

**Statement of Environmental  
Effects**

Demolition, Construction of a Dual  
Occupancy (Attached) and Strata  
Subdivision

**47 Blackbutts Road  
Frenchs Forest**



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# **Statement of Environmental Effects**

## **Demolition, Construction of a Dual Occupancy (Attached) and Strata Subdivision**

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## **1.0 INTRODUCTION**

This document has been prepared as a component of a development application proposing the demolition of existing residence and the construction of a dual occupancy (attached) on the subject allotment pursuant to Clause 166, Chapter 6 – Low and mid-rise housing of State Environmental Planning Policy (Housing) 2021 (SEPP Housing). The application also proposes the implementation of an enhanced site landscape regime and the strata subdivision of the completed development.

The architect has responded to the client brief to design a dual occupancy development of superior design quality affording exceptional levels of amenity for future occupants without unreasonable impacts on adjoining properties. The geometry of the site facilitates an attached dual occupancy topology whilst maintaining a complimentary and compatible streetscape presentation. This report will demonstrate that the development will not give rise to inappropriate or jarring streetscape or unreasonable residential amenity impacts. It will however increase the supply of residential accommodation on an appropriately sized allotment.

In preparation of this document consideration has been given to the following statutory planning regime:

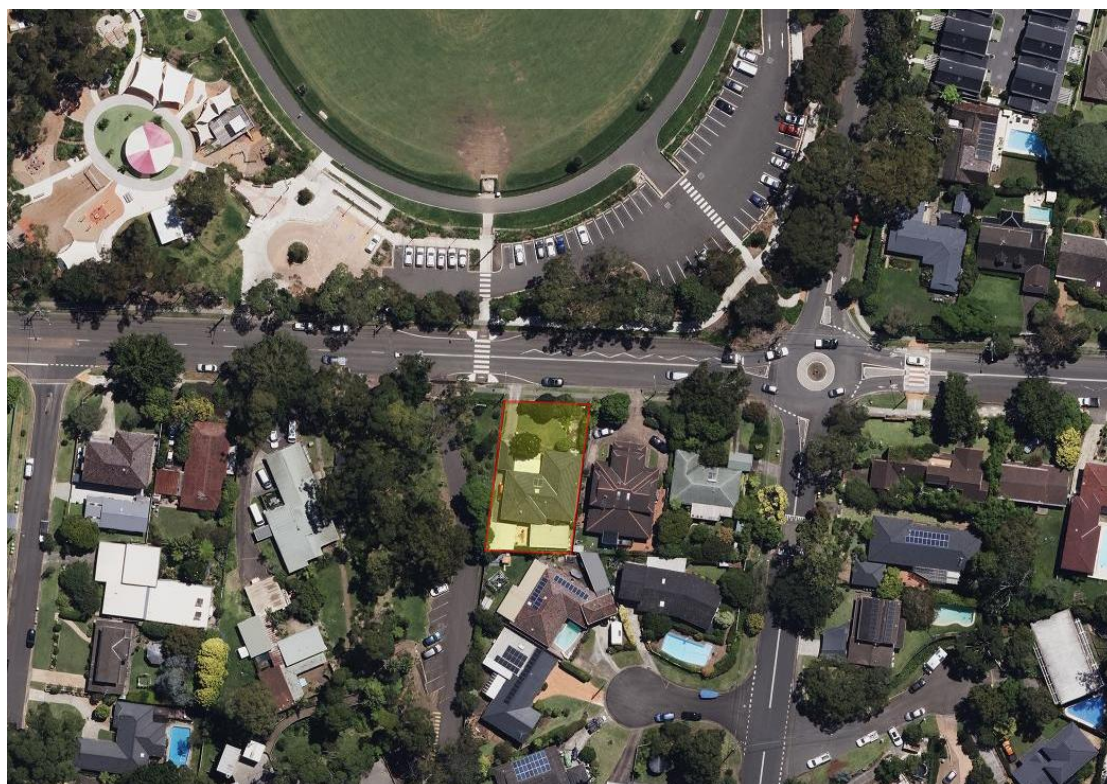
- The Environmental Planning and Assessment Act, 1979 as amended (the Act).
- Warringah Local Environmental Plan 2011 (the LEP).
- Warringah Development Control Plan (the DCP).
- State Environmental Planning Policy (Housing) 2021 (SEPP Housing).
- State Environmental Planning Policy (Sustainable Buildings) 2022.

