

# Statement of Environmental Effects



Report prepared for development at:

**Lot 1, DP 1298188  
49 Blackbutts Road  
FRENCHS FOREST  
(Proposed Lot 10)**

Proposed development:  
**Construction of a new dwelling**

## **Introduction**

This Statement of Environmental Effects is submitted to Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the construction of a two-storey dwelling. This report is based on plans prepared by Shawwood, 27.05.2025, Revisions 9.

The proposed works include:

- Construction of a double storey dwelling consisting of four (4) bedrooms, a guest room, family room, lounge, laundry, butler's pantry, open plan kitchen, dining and living room along with an attached double garage and alfresco.

The site is situated on Blackbutts Road and is the subject of this application. The property is now vacant and in the process of subdivision with approved civil works under DA2024/0492, this application is to propose to develop a double storey Fiber Cement cladded dwelling.

The site is a dual fronted square in shape with a total area of 601m<sup>2</sup> and a fall in relation to the topography of the land of approximately 0.3m from the Western boundary to the Eastern boundary.

The locality will be characterized by predominately single & double storey dwellings. These homes are either of face brickwork finish and lightweight cladding finish which compliments the appearance and requirements of the modern era. The design of our proposal is not out of keeping with the existing streetscape and is well adapted to the surrounding developments.

## **LEGISLATIVE REQUIREMENTS**

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

#### Chapter 2 – Standards for Residential Development (BASIX)

State Environmental Planning Policy (Sustainable Buildings) 2022 requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development has been assessed in accordance with the relevant provisions of the Sustainable Buildings SEPP. It is demonstrated on the BASIX Certificate submitted with this application that the proposal achieves the required rating for energy efficiency, water efficiency and thermal comfort.

## **State Environmental Planning Policy (Resilience and Hazards) 2021**

### Chapter 4 – Remediation of Land

#### Chapter 4.6 – Contamination and remediation to be considered in determining development application.

- (1) A consent authority must not consent to the carrying out of any development on land unless-
- a. it has considered whether the land is contaminated, and
  - b. if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
  - c. if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The subject site is within a recent residential area and is intended to be utilised for residential purposes. No known previous land uses have occurred on the site that would render the allotment susceptible to contamination. Further consideration of contamination is anticipated to have occurred as part of the subdivision application for the estate. No further assessment is considered necessary in this instance.

## **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

### Chapter 2 – Vegetation in non-rural areas

The aims of this chapter of the policy are understood to relate to the protection of the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural area through preservation of trees and other vegetation.

The proposed development does not require the removal of any trees or vegetation to allow the proposed development to occur. Additional planting can be provided as part of the proposed development to ensure amenity of the allotment is maintained as a result of the development.

### Chapter 6 – Water Catchments

The main objective of this plan is to protect, enhance and maintain the catchments, foreshores, waterways, and islands of Sydney Harbour. Given the location of the subject site and the low-density nature of the development, the proposed development is not expected to have any detrimental impact on the aims and objectives of Chapter 6 of SEPP (Biodiversity and Conservation) 2021.

Stormwater drainage plans have been prepared and are lodged for Council's consideration. The plans demonstrate that the cumulative impact of water quality for the region will be minimal. Subject to appropriate conditions, the proposal will be consistent with SEPP (Biodiversity and Conservation) 2021, particularly in relation to total catchment management, water quality and the metropolitan strategy.

## Warringah Local Environmental Plan 2011

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

### Part 2 - Permitted and prohibited development

#### Clause 2.1 – Land use zones

The subject site is zoned R2 Low Density Residential pursuant to Clause 2.1 of Warringah Local Environmental Plan 2011.

