



STATEMENT OF ENVIRONMENTAL EFFECTS

Torrens Title Subdivision of two lots into six lots

Lot A and Lot B DP 393276

12-14 Gladys Avenue

Frenchs Forest

Statement of Environmental Effects
12-14 Gladys Avenue Frenchs Forest 2086

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1 Introduction

This Statement of Environmental Effects accompanies a development application for the subdivision of two lots into six lots on land identified as Lot A and Lot B DP 393276, 12-14 Gladys Avenue Frenchs Forest.

The primary topics addressed in this report are:

- Site description
- Details of the proposal;
- Summary and assessment against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (as amended).

This Statement of Environmental Effects confirms that the proposed development is suitable and appropriate in the context of the area and all relevant statutory and non statutory planning policies. As such it is considered that the proposal can be supported and approved by Council.

1.1 Site Description and Analysis

The subject land is identified as Lot BDP 883656, 12-14 Gladys Avenue Frenchs Forest. Located on site are two existing dwellings with swimming pools. Both sites are currently battle axe blocks and share an access handle off Gladys Avenue. The two lots are considered to be steep with a substantial drop off to the north of the site and some rock outcropping located on the site. Towards the rear of the site it is dense with grass, shrubs and vegetation and is currently unused land due to the large block sizes.

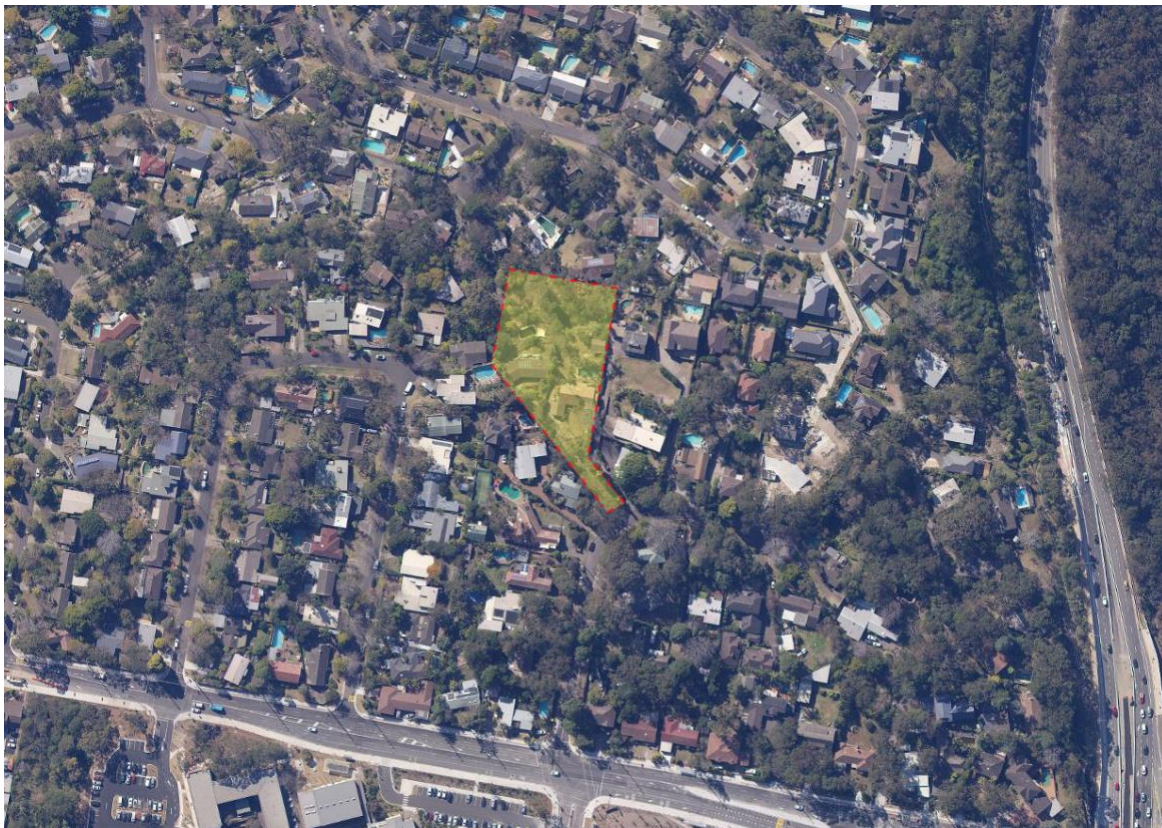


Figure 1: Aerial Image of Site & Surrounding Area

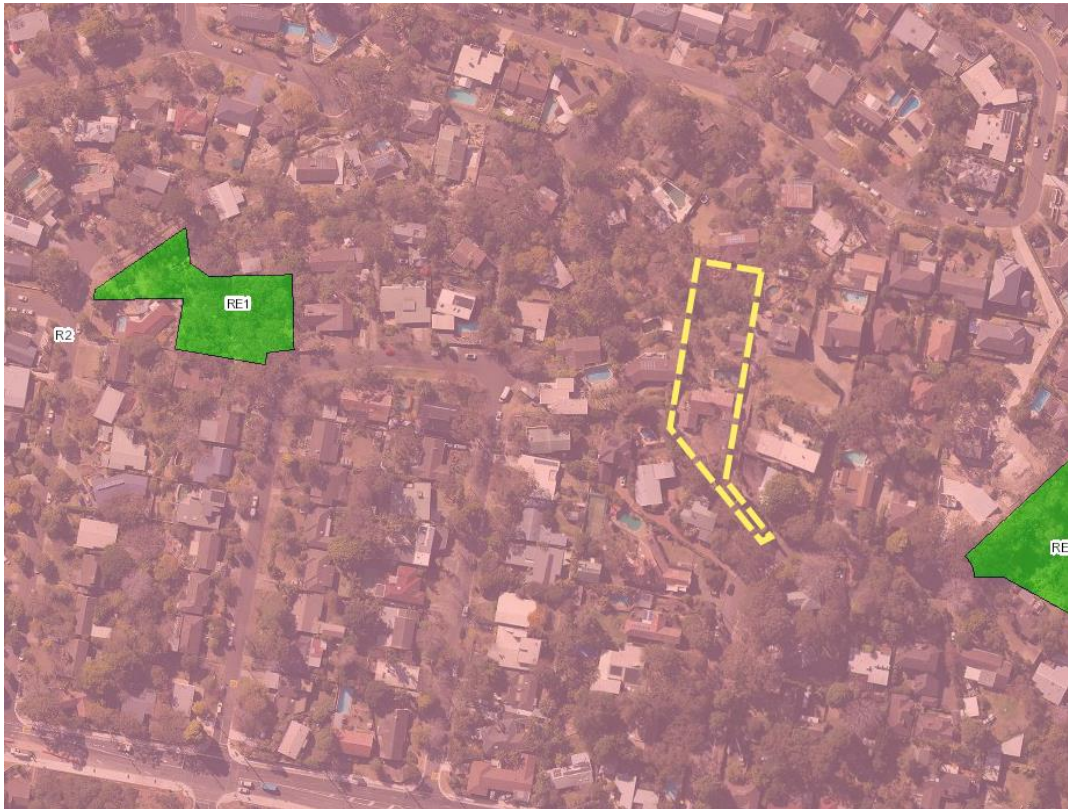


Figure 2: Zoning Map of the subject site and surrounds

1.2 Proposed Development

The proposed development involves the **subdivision of two lots into six lots.**

The proposed lot sizes are as follows:

Lot 1: 717.8sqm

Lot 2: 600sqm

Lot 3: 613sqm

Lot 4: 737.136sqm

Lot 5: 625.395sqm

Lot 6: 624.7sqm

The lots will gain access via a shared road/driveway that has been designed to provide safe access and egress to the site and ensure that each lot has sufficient access and egress in a forward direction. The access handle will provide additional carparking up the southern side for Lot 2, Lot 3 and Lot 6 to ensure that adequate off street parking is provided for each site.

