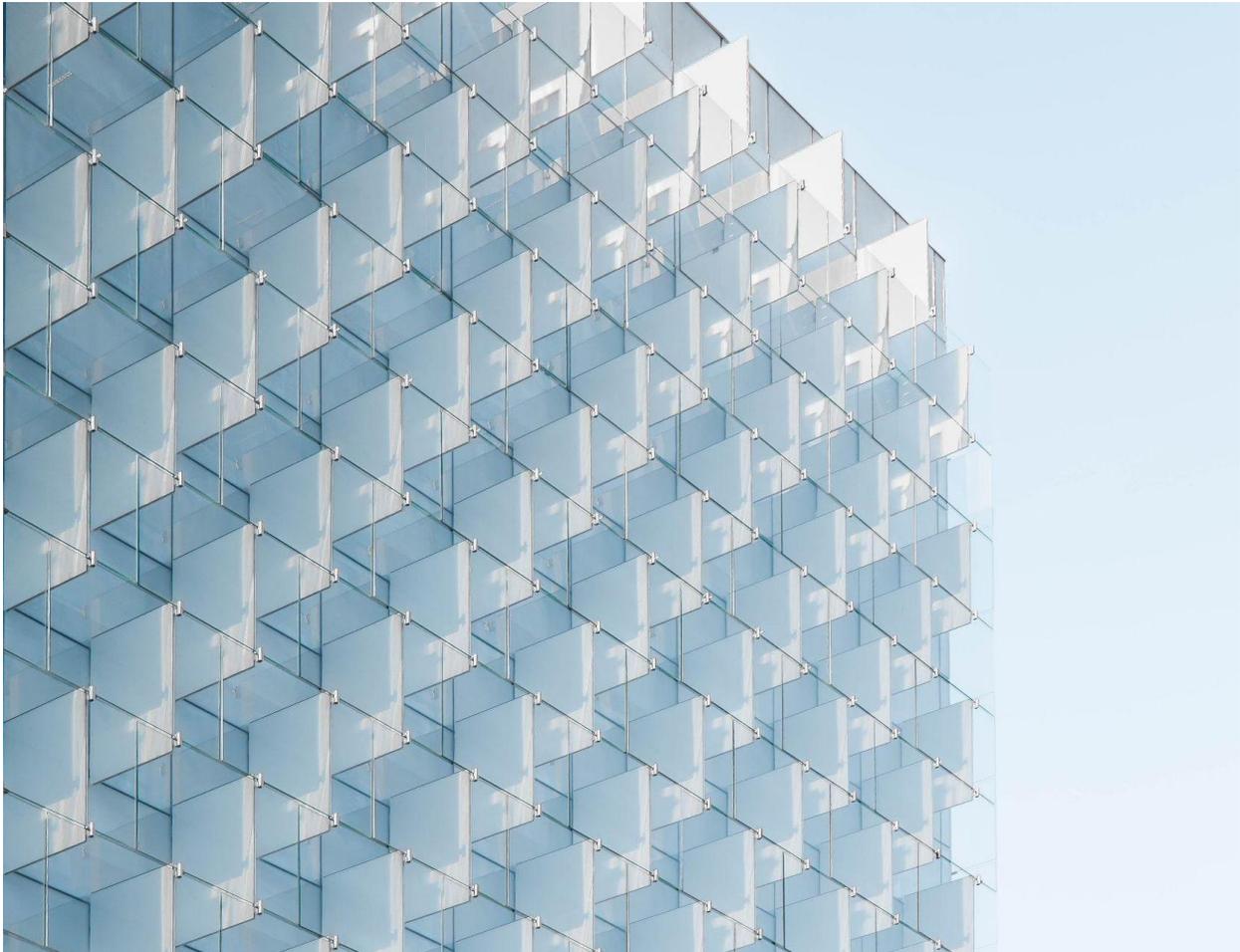


WILLOWTREE PLANNING



24 April 2024

Ref: WTJ23-388
Contact: Asher Richardson



STATEMENT OF ENVIRONMENTAL EFFECTS:

PROPOSED COMMUNITY TITLE SUBDIVISION, INCLUDING NEW ROAD

49 Blackbutts Road and 21A Warili Road, Frenchs Forest
Lot 1809 DP 752038 & Lot 1 DP 524038

—
Prepared by Willowtree Planning Pty Ltd
on behalf of Sekisui House

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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed community title subdivision

49 Blackbutts Road and 21A Warili Road, Frenchs Forest (Lot 1809 DP 752038 & Lot 1 DP 524038)

In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders - past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

DOCUMENT CONTROL TABLE			
Document Reference:	WTJ23-388 SEE		
Contact	Asher Richardson		
Version and Date	Prepared by	Checked by	Approved by
Version No. 1 - 05/04/24 Draft for client issue	Asher Richardson Associate	Chris Wilson Managing Director	Chris Wilson Managing Director
Version No. 2 - 05/04/24 For Council Submission	Asher Richardson Associate	Chris Wilson Managing Director	
Version No. 3 - 05/04/24 For Council Re-Submission	Asher Richardson Associate	Chris Wilson Managing Director	
			

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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed community title subdivision

49 Blackbutts Road and 21A Warili Road, Frenchs Forest (Lot 1809 DP 752038 & Lot 1 DP 524038)

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APPENDICES LIST

Appendix	Document	Prepared by
1	Owners Consent & Power of Attorney	Site owner
2	Survey Report	LTS
3	Boundary Survey	LTS
4	Preliminary Site Investigation	Geotechnique Pty Ltd
5	Detailed Site Investigation	Geotechnique Pty Ltd
6	Arboricultural Impact Assessment	The Tree Guardian
7	Draft Neighbourhood Management Statement	Colin Biggers & Paisley Lawyers
8	Estimated Development Cost Report	Enspire
9	Flora and Fauna Assessment	Ecological Consultants Australia Pty Ltd
10	Traffic Impact Assessment	SCT Consulting
11	Civil Package	Enspire
12	Civil Engineering and Stormwater Report	Enspire
13	Geotechnical Investigation Report	Crozier
14	Landscape Plans	Taylor Brammer Landscape Architecture
15	Operational Waste Management Plan	Elephants Foot Consulting
16	Building Envelope Plans	Sekisui House
17	Plan of Subdivision	YSCO Geomatics



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed community title subdivision

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PART A SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Sekisui House (the Applicant) and is submitted to Northern Beaches Council (the Council) in support of a Development Application (DA) at 49 Blackbutts Road and 21A Warili Road, Frenchs Forest (the Site), which captures the following land parcels:

- Lot 1809 DP 752038
- Lot 1 DP 524038

This DA seeks development consent for community title subdivision of the Site into 13 allotments, including one (1) community title allotment and 12 residential allotments, a new road and other necessary works (the Proposal), as described in **PART C** of this SEE.

The Site is zoned R2 Low Density Residential zone, pursuant to the *Warringah Local Environmental Plan 2011* (WLEP2011), which is intended to:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The Proposal seeks to subdivide the land to allow for future residential accommodation, which is permitted with consent in the R2 zone and aligns with the zone objectives.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out under **PART D** of this SEE.

This SEE describes the Site and the Proposal, provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the SEE is as follows:

- **PART A SUMMARY**
- **PART B SITE ANALYSIS**
- **PART C PROPOSED DEVELOPMENT**
- **PART D LEGISLATIVE AND POLICY FRAMEWORK**
- **PART E ENVIRONMENTAL ASSESSMENT**
- **PART F CONCLUSION**

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the DA be given.



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1.2 PRE-LODGE MENT CONSULTATION

A pre-lodgement meeting was held with Northern Beaches Council on 5 October 2023 with Anne-Marie Young and other Council staff. **TABLE 1** below outlines the notes provided by Northern Beaches Council on 27 October 2023 and commentary against each matter.

TABLE 1. PRE-LODGE MENT NOTES	
Council Comments	Applicant Response
WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)	
<p>Clause 4.1 Minimum subdivision lot size</p> <p>Option B is preferred as it helps reduce potential impacts on the street trees along Blackbutts Road and avoids rat running with the alternative through site link option.</p> <p>However, the layout requires amendment to increase the width of the carriageway, the dimension of the turning circle, provide a 1.5m wide footpath and allow for additional pockets of landscaping along the western boundary to protect existing residential amenity, refer to comments from Council's Transport, Engineering, Landscape and Waste Officers. A variation to the minimum lot size control is highly unlikely to be supported given the lack of physical constraints on the site.</p> <p>In addition, concern is raised regarding the repetitive design of the sub-division layout, in particular lots 7-12. It is recommended that some variation be considered in the layout to ensure that the pattern of subdivision reflects the pattern, size and configuration of existing lots in the locality.</p>	<p>Option B has been proposed as part of this DA and all proposed lots meet the minimum subdivision lot size.</p> <p>A variation in lot size, orientation and dimensions has been provided as part of the Plan of Subdivision at Appendix 17.</p>
<p>6.4 Development on sloping land</p> <p>Any earthworks proposed as part of the subdivision application will need to be clearly depicted on the plans. Further, the alteration of 'existing ground levels' as a result of any earthworks must be considered, including the subsequent impact on the building height control which should be depicted in elevational/sectional format. Where possible, associated retaining walls should be located within the site, rather than on boundaries with adjoining properties. Finally, a geotechnical report will be required to demonstrate that the proposal meets the provision and objections of Clause 6.4.</p>	<p>A Geotechnical Report has been prepared in support of the Proposal and is provided at Appendix 13. The Report includes a landslip risk assessment that considers the matters raised in Clause 6.4(3) and concludes that the Proposal is considered suitable for the Site provided the recommendations of the report and sensible engineering design and construction are implemented.</p>



