



Statement of Environmental Effects

demolition of existing structures and
construction of a two-storey dwelling over
basement parking, and a swimming pool
and cabana

12 Lincoln Avenue, Collaroy

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared to support an application for demolition of existing structures and construction of a two-storey dwelling over basement parking, and a swimming pool and cabana at 12 Lincoln Avenue, Collaroy.

The objective of the development proposal is to contribute to improve low density housing stock through the construction of a contemporary residence in a manner encouraged by the zone objectives and planning controls.

Key aspects of the proposal include demolition of existing structures and construction of a two-storey dwelling over a basement parking level, a swimming pool and cabana, and associated landscaping and drainage works. Additionally, retaining structures, pedestrian stairs, and landscaping is proposed in the road reserve.

Our assessment finds that the development proposal is broadly consistent with relevant environmental planning instruments and closely aligns with the objectives and controls contained within relevant planning guidelines, with acceptable variations to side envelope, landscaped area, and coastal zone setback controls.

The proposed dwelling will breach the maximum building height for the property prescribed by clause 4.3 of *Warringah Local Environmental Plan 2011* (WLEP). A variation request prepared pursuant to clause 4.6 of WLEP is supplied with the application and justifies the departure.

We have provided commentary on core assessment matters including impact on neighbour amenity, and wall height, building envelope and front setback non-compliances. This report sets out the merits of the proposal in relation to these assessment matters.

Based on our evaluation of the proposal against relevant planning instruments and our detailed consideration of the environmental impacts, we conclude that the proposal is worthy of approval.

1. INTRODUCTION

This Statement of Environmental Effects has been prepared to support an application for demolition of existing structures and construction of a two-storey dwelling over basement parking, and a swimming pool and cabana at 12 Lincoln Avenue, Collaroy.

The objective of the development proposal is to contribute to improve low density housing stock through the construction of a contemporary residence in a manner encouraged by the zone objectives and planning controls.

Key aspects of the proposal include demolition of existing structures and construction of a two-storey dwelling over a basement parking level, a swimming pool and cabana, and associated landscaping and drainage works. Additionally, retaining structures, pedestrian stairs, and landscaping is proposed in the road reserve.

The purpose of this document is to evaluate the proposal against relevant planning instruments and to provide a planning assessment of its environmental impacts, as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

2. SITE AND CONTEXT

This section describes the characteristics of the land and evaluates the constraints and opportunities presented by the site which have informed and influenced the proposal. Here we also describe the characteristics of the locality which have been considered in developing the proposal.

2.1. SITE DESCRIPTION

The site is located at 12 Lincoln Avenue, Collaroy and the land is legally described as Lot 15 in DP 16998. An aerial photograph with the site in yellow outline is provided at Figure 1.



Figure 1 | Aerial image
(Source: NSW Govt.)

2.1.1. Site Characteristics

The site has a splayed 15.24m frontage to Lincoln Avenue, parallel side boundaries, and an area of 819.1sqm. The land falls ~6.6m from the rear boundary to the street *and* has an east to west cross fall.

A Survey Plan illustrating site dimensions and contours is included at **Appendix A**.

The site contains a single-storey brick dwelling with single bay garage at lower ground level. Survey data indicates the dwelling is offset ~6m (minimum) from the front boundary. The site is elevated above the road pavement level. There are several retaining structures in the road reserve.

Vegetation consists of lawn and modest shrubbery in the front setback and a large tree in the north-east corner (rear) of the site.

Stormwater runoff appears to be collected and discharged to kerb outlet/s in Lincoln Avenue.

Reticulated sewer and water occur in Lincoln Avenue. There are overhead power lines in Lincoln Avenue. The property evidently has existing connections to these utilities.

2.1.2. Site Constraints

Terrain

The site has considerable fall to the street and an east to west cross fall. Site terrain presents as an opportunity to deliver basement / semi-subterranean parking. On the other hand, site terrain presents design challenges and, naturally, certain building envelope controls become more difficult to comply with.

This report and supporting documentation explain how the proposal responds to site constraints.

2.1.3. Site Opportunities

Aspect

The site has a southern aspect with outlook toward Dee Why Lagoon and the beach beyond. The proposal seeks to optimise resident amenity by orienting the living spaces to take advantage of beach / ocean outlook.

This report and supporting documentation explain how the proposal is designed to leverage site opportunities.

2.2. LOCALITY DESCRIPTION

The site is situated within Northern Beaches Local Government Area in the suburb of Collaroy.

2.2.1. Land Use

Land use in the immediate locality consists almost entirely of low-density residential accommodation.

2.2.2. Building Form

Building scale in the immediate locality is characterised by multi-storey dwelling houses.

The streetscape character is evolving. Mid-century housing stock, often consisting of buildings with modest floorplates, are progressively being demolished and replaced with contemporary dwellings.

The drone image at Figure 2 is from the real estate listing for the subject property and illustrates the evolving nature of built form in the locality. The larger dwellings to the east of the site @ nos. 2, 6, and 8 Lincoln Avenue have been constructed in the last ~5 years. These dwellings were approved under contemporary planning controls still in place today.



Figure 2 | Drone image of context (Source: realestate.com)

Roof forms are varied and include pitched roofs and flat roofs. The roof forms of contemporary dwellings are more commonly flat. External materials and colours are also diverse. External walls are generally rendered masonry or face-brick.

2.2.3. Adjacent Development

Adjacent development is described as follows:

- **10 Lincoln Avenue**

The site to the east is a similarly proportioned residential lot with a frontage to Lincoln Avenue.

The site is upslope of the subject property and contains a two-storey masonry and clad dwelling with a single bay garage at lower ground level. On 18 February 2020, council approved alterations and additions to the dwelling consisting of an upper-level addition and a swimming pool (DA2019/1385).

The council assessment report for DA2019/1385 indicates that the approved works breached building height (9.2m or 8.2%), wall height (8.5m or 18%), side boundary envelope (15-60%), and front setback (5.54m or 14.7%).

A construction certificate for the approved works was received by council 6 July 2020. The works have been carried out.

There are *no* windows on the western elevation of the building nearest the western property boundary. There is a deck to the rear (north) of the dwelling and a large, landscaped yard and swimming pool beyond the deck.

- **14 Lincoln Avenue**

To the west is a rectangular lot with a frontage to Lincoln Avenue.

The site is downslope of the subject property and contains a three-storey masonry dwelling with integrate double bay garage at lower ground level.

Survey information indicates the dwelling is offset ~1.8m from the eastern side boundary and there are four windows on the eastern elevation nearest the boundary – three at ground level and one at first floor.