The suggested building envelopes for the site show compliance with most numerical requirements of the DCP aside from a rear boundary non compliance which is addressed in this report. It is considered that the proposed subdivision provides a more usable outcome for the two existing sites

and will allow for more residential land supply that will not cause negative impacts on surrounding residents.

1.3 Approvals Sought

The application, which this Statement of Environmental Effects supports, seeks consent under section 4.15 of the Environmental Planning and Assessment Act, 1979 for the proposed development.

2 Planning Assessment

2.1 Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

(a) to encourage:

(ii) the promotion and co-ordination of the orderly and economic use and development of land.

This application is consistent with the objects of the Act as the proposed development enables the orderly and economic use of the land.

2.1.1 Integrated Development

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent by one or more approvals under another Act. **The subject proposal does not trigger integrated development as detailed under S.4.46 of the EP&A Act.**

2.1.2 Designated Development – Section 4.10

Schedule 3 of the Environmental Planning and Assessment Regulations 2000 prescribes development which, if of the relevant type and size, may be considered to be Designated Development. In this case it is our opinion that the development would not trigger any of the designated development provisions.

2.2 Section 4.15 Assessment

Section 4.15 of the EP&A Act outlines the matter for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

2.2.1 Environmental Planning Instruments - Section 4.15 (1)(a)(i)

2.2.1.1 State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 is a NSW-wide planning approach to the remediation of contaminated land. When considering a Development Application, the consent authority must observe the requirements of SEPP 55. The significant clause of SEPP 55 is clause 7, which is outlined below.

Clause 7 - Contamination and remediation to be considered in determining development application

Under Clause 7, 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.

In accordance with Clause 7 of SEPP 55, Council must consider whether the land is potentially contaminated. The land where the proposed development is located is in an existing residential area and shows no sign of previous contamination.

SEPP Infrastructure 2007

This policy sets out certain requirements to smooth the path of mainly large infrastructure projects. In this case the policy requires the consent authority to ensure infrastructure is adequate to accommodate the development proposal, which is held to be of the traffic-generating variety. As the development is for a 2 into 6 lot residential development subdivision, 104 (2) of the SEPP is not triggered in this instance.

2.2.1.2 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) is the applicable local planning instrument for the site.

Local Environmental Plan	
Matter	Relevant Control
Zoning	R2 – Low Density Residential
Zone Objectives	<p>The objectives of this residential zone are:</p> <ul style="list-style-type: none"> • 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.
Permitted without consent	Home-based care; Home occupations
Permitted with consent	Bed and breakfast accommodation; Boarding houses; 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
Prohibited	Any other development not specified in item 2 or 3
Height of Building	The site has an 8.5m height of building limit

Architectural Roof	Clause 5.6 allows Height of Building exceedance.
Floor Space Ratio	No Floor Space Ratio.
Minimum Lot Size	The site is located within the 600sqm minimum lot size area.
Heritage	Not of heritage significance.
Acid Sulphate Soils	Not identified as acid sulphate
Land Acquisition	Not identified for acquisition.
Mine Subsidence	Not identified as mine subsidence.
Bushfire	The site is not located within a bushfire area.
Flood Prone Land	Not identified as being flood prone land
Wetlands	Not identified as Wetlands.
Watercourses	No identified watercourses.
Landslip Risk Land	The site is mapped as being in Area A, Area B and Area C of the landslide risk land mapping. A geotechnical report accompanies the development.

2.2.1.3 Minimum Lot size

The site is located within the 600sqm minimum lot size area.

The proposed lots are shown on the Subdivision plan to have the following site areas.

Lot 1: 717.8sqm

Lot 2: 600sqm

Lot 3: 613sqm

Lot 4: 737.136sqm

Lot 5: 625.395sqm

Lot 6: 624.7sqm

In addition to the site areas of each block there is intended to be a right of way to provide access to the sites from Gladys Avenue. This right of way contains additional parking area for Lots 2, 3 and 6 to assist with off street parking for the sites.

The suggested building envelopes for the proposed sites comply with the minimum size requirements and are considered to be able to provide enough useable land to construct a suitable

dwelling on site through future development application. The subdivision of the lots will not create any new lot that is not able to be built upon.