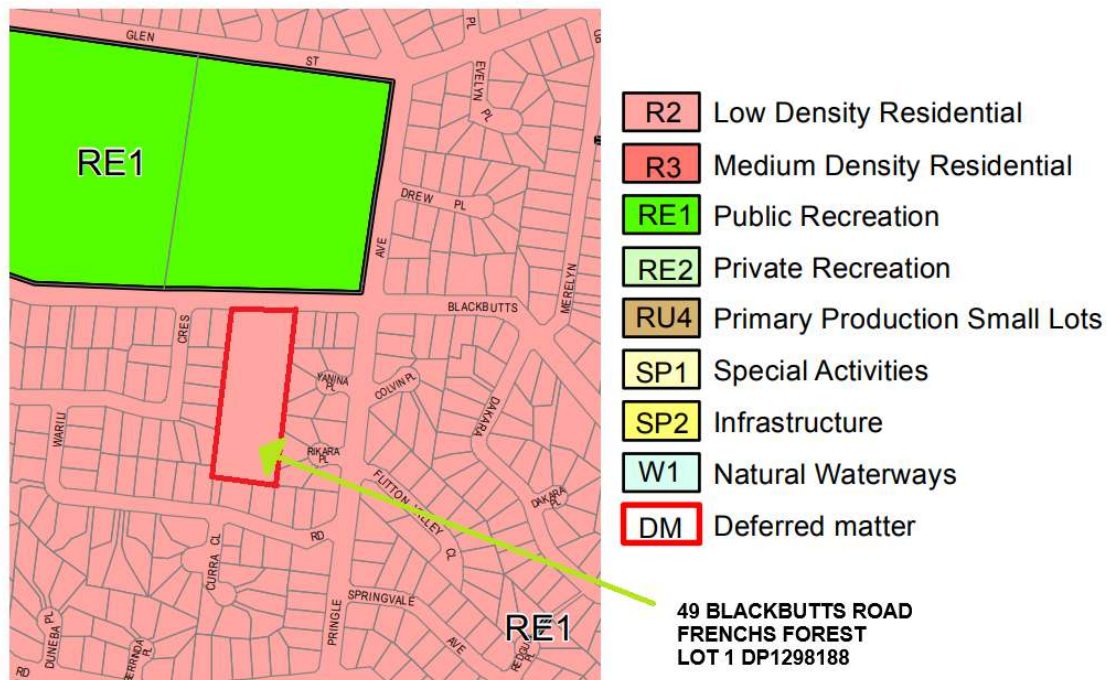


Figure 1 Land zoning map LZN\_007 (Warringah LEP 2011)

#### Clause 2.2 - Zoning of land to which this plan applies.

The proposed development involves ancillary work to the existing dwelling house on the allotment.

- A 'Dwelling house' is defined as 'a building containing only one dwelling.
- The identified zone also permits the construction of a 'dwelling house' subject to development consent from Council.

### Clause 2.3 - Zone objectives and land use table

The objectives of the R2 Zone are:

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

The proposed development can satisfy the objectives of the zone as it complements the existing residential setting. Residential amenity can be maintained by the proposed development as the site is within an existing residential area intended for this form of development.

The proposed dwelling is compatible with the existing and future character of the locality. The development is designed to provide a high level of amenity for both the property owners and adjoining residents whilst considering the natural constraints of the site.

The siting of the dwelling is in the most appropriate location, which minimises disturbance and follows a similar development evident throughout the area.

The proposed dwelling is considered to meet the objectives of the R2 Zone.