There is a street-facing balcony on the southern elevation with, we anticipate, outlook to the Dee Why Lagoon & beach. The rear yard is almost entirely paved and contains a swimming pool.

The proposed building arrangement and orientation responds to the siting and location of neighbouring development and is designed to minimise adverse impact on neighbour amenity.

3. PROPOSED DEVELOPMENT

This section provides a description of the proposal and should be read in conjunction with accompanying architectural plans. Here we endeavour to explain how the proposal has been designed to work with site constraints and optimise site opportunities.

3.1. SITE PREPARATION

3.1.1. Demolition

The application proposes the demolition of the existing dwelling and retaining structures in the front setback, including elements of the retaining structures in the road reserve.

Demolition plan included at Sheet 004 of the Architectural Plans.

3.1.2. Tree Removal

No tree removal proposed.

3.1.3. Land Modification

Land modification works associated with excavation for the basement level, building footings, and swimming pool are proposed. Excavation is generally contained within the building footprint.

Depth of excavation is indicated on sections at Sheets 401 & 402 of the Architectural Plans.

3.2. BUILDING WORKS

3.2.1. Dwelling

The application proposes the construction of a two-storey dwelling over basement.

Basement level

Parking for up to four vehicles, domestic storage, and plant room, and a w/c.

Ground floor

The ground floor is split level, stepping up from an FFL at RL 64.00 to RL 65.50 for the rear portion of the floorplate. The step ensures the floorplate responds to site terrain and building scale is minimised.

The ground floor contains a formal living room and office oriented to the street, a guest bedroom with ensuite, and an open plan living and kitchen space oriented to the north. An alfresco area extends from the primary living space.

First floor

The first floor is also split level and contains a street-facing rumpus, four bedrooms including north-facing master bedroom, a study and linen closet. A street-facing balcony extends from the rumpus room. There is a small balcony off the master bedroom.

A stair and lift facilitate access between levels.

Roof

A flat roof with deep awnings for weather protection and solar control is proposed. There are skylights proposed over the hall and master wardrobe to optimise solar entry.

3.2.2. Swimming pool & cabana

An in-ground swimming pool is proposed in the rear yard and is accessed from the alfresco. The pool coping is situated close to EGL. The pool edge is offset at least 3m from side property boundaries.

The cabana with an area of ~23sqm is proposed near the rear boundary. The cabana has a flat roof and is a maximum height of ~3.3m. The cabana will contain a BBQ.

3.2.3. Materials

Proposed external materials include timber cladding to the external walls of the basement level and first floor. A light-coloured rendered masonry is proposed to the external walls of the ground level. These materials and colours have been selected to because they relate to the beachside character of the locality.

A schedule of materials and finishes is supplied with the development application.

3.3. ANCILLARY WORKS

3.3.1. Road reserve

The application proposes to reconstruct the stone retaining walls flanking the driveway. The reconstructed retaining walls will dove-tail with the existing retaining walls in the Lincoln Avenue road reserve.

A pedestrian stair in the road reserve is also proposed.

3.3.2. Stormwater management

Roof water will be directed to a rainwater tank in the basement for reuse within the dwelling. Overflow from the tank and surface water runoff will be directed to an OSD system. The OSD tank is proposed beneath the driveway. Overflow from the OSD will discharge to a kerb outlet in Lincoln Avenue.

A Stormwater Concept is supplied at **Appendix D**.

3.3.3. Landscaping

Landscaping is proposed in the front yard, through the side passages where possible, and in the rear yard. Landscaping is also proposed in the terraced areas above the retaining walls in the road reserve. Integrated planting is proposed at ground and upper levels on the street-facing side of the dwelling.

A Landscape Concept is supplied at **Appendix E**.

3.4. OPERATION

3.4.1. Waste Management

Waste bins will to be stored in the basement where they are not visible from the street, do not create a nuisance for neighbours, and can conveniently be moved to the kerb for collection.

4. COMPLIANCE SUMMARY

This section provides an evaluation of the proposal against relevant planning instruments as required by section 4.15(1) of the EP&A Act.

4.1. ENVIRONMENTAL PLANNING INSTRUMENTS

4.1.1. State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 of *State Environmental Planning Policy (Sustainable Buildings) 2022* (SB SEPP) applies to BASIX development including development that involves the construction of a BASIX building.

A BASIX certificate accompanies the development application.

4.1.2. State Environmental Planning Policy (Resilience and Hazards) 2021

Costal management

Chapter 2 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP) applies to land in the coastal zone. The site is mapped as 'coastal environment' area and is therefore in the coastal zone.

See extract of coastal use map at Figure 8.

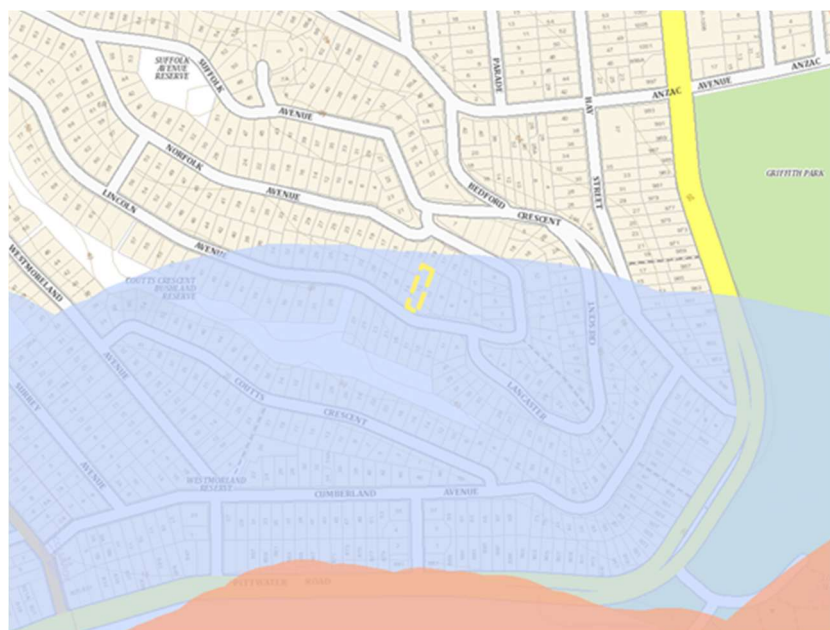


Figure 3 | Coastal environment area (Source: NSW Govt.)

Development on land within the coastal environment area [clause 2.10]

The proposal accords with the provisions of clause 2.10 because runoff quality will not be unreasonably diminished, runoff volume will not be unreasonably increased, groundwater characteristics are not anticipated to be impacted, access to the foreshore will not be obstructed, and marine / native vegetation, rock platforms, etc. will not be impacted.