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WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)	
<p>The following parts of WDCP 2011 are applicable to the Site:</p> <p>B1 Wall height</p> <p>B3 Side Boundary envelope</p> <p>B5 Side setback</p> <p>B6 Front setback</p> <p>B9 Rear Setback</p> <p>D1 Landscape Open Space (LOS)</p> <p>D2 Private Open Space</p> <p>D6 Access to Sunlight</p> <p>Indicative plans are required to demonstrate compliance with the built form, landscape, private open space and solar access controls.</p>	<p>Building Envelope Plans have been provided at Appendix 16 which illustrate compliance with WDCP 2011. It is noted that the design of individual dwelling houses is subject to a separate development consent, and therefore the Building Envelope Plans are conceptual and indicative only.</p>
<p>C1 Subdivision</p> <p>Indicative building envelopes are required to demonstrate that the minimum 150sqm building area can be accommodated on each lot while protecting significant trees, particularly the trees fronting Blackbutts Road and within the north-west corner of the site. The footprints should respond to the Structural Root Zone (SRZ) and Tree Protection Zone (TPZ) identified by the Arborist, refer to comments from Landscape Officer below.</p> <p>The indicative envelopes shall provide details of the height, front, rear and side setback, areas of private open space and location and dimensions of driveways and car parking to demonstrate compliance with the built form controls. The plans shall include a solar access assessment to demonstrate that design allows for maximum solar access to each new dwelling while protecting solar access to existing dwellings, refer to comments from Council’s Landscape Officer and Urban Designer below.</p>	<p>The Building Envelope Plans illustrate building envelopes complying with the minimum 150sqm area and illustrate proposed setbacks, areas of private open space and location and dimensions of driveways and car parking.</p> <p>Given the orientation of the Site, all proposed allotments can achieve the required solar access during morning and afternoon periods. 3D modelling of potential building envelopes to demonstrate solar access is considered onerous given that those dwelling houses will be subject to separate development consent.</p>
<p>The driveway in both options exceed 30m therefore passing bays are required. In addition, a publicly accessible footpath link between Warila Road and Blackbutts Road of 1.5m in width should be provided to cater for safe pedestrian access within and through the subdivision and to and from Lionel Watts Reserve and other community facilities.</p>	<p>A publicly accessible footpath link between Warila Road and Blackbutts Road with a minimum width of 1.5m has been provided.</p>



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<p>C2 Traffic, Access and Safety</p> <p>Options B provides for access from the minor street, Warili Road with no through site access to the main road which is the preferred option. As discussed in the PLM, for the 5.5m narrow section of road near Warilla Road bringing the terminating the footpath and transitioning it into a contrasting paved treatment through the narrowed section of road and creation of a shared pedestrian/traffic area would be a potential option here. As noted above a 1.5m wide footpath is required for the remainder of the site, refer to comments from Council's Transport and Development Engineers below.</p>	<p>A publicly accessible footpath link between Warilla Road and Blackbutts Road with a minimum width of 1.5m has been provided.</p> <p>The Traffic Impact Assessment provided at Appendix 10 appropriately responds to Council's Pre-DA advice.</p>
<p>C3 Parking Facilities</p> <p>Access to lots 2 and 3 and in option B shall be via the private road with no access being permitted via Blackbutts Road.</p>	<p>Access to Lots 2 and 3 are via the private road.</p>
<p>C4 Stormwater</p> <p>Council requires the construction of a single on-site-stormwater detention (OSD) tank under the proposed internal road to be managed and maintained by the community association, refer to comments from Council's Development Engineer.</p>	<p>A single OSD tank has been provided under the private road.</p>
<p>Specialist Advice</p>	
<p>Landscape Officer</p> <p>Option B is preferred from a landscape perspective as the existing street trees along Blackbutts Road will not be impacted by any driveway works. The removal of street trees would not be supported. Furthermore, additional native trees in the north-western corner of the property can be retained. Should any subdivision works (i.e. the driveway) be within 5 metres of an existing tree (irrespective of property boundaries), an Arboricultural Impact Assessment will be required (further details are outlined below). Prescribed trees that will not be impacted by the subdivision works won't be approved for removal at this stage and will be assessed under the future development applications for the individual lots.</p> <p>The Statement of Environmental Effects shall include commentary of relevant landscape clauses of the DCP, and in this instance the following:</p> <ul style="list-style-type: none">▪ C1 Subdivision▪ D1 Landscaped Open Space and Bushland Settings▪ E1 Preservation of Trees or Bushland Vegetation	<p>The relevant parts of WDCP 2011 are discussed in more detail in Section 4.4.2 of this SEE.</p>



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<p>Bushland and Biodiversity</p> <p><u>Required Supporting Documentation</u></p> <ul style="list-style-type: none">▪ The proposal should follow the principles of avoidance and minimisation of impacts to biodiversity and look for alternatives to maximise retention of prescribed vegetation and unique environmental features. Development is to be designed to avoid and minimise impacts to the natural environment, and for any residual impacts to then be assessed. The residual impact is the impact remaining after measures to avoid and minimise impacts to biodiversity have been applied.▪ If works are to be undertaken within 5 metres of an existing tree an Arboricultural Impact Assessment prepared by an AQF5+ arborist is required to determine whether impacts from the proposed works are acceptable or not.▪ If more than 4 prescribed trees are to be impacted by the proposed development, the application is to be accompanied by a Flora and Fauna Assessment (FFA) prepared by a suitably qualified ecologist.▪ If prescribed (protected) trees are to be removed for the purposes of the proposed works, like for like replacement plantings will have to be considered and a landscape plan with a selection of the species and number of plants for replacement is to be provided.▪ For the purposes of the subdivision and resulting lots, a concept landscape plan should be provided including the, location, numbers and species of flora to be planted.	<p>A Flora and Fauna Assessment has been prepared by a suitably qualified ecologist and is provided at Appendix 9.</p> <p>A Landscape Plan has been provided at Appendix 14 which provides for significant re-vegetation of the Site.</p>
<p>Transport Engineer</p> <p>The 6m wide carriageway is too narrow to permit parking on one side and also cater for two-way traffic. While the provision of parking along one side of the carriageway is supported to cater for visitors and families with multiple vehicles, experience in other locations suggests that any carriageway that is 6m in width invariably runs into issues in terms of parked vehicles preventing adequate turning to facilitate access to or from driveways and/or vehicle to vehicle conflict and the 6m carriageway cannot be supported. Given that the length of the road in Option B is approximately 160m there should be provision made for vehicles to pass each other in opposing directions along the carriageway for safety and amenity reasons.</p>	<p>The recommendations provided by Council's Traffic Engineer have been incorporated into the final infrastructure design.</p> <p>The matter of access, parking and traffic is discussed in more detail in Section 5.3 of this SEE.</p>



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<p>A 7.5m road width with small kerb build outs for landscaping and streetlighting with parking bays between the build outs is suggested as a potential option.</p> <p>The 5.5m section of road near Warila Road will need to be signposted as No Stopping on both sides of the road to maximise available road width and prevent parking.</p> <p>Provision for access and turning for Councils waste collection vehicle (10.5m in length), removalist trucks and emergency services vehicles will need to be facilitated in the road design. Turning of the largest vehicle requiring regular access to the subdivision (the waste collection vehicle) will need to be accommodated and demonstrated with swept path plots.</p> <p>A publicly accessible footpath link between Warila Road and Blackbutts Road of 1.5m in width should be provided to cater for safe pedestrian access within and through the subdivision and to and from Lionel Watts Reserve and other community facilities. As discussed in the PLM, for the 5.5m narrow section of road near Warilla Road bringing the terminating the footpath and transitioning it into a contrasting paved treatment through the narrowed section of road and creation of a shared pedestrian/traffic area would be a potential option here.</p> <p>Streetlighting of the private road will need to be provided to Ausgrid requirements and in compliance with AS/NZS 1158 to cater for pedestrian and vehicle safety at night.</p>	
<p>Development Engineer</p> <p><u>Stormwater Management</u></p> <p>Council requires the construction of a single OSD tank under the proposed internal road to be managed and maintained by the community association. Its council past experience that lot based OSD systems are problematic in terms of maintenance by individual property owners are prone to failure if not maintained.</p> <p>By laws and having an operations and maintenance manual in a community management statement (CMS) ensure that adequate funds are collected for the maintenance and renewal of this critical OSD and water quality control infrastructure.</p> <p>In accordance with councils Water management for development Policy a stormwater management plan is required to be submitted with the Development application detailing OSD and water quality controls/systems.</p>	<p>A single OSD tank has been provided below the proposed private road as per the Civil Package provided at Appendix 11. A DRAINS Model has also been provided as part of the Civil Package.</p> <p>A Draft Neighbourhood Management Statement has been provided at Appendix 7 which provides appropriate by-laws for the maintenance of the community lot.</p>



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<p>A DRAINS model will be required to validate the post development permitted site discharges and on-site detention volume. The predeveloped condition is to be state of nature.</p>	
<p><u>The internal private road</u></p> <p>The internal private road is to be a community lot ensuring that adequate funds are collected for the ongoing maintenance and renewal of the road. The pavement is to be engineered to be able to handle the design loads from Councils Waste service vehicle and any other service or emergency vehicle. By laws will be provided to enable the collection of waste via Council waste service vehicles upon the private internal roadway.</p> <p>The road pavement and geometric design will need to comply with Councils Auspec One design document. Engineering plans including long sections and cross sections, retaining wall locations will need to be provided with the development application.</p>	<p>The recommendations provided by Council's Traffic Engineer have been incorporated into the final infrastructure design.</p>
<p>The Ausgrid substation will need to be relocated or the current internal road geometry amended to conform with Ausgrid road clearance requirements.</p>	<p>The existing Ausgrid substation is proposed to be retained in its current location.</p>
<p>A 1.5 m wide concrete pathway will be required within the private road verge.</p>	<p>A 1.5m wide footpath is provided within the private road verge.</p>
<p>Councils 375mm stormwater line located within the adjoining properties is to be surveyed and located by a registered surveyor to ensure that it is not located within the development site. This will be more likely near the Warili Road frontage. If the pipe is located within the development site an easement in favour of Council will be required in accordance with Councils water management for development policy.</p>	<p>A Boundary Survey has been provided at Appendix 3 which illustrates that the Council stormwater line is not located on the Site.</p>
<p><u>General Waste Comments</u></p> <p>Vehicle Access and Bin Presentation</p> <p>Waste collection is undertaken by three axle, 10.5 metre long, heavy rigid vehicles with the bin lifter on the left hand side only.</p> <p>Bins and bulky goods must be presented above the kerb in front of each dwelling for collection. No materials or bins to be placed on the road pavement for collection. Sufficient space is to be provided above the kerb in front of each property for 3 bins / 3 cu metres bulky goods. The verge must be clear of garden beds, tree plantings and other infrastructure that may obstruct correct presentation and collection of bins and other items.</p> <p>Swept path analysis must be provided showing waste collection vehicles can negotiate the access to/from the public roads.</p>	<p>The Civil Plans provided at include swept path diagrams for a 10.5m waste collection vehicle and demonstrates that the turning head is sufficient to allow for waste truck manoeuvres.</p> <p>Sufficient overhead clearance is provided for waste collection vehicles.</p>