Architectural drawings including floor plans, sections, elevations and shadow diagrams have been prepared in relation to the development proposed. The application is also accompanied by a boundary survey, site analysis plan, landscape plans, geotechnical report, schedule of finishes, stormwater management plans, erosion and sediment control plan, arborist report, QS report, perspective image, waste management plan and a BASIX certificate.

The proposed works are permissible pursuant to Clause 166, Chapter 6 – Low and mid-rise housing of SEPP Housing and consistent with the built form controls applicable to dwelling house development on the subject allotment. The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15 of the Act. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

## 2.0 SITE DESCRIPTION AND LOCATION

The site known as Lot 1, DP 229315, No. 47 Blackbutts Road, Frenchs Forest is irregular in shape having frontage and address to Blackbutts Road of 20.13 metres, depth of 34.81 metres and an area of 698m<sup>2</sup>. The property is generally flat and contains a number of trees as identified within the accompanying on the in the accompanying arboricultural impact assessment prepared by Horticultural Management Services. An aerial photograph depicting the site and its surrounds is below.



Source: SIX Maps

**Figure 1** – Aerial Location Map

Standing upon the allotment is a single storey rendered building with pitched and tiled roof. A detached single carport is located to the west of the dwelling and accessed via a driveway from Blackbutts Road which extends to a detached garage at the rear of the property. A second driveway crossing provides access to an open car stand area located adjacent to the eastern boundary the property with a rendered wall and two (2) vehicular access gate delineating the front boundary the site. A detached shed structure is located at the rear of the dwelling house.

A stormwater easement is appurtenant to the rear of the property.





Source: Google Earth

**Figure 2** – Subject property as viewed from Blackbutts Road

The property to the east is occupied by one and two-storey brick and clad dual occupancy with vehicular access from Blackbutts Road whilst the property to the west is currently vacant having recently obtained development consent for a 13 Lot residential subdivision (DA2024/0492). The property to the rear 4 Yanina Place is occupied by one to two storey brick and clad dwelling house with pitched tile roof.

The subject property is located directly opposite French's Forest Showground and Lionel Watts Reserve with a bus stop located adjacent to its frontage. Glenrose shopping centre is located a short walking distance to the west of the site.



Source: Google Earth

**Figure 3** – Adjoining dual occupancy development at 45 and 45A Blackbutts Road.



Source: Google Earth

**Figure 4** – Adjoining property to the west 49 Blackbutts Road and adjacent bus stop





Source: Google Earth

**Figure 5** – French's Forest Showground located directly opposite subject site.

### 3.0 DEVELOPMENT PROPOSAL

The application proposes the demolition of existing residence and the construction of a dual occupancy (attached) on the subject allotment pursuant to Clause 166, Chapter 6 – Low and mid-rise housing of SEPP Housing. The application also proposes the implementation of an enhanced site landscape regime and the strata subdivision of the completed development.