Remediation of land

Chapter 4 of the R&H SEPP states that a consent authority must not consent to the development of land unless it has considered whether the land is contaminated and, if contaminated, can be made suitable for the proposed use.

The land has not previously been used for a purpose referred to in Table 1 of the DPE publication *Contaminated Land Planning Guidelines*. Given present and historic residential use, the site is unlikely to contain contaminants that would preclude ongoing residential use.

No further consideration under the R&H SEPP is required.

4.1.3. Warringah Local Environmental Plan 2011

Warringah Local Environmental Plan 2011 (WLEP) applies to the site.

The site is within Zone R2 Low Density Residential and dwellings are permitted with consent. An extract of the Zoning Map with the site in yellow outline is provided at Figure 9.

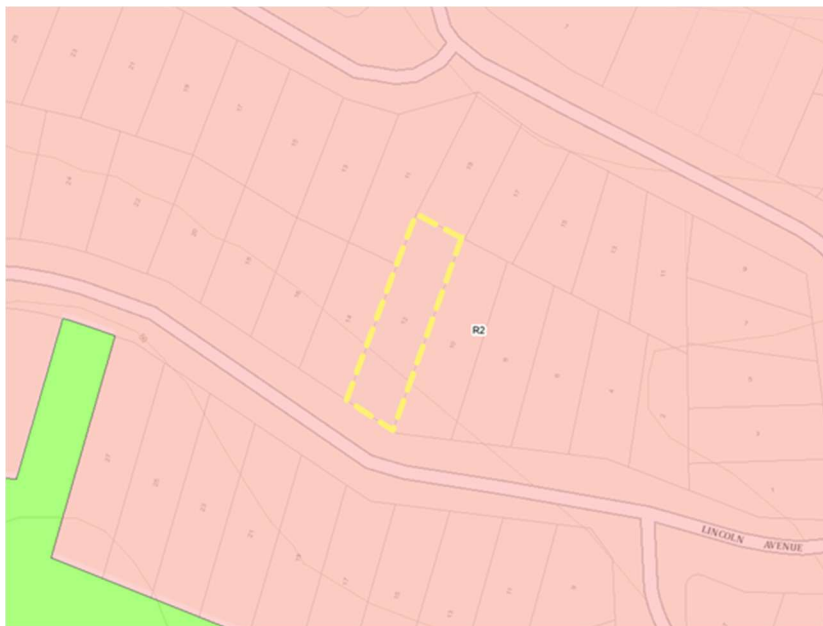


Figure 4 | Zoning Map
(Source: NSW Govt.)

The proposal aligns closely with relevant objectives for development in Zone R2 as outlined in Table 1.

Table 1 | Zone R2 objectives

Objective	Comment
• To provide for the housing needs of the community within a low density residential environment.	The proposes a free-standing dwelling.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	n/a

Objective	Comment
<ul style="list-style-type: none"> To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah. 	The proposed dwelling and pool are sited to enable retention the large site tree and to preserve sufficient area at the perimeter of the site for supplementary planting.

The proposal is broadly consistent with development standards and provisions of WLEP except for a reasonable non-compliance with the building height standard (clause 4.3). A clause 4.6 variation request is supplied at **Appendix A**.

A compliance summary is provided at Table 1.

Table 2 | WLEP compliance summary

Clause	Standard	Comment	Compliance
2.7 Demolition requires consent	The demolition of a building or work may be carried out only with development consent.	Demolition works are proposed.	-
4.3 Height of buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	<p>The maximum permitted building height is 8.5m as indicated on the <i>Height of Buildings Map</i>.</p> <p>The site has sloping terrain therefore the building height varies.</p> <p>The first-floor roof is @ RL 72.1. The EGL immediately below the tallest point of the proposed building is @ ~ RL 62.8. Therefore, the <u>maximum</u> height of the proposal is 9.3m.</p> <p>The 8.5m building height plane is illustrated on sections supplied with the architectural plan set.</p> <p>A variation request setting out a justification for the minor and isolated height breach is supplied with the application.</p>	On merit (see clause 4.6 @ Appendix A)
6.2 Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage</p>	The application proposes excavation to create the basement level and for the swimming pool. Land modification works are largely contained within the building footprint.	Yes

Clause	Standard	Comment	Compliance
	<p>patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>The proposal aligns with the provisions of subclause (3) as outlined below:</p> <p>(a) Subsurface investigations have been carried out by a geotechnical engineer. The Geotechnical Report explains groundwater was not encountered and relatively shallow bedrock is present. It is therefore unlikely that proposal will have a detrimental effect on soil stability or subsurface drainage patterns.</p> <p>(b) Earthworks will <i>optimise</i> future use of the land because it allows for the construction of the dwelling & ancillary structures.</p> <p>(c) Excavated material is expected to consist of “clean” sandy clay & sandstone.</p> <p>(d) The geotechnical engineer has recommended excavation methods to minimise risk of damaging structures on neighbouring sites.</p> <p>(e) Excavated material will be utilised on site as fill or appropriately disposed of at a licenced facility.</p>	

Clause	Standard	Comment	Compliance
		(f) It is unlikely that the site contains relics or other features of significance.	
		(g) Sediment and erosion controls will be implemented to ensure sediment laden stormwater does not migrate from the site and impact the catchment.	
6.4 Development on sloping land	(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.	The site is identified as "Area D" on the Landslip Risk Map.	-
	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and (c) the development will not impact on or affect the existing subsurface flow conditions.	Based on the findings set out in the Geotechnical Report supplied with this application, the consent authority can be satisfied that: (a) The risk of the development precipitating a landslide is low provided the geotechnical engineers recommendations concerning excavation methods & retaining are implemented. (b) Stormwater runoff will be captured and directed to an OSD system with overflow discharged to the public drainage system thereby avoiding any adverse impact associated with	Yes

Clause	Standard	Comment	Compliance
		stormwater discharge. (c) The works will have no impact on subsurface hydrology / flows because, according to the findings of the geotechnical engineer, there is no groundwater present.	

4.2. PROPOSED INSTRUMENTS

There are no proposed planning instruments that are relevant to the site or the proposed development.

4.3. DEVELOPMENT CONTROL PLANS

4.3.1. Warringah Development Control Plan 2011

Warringah Development Control Plan 2011 (WDCP) applies to the site.

The proposal is broadly consistent with relevant development controls contained within WDCP except for acceptable variations to external wall height, side boundary envelope, and front setback controls.