It is considered that the proposed lots comply with the minim lot size requirements under the LEP.

Clause 5.10 Heritage conservation

Subclause (5) allows Council to require a heritage management plan to be prepared where a development is proposed on a site that is *within the vicinity of a heritage item*. The site is not listed as being a heritage item or in the vicinity of a heritage item.

2.2.2 Proposed Instruments - Section 4.15 (1)(a)(ii)

There are no proposed instruments that are or have been the subject of public consultation under the Act and that have been notified to Council that would have implications for this development application.

2.2.3 Warringah Development Control Plan 2011 - Section 4.15 (1)(a)(iii)

Warringah Development Control Plan 2011 (DCP) applies to the site and outlines specific development requirements for residential development. The provisions of the DCP must be considered in the assessment of the proposed development.

Development Control	Compliance
<p>Siting Factors- C1 Subdivision</p> <p>Requirements</p> <ol style="list-style-type: none"> 1. R2 Low Density Residential zone requirements: Proposed new allotments: <ol style="list-style-type: none"> a) Minimum width: 13 metres b) Minimum depth: 27 metres; and c) Minimum building area: 150m² 	The proposed lots comply with this control.
<p>Side Setback</p> <p>For all land in an R2 zone, the side setback requirements is 0.9m.</p>	All of the proposed lots provide a 0.9m side boundary for the proposed building areas.
<p>Front Boundary Setback</p> <p>For sites within an R2 Zone, the front boundary setback is 6.5m.</p>	As the sites do not have a street frontage compliance with this control is not necessary. Each lot is considered to provide a sufficient setback at the front of the site in accordance with similar subdivisions in the immediate area.
<p>Rear Boundary Setbacks</p> <p>For all sites within an R2 Zone, the rear boundary setback is 6m.</p>	See discussion below
<p>Part D- Design</p> <p>D1 Landscaped Open Space and Bushland Setting</p> <ol style="list-style-type: none"> 1. The required minimum area of landscaped open space is shown on DCP Map 	The site is shown to be located within the 40% area of the Landscaped Open Space and Bushland Setting map requiring a minimum of 40% landscaping area. The proposed subdivision provides building footprints that allow any future

<p>Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:</p> <ul style="list-style-type: none"> a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation; b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation; c) Landscaped open space must be at ground level (finished); and d) The minimum soil depth of land that can be included as landscaped open space is 1 metre. 	<p>development to comply with the required 40% landscaped area on each proposed lot.</p>
<p>D2 Private Open Space</p> <ol style="list-style-type: none"> 1. Residential development is to include private open space for each dwelling. 2. The minimum area and dimensions of private open space are as follows: dwelling house (including dual occupancy)- a total of 35sqm with minimum dimensions of 3m 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. 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. 5. Private open space shall not be located in the primary front building setback. 6. Private open space is to be located to maximise solar access. 	<p>Future development on each lot will be able to comply with the control providing sufficient private open space that is accessible from the living areas of the dwelling and will comply with the outcomes of the control.</p>
<p>D3 Noise</p> <ol style="list-style-type: none"> 1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the <i>NSW Industrial Noise Policy</i> at the receiving boundary of residential and other 	<p>The development will not result in any foreseeable noise impact on surrounding development.</p>

<p>noise sensitive land uses.</p> <ol style="list-style-type: none"> 2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise. 3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am. 4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages. 5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact. 	
<p>D7 Views Development shall provide for the reasonable sharing of views.</p>	<p>The future buildings can be designed to retain views from neighbouring properties of the bushland and valley.</p>
<p>D8 Privacy</p> <ol style="list-style-type: none"> 1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties. 2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking. 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. 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. 2. 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>The building layout has been designed to minimise any privacy impacts for the proposed future buildings and for the neighbouring properties. All future buildings can be designed to retain privacy for all surrounding properties in accordance with the development controls.</p>
<p>D10 Building Colours and Materials</p> <ol style="list-style-type: none"> 1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and 	<p>The future buildings will be designed to comply with this control.</p>