The proposed works are depicted on the following Architectural plans prepared by TesserArch:

A000	COVERSHEET	24/06/2025	C
A001	DRAWING CONVENTIONS	24/06/2025	C
A101	DEMOLITION PLAN	24/06/2025	C
A102	SITE PLAN	24/06/2025	C
A103	GROUND FLOOR	24/06/2025	C
A104	FIRST FLOOR	24/06/2025	C
A105	ROOF PLAN	24/06/2025	C
A107	AREA CALCULATION	24/06/2025	C
A200	FRONT AND REAR ELEVATION	24/06/2025	C
A201	SIDE ELEVATION	24/06/2025	C
A300	SECTION	24/06/2025	C
A701	EXTERNAL DOORS & WINDOW SCHEDULE	24/06/2025	C
A702	EXTERNAL DOORS & WINDOW SCHEDULE	24/06/2025	C
A810	SHADOW DIAGRAMS	24/06/2025	C
A820	3D BUILDING HEIGHT PLANE	24/06/2025	C
A900	3D RENDER	24/06/2025	C

Specifically, the dwellings within the dual occupancy development contained the following floor plates:

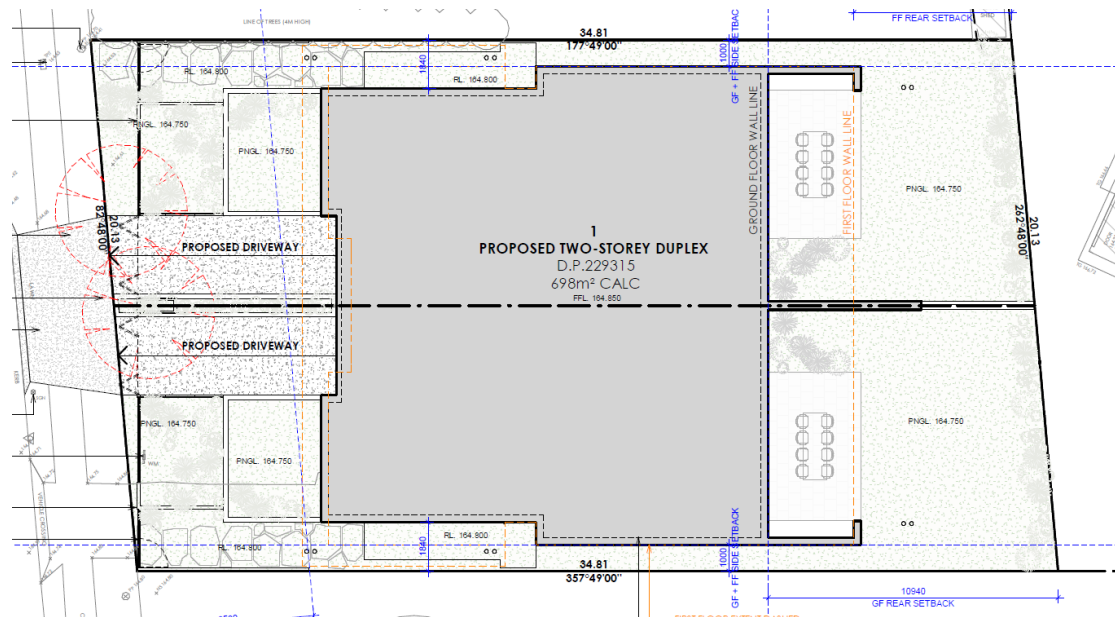
#### Ground Floor Plan

This floor plate within each dwelling contains the entry foyer, open plan kitchen, living and dining room, laundry, guest bedroom with ensuite and a single garage. The living areas open onto a south facing rear deck and yard area with the guest bedrooms opening onto small front courtyards. A secondary car space is available within the alignment of the driveway with lift and stair access provided to the level above.

#### Ground Floor Plan

This floor plate contains four (4) bedrooms, the main with ensuite and walk-in robe, and separate bathroom and powder room.

The completed development will be Strata subdivided along the alignment of the common wall as depicted in the plan extract below:



The application requires the removal of a number of trees as detailed in the accompanying arborist report prepared by Horticultural Management Services. Such tree loss is compensated for through the implementation of the landscape regime as detailed on the accompanying landscape plans prepared by Enclave Studio. Such landscaping incorporates canopy tree plantings at the front and rear of the property together with a combination of deep soil perimeter and on slab first floor planting elements ensuring that the building is softened and screened as viewed from outside the site and sits within a landscaped setting.