Discussion concerning these aspects of the non-compliance is set out at Section 5.1 of this report.

A compliance summary is provided at Table 2.

Table 3 | WDCP compliance summary

Clause	Control	Comment	Compliance
Part B Built form controls			
B1 Wall heights	1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	Elements of the building will project fractionally above the 7.2m external wall height line owing to the change in terrain. The extent of the breach has been reduced by stepping the floorplates to respond to site terrain. Detailed discussion describing the merits of the wall height variation is	On merit

Clause	Control	Comment	Compliance
		provided at Part 5.1 of this report.	
B2 Number of storeys	1. Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.	The site is not identified on the <i>Number of Storeys Map</i> .	n/a
B3 Side boundary envelope	1. Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 5 metres.	<p>The site is shown on the <i>Side Boundary Envelope Map</i>.</p> <p>Elements of the building will project above the side envelope plane owing to sloping terrain.</p> <p>The extent of breach is moderated by stepping the floorplates and offsetting the upper level a greater distance from side boundaries.</p> <p>Detailed discussion describing the merits of the envelope variation is provided at Part 5.1 of this report.</p>	On merit
B4 Site coverage	1. Development on land shown coloured on the DCP Map Site Coverage shall not exceed the maximum site coverage shown on the map.	The site is not identified on the <i>Site Coverage Map</i> .	n/a
B5 Side boundary setbacks	<p>1. Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.</p> <p>2. Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.</p>	<p>The <i>Side Boundary Setback Map</i> indicates 0.9m setback from side boundaries is required.</p> <p>The proposed dwelling is a <u>minimum</u> 1m distance from side boundaries though generally more.</p> <p>No structures are proposed in the side passage areas. Landscaping & stepping stones on gravel is proposed.</p>	<p>Yes</p> <p>Yes</p>

Clause	Control	Comment	Compliance
B7 Front boundary setback	1. Development is to maintain a minimum setback to road frontages.	<p>The <i>Front Boundary Setback Map</i> indicates a 6.5m setback from the front property boundary is required.</p> <p>The external walls of the building are offset a <u>minimum</u> ~7.3m from the front boundary.</p> <p>A small portion of the ground level planter which cantilevers over the garage opening occurs within the 6.5m setback.</p> <p>Detailed discussion describing the merits of the minor front setback envelope variation is provided at Part 5.1 of this report.</p>	On merit
B9 Rear boundary setback	1. Development is to maintain a minimum setback to rear boundaries.	<p>The Rear Boundary Setback Map indicates a rear setback of 6m.</p> <p>The proposed dwelling is setback at least ~19m from the rear boundary.</p> <p>An outbuilding (cabana) is proposed in the 6m rear setback zone, which is permitted by the controls under the “exceptions” criteria provided the area occupied by structures and paving is no more than 50% of the rear setback zone.</p> <p>The cabana area and associated paving occupies ~26sqm of the ~86sqm rear setback zone and therefore is less than the 50% threshold.</p>	Yes
	2. The rear setback area is to be landscaped and free of any above or below ground structures.	The 6m rear setback area consists entirely of landscaped area other than the cabana which is permitted under the “exceptions” criteria as outlined above.	Yes

Clause	Control	Comment	Compliance
Part C Siting Factors			
C2 Traffic, access and safety	2. Vehicle access is to be obtained from minor streets and lanes where available and practical.	Vehicular access is to be retained and is from Lincoln Avenue. There is no alternative.	-
C3 Parking facilities	<p>1. The following design principles shall be met:</p> <ul style="list-style-type: none"> • Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site. • Parking is to be located so that views of the street from front windows are not obscured; and • Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser. 	<p>The design criteria set out by this control is met as follows:</p> <ul style="list-style-type: none"> • The panel lift door is clad in the same material as the basement level elevation thereby visually integrating the door with the architecture of the dwelling. • Parking is as basement level and will not obscure views of the street from the front windows of the dwelling. • The basement garage opening is ~3.2m wide and therefore about 25% of the building width. <p>The basement level will not visually overwhelm the streetscape and is well integrated with the architecture of the dwelling.</p>	Yes
	<p>4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses.</p> <p>Dwelling house = 2 spaces</p>	A four-bay basement garage is proposed.	Yes
C4 Stormwater	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water	A stormwater concept is supplied.	Yes

Clause	Control	Comment	Compliance
	Management for Development Policy.		
C7 Excavation and Landfill	1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.	Standard condition of consent anticipated.	-
	2. Excavation and landfill works must not result in any adverse impact on adjoining land.	It is improbable that the works will have a significant adverse impact on adjoining land provided the recommendations set out in the Geotechnical Report are implemented. Standard conditions requiring dilapidation reports on assets on neighbouring land are anticipated.	Yes
	3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.	Excavation and retaining will be carried out in line with the recommendations of the project geotechnical engineer.	Yes
	4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.	Sediment and erosion controls will be installed.	Yes
	5. Rehabilitation and revegetation techniques shall be applied to the fill.	Nominal areas of fill are proposed, and these areas will be stabilised and rehabilitated as per the Landscape Concept supplied with the application.	Yes
C8 Demolition and construction	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A waste management plan is supplied with the development application.	Yes

Clause	Control	Comment	Compliance
C9 Waste management	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A waste management plan is supplied with the development application.	Yes
Part D Design			
D1 Landscaped open space and bushland setting	1. The required minimum area of landscaped open space is shown on DCP <i>Landscaped Open Space and Bushland Setting Map</i> .	<p>The <i>Landscaped Open Space and Bushland Setting Map</i> indicates that 40% of the site is to be provided as landscaped area.</p> <p>The site area is 819.1sqm meaning 327.64sqm of the site is required to be landscaped.</p> <p>The control stipulates that paved surfaces and landscaped areas with a dimension of less than 2m are to be <u>excluded</u> from the calculation.</p> <p>A calculation plan is included @ Sheet 201 of the Architectural Plans.</p> <p>The proposed <u>calculable</u> landscaped area is 334.86sqm or 40.9% of the site area.</p>	Yes
D2 Private open space	1. Residential development is to include private open space for each dwelling.	The proposal includes POS areas.	Yes
	2. The minimum area and dimensions of private open space are as follows: Dwelling houses with 3 or more bedrooms = A total of 60m ² with minimum dimensions of 5 metres	The northern POS satisfies these parameters.	Yes
	3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving	The principal POS is directly accessible from a living area.	Yes