<p>materials and landscaping.</p> <ol style="list-style-type: none"> 2. The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend in to the natural landscape. 3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade. 	
<p>D11 Roofs</p> <ol style="list-style-type: none"> 1. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape. 2. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas. 3. Roofs shall incorporate eaves for shading. 4. Roofing materials should not cause excessive glare and reflection. 5. Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building. 	<p>The future buildings will be designed to comply with this control.</p>
<p>D13 Front Fences and Front Walls</p> <ol style="list-style-type: none"> 1. Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character. 2. Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence. 3. Fences located within the front building setback area are to complement the existing streetscape character. 4. Fences are to be constructed to allow casual surveillance, except where there is excessive noise. 5. Gates are not to encroach over the property boundary when opening or closing. 	<p>The proposed subdivision does not propose any fences. These will be erected once the future buildings have been built to ensure adequate site access is achievable.</p>
<p>D15 Side and Rear Fences</p> <ol style="list-style-type: none"> 1. Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary. 	<p><i>Noted</i></p>

<ol style="list-style-type: none"> 2. For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped. 3. All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted. 	
<p>D17 Tennis Courts</p> <ol style="list-style-type: none"> 1. Tennis courts are to be located behind the front building setback. 2. Where there are 2 frontages, the location of the tennis court is not to be in the primary street frontage. 3. Tennis courts are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback. 4. The height and location of court fencing is to enable: <ol style="list-style-type: none"> a) Sharing of views from surrounding residences; and b) Provision of sunlight to surrounding properties. 5. Fencing material is to be a dark colour. 6. Fences are to be setback a minimum of 1.5 metres from front, side and rear boundaries. 	<p>The development does not propose any Tennis Courts.</p>
<p>D20 Safety and Security</p> <ol style="list-style-type: none"> 1. Buildings are to overlook streets as well as public and communal places to allow casual surveillance. 2. Service areas and access ways are to be either secured or designed to allow casual surveillance. 3. There is to be adequate lighting of entrances and pedestrian areas. 4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety. <p>Entrances to buildings are to be from public streets wherever possible.</p>	<p>The future buildings will be designed to comply with this control.</p>
<p>E10 Landslip Risk</p> <ol style="list-style-type: none"> 1. The applicant must demonstrate that: <ul style="list-style-type: none"> • The proposed development is justified in terms of geotechnical stability; and • The proposed development will be carried out in accordance with good engineering practice. 	<p>A geotechnical report accompanies the development application which supports the future development of the site from a landslip risk perspective.</p>

2. Development must not cause detrimental impacts because of stormwater discharge from the land.
3. Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.

Landslip Risk Class C

- *Steeper slopes, generally near coastal areas and adjacent to creeks and major gullies.*
- *Slope angle >25 degrees*
- *Colluvial soils and bouldery talus, with detached blocks of sandstone on steep escarpment areas, developed on Hawkesbury Sandstone. Near vertical cliffs to approximately 50m high at Dee Why Head.*
- A geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer/ engineering geologist, must be submitted with the development application.
- Also, a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/ hydrological engineer, must be submitted with the development application.

2.2.4 DCP Discussion

2.2.4.1 B10 Merit assessment of rear boundary setbacks

The proposed development does not comply with the minimum rear setback requirement of 6m when measured from the building envelope on the site plan to the rear boundaries of each site. It is noted that the proposed lots have the following rear boundary setbacks:

Lot 1: 3m from dwelling to rear boundary at the closest point

Lot 2: 6.5m setback

Lot 3: 4.8m setback

Lot 4: 1.2m setback

Lot 5: 6m setback

Lot 6: 4m setback

It is noted that the Warringah DCP allows for variations to the rear setback control under B10 where the proposed development complies with the surrounding development as provided in the following:

Objectives

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

Requirements

1. Rear boundary setbacks will be determined on a merit basis and will have regard to:
 - streetscape;
 - amenity of surrounding properties; and
 - setbacks of neighbouring development

It is noted that the proposed subdivision is located in an area that is impacted by the topography of the area and as such a large number of surrounding dwellings to the south and east of the site are positioned on site with non complying rear boundary setbacks as shown in the picture below.