All stormwater will be gravity drained to the existing stormwater easement located in the south-eastern corner of the property as detailed on the accompanying stormwater management plans prepared by NY Civil Engineering.

## **4.0 STATUTORY PLANNING FRAMEWORK**

### **4.1 General**

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Act. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

### **4.2 State Environmental Planning Policy (Housing) 2021**

As previously indicated, the proposed works are permissible pursuant to Clause 166, Chapter 6 – Low and mid-rise housing of SEPP Housing and consistent with the built form controls applicable to dwelling house development on the subject allotment.

### **4.3 State Environmental Planning Policy (Sustainable Buildings) 2022**

This policy applies to the development and aims to encourage sustainable residential development. A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

### **4.4 Warringah Local Environmental Plan 2011**

#### **4.4.1 Zone and Zone Objectives**

The subject property is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011 (WLEP). Dual occupancy development is prohibited in the zone however permissible pursuant to Clause 166, Chapter 6 – Low and mid-rise housing of SEPP Housing with subdivision permissible pursuant to clause 2.6 of WLEP.

The stated zone objectives are as follows:

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



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

This report demonstrates that the development is permissible with consent and consistent with the zone objectives by providing for *the housing needs of the community within a low density residential environment.*

#### 4.4.2 Subdivision

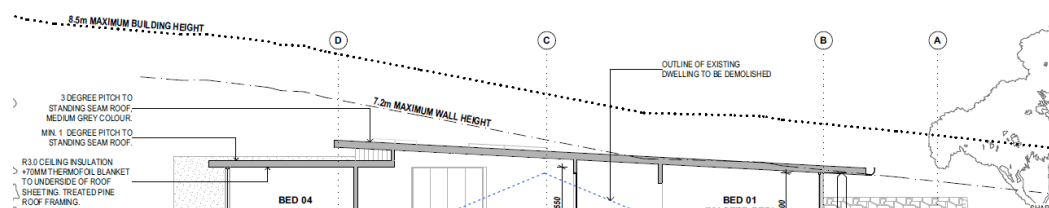
Strata subdivision is permissible with consent pursuant to clause 2.6(1) of WLEP.

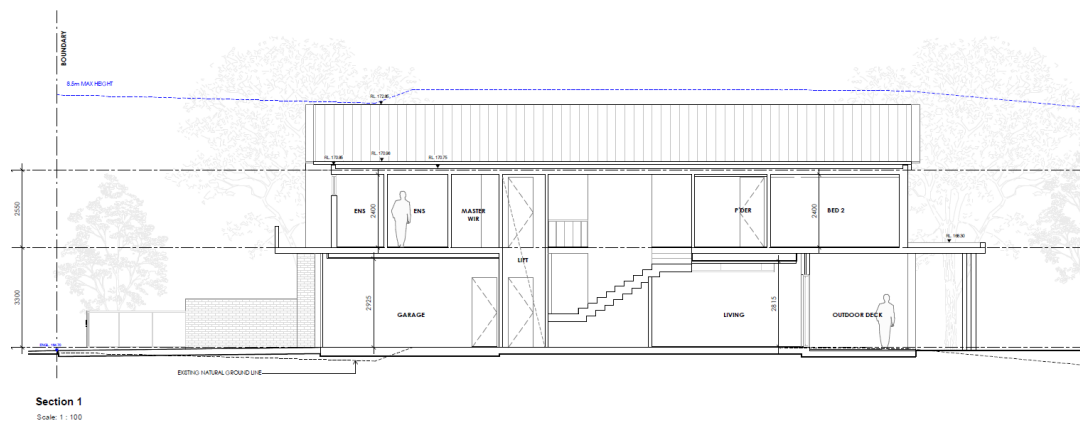
#### 4.4.3 Height of Buildings

Pursuant to clause 4.3 WLEP the height of any building on the land shall not exceed 8.5 metres above existing ground level. The stated objectives of this clause are as follows:

- (a) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) *to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- (d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

The proposed development as a maximum building height of 8.5 metres as measured above ground level (existing) and to that extent sits comfortably below the 8.5 metre building height standard as depicted in the plan extract over page.