Clause	Control	Comment	Compliance
	as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.		
	4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.	The location of proposed POS will have no adverse privacy impact for neighbours.	Yes
	5. Private open space shall not be located in the primary front building setback.	The principal POS is situated in the rear yard.	Yes
	6. Private open space is to be located to maximise solar access.	The private open space area has northern orientation and will enjoy good solar exposure.	Yes
D3 Noise	1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.	Acoustic impact is not anticipated to be an issue in this scenario.	-
	4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.	The proposed internal arrangement of rooms ensures limited noise transmission between spaces.	Yes
	5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.	Room arrangement and window configuration will mitigate adverse noise impacts on noise sensitive rooms of neighbouring dwellings.	Yes

Clause	Control	Comment	Compliance
D6 Access to sunlight	1. Development should avoid unreasonable overshadowing any public open space.	The proposal will not cast shadow over public open space.	Yes
	2. 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 between 9am and 3pm on June 21.	<p>The shadow diagrams have been prepared for 9am, midday, and 3pm on the winter solstice.</p> <p><u>Site</u></p> <p>The proposed POS area has northern aspect and will enjoy 3hrs + of solar access on the winter solstice.</p> <p><u>Neighbour</u></p> <p>10 Lincoln Avenue</p> <p>The site to the east @ 10 Lincoln Avenue contains a multi-storey dwelling. The POS consists of a covered deck on the northern elevation & rear yard with pool and paved area.</p> <p>14 Lincoln Avenue</p> <p>The site to the west @ 14 Lincoln Avenue contains a multi-storey dwelling. The POS consists of a pool and terrace area to the rear.</p> <p>Shadow diagrams demonstrate that more than 50% of the required POS area (i.e. 30sqm of POS) for both 10 & 14 Lincoln Avenue will enjoy solar exposure on the winter solstice.</p>	Yes
D7 Views	1. Development shall provide for the reasonable sharing of views.	<p>Based on the available information including survey details, inferred sightlines, and site inspection photographs, we conclude that the proposal provides for reasonable sharing of views.</p> <p>We note that the properties to the rear on Suffolk Street enjoy views</p>	Yes

Clause	Control	Comment	Compliance
		to the <i>north</i> as opposed to over the subject site.	
D8 Privacy	1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	The building layout preserves resident privacy because high use rooms such as living spaces are oriented / focused toward the street or rear yard.	Yes
	2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.	Proposed window openings are generally positioned to avoid directing opposing windows & POS areas of neighbouring sites. A 1.5m sill height is nominated for windows at the upper level and obscure glazing is proposed for select windows. Where proposed ground level oppose neighbours' windows, boundary fencing and proposed landscaping, we anticipate, will obscure sight-lines between dwellings.	Yes
	3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	As above.	-
	4. The windows of one dwelling are to be located so they do not provide direct or close views (i.e. from less than 9 metres away) into the windows of other dwellings.	As above.	-
D9 Building bulk	1. Side and rear setbacks are to be progressively increased as wall height increases.	The external walls of the upper level are offset from the ground level external walls in the manner promoted by this control.	Yes
	2. Large areas of continuous wall planes are to be avoided by varying building setbacks and	The elevations of the dwelling are suitably articulated thereby	Yes

Clause	Control	Comment	Compliance
	using appropriate techniques to provide visual relief.	moderating the perceived scale of the building.	
	4. Building height and scale needs to relate to topography and site conditions.	The dwelling is designed to step with site terrain by incorporating a split-level design.	Yes
	5. Orientate development to address the street.	The dwelling addresses the street.	Yes
	6. Use colour, materials and surface treatment to reduce building bulk.	The upper level will be clad in timber and the ground level rendered masonry to moderate perceived building bulk. A schedule of materials and colours is supplied with the Architectural Plans.	Yes
	7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.	Landscaping is proposed in setback zones and in integrated planters to soften & ameliorate apparent building volume. Landscape arrangement and species selection is detailed on the Landscape Plan supplied with the application.	Yes
	8. Articulate walls to reduce building mass.	The elevations of the dwelling are suitably articulated thereby moderating perceived scale of the building.	Yes
D10 Building colours and materials	1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.	The upper level will be clad in timber and the ground level rendered masonry to moderate perceived building bulk. A schedule of materials and colours is supplied with the Architectural Plans. Materials are compatible with "coastal" character.	Yes
	2. The colours and materials of development on sites adjoining, or in close proximity to,	The upper level will be clad in timber and there are elements of stone cladding. Integrated	Yes

Clause	Control	Comment	Compliance
	bushland areas, waterways or the beach must blend into the natural landscape.	planters are also proposed to soften building form. Materials are compatible with “coastal” character.	
	3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.	The application is for a new dwelling.	n/a
D11 Roofs	1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.	Not proposed.	Yes
	2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.	A flat roof form is proposed and is compatible with recently built development @ nos. 2, 6, 8 Lincoln Avenue.	Yes
	3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.	The roof form is stepped to correspond with site terrain.	Yes
	4. Roofs shall incorporate eaves for shading.	The roof incorporates eaves.	Yes
	5. Roofing materials should not cause excessive glare and reflection.	The roof is concrete and will not give rise to glare issues.	Yes
D14 Site facilities	1. Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places.	Site facilities are conveniently located and are discretely positioned within the site to avoid adverse visual impacts.	Yes
D16 Swimming pools	1. Pools are not to be located in the front building setback.	Proposed in rear yard.	Yes
	2. Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.	n/a	n/a

Clause	Control	Comment	Compliance
	3. Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.	Pool offset a meaningful distance from the retained tree in the rear corner.	Yes
Part E The natural environment			
E10 Landslip risk	<p>ii) For land identified as being in Area B or Area D: A preliminary assessment of site conditions prepared in accordance with the Checklist for Council's assessment of site conditions (see Notes) must be carried out for development. The preliminary assessment must be prepared by a suitably qualified geotechnical engineer/ engineering geologist and must be submitted with the development application. If the preliminary assessment determines that a geotechnical report is required a report must be prepared by a suitably qualified geotechnical engineer / engineering geologist and must be submitted with the development application.</p>	<p>The site is identified as "Area D" on the Landslip Risk Map.</p> <p>Based on the findings set out in the Geotechnical Report supplied with this application, the consent authority can be satisfied that:</p> <p>(d) The risk of the development precipitating a landslide is low provided the geotechnical engineers recommendations concerning excavation methods & retaining are implemented.</p> <p>(e) Stormwater runoff will be captured and directed to an OSD system with overflow discharged to the public drainage system thereby avoiding any adverse impact associated with stormwater discharge.</p> <p>The works will have no impact on subsurface hydrology / flows because, according to the findings of the geotechnical</p>	Yes

Clause	Control	Comment	Compliance
		engineer, there is no groundwater present.	