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<p><u>Under Road Infrastructure</u></p> <p>Waste collection trucks weigh 23 tonnes. The truck has 3 axles.</p> <p>All under road infrastructure (e.g. osd tanks, pipes) must be capable of withstanding the load exerted by the waste collection vehicles.</p> <p><u>Overhead Clearance</u></p> <p>Waste collection vehicles require a working clearance of 4.5 metres above the road pavement.</p>	
<p><u>On-Street Parking</u></p> <p>Waste Services requires all road pavements must be:</p> <ul style="list-style-type: none">▪ a minimum of 6 metres wide where on-street parking is not provided/permited.▪ a minimum of 7.5m wide where on-street parking is provided/permited. <p>Waste Services will not support a proposal for on-street parking on any road pavements widths less than 7.5 metres.</p>	<p>The proposed private road has an entry threshold of 5.5m increasing to 8m.</p> <p>A minimum 8m wide road reserve is provided where on street parking is proposed.</p>
<p><u>Positive Covenant and Community Management Statement</u></p> <p>A positive covenant must be placed on the community roadway (proposed Lot 1) of the property to allow Council access to collect waste. Wording for the covenant will be provided by Council.</p> <p>Council will provide clauses to be inserted into the Community Management Statement regarding access for waste collection vehicles.</p>	<p>As noted, conditions of consent will be provided form Council to impose any required easement or right of way.</p>
<p><u>Option Specific Waste Comments</u></p> <p>Option B – Cul-de-sac accessed from Warili Road.</p> <ul style="list-style-type: none">▪ A 19 metre diameter turning bowl will be required.▪ The width of the roadway does not meet waste services requirements – see notes above. Of concern is the proposal for on-street parking on a 6 metre wide road pavement and the electricity sub station contained within the road pavement.▪ The 5.5 metre wide section of road may be deemed permissible (6.0 metre minimum width required) but must be the minimum length achievable and be sign posted “No Stopping” on both sides.	<p>The waste comments have been resolved with the proposed private road design.</p> <p>Swept path diagrams have been provided in the Civil package at Appendix 11 to demonstrate that a waste collection vehicle can safely traverse the Site using the turning head provided.</p>



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<ul style="list-style-type: none">As the private roadway entrance is only 5.5 metres wide parking restrictions may be required on Warili Road on either side of, and directly opposite, the entrance to allow for the waste trucks enter and leave the property. Please provide swept path analysis to support the application.	
<p>Urban Design</p> <p><u>Subdivision Pattern</u></p> <p>The applicant has provided two options with similar subdivision patterns; however, the layout of the lots should come from a sensitive analysis of the site and its constraints and respond to those opportunities and constraints. The existing topography, views, trees, landscaping, context, neighbour's amenity etc. should be analysed and the proposed subdivision pattern result from the specific opportunities and constraints of the subject site.</p> <p>The site topography slopes from Blackbutt Road to Warili Road and there are district views to the south of the subject site. District view from neighbouring properties should also be considered in formulating any subdivision pattern. There are significant numbers of trees on the site, and it would be beneficial to optimise the retention of trees, protect the solar access and amenity of neighbours at his stage with a sensitive and well considered lot pattern. Any proposed subdivision pattern should clearly be the result of a sensitive response to the opportunities and constraints of the site and the protection of the amenity of neighbouring properties.</p>	<p>The proposed subdivision pattern has been designed with careful consideration of the Site constraints. The north-west orientation of the Site has informed the location of proposed allotments. The proposed cut and fill to create level dwelling pads is minimised where possible.</p>
<p>Environmental Health</p> <p><u>Contaminated Land</u></p> <p>Information on the level of contamination, if any, is unknown therefore the applicant will need to engage a suitably qualified consultant to undertake a Preliminary Site Investigation (Phase 1).</p> <p>The preliminary site investigation (PSI) report should:</p> <ul style="list-style-type: none">identify all past and present potentially contaminating activitiesidentify potential contamination typesdiscuss the site conditionprovide a preliminary assessment of site contaminationassess the need for further investigations. <p>If the PSI report indicates contamination onsite and further investigation is warranted, a DSI is to be undertaken.</p>	<p>A Preliminary Site Investigation (PSI) has been prepared in support of the Proposal and is provided at Appendix 3. The PSI has considered whether the land is contaminated and concludes that the potential for contamination occurring on the Site is low.</p> <p>A Detailed Site Investigation is provided at Appendix 5 which confirms that the Site is suitable in its current state for the proposed residential development.</p>



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<p><u>Industrial (Noise/Air pollution)</u></p> <p>Demolition, excavation and construction Plan of Management addressing types of noise sources potential impact on neighbour residents and control measures.</p>	<p>All demolition, excavation and construction on the Site will be carried out in accordance with conditional requirements of any consent issued and in accordance with the relevant Australian Standards. Appropriate measures will be undertaken to mitigate potential impacts from the development including dust, noise, odours, traffic impact and erosion.</p>
<p>Riparian and Water Management</p> <p>The applicant must address the aims, objectives and controls of the following environmental planning instruments, policies and guidelines.</p> <ul style="list-style-type: none"> ▪ State Environmental Planning Policy (Resilience and Hazards) 2021; ▪ Relevant LEP and DCP clauses; and ▪ Northern Beaches Water Management for Development Policy <p>This policy aims to protect and improve the health of the Northern Beaches waterways through the appropriate planning, design and operation of stormwater treatments measures for urban development.</p> <p>The outcomes Council seeks include: The integration of water sensitive urban design measures in new developments to address stormwater and floodplain management issues Improvement of the quality of stormwater discharged from urban development Stormwater flows that mimic natural flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle Preservation, restoration and enhancement of riparian corridors as natural systems.</p> <p>The development application is to demonstrate compliance with Northern Beaches Water Management for Development Policy water quality requirements.</p> <p>The stormwater management plan and engineering drawings are to document a community-controlled arrangement to effectively serve a number of lots managed by community associations in perpetuity.</p>	<p>A Civil Engineering and Stormwater Report has been provided at Appendix 12. The stormwater quality assessment demonstrates that a specifically tailored treatment system will be required in order to meet the pollutant removal targets as defined in the Northern Beaches Council WSUD & MUSIC Modelling Guidelines.</p> <p>To comply with the objectives, set out in Northern Beaches Council WSUD & MUSIC Modelling Guidelines, the following water sensitive urban design (WSUD) devices are proposed.</p> <ul style="list-style-type: none"> • Rainwater re-use tanks on every residential lot; • Ocean Protect StormFilters installed within a dedicated water quality chamber; and • Ocean Protect OceanGuard filter baskets installed within the private drainage network.



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Auditing and maintenance of the facilities is undertaken in accordance with community bi laws.

To satisfy the water sensitive urban drainage requirements Council preference is the use of vegetated system like bio retention basins, vegetated swales, and wetlands.

The stormwater detention system (OSD) can be combined with the water quality system.

The sizing of the water quality system is to be supported by a water quality model (MUSIC or equivalent) and files (.sqz) to be included in the development application.

1.3 REQUIREMENTS FOR CONCURRENCE / OTHER APPROVALS

This Proposal does not require the concurrence of any authorities.



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PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The Site is identified as 49 Blackbutts Road and 21A Warili Road, Frenchs Forest containing the following land holdings:

TABLE 2. SITE IDENTIFICATION		
Site Address	Legal Description(s)	Land Area (approx.)
49 Blackbutts Road, Frenchs Forest	Lot 1809 DP 752038	10,013 sqm.
21A Warili Road, Frenchs Forest	Lot 1 DP 524038	

The Site is a rectangular shaped lot fronted by Blackbutts Road to the north, Warili Road to the south and is surrounded by low density residential housing to the east, south and west. The surrounding area is characterised by smaller residential lots with single detached dwellings. 21A Warili Road is a small access handle lot that provides access from Warili Road in the south.

The Site contains a private driveway which allows vehicular access from the Blackbutts Road to the north and Warili Road to the south.

The Site in its existing state is occupied by multiple one and two storey buildings and established trees and is located in the suburb of Frenchs Forest, within the Northern Beaches Local Government Area (LGA). The local context exhibits a low-density residential character, with surrounding development consisting primarily of detached dwelling houses, townhouses and villas. There are a number of public recreational areas, as well as shopping centres in close proximity to the Site. Across Blackbutts Road to the north is Frenchs Forest Showground and Lionel Watts Park. The Site is located within 700m of walking distance of Glenrose shopping centre. There is a bus stop located adjacent to the Site on Blackbutts Road for local buses.

The Site is not located on land identified as heritage conservation area or near and items of heritage significance. The land is not identified as being flood prone or bush fire prone.

It is noted that a DA for demolition of all structures is currently under consideration by Northern Beaches Council (DA2024/0081). DA/2024/0081 seeks to clear the Site of all existing structures to enable the proposed subdivision to be carried out on the Site.