**Figure 6** – Plan extract showing development complying with the 8.5 metre building height standard

The proposed height, bulk and scale of the development are entirely commensurate with that established by other dwelling house and dual occupancy development within the site's visual catchment including the dual occupancy development at 45 and 45A Blackbutts Road to the east of the subject property. The height of the development will not give rise to adverse residential amenity impacts in terms of views, privacy or overshadowing with 3 hours of solar access maintained to the principle living and adjacent private open space areas of all adjoining development.

Accordingly, Council can be satisfied that the development complies with the 8.5 metre building height standard and its underlying objectives.

#### 4.4.4 Earthworks

The application proposes minimal excavation and being located within Area A on the Landslip Risk Map does not require any further geotechnical analysis. The consent authority can be satisfied that the degree of excavation proposed will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 6.2 of WLEP 2011.

#### 4.4.5 Development on sloping land

Pursuant to Clause 6.4 WLEP 2011 the subject site is identified as Area A on the Landslip Risk Map. Pursuant to clause 6.4 (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.

Being located within Area A on the Landslip Risk Map no additional geotechnical analysis is required. All stormwater is discharged to the stormwater easement at the rear of the property and accordingly will have no adverse environmental consequences in relation to land stability. Being relatively flat the development will not impact on or affect the existing surface or subsurface stormwater flow conditions.

These provisions are satisfied.

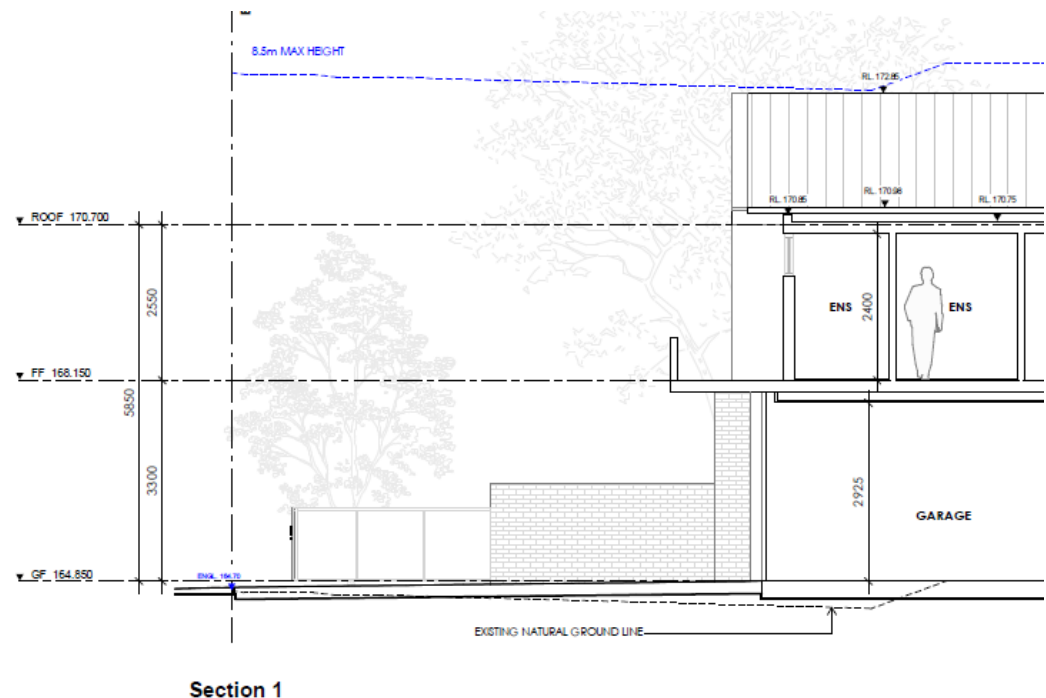
## 4.5 Warringah Development Control Plan

The following built form controls apply to the subject development.