4.4. PLANNING AGREEMENTS

There are no planning agreements associated with this site.

4.5. THE REGULATIONS

Section 92 of the *Environmental Planning and Assessment Regulation 2000* prescribes additional matters that the consent authority must consider in determining a development application. Each matter for consideration and its relevance to the proposal is noted in Table 3.

Table 4 | Additional matters for consideration (Regs)

Clause	Matter	Relevance
92(1)(b)	In the case of a development application for the demolition of a building, the provisions of <i>AS 2601 The demolition of structures</i> .	Demolition works will be carried out as per the provisions of AS 2601.
92(1)(c)	In the case of a development application for development on land subject to a subdivision order, the provisions of that subdivision order.	The site is not subject to a subdivision order.
92(1)(d)	In the case of certain development on land within 200km of Siding Spring Observatory, the <i>Dark Sky Planning Guideline</i> .	The site is not within 200km of the Siding Spring Observatory.
92(1)(e)	In the case of a development application for a manor house or multi dwelling housing (terraces), the <i>Medium Density Design Guide for Development Applications</i> .	The development application does not propose a manor house or multi dwelling housing (terraces).
92(1)(f)	In the case of a development application for residential development within the Penrith City Centre, the <i>Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in Penrith City Centre</i> .	The site is not within the Penrith City Centre.

5. PLANNING ASSESSMENT

This section provides a planning assessment of the likely impacts of the proposed development, considers the suitability of the site and evaluates whether the development is in the public interest, as required by section 4.15(1) of the EP&A Act.

5.1. IMPACTS ON THE NATURAL AND BUILT ENVIRONMENT

The proposed development is designed to respond to site terrain and, in our opinion, will contribute positively to streetscape character. The proposal is designed to optimise site opportunities and to minimise unreasonable adverse impacts on neighbour amenity.

Below we outline aspects of the proposal that relate to impacts on the built and natural environment.

5.1.1. Wall height

Part B1 of WDCP sets out a wall height control and requires that:

“1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).”

The maximum wall height on the eastern side of the building is ~7.9m. The maximum wall height on the western side of the building is ~9m. The breaches occur because the site falls to the street and is worse on the western elevation because the site has an east to west cross-fall.

Figure 5 illustrates the extent of breach on the western side of the building.

Figure 5 | Wall height breach – western elevation

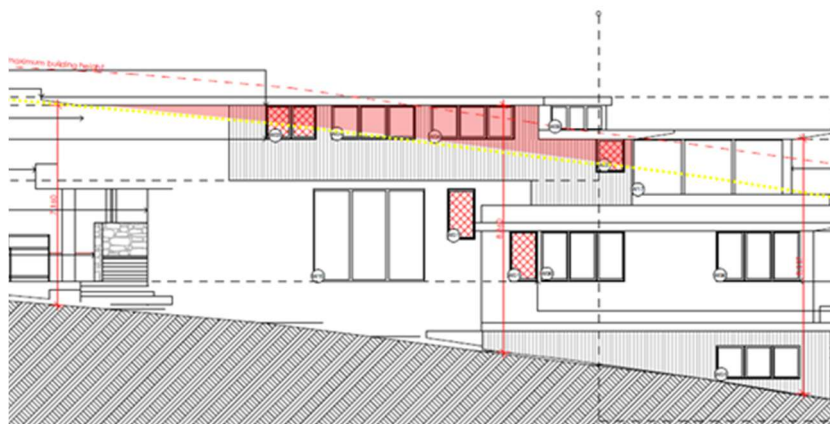
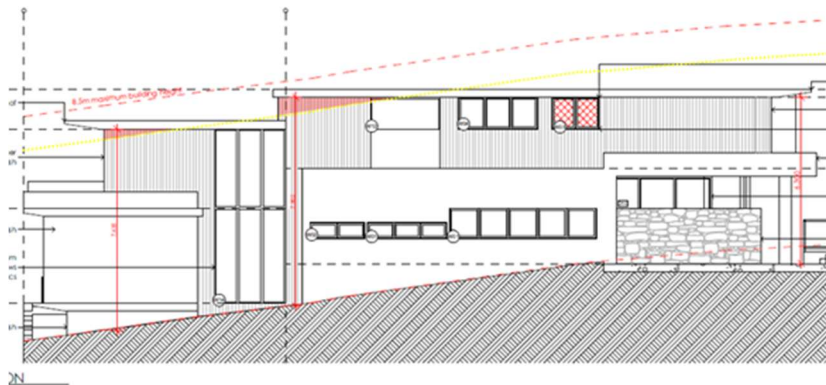


Figure 6 illustrates the extent of breach on the eastern side of the building.

Figure 6 | Wall height breach – eastern elevation



The “exceptions” criteria permit variations on sites with slopes greater than 20% within the building footprint. The slope within the proposed building footprint is not quite 20% though the terrain undoubtedly contributes to the wall height breach.

We note that the council has consistently approved dwellings with wall height breaches in the locality including at nos. 4-10 Lincoln Avenue. Those applications were assessed against the same planning framework and are summarised in Table 5.

Table 5 | Application comparison – wall height

Address	Application #	Breach
4 Lincoln Avenue	DA2021/0077	7.3m (1.4%)
6 Lincoln Avenue	DA2021/0324	8.5m (18%)
8 Lincoln Avenue	DA2016/1321	8.5m (18%)
10 Lincoln Avenue	DA2019/1385	8.5m (18%)

Section.4.15(3A)(b) of the EP&A Act states that:

“(3A) Development control plans If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and”

The consent authority is compelled by the EP&A Act to be flexible in applying the wall height controls and to allow the proposed alternative solution if it considers that the objectives of the control are achieved.

The “objectives” of the wall height control are addressed in Table 6.