Refer to **Figure 1** and **Figure 2** below.



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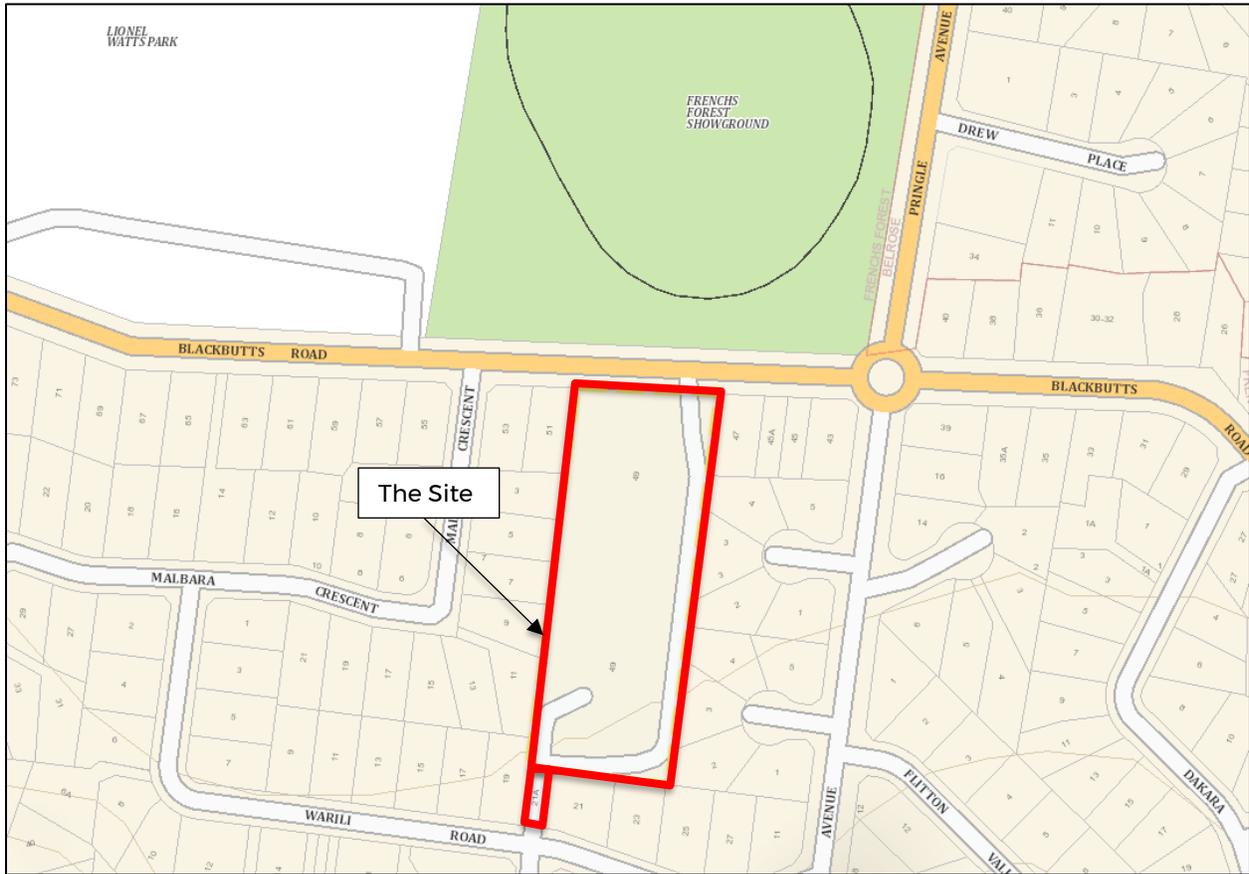


Figure 1. Cadastral Map (Source: SIX Maps, 2023)



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Figure 2. Aerial Map (Source: Near Map, 2023)

2.2 DEVELOPMENT HISTORY

Northern Beaches Council's online application tracker has been reviewed, however the only development consent application applicable to the Site relate to tree removal, references DA2012/0727 and DA2013/0721.

A DA for demolition of all structures is currently under consideration by Northern Beaches Council (Ref: DA2024/0081)



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PART C PROPOSED DEVELOPMENT

3.1 DEVELOPMENT OVERVIEW

The Proposal seeks consent for the community title subdivision of the Site into 13 allotments. The subdivision includes 1 community allotment that includes a new road and stormwater drainage infrastructure, and 12 residential allotments.

3.2 DEVELOPMENT STATISTICS

The Proposal includes the following scope of works:

- Subdivision of the Site into 13 allotments, including:
 - 1 community allotment that includes a new road and stormwater drainage infrastructure
 - 12 residential allotments
- Construction of a new road with five (5) visitor car parking spaces, including new kerb and gutter,
- Associated landscaping
- Removal of 98 trees (including 56 exempt trees)
- Relocation of an existing Ausgrid kiosk substation

The Proposal includes those works as identified in **TABLE 3** below.

TABLE 3. DEVELOPMENT PARTICULARS	
Component	Proposed
Site Area	10,013 sqm.
Number of lots	12, consisting of 12 residential allotments and 1 community allotment
Primary Land Use	Residential
Developable area	10,013 sqm.
Minimum Lot Size	606sqm (Lot 12)
Maximum Lot Size	2,599sqm (Lot 1) 681sqm (Lot 5)
Subdivision	Community title subdivision
Earthworks	Earthworks are proposed as shown on the Cut and Fill Plan provided in Appendix 11 . Proposed cut is 1,755cbm and proposed fill is 3,200cbm, with the balance of fill being 1,425cbm.
Roads / Driveways	Internal road
Infrastructure and Servicing	All essential services, utilities and public infrastructure are already available to the Site and are capable of servicing the Proposal.
Tree Removal	16 trees to be removed 25 trees to be retained
Estimated Development Cost	\$1,538,275 (see Appendix 8)



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3.2.1 Subdivision

The Proposal seeks to subdivide the Site in the following manner:

- 1 community allotment with an area of 2,599sqm that includes a new road and stormwater drainage infrastructure
- 12 residential allotments ranging in size from 606sqm to 681sqm.

The Draft Plan of Subdivision depicting the stages of the subdivision is reproduced in **Figure 3** below.

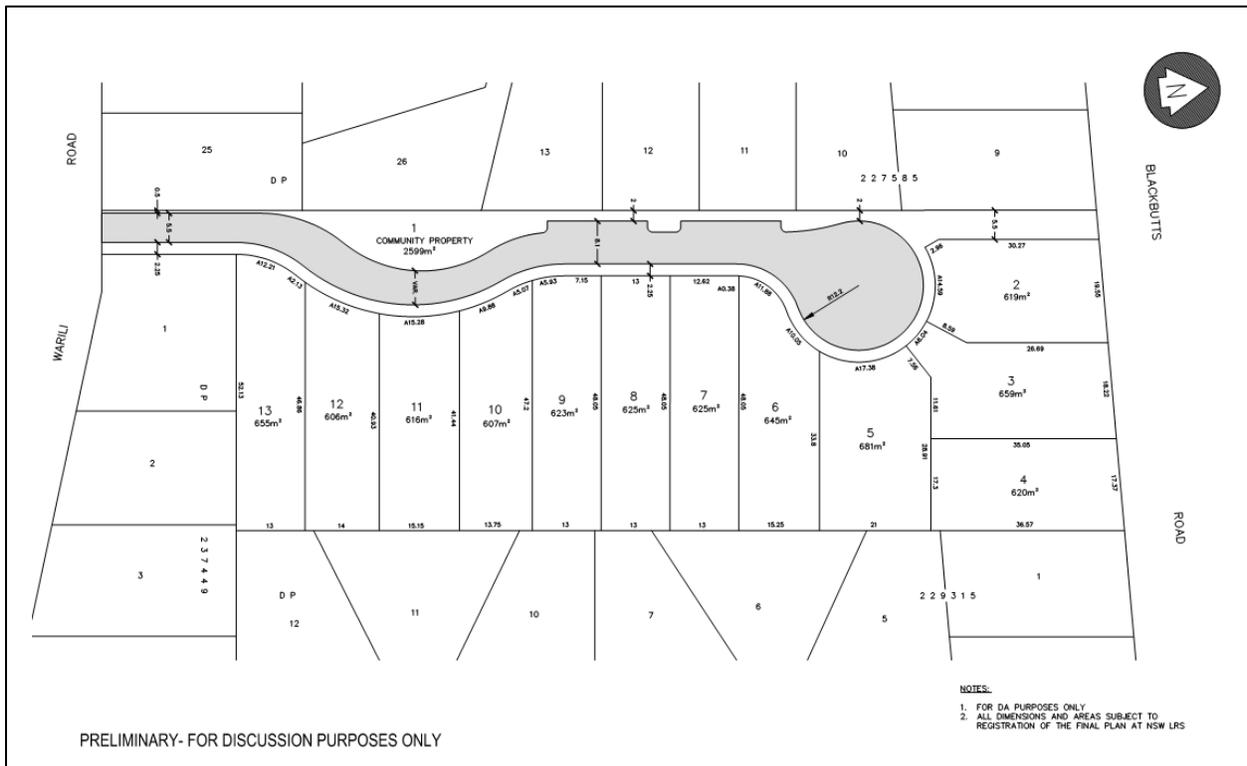


Figure 3. Proposed Plan of Subdivision (Source: YSCO Geomatics, 2024)

A Building Envelope Plan has been provided at **Appendix 16** and is reproduced in **Figure 4** below.



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Figure 4. Building Envelope Plan (Source: Sekisui House, 2024)

3.2.2 Tree removal

An Arboricultural Impact Assessment has been prepared in support of the Proposal and is provided at **Appendix 6**. The AIA identifies the following proposed tree removal to facilitate the subdivision:

- Removal of 56 exempt trees from the Site
- The proposed subdivision will require the removal of 16 trees that have not already been listed as exempt and consent has not already been sought for their removal as part of DA2024/0081. These trees are located within the footprint of the proposed building envelopes, driveways, private open space areas and new road.
- A total of 25 trees are proposed to be retained (including 10 on adjoining sites).