## **Part 4 - Principal development standards**

### Clause 4.1 Minimum subdivision lot size

This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan

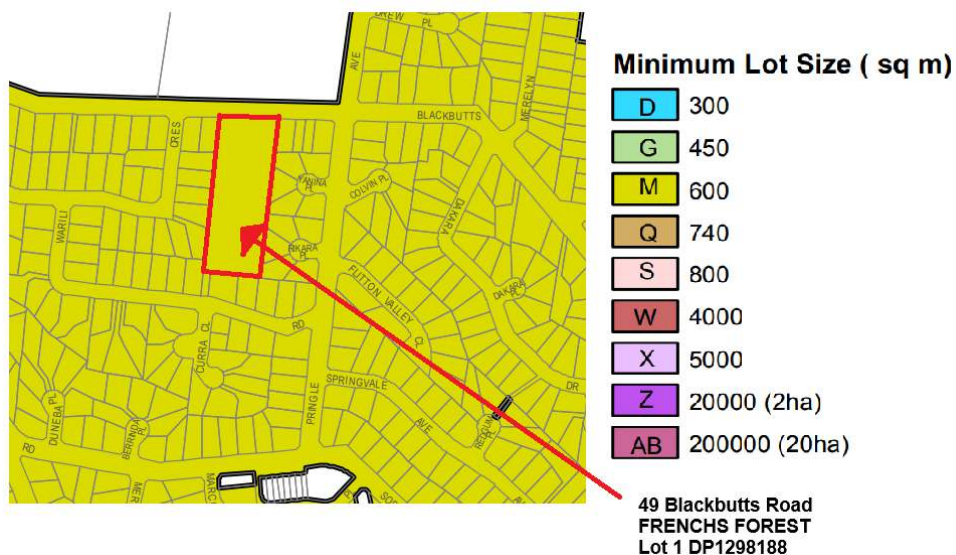


Figure 2 Lot size map LSZ\_007 (Warringah LEP 2011)



#### Clause 4.3 Height of Buildings

Council Min-Max Requirements	Proposed	Comment
8.5m	7,993mm	Complies

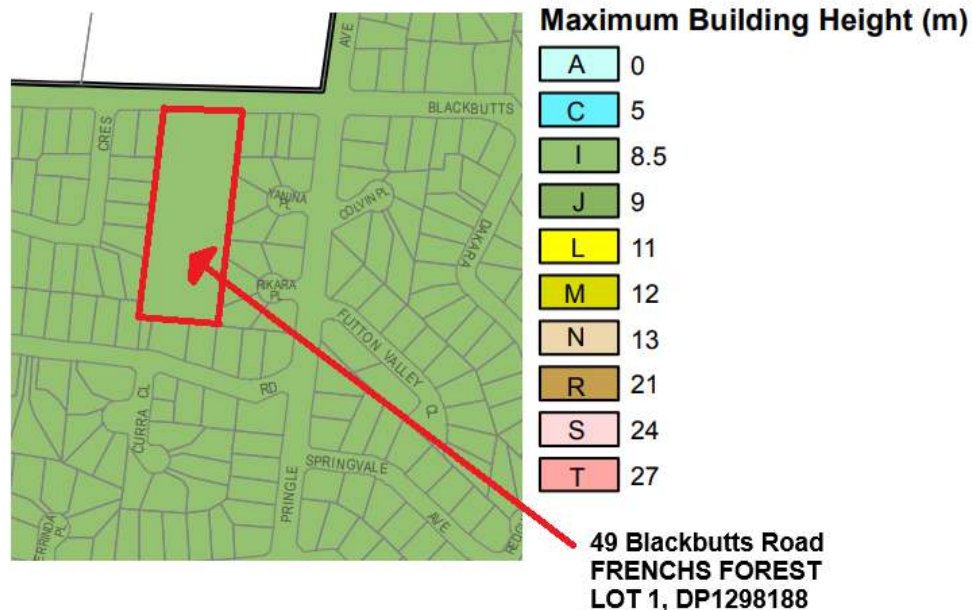


Figure 3 Hight of Buildings map HOB\_007 (Warringah LEP 2011)

#### Clause 4.4 - Floor Space Ratio

The proposed development is not identified to the Floor Space Ratio Map and therefore this Clause does not apply.

#### Clause 4.6 - Exceptions to development standards

The proposed development does not contravene the development standards of the LEP.

### **Part 7 - Additional local provisions**

#### Clause 7.1 - Acid Sulphate Soils

The subject site is not known to be affected by Acid Sulphate Soils.

#### Clause 7.2 - Earthworks

Minor ground disturbance is required to provide a level platform to site the building footprint. The extent of earthworks is not considered excessive for the site as the dwelling

incorporates equal amounts of cut and fill along with deepened edge beams to reduce site disturbance outside of the dwelling footprint. All earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties.

#### Clause 7.4 - Terrestrial Biodiversity

The subject site is not identified as being within an area of terrestrial biodiversity.

#### **Conclusion with respect to LEP requirements**

The proposal is considered to satisfy the objectives of all the relevant development standards relating to dwelling houses as contained within the HLEP 2013.

