1 Parking and Access			

E1.4.2 Residential Parking rates	Mixed use development (residential component) Spaces based on number of bedrooms per dwelling 2 Bedroom – 1 Space per dwelling	The site currently provides 3 off-street parking spaces and the proposal is to retain 3 spaces. The proposal does not increase the existing GFA and does not generate a greater demand than the previous use. Given the proposed change of use will not result in significant intensification of the site, the proposal is considered appropriate from a parking perspective.	✓
E1.5.2 Non-residential parking generation rates	Business premises 2.5 spaces per 100m ²	The site currently provides 3 off-street parking spaces and the proposal is to retain 3 spaces. The proposal does not increase the existing GFA and does not generate a greater demand than the previous use. Given the proposed change of use will not result in significant intensification of the site, the proposal is considered appropriate from a parking perspective.	✓
Part E2 Stormwater and Food Risk Management			
E2.2.5 Connection to Council's drainage systems	C1 Concept plans for the on-site stormwater system showing the location of major elements of the proposed system are provided.	Yes. As demonstrated by stormwater plan, discharge to council drainage, See Appendix E .	✓