3.2.3 Civil works

The Proposal involves the following civil works as detailed in the Civil Package provided at **Appendix 11**).

- Construction of new private road with turning head.
- Construction of new footpath from Blackbutts Road through to Warili Road.
- Construction of on-site stormwater detention tank.
- Relocation of Ausgrid kiosk substation.
- Earthworks for proposed lots and community title road
- Construction of retaining walls throughout the Site.
- Construction and commissioning of essential utilities
- Implementation of erosion and sediment controls



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PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 CONTROLS AND POLICY OVERVIEW

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the Site in accordance with the EP&A Act.

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this DA.

Commonwealth Planning Context

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Local Planning Context

- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan 2011*
- *Northern Beaches Section 7.12 Contributions Plan 2022*
- *Housing and Productivity Contribution*

4.2 COMMONWEALTH PLANNING CONTEXT

4.2.1 Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “controlled action” and formal Commonwealth approval is required.

The Proposal does not warrant significant impacts on MNES, therefore no further consideration of the EPBC Act is required.



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4.3 STATE PLANNING CONTEXT

4.3.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the principal planning and development legislation in NSW.

4.3.1.1 Section 4.15(1) of the EP&A Act - Considerations

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 4** below.

TABLE 4. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	The WLEP 2011 is the relevant Environmental Planning Instrument (EPI) applying to the Site, which is assessed in Section 0 of this SEE.
Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	No draft EPIs are applicable to the Site.
Section 4.15(1)(a)(iii) any development control plan, and	The Warringah Development Control Plan 2011 (WDCP 2011) applies to the Site and is addressed in Section 4.4.2 of this SEE.
Section 4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	No planning agreement is proposed.
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The EP&A Regulation is addressed in Section 4.3.2 of this SEE.
Section 4.15(1)(b)-(c)	These matters are addressed in PART E of this SEE.

Pursuant to Section 4.5 of the EP&A Act, the consent authority for the proposed development is Northern Beaches Council.

4.3.1.2 Section 4.46 of EP&A Act - Integrated Development

Section 4.46 of the EP&A Act defines 'integrated development' as matters that require consent from the consent authority and one or more authorities under related legislation. In these circumstances, prior to granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development, pursuant to Clause 42 of the EP&A Regulation. The Proposal is not identified as nominated integrated development.



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4.3.2 Environmental Planning and Assessment Regulation 2021

The proposal has been prepared in accordance with the provisions of the EP&A Regulation. Division 1 of Part 3 of the EP&A Regulation stipulates how a DA must be “made”. This DA satisfies the relevant criteria of the Regulation as follows:

TABLE 5. HOW THE DA IS MADE	
Considerations	Response
Division 1 - Making development applications	
<i>Section 23 - Persons who may make development applications</i>	
(1) A development application may be made by— (a) the owner of the land to which the development application relates, or (b) another person, with the consent of the owner of the land.	This DA is made by Sekisui House on behalf of the Site owner. The owner of the land has provided consent in accordance with Clause 23(1) of the EP&A Regulation to allow for the DA to be made.
<i>Section 24 - Content of development applications</i>	
(1) A development application must— (a) be in the approved form, and (b) contain all the information and documents required by— (i) the approved form, and (ii) the Act or this Regulation, and (c) be submitted on the NSW planning portal.	The DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner's consent, supporting documents including detailed plans and SEE. This DA is submitted via the NSW planning portal.
<i>Section 25 - Information about concurrence or approvals</i>	
A development application must contain the following information— (a) a list of the authorities — (i) from which concurrence must be obtained before the development may lawfully be carried out, and (ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41, (b) a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.	The Proposal does not require any concurrence.



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4.3.3 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greater well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation). Under Section 7.7 of the BC Act, a DA for Part 4 activity is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species.

A Flora and Fauna Assessment (FFA) has been carried out by Ecological Consultants Australia in support of the Proposal and is provided at **Appendix 9**. The FFA includes an assessment of the Proposal against the Biodiversity Offsets Scheme (BOS) under the BC Act, and confirms that the BOS is not triggered, given:

- The proposed development does not trigger the area clearing threshold.
- The proposed development does not require the clearing of native vegetation or other biodiversity impacts prescribed by clause 6.1 of the Biodiversity Regulation 2017 on land identified on the Biodiversity Values (BV) Map and therefore, the BV Map threshold is not triggered.

The FFA assesses the potential impacts of the proposed development, including direct and indirect impacts on threatened species, populations, ecological communities and their habitats, according to Section 5A of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act). The FFA makes the following conclusions:

- An assessment of the Biodiversity Offsets Scheme (BOS) threshold triggers was undertaken and found that the proposal does not trigger the area clearing or Biodiversity Values Map threshold. The proposal will see approximately 0.2 ha (overestimate based on full canopy cover and areas between) of vegetation cleared which is under the 0.25 ha threshold for entry into the BOS.
- The site contains no mapped plant community type (PCT). The closest PCT to the subject site is Sydney Coastal Shale-Sandstone Forest (PCT 3259) located on the northern side of Blackbutts Road. PCT 3259 has an associated TEC - Duffys Forest Ecological Community in the Sydney Basin Bioregion (Bionet vegetation classification database).
- No threatened flora or fauna have been previously recorded on-site (Bionet 2024). Records for the local area include the Grey-headed flying-fox, Large and little bent-winged bat, Powerful owl, Swift parrot, White-bellied sea-eagle, Red-crowned toadlet, Caley's grevillea, Bynoe's wattle, Magenta lilly pilly, etc. (see Section 5 of this report). None of the above threatened species were observed or recorded on-site during the survey.
- On-ground findings are that native canopy is present including locally native species, Spotted Gums (young), Iron Bark. Native trees are in a cluster and on the road reserve. Most of the site is disturbed exotic plantings. Jacaranda and similar.
- 88 native trees are proposed for removal including a mix of locally native and planted species. Locally native species including *Corymbia gummifera*, *Corymbia maculata*, *Eucalyptus saligna*, *Eucalyptus resinifera*, *Eucalyptus microcorys*, *Angophora costata*. Possibly planted native or



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possibly self-sown remnant of community including *Acacia decurrens*, *Callicoma serratifolia*, *Cyathea australis* and *Glochidion ferdinandi*. A further 45 exotic tree and shrub species are proposed for removal. A grouping of 18 trees is also proposed for removal (no species are listed in the Arborist report).

- No native midstory will be removed.

Subject to the adoption of appropriate management actions as recommended in the FFA, the Proposal is considered to be satisfactory having regard to the provisions of the BC Act.

4.3.4 State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) contains planning provisions relating to remediation of contaminated land and to minimise the risk of harm.

Chapter 4 - Remediation of land

Under the provisions of Chapter 4 of the Resilience and Hazards SEPP, where a DA is made concerning land that is contaminated, the consent authority must not grant consent unless (as stipulated by Clause 4.6 of the SEPP):

- it has considered whether the land is contaminated, and*
- 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*
- 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.*

A Preliminary Site Investigation (PSI) has been carried out by Geotechnique Pty Ltd in support of the Proposal and are provided at **Appendix 4**. The PSI confirms that, the Site has limited potential for contamination due to past and present activities on the Site. The PSI recommends that further sampling and testing is required to address the potential contaminants on the Site.

A Detailed Site Investigation (DSI) has been prepared in support of the Proposal and is provided at **Appendix 5**. The objective of the DSI was to supplement the PSI with appropriate soil sampling and testing, to ascertain whether the site is likely to present a risk of harm to human health and/or the environment, and to determine the suitability of the Site for the proposed residential subdivision.

The findings of this DSI are summarised as follows:

- The general soil profile comprised imported fill materials or topsoil overlying natural clayey soil. The boreholes did not reveal any visual evidence of asbestos or other indicators of significant contamination, such as staining, odours or significant foreign matter. One fibro-cement piece was found on the ground surface at sample location FCP1, which does not contain asbestos containing materials.



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- All the laboratory test results satisfied the criteria for stating that the analytes selected are either not present i.e., concentrations less than laboratory limits of reporting, or present in the sampled soil at concentrations that do not pose a risk of hazard to human health or the environment under a “residential with access to soil” form of development,

Based on this assessment covering sampling and testing of soil at ten limited borehole locations, the DSI considers that the Site is suitable for the proposed subdivision into residential allotments, subject to sampling and testing of soils beneath the buildings, loading dock and concrete handstand area at twelve additional sampling locations after demolition and removal of the Site features, to satisfy sampling requirement for a site area of 1.018 hectares (ha) as per NSW EPA (2022) Contaminated Land Guidelines - Sampling Design. If contamination is identified, appropriate remediation and validation will be required.

If any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos sheets/pieces/pipes, ash material, etc.) are encountered between the sampling locations during any stage of future earthworks/site preparation/demolitions, Unexpected Finds Management Protocol (Appendix C) should be implemented. In the event of contamination, detailed assessment, remediation and validation will be necessary.

Any materials to be excavated and removed from the site should be classified prior to disposal at an appropriately licensed landfill, or potential re-use at other sites, in accordance with:

- Waste Classification Guidelines Part 1: Classifying Waste (NSW EPA, 2014);
- NSW EPA resource recovery exemptions and orders under the Protection of the Environment Operations (Waste) Regulation 2014; or
- Protection of the Environment Operations Act 1997 (POEO Act), for Virgin Excavated Natural Material (VENM).

Any imported soil (fill) must be assessed by a qualified environmental consultant prior to importation, to ensure suitability for the proposed use. In addition, the imported fill must, not contain asbestos and ash, be free of unusual odour, not be discoloured and not be acid sulphate soil or potential acid sulphate soil. The imported fill should either be virgin excavated natural material (VENM) or excavated natural material ENM).

Given the above, the Proposal is acceptable subject to suitable conditions of consent, including implementing an unexpected finds protocol.