#### **Draft Environmental Planning Instruments**

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.


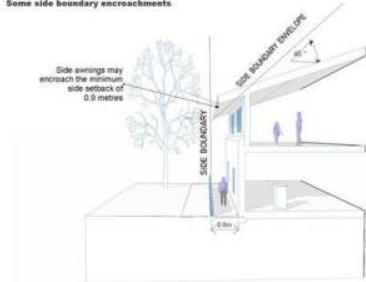
### **Warringah Development Control Plan 2011**

Pursuant to Section 3.20 of the Environmental Planning & Assessment Act 1979 the following heads of consideration apply:

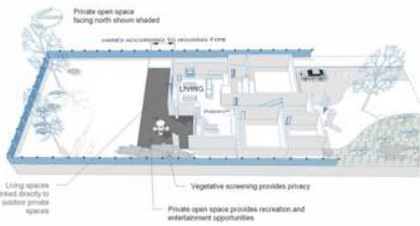
The relevant standards and design criteria that applies to the subject site are discussed and listed in the following table, together with a comment with respect to compliance.

Compliance with the Disclosure Plan is summarized in the following table:

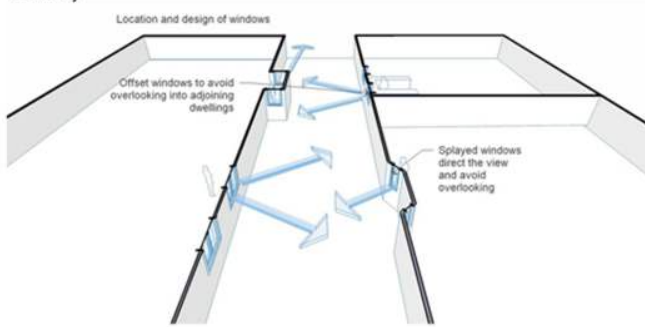
<b>Control</b>	<b>Council Min-Max Requirements</b>	<b>Proposed</b>	<b>Compliance</b>
<i>Part B B7 Front Boundary Setbacks</i>	<ol style="list-style-type: none"> <li>1. Development is to maintain a minimum setback to road of 6.5m.</li> <li>2. The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.</li> <li>3. Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways and 4 meters to a secondary road frontage.</li> </ol>	6.5m	Yes

Control	Council Min-Max Requirements	Proposed	Comment
Part B B3 Side Boundary Envelope	<p>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 4 metres as identified on the map.</p> <p>2. On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side boundary envelope.</p>  	<p>The proposed minor encroachment of the wall and roof is a direct result of the site's natural topography. The building envelope, which maintains a maximum side boundary height of 4 metres, naturally steps down toward the rear of the dwelling due to the slope of the land. The encroachment in question is minimal and limited solely to the ensuite of the first floor, ensuring that it does not impose any significant impact on the surrounding properties or streetscape.</p> <p>Given the minor nature of this variation and the site constraints influencing the design, we respectfully seek Council's consideration for a variation to allow this small adjustment within the side boundary envelope. The proposal remains consistent with the intent of the planning controls while accommodating the unique conditions of the land.</p>	
Part B B5 Side Boundary Setback	<p>The minimum side boundary setback requirement is:</p> <p>1 or 2 storey elements = 900mm to wall</p> <p>Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback</p>	<p>RHS = 1,000mm</p> <p>LHS = 1,368mm</p>	Yes
Part B B9 Rear Boundary Setback	<p>The minimum rear boundary setback requirement is:</p> <p>1 or 2 storey elements = 6.0m</p> <p>The rear setback area is to be landscaped and free of any above or below ground structures</p>	<p>Single Storey = 11,998mm</p>	Yes