### 4.5.1 Wall Height

Pursuant to these provisions walls are not to exceed a height of 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 accompanying architectural plans demonstrate that the development complies with the wall height with maximum wall heights of approximately 5.85 metres as depicted in the plan extract below.



**Figure 7** – Plan extract showing compliant wall heights

### 4.5.2 Number of Storeys

These provisions require dwelling houses to maintain a 2 storey building form. The proposal is appropriately defined as a 2 and 3 storey stepped building form although the garage level is predominantly subterranean in nature and does not, to any discernible extent, contribute to actual or perceived building bulk.



The proposal is 2 storeys in height as defined and accordingly is compliant with this provision.

#### **4.5.3 Side Boundary Envelope**

Pursuant to these provisions buildings must be sited within a building envelope determined by projecting planes at 45° from a height above ground level (existing) at the side boundaries of 4 metres. The stated objectives of the control are as follows:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

The application proposes non-compliances to the building envelope control along the eastern and western building facades to a maximum of 850mm. Having regard to the objectives of such control it is considered that strict compliance is both unreasonable and unnecessary given the following circumstances:

- The highly articulated and modulated building design, which is fully compliant with the 8.5 metre height standard and 7.2 metre wall height control, minimises the visual impact of development when viewed from adjoining properties and the street.
- This non-compliant wall elements do not result in any unacceptable impacts to the neighbouring property in terms of solar access with complaint levels of solar access maintained.
- Appropriate levels of solar access will be maintained between adjoining properties with side boundary facing fenestration minimised and where provided appropriately designed and located to prevent direct overlooking opportunities.

- The bulk and scale of the development will not be perceived as inappropriate, jarring or visually dominant as viewed from the neighbouring properties with appropriate building separation maintained between neighbouring properties.
- In our considered opinion, the breaches to the building envelope does not result in any adverse impacts to the neighbouring properties.

In this regard it can be demonstrated that strict compliance is both unreasonable and unnecessary having regard to the developments ability to satisfy the underlying objectives of the control.

Such variation succeeds pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

#### **4.5.4 Side Boundary Setbacks**

Pursuant to these provisions, development is to maintain a 900mm minimum setback from side boundaries. 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. Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause. The stated objectives of this control are as follows:

- *To provide opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*
- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*
- *To provide reasonable sharing of views to and from*

The proposed development provides minimum 1 metre side boundary setbacks in strict accordance with the control with large areas of the development having setbacks in excess of the minimum requirement.

#### **4.5.5 Front Boundary Setbacks**

In accordance with this control a minimum front setback of 6.5 metres applies.

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

The proposed development and associated parking maintain setbacks well in excess of the control. Whilst the front courtyard walls are located within the front setback area sufficient landscape opportunity is maintained to ensure that they are softened and screened as viewed from the street. The proposal is therefore deemed to comply with the associated objectives.

#### **4.5.6 Rear Boundary Setbacks**

These provisions require a minimum 6 metre rear setback. On land zoned R2 Low Density Residential, where the minimum rear building setback is 6 metres, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, are allowed to encroach provided that the objectives of this provision are met.

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

The rear façade of the dual occupancy maintains a variable setback to the rear boundary between 9.184 and 10.940 metres to minimum 6 metre setback maintained to the roof over the rear deck areas.

#### **4.5.7 Parking Facilities**

The development provides a single garage for each of the dwellings integrated within the design of the development strict accordance with the control with a secondary off-street car parking space available within the driver alignment.

#### **4.5.8 Stormwater**

All stormwater will be gravity drained to the existing stormwater easement located in the south-eastern corner of the property as detailed on the accompanying stormwater management plans prepared by NY Civil Engineering.