4.3.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) contains planning provisions relating to infrastructure in NSW.

Chapter 2 – Infrastructure

The Proposal involves development carried out within 5m of an exposed overhead electricity power line and pursuant to Clause 2.48, the consent authority must give written notice to the electricity supply authority for the area and take into consideration any response provided to that notice.



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4.3.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity SEPP) contains planning provisions relating to:

- planning rules and controls for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.
- the land use planning and assessment framework for koala habitat.

Chapter 2 Vegetation in non-rural areas

Chapter 2 of the Biodiversity SEPP relates to vegetation removal and applies to the Northern Beaches LGA. The Proposal involves the removal of a number of trees on the site that are declared under WDCP 2011 as requiring development consent for removal. An Arboricultural Impact Assessment has been prepared by The Tree Guardian and is provided at **Appendix 6**.

The matter of tree removal is discussed in more detail in **Section 5.9** of this report under the provisions of WDCP 2011.

4.4 LOCAL PLANNING CONTEXT

4.4.1 Warringah Local Environmental Plan 2011

The WLEP2011 is the primary Environmental Planning Instrument that applies to the Site. The relevant provisions of WLEP2011 as they relate to the Site are considered in the following subsections.

4.4.1.1 Zoning and Permissibility

Clause 2.6 of WLEP 2011 prescribes that land to which WLEP 2011 applies may be subdivided, but only with development consent. Therefore, the subdivision is permitted with consent on the Site.

The Site is located within the R2 Low Density Residential zone under WLEP2011 as shown in **Figure 5**.



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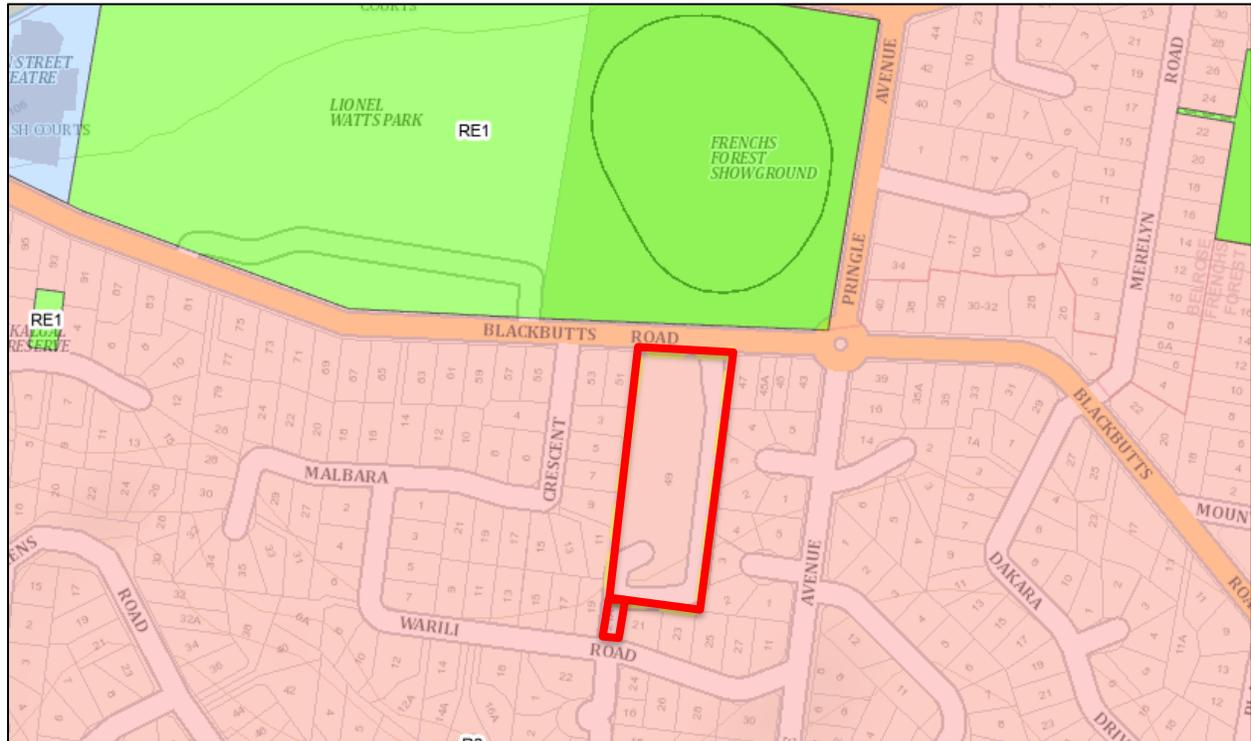


Figure 5. WLEP2011 Zoning Map (Source: NSW Legislation, 2024)

The objectives of the R2 zone include:

- 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.

Within the R2 zone, the following development is permitted with consent:

*Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals*

The proposed future use of the Site is for the purpose of low-density residential accommodation, specifically dwelling houses. Dwelling houses are permitted with consent in the R2 zone pursuant to WLEP2011. The Proposal is considered to be consistent with the objectives of the R2 zone.



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4.4.1.2 Key Controls

TABLE 6 outlines the developments consistency and compliance with the relevant key controls under WLEP2011.

TABLE 6. WLEP 2011 KEY CONTROLS	
Clause	Comment
Clause 4.1 – Minimum Lot Size	<p>The Site is subject to a minimum subdivision lot size development standard of 600sqm.</p> <p>All proposed allotments have an area that exceed 600sqm, with the minimum allotment being 606sqm in area. The Proposal therefore complies with this standard.</p>
Clause 4.3 – Height of Buildings	<p>The Site is subject to a maximum height of buildings development standard of 8.5m.</p> <p>The Proposal seeks subdivision of land only with no buildings proposed to be constructed. Therefore, no further consideration of Clause 4.3 is warranted.</p>
Clause 4.4 – Floor Space Ratio	<p>The Site is not subject to a maximum floor space ratio development standard.</p> <p>Notwithstanding, the Proposal seeks subdivision of land only with no buildings proposed to be constructed. Therefore, no further consideration of Clause 4.4 is warranted.</p>
Clause 4.6 – Exceptions to development standards	<p>The Proposal does not seek variation to any development standards.</p>
Clause 5.10 – Heritage	<p>The Site is not located on land identified an item of environmental heritage or located within a heritage conservation area. Therefore, no further consideration of Clause 5.10 is warranted.</p>
Clause 5.21 – Flood Planning	<p>The Site is not identified as flood prone land.</p>
Clause 6.1 – Acid sulfate soils	<p>The Site is not identified as being affected by acid sulfate soils.</p>
Clause 6.3 – Earthworks	<p>The Proposal includes earthworks as described in the Civil Engineering and Stormwater Report provided in Appendix 12. Clause 6.3(3) prescribes that before granting development consent for earthworks, the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> (a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i> (b) <i>the effect of the proposed development on the likely future use or redevelopment of the land,</i> (c) <i>the quality of the fill or the soil to be excavated, or both;</i>



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	<p>(d) <i>the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p>(e) <i>the source of any fill material and the destination of any excavated material,</i></p> <p>(f) <i>the likelihood of disturbing relics,</i></p> <p>(g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p> <p>The Civil Engineering and Stormwater Report and Geotechnical Report satisfactorily address the above matters.</p>
Clause 6.4 - Development on sloping land	<p>The Site is identified as predominantly within risk 'Class A' with the eastern and western edges for the southern half classified as 'Class B' on the Landslide Risk Map.</p> <p>Clause 6.4(3) prescribes that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) <i>the application for development has been assessed for the risk associated with landslides in relation to both property and life, and</i></p> <p>(b) <i>the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and</i></p> <p>(c) <i>the development will not impact on or affect the existing subsurface flow conditions.</i></p> <p>A Geotechnical Report includes a landslip risk assessment that considers the matters raised in Clause 6.4(3) and concludes that the Proposal is considered suitable for the Site provided the recommendations of the report and sensible engineering design and construction are implemented.</p>



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4.4.2 Warringah Development Control Plan 2011

WDCP 2011 provides detailed planning and design guidelines to support the planning controls of the WLEP 2011. An assessment of the Proposal against the relevant sections of the WDCP 2011 is provided below.

TABLE 7. WDCP 2011 KEY CONTROLS	
Clause	Comment
Part B – Built Form Controls	
B1 Wall height	An Indicative Building Envelope Plan has been prepared in support of the Proposal and is provided at Appendix 16 . The Building Envelope Plans provide a potential building envelope to demonstrate that the proposed allotments are of a size and configuration that would allow a potential dwelling house to be constructed on the allotments that is capable of complying with Council's built form controls for dwelling houses. The Plan is indicative only and any built for is subject to separate development consent.
B3 Side Boundary envelope	
B5 Side setback	
B6 Front setback	
B9 Rear Setback	
Part C – Siting Factors	
<p>C1 Subdivision</p> <p>Proposed new allotments:</p> <p>a) <i>Minimum width: 13 metres</i></p> <p>b) <i>Minimum depth: 27 metres; and</i></p> <p>c) <i>Minimum building area: 150sqm</i></p>	<p>The Plan of Subdivision prepared for the Proposal (see Appendix 17) provides 12 residential allotments that all demonstrate compliance with the minimum subdivision requirements.</p> <p>A publicly accessible footpath link between Warila Road and Blackbutts Road with a minimum width of 1.5m is provided to cater for safe pedestrian access within and through the subdivision and to and from Lionel Watts Reserve and other community facilities.</p>
<p>C2 Traffic, Access, and Safety</p> <ol style="list-style-type: none"> <i>Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.</i> <i>Vehicle access is to be obtained from minor streets and lanes where available and practical.</i> <i>Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL315.</i> <i>Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.</i> 	<p>The Traffic Impact Assessment provided at Appendix 10 confirms compliance with Council's engineering specifications.</p> <p>Vehicular access to the Site is obtained from Warili Road rather than Blackbutts Road, with the exception of Lot 4. Accordingly, the Proposal results in no net change to the numbers of vehicular crossings over the major road (Blackbutts Road).</p>