Table 6 | Wall height objectives

Objective	Comment
<ul style="list-style-type: none"> • To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes. 	<p>Several design techniques have been adopted to moderate visual impact of the development including:</p> <ul style="list-style-type: none"> • Utilising the split-level floorplates such that the building & roof form steps with site terrain. • Setting back the upper level from the front edge of the ground level to give the impression of the building stepping up the site. • Setting back the upper level from the side walls of the ground level such that the building is offset further from site boundaries in the manner encouraged by controls. • Incorporating substantial articulation along all elevations of the building in the form of substantial recesses, balconies, and deep eaves. • Planters are installed on the street facing elevation at ground and upper levels to soften and ameliorate built form. • The upper level is to be timber clad to distinguish it from the ground level and afford the upper level a “lightweight” appearance. <p>The wall height breach is a function of sloping terrain and site cross-fall, and the above measures serve to moderate the visual impact of the building thereby ensuring the building will contribute positively to the streetscape.</p>
<ul style="list-style-type: none"> • To ensure development is generally beneath the existing tree canopy level. 	<p>The street block is at a crest in the terrain with very little tree canopy present. To the extent that there is “tree canopy” cover in the locality, the proposed dwelling occurs below it. e.g. the retained tree in the rear corner of the site.</p>
<ul style="list-style-type: none"> • To provide a reasonable sharing of views to and from public and private properties. 	<p>Based on the available information including survey details, inferred sightlines, and site inspection photographs, we conclude that the proposal provides for reasonable sharing of views.</p> <p>We note that the properties to the rear on Suffolk Street enjoy views to the <i>north</i> as opposed to over the subject site.</p>

Objective	Comment
• To minimise the impact of development on adjoining or nearby properties.	<p>The floorplates have been split such that the building correlates with site terrain to the extent possible, and to moderate scale.</p> <p>The measures articulated earlier in this table have been incorporated to minimise the impact of the development on adjoining and nearby properties.</p> <p>Our assessment finds that, despite wall height breach, the development complies with solar access controls and will not have an unreasonable impact on neighbour privacy.</p>
• To ensure that development responds to site topography and to discourage excavation of the natural landform.	<p>The floorplates have been split such that the building steps to correlate with site terrain, and to minimise the extent of excavation required.</p> <p>The excavation proposed is ostensibly limited to the basement area and swimming pool.</p>
• To provide sufficient scope for innovative roof pitch and variation in roof design.	The proposal adopts a contemporary flat roof form similar to those approved @ nos. 8, 6, and 2 Lincoln Avenue.

We submit that the wall height breach is primarily a function of site terrain which includes both substantial fall to the street and an east to west cross fall. Similar wall height breaches have been routinely supported in this streetscape, including @ nos. 10, 8, 6, and 2 Lincoln Avenue. The project architect has cleverly implemented several design measures to moderate the perceived scale of the building.

The discussion set out above demonstrates that the proposal satisfies the objectives of the side wall height control. A variation is therefore justified, in our opinion.

5.1.2. Building envelope

Part B3 of WDCP sets out a side boundary envelope control and requires that:

“1. Buildings ... must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 4 metres as identified on the map.”

The “exceptions” criteria permit the encroachment of building elements including fascia, gutters, downpipes, eaves, masonry chimneys, flues, pipes or other services infrastructure within the side envelope.

Aspects of the proposed dwelling will breach the envelope plane. The extent of breach is variable owing to site terrain and massing arrangement. Section B at Sheet 402 of the Architectural Plans is representative of the greatest extent of incursion. A clip of the section is supplied at Figure 7.

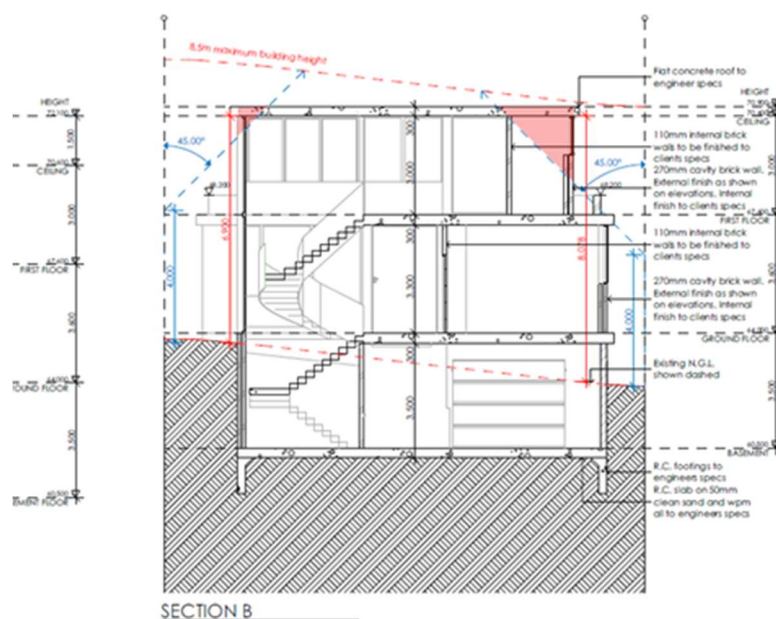


Figure 7 | Side envelope plane encroachment

As with wall height, the council has consistently approved dwellings with side envelope breaches in the locality including at nos. 4-10 Lincoln Avenue. The extent of envelope breach supported under those applications is summarised in Table 7.

Table 7 | Application comparison – side envelope

Address	Application #	Breach
4 Lincoln Avenue	DA2021/0077	Not quantified (shown diagrammatically)
6 Lincoln Avenue	DA2021/0324	Maximum 1.9m
8 Lincoln Avenue	DA2016/1321	Maximum 1.9m
10 Lincoln Avenue	DA2019/1385	Maximum 2.4m

Per s. 4.15(3A)(b) of the EP&A Act, the consent authority is compelled to be flexible in applying the side envelope control and to allow the proposed alternative solution if it considers that the objectives of the control are achieved.

The “objectives” of the side envelope control are addressed in Table 5.

Table 8 | Building envelope objectives

Objective	Comment
• To ensure that development does not become visually dominant by virtue of its height and bulk.	We have previously explained that various design techniques have been incorporated to ensure that the building does not have a visually dominant bulk and scale. Refer to discussion @ Table 4.
• To ensure adequate light, solar access and privacy by providing spatial separation between buildings.	Our assessment finds that, despite side envelope breach, the development complies with solar access controls and will not have an unreasonable impact on neighbour privacy.

Objective	Comment
	Sufficient spatial separation is provided between building by adopting side setbacks that are generally larger than required by the controls and <i>increasing</i> building offset from side boundaries at the upper level.
<ul style="list-style-type: none"> To ensure that development responds to the topography of the site. 	<p>The ground and first level floorplates have been split such that the building steps to correlate with site terrain. The roof form is also stepped.</p> <p>The upper level is setback from the front edge of the ground level to give the impression of the building stepping up the site in a manner that responds to site terrain.</p> <p>Stepping the building in this manner reduces envelope breach and ensures the development responds appropriately to the topography of the site.</p>

Like the wall height breach, the envelope breach is a function of site slope which makes strict compliance unworkable. The project architect has adopted measures to minimise the breach, namely incorporating a split in the building floorplate. The breach is like those approved for properties @ 10, 8, 6, and 4 Lincoln Avenue.

The discussion set out above demonstrates that the proposal satisfies the objectives of the side boundary envelope control. A variation is therefore acceptable.