Control	Council Min-Max Requirements	Proposed	Comment
<i>Part B B4 Site Coverage</i>	(a) The maximum site coverage permitted in residential zones is 60%  (b) Of the maximum permitted site coverage, the dwelling building footprint is to be no more than 45%,	48.70%	Yes
<i>Part B B1 Wall Heights</i>	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).	6,212mm	Yes
<i>Part D D2 Private Open Space</i>	<p>1. Residential development is to include private open space for each dwelling.</p> <p>2. The minimum area and dimensions of private open space are as follows:</p> <p>3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.</p> <p>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.</p> <p>5. Private open space shall not be located in the primary front building setback.</p> <p>6. Private open space is to be located to maximise solar access.</p> <p>An example of private open space</p> 	60m <sup>2</sup>	Yes
Control	Council Min-Max Requirements	Compliance	
<i>Part D D9 Building Bulk</i>	<p>1. Side and rear setbacks are to be progressively increased as wall height increases.</p> <p>2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.</p> <p>3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:</p>	Complies with controls	

	<ul style="list-style-type: none"> <li>- The amount of fill is not to exceed one metre in depth.</li> <li>- Fill is not to spread beyond the footprint of the building.</li> <li>- Excavation of the landform is to be minimised.</li> </ul> <p>4. Building height and scale needs to relate to topography and site conditions.</p> <p>5. Orientate development to address the street.</p> <p>6. Use colour, materials and surface treatment to reduce building bulk.</p> <p>7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.</p> <p>8. Articulate walls to reduce building mass</p>	
<i>Part C C7 Excavation and Landfill</i>	<ol style="list-style-type: none"> <li>1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.</li> <li>2. Excavation and landfill works must not result in any adverse impact on adjoining land.</li> <li>3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.</li> <li>4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines or degrade or destroy the natural environment.</li> <li>5. Rehabilitation and revegetation techniques shall be applied to the fill.</li> <li>6. Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.</li> </ol>	Complies with controls
<i>Part D D8 Privacy</i>	<ol style="list-style-type: none"> <li>1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.</li> <li>2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.</li> <li>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.</li> </ol>	Complies with controls

	<p>4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.</p> <p>5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.</p> <p><b>Privacy</b></p> 	
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#### Conclusion with respect to DCP requirements

The proposed development generally complies with the relevant development controls relating to dwellings within the Hills Shire Development Control Plan 2022.

#### **Relevant planning agreement, or draft planning agreements**

There are no known planning agreements that would prevent the proposed development from proceeding.

#### **Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality**

The following matters are understood to be relevant when considering on site impacts.

#### **Sitting and Design**

The proposed dwelling will be compatible in terms of height, bulk and scale with surrounding developments within the area. Where possible we have incorporated a well designed dwelling to maximise the site potential and provided a modern elevation in a colour palette that compliments the surrounding bushland.

The siting of the dwelling continues to provide generous boundary setbacks, contributing to spatial separation and openness between dwellings. The articulated design will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing will not dominate any perceived views enjoyed by others.

#### Utilities

The site is connected to all necessary services and utilities including electricity, water, reticulated sewerage and telecommunications.

#### Sedimentation

Due to the topography of the site, excavation will be required to site the proposed balcony as shown on the development plans. All disturbed areas will be provided with sedimentation controls in accordance with Council's policy with compliance required as condition of consent.

#### Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

#### Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged to occur during construction.

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

The subject site is within an established residential area within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed dwelling, the subject of the application, can be constructed with all services necessary and have been designed to suit site constraints and the character of the surrounding residential setting.

The proposed works are permissible with development consent under the provisions of the Warringah Local Environmental Plan 2011 and generally satisfies the objectives of the Warringah Development Control Plan 2011 as discussed above.

#### **Any submissions made in accordance with this Act or the regulations**

Council will consider any submissions received during the relevant notification period for this development application.

### Public interest

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.

## CONCLUSION

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permissible with development consent under the provisions of the Warringah Local Environmental Plan 2011 and can satisfy the objectives of the relevant development control plan for the area.

It is considered that the construction of a dwelling will complement and blend with the existing and likely future character of Frenchs Forest. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed dwelling appropriately identifies and relates to the sites use as a residential development.

Having considered the requirements of all environmental planning instruments and DCP's the proposed land use activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the EP and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval



Yours Faithfully

**Michael Dwyer** PIA (Assoc.)

Sekisui House Services (NSW) Pty Ltd

ABN 42 119 550 220