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<p>C3 Parking Facilities</p> <p><i>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.</i></p> <p><i>Carparking is to be provided in accordance with Appendix 1</i></p>	<p>The Building Envelope Plans illustrate each potential future dwelling being proposed with a garage that faces the street and has an area of 36sqm, being 6m x 6m and can accommodate 2 cars, therefore complying with Council's parking controls.</p>
<p>C4 Stormwater</p> <p><i>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.</i></p> <p><i>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy</i></p>	<p>Appropriate stormwater infrastructure forms part of the Proposal to appropriately manage stormwater drainage. The stormwater strategy has been developed in accordance with WDCP 2011 and Northern Beaches Council Engineering Guidelines (see Appendix 12).</p>
<p>Part D – Design</p>	
<p>D1 Landscape Open Space (LOS)</p> <p>40%</p>	<p>The Indicative Building Envelope Plans demonstrate that each allotment can achieve 40% of the lot area as LOS.</p>
<p>D2 Private Open Space</p> <p><i>1 or 2 bed dwelling – 35sqm min dimension 3m</i></p>	<p>The Indicative Building Envelope Plans demonstrate that each allotment can achieve 35sqm of POS with minimum dimensions of 3m within the rear setback area.</p>
<p>D3 Noise</p> <p><i>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.</i></p> <p><i>Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.</i></p>	<p>The location of bedrooms and other noise sensitive rooms is subject to detailed design for each dwelling. Subsequent development consent for individual dwellings will be required to ensure compliance with this clause.</p>
<p>D6 Access to Sunlight</p>	<p>The indicative Building Envelope Plans provide a potential building envelope to demonstrate that the orientation of the allotments can achieve solar access over the rear PPOS areas in the morning hours and the front of the allotments in the afternoon hours.</p>



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Part E - The Natural Environment	
<p>E1 Preservation of Trees or Bushland Vegetation</p> <p>6. <i>Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.</i></p> <p>7. <i>Where the applicant demonstrates that no reasonable alternative design exists and a <u>tree</u> must be removed, suitable compensatory <u>tree</u> planting is required. Details including proposed species and the location of replacement planting are to be provided.</i></p> <p>8. <i>Development must also avoid any impact on trees on public land.</i></p> <p>1. <i>Where trees proposed to be retained may be affected by the construction of new buildings and works of Classes 1 and 10, a <u>Tree</u> Protection Plan as per Appendix 12 is to be submitted.</i></p>	<p>The AIA details the necessary extent of tree removal on the Site. Tree removal is discussed in more detail in Section 5.9 of this SEE.</p> <p>The AIA contains a Tree Protection plan for all trees proposed to be retained.</p> <p>No trees on public land are affected as part of the Proposal.</p>
<p>E2 Prescribed Vegetation</p> <p>2. <i>Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.</i></p>	<p>The proposal retains a significant number of native trees. Native understorey vegetation and ground cover species are primarily absent.</p>
<p>E6 Retaining unique environmental features</p>	<p>No significant environmental features are present on-site i.e., caves, rock features, hollow-bearing trees, nests, burrows, etc.</p>
<p>E10 - Landslip Risk</p>	<p>The Geotechnical Report includes a landslip risk assessment that considers the matters prescribed in WDCP 2011 and concludes that the Proposal is considered suitable for the Site provided the recommendations of the report and sensible engineering design and construction are implemented.</p>



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4.5 DEVELOPMENT CONTRIBUTIONS

4.5.1 Northern Beaches Section 7.12 Contributions Plan 2022

Northern Beaches Section 7.12 Contributions Plan 2022 applies to the Site and prescribes a levy on new development at a rate of 1% of the EDC. The applicable contribution payable will be imposed as a condition of any consent granted.

4.5.2 Housing and Productivity Contribution

The Housing and Productivity Contribution applies to the Site under Part 7, Division 7.1 of the EP&A Act. The applicable contribution payable will be imposed as a condition of any consent granted.

4.6 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the Site.



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PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5 LIKELY IMPACTS OF THE DEVELOPMENT

5.1 CONTEXT AND SETTING

The Site is located in the R2 Low Density Residential zone and the Proposal includes Community title subdivision to enable future residential dwellings on the Site. The Proposal is appropriate to the context and setting of the Site and is consistent with the desired future character of the area. The Proposal involves the carrying out of civil works as required by the WDCP 2011 and will contribute to significant improvements to the public domain and the residential setting of the Site.

5.2 BUILT FORM

The Proposal relates to subdivision of the Site only and does not involve any proposed dwellings. An Indicative Building Envelope Plan is provided at **Appendix 16** for the purpose of demonstrating potential dwelling siting, it is generally considered that each lot will be capable of achieving compliance with the relevant built form controls as discussed in the WDCP 2011 assessment table provided in **Section 4.4.2** this SEE.

5.3 ACCESS, PARKING & TRAFFIC

A Traffic Impact Assessment has been prepared in support of the Proposal and is provided at **Appendix 10**. Access is provided to all lots from Warili Road via the new internal private road, with the exception of Lot 4 which has an independent driveway on Blackbutts Road.

The proposed road cross-sections include a carriageway width of 5.5m or 6m. There are five on-street parking spaces along the access road where an additional 2.1m parking lane is provided. A 1.5m wide footpath is provided on the eastern side of the road that connects with the footpath on Blackbutts Road to the north and terminates at Warili Road to the south. The proposed road and parking design is considered reasonable and complies with the requirements of WDCP 2011.

The TIA concludes that the scale of additional car trips in the network is no more than 10 vehicles per hour in the peak period, which is insignificant in terms of the general traffic variance of the network. This level of increase in traffic will not exceed the environmental capacity of the surrounding local residential streets (of 300 veh/hr) and the regional roads surrounding the site are expected to be able to cater for these volumes. It is recommended that traffic modelling is not required for such a small network increment.

Given the scale of the development, it is expected that there would be no impact on the public transport network and active transport network.

The TIA concludes that the development scale represents a small increase in traffic and the impacts of the Proposal are at a level able to be accommodated by the existing and planned infrastructure.



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5.4 STORMWATER MANAGEMENT

A Civil Engineering and Stormwater Management Report has been prepared in support of the Proposal and is provided at **Appendix 12**.

Appropriate stormwater infrastructure forms part of the Proposal to appropriately manage stormwater drainage. The stormwater strategy has been developed in accordance with WDCP 2011 and Northern Beaches Council Engineering Guidelines. The proposed strategy seeks to:

- a) Prevent damage by stormwater to the built and natural environment;
- b) Ensure that post development peak flows from the site do not exceed the existing pre-development peak flows for the 20%, 5% and 1% AEP storm events.
- c) Ensure that the piped post development peak flows generated from the site in the 20%, 5% and 1% AEP storm events do not exceed the pre-developed 20% AEP peak flows prior to discharging to the council drainage network.
- d) Minimise nuisance flows of stormwater from the site to adjoining properties;
- e) Provide a stormwater system which can be maintained economically;
- f) Control flooding and enable access to allotments, stabilise the landform and control erosion; and
- g) Reduce post development runoff pollutants to watercourses through the implementation of WSUD devices.

The proposed Stormwater Management Strategy utilises an underground On-Site Detention (OSD) tank to satisfy the Northern Beaches Council requirements for water quantity. This OSD tank attenuates the post development flows to the pre-developed state for the 20%, 5% and 1% AEP storm events. In order to ensure the piped flows discharging from the site do not exceed the pre-developed 20% AEP flows for all required storm events up to and including the 1% AEP, an orifice plate has been proposed on the last privately owned pit prior to discharge to the council drainage network (Pit A01/01). This allows the private drainage network servicing the development to surcharge safely prior to discharging into the council drainage system.

To satisfy Council's water quality requirements rainwater re-use tanks will be provided on every residential lot, a water quality chamber will be incorporated into the on-site detention tank, housing six (6) Ocean Protect StormFilters. In addition, it is proposed to install fourteen (14) stormwater filter baskets within the privately owned stormwater network. Refer to the Civil Package provided at **Appendix 11**.

The Report demonstrates that the stormwater drainage objectives as outlined in the Northern Beaches Council Guidelines are achieved.

The included stormwater quantity calculations demonstrate how peak flows from the proposed development site in post-development conditions are attenuated to no greater than the existing peak flows for all required design storms up to and including the 1% AEP event. Furthermore, the calculations demonstrate that the piped peak flow discharging to the council drainage network are attenuated to no greater than the 20% AEP existing peak flows for all required design storms up to and including the 1% AEP event.



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The stormwater quality assessment demonstrates that a specifically tailored treatment system will be required in order to meet the pollutant removal targets as defined in the Northern Beaches Council WSUD & MUSIC Modelling Guidelines.

Proposed horizontal and vertical road alignments will meet the requirements of Council's Engineering Standards and Austroads Guidelines.

5.5 CONTAMINATION

A Preliminary Site Investigation (PSI) has been prepared in support of the Proposal and is provided at **Appendix 4**. The PSI has considered whether the land is contaminated and concludes that the potential for contamination occurring on the Site is low. A Detailed Site has also been prepared and is provided at **Appendix 5**.

Subject to reappropriate conditions of consent, Council can be satisfied that appropriate investigations have been carried out and the Site is suitable in its current state for the proposed residential development.

5.6 BUILDING CODE OF AUSTRALIA

The proposal has been designed to achieve compliance with Building Code of Australia (BCA), subject to further consideration during design development.

5.7 CONSTRUCTION

All works on the Site will be carried out in accordance with conditional requirements of any consent issued. Appropriate measures will be undertaken to mitigate potential impacts from the development including dust, noise, odours, traffic impact and erosion.

5.8 WASTE MANAGEMENT

An Operational Waste Management Plan has been prepared for the Proposal and is provided at **Appendix 15**. The Plan details expected waste from the demolition of structure on the Site. Ongoing waste management will be addressed as part of any DA for the construction of dwellings on the Site.