5.1.3. Front setback

Part B7 of WDCP prescribes front setback requirements and specifies a 6.5m front setback for the site. A *fraction* of the ground level planter will breach the setback zone as illustrated at Figure 8.

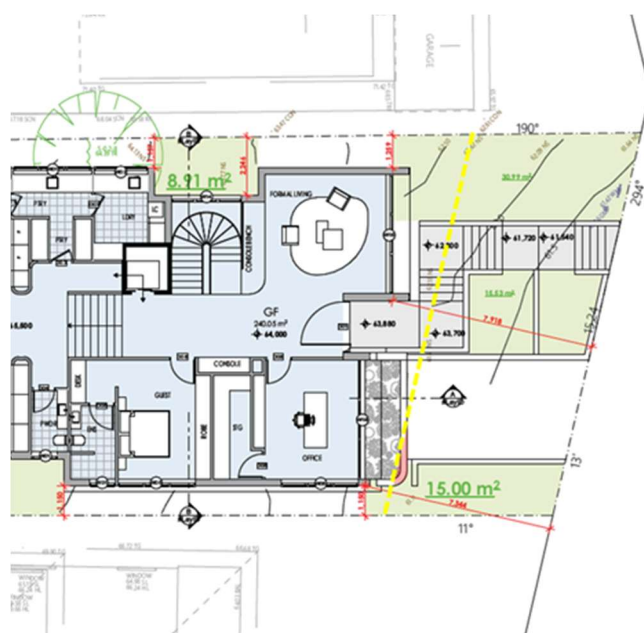


Figure 8 | Front setback encroachment

Per s. 4.15(3A)(b) of the EP&A Act, the consent authority is compelled to be flexible in applying the front setback control and to allow the proposed alternative solution if it considers that the objectives of the control are achieved.

The objectives of the front setback control are addressed in Table 9.

Table 9 | Front setback objectives

Objective	Comment
• To create a sense of openness.	<p>The “offending” element of the building is a tiny portion of the cantilevered planter on the street-facing elevation of the ground level.</p> <p>This element is minor and does not overwhelm the streetscape or compromise the “sense of openness” promoted by this objective.</p>
• To maintain the visual continuity and pattern of buildings and landscape elements.	<p>The external wall of the <i>existing</i> dwelling is situated ~6m from the street boundary. The encroaching element of the building – the tiny portion of the planter – is offset further from the front boundary than the existing dwelling.</p> <p>We note that the building to the east @ no. 10 Lincoln is ~5.4m from the street boundary (measured to the garage) according to the assessment report for DA/2019/1385.</p> <p>The proposal is consistent with the pattern of buildings on site presently and the neighbour to the east.</p> <p>The offending element is cantilevered over the driveway so removing it will not yield any additional landscape opportunity.</p>
• To protect and enhance the visual quality of streetscapes and public spaces.	<p>The proposal more broadly will, in our opinion, contribute positively to the visual quality of the Lincoln Avenue streetscape.</p> <p>The “offending” element of the building is a tiny portion of the cantilevered planter on the street-facing elevation of the ground level. The planter, we think, <i>contributes</i> to, rather than detracts from, the visual quality of the streetscape because it creates visual interest, articulates the building, and will contain landscaping to soften built form.</p> <p>There is nothing to gain by requiring strict compliance with the front setback control in this case.</p>
• To achieve reasonable view sharing.	<p>The front setback breach has no view impact implications.</p>

The front setback incursion is minor and inconsequential from a streetscape perspective, in our opinion. The breaching element – a cantilevered street-facing planter at ground level – contributes positively to building appearance.

We have demonstrated that the development satisfies the front setback objectives, despite numeric non-compliance. A variation should be supported.

5.2. SOCIAL IMPACTS

The proposal will have positive social impacts from the perspective of the occupants of the dwelling who will enjoy internal and external spaces with excellent amenity. There will be short term disturbance associated with construction works however mitigation measures such as prescribed hours of work will minimise impact.

Social impacts are largely positive and adverse social impacts are short term.

5.3. ECONOMIC IMPACTS

The proposal will have short term economic impact through job creation associated with demolition and construction works. The proposed development will contemporise housing stock in Collaroy and there will be resultant uplift in property value and economic benefit for the landowner.

Economic impacts associated with the proposal are positive.

5.4. SITE SUITABILITY

The proposed dwelling is permitted within Zone R2 and is designed to respond to site terrain. The development delivers low density housing stock in a manner encouraged by applicable zone objectives and planning controls. The proposal is found to be compatible with “geotechnical hazards”.

The site is suitable for the proposed development.

5.5. PUBLIC INTEREST

The development will deliver improved housing stock in a manner encouraged by the applicable zone objectives. The development responds to site topography and will contribute positively to the built form character of the locality. The proposal has no significant impact on the amenity of neighbouring or nearby dwellings.

The proposal aligns with the public interest.

6. CONCLUSION

This Statement of Environmental Effects has been prepared to support an application for the demolition of existing structures and construction of a two-storey dwelling over basement parking, and a swimming pool and cabana at 12 Lincoln Avenue, Collaroy.

The objective of the development proposal is to contribute to improve low density housing stock through the construction of a contemporary residence in a manner encouraged by the zone objectives and planning controls.

Our report describes the key aspects of the proposal which include demolition of existing structures and construction of a two-storey dwelling over a basement parking level, a swimming pool and cabana, and associated landscaping and drainage works. Additionally, retaining structures, pedestrian stairs, and landscaping is proposed in the road reserve.

Our evaluation of the proposal against the relevant planning instruments has found that the proposal is broadly consistent with instrument objectives, development standards, provisions, and controls, with justifiable exceptions to the height of building standard, wall height control, side envelope, and front setback control.

We have assessed the environmental impacts of the proposal and have determined that there are no significant adverse impacts. We have assessed impact on neighbour amenity, and the wall height, building envelope, and minor front setback control and consider that development outcomes are site and context responsive, and no design modification is warranted.

Our report explains that the site is suitable for the development as it is zoned for residential purposes and is compatible with surrounding land use. We establish that the development is in the public interest given the absence of significant adverse impact and improvement to housing stock.

We conclude that the proposal is worthy of approval.



APPENDIX A | CLAUSE 4.6 [HEIGHT]



APPENDIX B | SURVEY



APPENDIX C | ARCHITECTURAL PLANS



APPENDIX D | STORMWATER CONCEPT



APPENDIX E | LANDSCAPE CONCEPT



APPENDIX F | GEOTECHNICAL REPORT



APPENDIX G | WASTE MANAGEMENT PLAN