#### **4.5.9 Landscaped Open Space**

Pursuant to these provisions a minimum 40% landscaped open space is to be provided.

It has been determined that the proposal provides 280.13m<sup>2</sup> of landscaped open space representing 40% of the overall site area in strict accordance with the 40% open space requirement. This is reflected on plan A107(C).

The development complies with these provisions.

#### **4.5.10 Private Open Space**

The proposal provides well in excess of the required 60 square metres of private open space per dwelling. These open space areas are of a size and dimension capable of accommodating both passive and active recreational activities. These areas receive compliant levels of solar access and amenity throughout the day.

#### **4.5.11 Access to Sunlight**

Pursuant to these provisions, development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing:



- Sunlight, to at least 50% of the principle private open spaces, is not to be reduced to less than 2 hours between 9am and 3pm on June 21, and
- Where overshadowing by existing structures and fences is greater than this, sunlight is not to be further reduced by development by more than 20%.

The shadow diagrams demonstrate that at least 3 hours of solar access will be maintained to the north facing living rooms of the neighbouring property to the south and east between 9am and 3pm on 21<sup>st</sup> June with at least 3 hours also maintain to at least 50% of the front and rear private open space area in strict accordance with Council's solar access provisions.

#### **4.5.12 Views**

Having inspected the site and its immediate surrounds to identify available view lines over and across the site we have formed the considered opinion that no critical view elements will be obscured by the proposed development which sits below the 8.5 metre height of buildings development standard.

Accordingly, a view sharing scenario is maintained between adjoining properties in accordance with the principles established in the matter of Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC140 and Davies v Penrith City Council [2013] NSWLEC 1141.

#### **4.5.13 Privacy**

Careful consideration has been given to ensuring that privacy attenuation was integrated into the overall building design and façade detailing. The fenestration that is orientated towards side boundaries is either recessed or orientated to minimise any adverse privacy issues for the subject site and neighbouring properties.

Where provided, the windows have been appropriately designed and located to prevent direct overlooking opportunities. Such an outcome is consistent with that reasonably anticipated in a low-density residential environment with good levels of privacy maintained between the living and private open space areas of adjoining dwellings. These provisions are satisfied.

#### **4.5.14 Building Bulk**

The architect has responded to the client brief to design a dual occupancy development of superior design quality affording exceptional levels of amenity for future occupants without unreasonable impacts on adjoining properties.

The geometry of the site facilitates an attached dual occupancy topology whilst maintaining a complimentary and compatible streetscape presentation.

The height, bulk and scale of development on this site is entirely commensurate with that of detached style dwelling houses and dual occupancy development generally within the site's visual catchment. The proposal will not be perceived as inappropriate or jarring in such context.

#### **4.5.15 Glare and Refection**

The proposed glazing and roof finishes will not give rise to any unacceptable glare or reflection.

#### **4.5.16 Front Fences and Front Walls**

We respond to the clause D13 fencing controls as follows:

- 1. Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.*

Response: The application proposes a 1.2m high open style metal front fence with brick house number feature having a variable setback to the front boundary of between Nil and 1.4 metres. The 1.7m high front courtyard walls are setback between 3.25m and 5.25m from front boundary as depicted on the architectural plans. These front fencing elements are depicted in the montage extract over page.



**Figure 8** – Montage extract showing proposed front fencing.

The height, setback and design of the proposed front fencing are entirely compatible with fencing established on the site and along Blackbutts Road as depicted in Figure 2 and the image below.



**Figure 9** – View looking west along Blackbutts Road showing established front fencing within the sites visual catchment.

The proposed front fencing will be compatible with the established streetscape.

2. *Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence.*

Response: The proposed fencing has been designed to provide visual interest with landscape opportunity to the front of the proposed front fencing elements.

3. *Fences located within the front building setback area are to complement the existing streetscape character.*

Response: as previously indicated, the proposed front fencing will be compatible with the established streetscape.