5.9 TREE MANAGEMENT

An Arboricultural Impact Assessment was prepared in support of the Proposal and is provided at **Appendix 6**. A total of 149 trees were inspected as part of the preparation of the AIA.

The general health of the trees has been assessed as ranging from good to very poor with their structural condition assessed as ranging from good to poor. Individual assessment findings are detailed in Appendix C - Tree Assessment Schedule of the AIA. The following landscape significance and retention value findings were made:



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TABLE 8. TREE SIGNIFICANCE/RETENTION VALUE			
	High	Medium	Low
Tree Significance	4, 42, 55, 71, 83 & 119	1, 2, 3, 5, 7, 8, 9, 11, 12, 14, 16, 17, 19, 20, 22, 27, 31, 33, 36, 38, 39, 40, 41, 43, 44, 46, 47, 49, 51, 52, 54, 56, 57, 58, 59, 60, 65, 67, 75, 84, 86, 90, 91, 96, 98, 99, 103, 104, 105, 107, 108, 110, 111, 113, 114, 126, 127, 128, 131, 140, 141, 142, 145 & 147	6, 10, 13, 15, 18, 21, 23, 24, 25, 26, 28, 29, 30, 32, 34, 35, 37, 45, 48, 50, 53, 61, 62, 63, 64, 66, 68, 69, 70, 72, 73, 74, 76, 77, 78, 79, 80, 81, 82, 85, 87, 88, 89, 94, 95, 97, 100, 101, 102, 106, 109, 112, 115, 116, 117, 118, 120, 121, 122, 123, 124, 125, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139, 143, 144, 146, 148 & 149
Retention Value	4, 42, 55, 71, 83 & 119	1, 2, 3, 5, 7, 8, 9, 11, 12, 14, 16, 17, 19, 20, 22, 27, 31, 33, 36, 38, 39, 40, 41, 43, 44, 46, 47, 49, 51, 52, 54, 56, 57, 58, 59, 60, 65, 67, 75, 84, 86, 90, 91, 92, 93, 96, 98, 99, 103, 104, 105, 107, 110, 111, 113, 126, 127, 128, 131	6, 10, 13, 15, 18, 21, 23, 24, 25, 26, 28, 29, 30, 32, 34, 35, 37, 45, 48, 50, 53, 61, 62, 63, 64, 66, 68, 69, 70, 72, 73, 74, 76, 77, 78, 79, 80, 81, 82, 85, 87, 88, 89, 94, 95, 97, 100, 101, 102, 106, 108, 109, 112, 114, 115, 116, 117, 118, 120, 121, 122, 123, 124, 125, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139

It is noted that a DA for demolition of all structures is currently under consideration by Northern Beaches Council (DA2024/0081). DA/2024/0081 seeks to clear the Site of all existing structures to enable the proposed subdivision to be carried out on the Site.

An AIA has been submitted for the demolition DA, and within the AIA report a total of 58 trees were recommended for retention and 91 trees were recommended for removal. Out of the 91 trees recommended for removal, 55 were listed as exempt due to their size, species or location, 20 were within the demolition footprint, 8 were subject to a major encroachment and 8 were in poor overall health or condition.

As DA/2024/0081 has not yet been determined and to avoid any confusion, the AIA includes all trees within the site irrespective of its status or previous recommendation, tree identification numbering also remains consistent with previous reports.

The Proposal will require the removal of 42 trees that have not already been listed as exempt, which are located within the footprint of the proposed sub-division building envelopes, driveways, PPOS areas and new road. They have been identified as Tree's 17, 22, 25, 27, 30, 31, 34, 35, 36, 37, 38, 41 (grouping of 18, only remove trees within the footprint), 42, 43, 44, 45, 46, 52, 53, 54, 57, 59, 60, 64, 67, 71, 74, 75, 77, 79, 83, 85, 86, 88, 89, 91, 100, 101, 104, 105, 106 & 114.

Out of the above 42 listed trees that are within the footprint of the proposed subdivision, 24 of them have already been proposed for removal in a separate DA as a result of been within the demolition footprint. They have been identified as Tree's 62, 64, 83, 84, 85, 86, 88, 89, 91, 96, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 108, 110, 114 & 137.



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The following itemises the proposed subdivision works that will impact an individual tree identification number:

- New Road: 60, 64, 67, 77 & 79
- Lot 3: 17, 30, 31, 34, 35, 36, 37, 38, 42, 43, 44, 45 & 46
- Lot 3 PPOS: 22
- Lot 4: 25, 27 & 41
- Lot 5: 52, 53, 54 & 57
- Lot 6: 59, 89 & 91
- Lot 7: 71, 74, 75, 85, 86, 88, 100 & 101
- Lot 7 Driveway: 71, 74 & 75
- Lot 8: 83, 104, 105 & 106
- Lot 10: 114

Out of the 42 trees, 18 have been attributed with a 'Low' retention value, 21 with a 'Medium' retention value and 3 with a 'High' retention value.

5.9.1 Tree Removal

Trees 6, 26, 32, 33, 40, 51, 56, 58, 61, 62, 63, 65, 66, 68, 69, 70, 73, 76, 78, 80, 87, 90, 92, 93, 94, 95, 102, 107, 108, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138 & 139 are all listed as exempt trees which may be removed without Council consent.

Tree's 17, 22, 25, 27, 30, 31, 34, 35, 36, 37, 38, 41 (grouping of 18, only remove trees within the footprint), 42, 43, 44, 45, 46, 52, 53, 54, 57, 59, 60, 64, 67, 71, 74, 75, 77, 79, 83, 85, 86, 88, 89, 91, 100, 101, 104, 105, 106 & 114 are located within the demolition footprint and will require removal to facilitate the works.

Tree's 18, 19, 20, 23, 28, 29, 39, 47, 81, 84, 96, 99, 103, 137 are all subject to major TPZ encroachments that cannot be reduced to an acceptable level as per AS4970 and therefore are required to be removed.

Tree's 7, 15, 16, 72, 97, 98 & 121 are in a health or condition that warrants their removal based upon Arboricultural reasons.

5.9.2 Tree Retention

Trees 1, 2, 3, 4, 5, 8, 9, 11, 12, 13, 14, 18, 19, 20, 21, 24, 39, 47, 48, 49, 50, 55, 81, 82, 120, 140, 141, 142, 143, 144, 145, 146, 147, 148 & 149 are recommended for retention and are to be protected in accordance with the Australian Standards AS4970:2009 – Protection of Trees on Development Sites, Section 8.3 Site Specific Protection Measures & Appendix B: Tree Protection (Generic) of the AIA.

A Landscape Plan is provided at **Appendix 14** that provides for appropriate compensatory planting and provides a significant re-vegetation of the Site. The Landscape Plan illustrates a high quality landscaped setting for the public domain areas and individual lots.



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5.10 FLORA AND FAUNA

A Flora and Fauna Assessment (FFA) has been carried out by Ecological Consultants Australia in support of the Proposal and is provided at **Appendix 9**. The FFA includes an assessment of the Proposal against the Biodiversity Offsets Scheme (BOS) under the BC Act, and confirms that the BOS is not triggered, given:

- The proposed development does not trigger the area clearing threshold.
- The proposed development does not require the clearing of native vegetation or other biodiversity impacts prescribed by clause 6.1 of the Biodiversity Regulation 2017 on land identified on the Biodiversity Values (BV) Map and therefore, the BV Map threshold is not triggered.

The FFA assesses the potential impacts of the proposed development, including direct and indirect impacts on threatened species, populations, ecological communities and their habitats, according to Section 5A of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act).

Subject to the adoption of appropriate management actions as recommended in the FFA, the Proposal is considered to be satisfactory having regard to the provisions of the BC Act.

5.11 SOCIAL AND ECONOMIC IMPACTS

No foreseeable adverse social and economic impacts are to result from the proposed development. Rather the Proposal seeks to provide suitable land for additional housing on land that has been designated for housing, is generally underdeveloped and that is located amongst other approved housing. The Proposal will contribute immensely to meeting the housing targets within the wider Northern Beaches LGA.

5.12 SERVICES

All essential services, utilities and public infrastructure can be readily provided to the Site and are capable of servicing the Proposal.

6. SUITABILITY OF SITE FOR DEVELOPMENT

The Site is located within the R2 zone and is consistent with the zone objectives. The Proposal will facilitate the future use of the Site for additional housing which is consistent with the zoning of the Site and the surrounding context. The proximity of the Site within an established residential area and in proximity to arterial roads and public transport serves as being ideal for residential development.

Accordingly, the Site is suitable for the development and is consistent with the aims and objectives of the R2 zone in that it seeks to provide for the housing needs of the community within a low-density residential environment.

7. SUBMISSIONS

The Applicant is willing to address any submissions, should they be received by Council.



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8. THE PUBLIC INTEREST

The Proposal will have no adverse impact on the public interest. The development of the Site will be carried out for the purpose of providing additional housing that shall result in a positive impact for the Northern Beaches LGA.

PART F CONCLUSION

The purpose of this SEE has been to present the proposed community title subdivision of 49 Blackbutts Road and 21A Warili Road, Frenchs Forest and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act

The Proposal has been prepared after taking into consideration the following key issues:

- The development history of the Site;
- The context of the Site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and
- The pre-lodgement advice received from Northern Beaches Council.

The Proposal is considered to warrant a favourable determination for the following reasons:

- The Proposal generally complies with all relevant provisions of all relevant State Environmental Planning Policies, WLEP 2011 and WDCP 2011
- The Proposal is permissible in the R2 Low Density Residential zone and is consistent with the objectives for the zone;
- The Proposal will not result in any amenity impacts on the surrounding residential accommodation.
- The Proposal will contribute immensely to meeting the housing targets within the wider Northern Beaches LGA; and
- The Proposal is in the public interest.

The Proposal is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this SEE, the matters for consideration under Section 4.15(1) of the EP&A Act have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by Council.