4. *Fences are to be constructed to allow casual surveillance, except where there is excessive noise.*

Response: Casual streetscape surveillance is maintained from the ground and first floor habitable areas of the development.

5. *Gates are not to encroach over the property boundary when opening or closing.*

Response: Noted and compliant.

6. *Fences should complement the architectural period of the building.*

Response: Compliant.

The proposed front fencing is consistent with the controls as outlined.

#### 4.6 Compliance Table

Site Area 698sqm	Control	Proposed	Compliance
Building Height	Overall 8.5m	8.5m	YES
	Wall height 7.2m	5.85m	YES
Front Building Setback	Min 6.5m	>6.5m	YES
Rear Building Setback	Min 6 metres with max 50% encroachment for swimming pools	Min 6m	YES
Side Setback and Building Envelope	900mm 4 metres/ 45 degree envelope	Min 1000mm Breach of building envelope eastern and western facades.	YES NO Complies with objectives
Landscaped Open Space	40% of Site Area	40%	YES
Car parking	2 spaces/ dwelling	2 spaces/ dwelling	YES

#### **4.7 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Act. Guidelines (*in italic*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

##### **4.7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.**

The proposed works are permissible and consistent with the built form controls as they are reasonably applied to the proposed works.

##### **4.7.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality.**

###### *Context and Setting*

- i) *What is the relationship to the region and local context on terms of:*
- *the scenic qualities and features of the landscape?*
  - *the character and amenity of the locality and streetscape?*
  - *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
  - *the previous and existing land uses and activities in the locality?*

The height and scale of the proposed development are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of visual bulk, views, privacy or overshadowing.

- ii) *What are the potential impacts on adjacent properties in terms of:*
- *relationship and compatibility of adjacent land uses?*
  - *sunlight access (overshadowing)?*



- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

#### *Access, transport and traffic*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

The proposal incorporates compliant off-street parking.

#### *Public domain*

The proposed development will have no adverse impact on the public domain.

#### *Utilities*

Existing utility services will adequately service the development.

#### *Flora and fauna*

No unacceptable impacts as addressed in the report.

#### *Waste collection*

Normal domestic waste collection applies.

### *Natural hazards*

Nil.

### *Economic impact in the locality*

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate short term employment opportunities through the construction period of the development.

### *Site design and internal design*

i) *Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

### *Construction*

i) *What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

#### **4.7.3 The suitability of the site for the development.**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

*Are the site attributes conducive to development?*

The area of the site upon which the works are proposed is of moderate grade and adequate area. Having no identified physical or engineering constraints the site is suitable for the works proposed.

#### **4.7.4 Any submissions received in accordance with this Act or the regulations.**

It is envisaged that Council will appropriately consider any submissions received.

#### **4.7.5 The public interest.**

The proposed works are permissible and consistent with the built form controls as they are reasonably applied to the proposed works. The development would not be contrary to the public interest.

## 5.0 CONCLUSION

The proposed development is permissible pursuant to Clause 166, Chapter 6 – Low and mid-rise housing of SEPP Housing and consistent with the built form controls applicable to dwelling house development on the subject allotment.

The architect has responded to the client brief to design a dual occupancy development of superior design quality affording exceptional levels of amenity for future occupants without unreasonable impacts on adjoining properties. The geometry of the site facilitates an attached dual occupancy topology whilst maintaining a complimentary and compatible streetscape presentation. This report demonstrates that the development will not give rise to inappropriate or jarring streetscape or unreasonable residential amenity impacts. It will however increase the supply of residential accommodation on an appropriately sized allotment.

The variations proposed to the building envelope control have been appropriately acknowledged, and their acceptability assessed and considered, having regard to the stated objectives of the control. This report demonstrates that the variations will not give rise to any unacceptable residential amenity or streetscape consequences and will not defeat the objectives of the controls. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Having given due consideration to the matters pursuant to Section 4.15 of the Act it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

**Boston Blyth Fleming Pty Ltd**