It is noted that the proposed building envelope of Lot 6 has a 4m setback to the rear boundary and that the dwelling located to the north of the site is located close to the rear boundary. Despite the non-compliance with the control the future building will have minimal impact on this dwelling to the north as the dwelling has been orientated to provide its private open space to the north western side of the site due to the topography of the lot to allow for a more level yard and entertaining area. As such the non-compliant rear setback will maintain amenity of the neighbouring property.

It is noted that all future developments on each lot will have the ability of being designed to minimise the impact to the surrounding dwellings.

It is considered that the proposed non-compliance to the rear setback provision should be allowed on merit assessment as the development achieves the outcomes of the control and complies with the requirements set out in B10.

2.2.5 The likely impacts of that development – Section 4.15(b)

2.2.5.1 Aboriginal Archaeology

The requirement for an Aboriginal Heritage Impact Assessment (AHIA) is based on Part 2 of the NPWS Guidelines for Aboriginal Heritage Impact Assessments. Part 2 states that an AHIA is generally not required where:

a) The proposed development is on land previously subject to intensive ground disturbance and the development will impact only on the area subject to the previous disturbance;

b) The impact of the proposed activity is unlikely to cause any additional damage to Aboriginal objects than that which has already occurred; and

c) The proposed development is in an area that has been identified in strategic planning, rezoning or other assessment studies as having low Aboriginal heritage potential.

Based on the abovementioned points it is noted that the proposed development is not likely to cause any damage to Aboriginal objects as the development is located within an existing residential area with existing site disturbances.

2.2.5.2 CONTEXT AND SETTING

The proposed development has demonstrated consistency of the surrounding locality through the environmental planning regulations and site features informing the overall development design. It has also shown to be consistent with the residential surroundings through its consistency with the existing residential development of the area.

2.2.5.3 VISUAL IMPACT

The future development will be designed in a way and style that complements the area and its close links with the environment.

2.2.5.4 ACCESS, TRANSPORT AND TRAFFIC

The proposed subdivision incorporates a 9m access handle with a 5.5m wide driveway to provide access to the proposed Lot 1, 4 and 5, and 5m wide driveway to provide access from proposed Lot 4 to Lot 2, 3 and 6. Located on the access handle are three individual parking spaces with one each for

lot 2, Lot 3, and Lot 6. The dedicated parking spaces are to ensure that adequate parking is provided for each lot off street. A road layout plan has been prepared for the site that provides sufficient turning areas to allow for safe access and egress to the site. It is considered that the proposed development will not impact the traffic to the area enough to warrant a traffic impact statement as only 4 additional lots will be provided for the site.

2.2.5.5 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain. The development contributions derived from this development in providing infrastructure and public domain improvements.

2.2.5.6 SERVICES

Electricity, telephone and physical, legal and emergency service access exists to the existing two dwellings development. The future lots will be able to be serviced in a similar way to the existing lots.

2.2.5.7 Stormwater

The proposed subdivision provides a onsite storm water detention under the turning area of the proposed access road. This proposed storm water detention basin is shown to be dispersing towards the north western side of the lot and will be piped to the main stormwater network via an easement over 29 Bluegum Crescent French Forest.

2.2.5.8 European Heritage

The site is not within a heritage area or close to any existing heritage items.

2.2.5.9 Flooding

The site is not located within a flood prone area.

2.2.5.10 Bushfire

The site is not located within a bushfire zone.

2.2.5.11 Ecology

An arborist report accompanies the development application. It is noted that the proposed development does not include the future buildings on lots 2, 3, 5, and 6 and a subsequent development application will be lodged for each lot for these buildings which will provide further assessment of the impact on the trees and vegetation on site.

2.2.5.12 Noise and Vibration

No potential noise or vibration impacts have been identified. Construction noise for the driveway will be as per normal construction times/processes.

2.2.5.13 Social and Economic Impact

The proposed development will provide four new residential lots that will provide for housing for the local area. As such the development will result in a positive social and economic impact for the area.

2.2.6 Suitability of the Site – Section 4.15(c)

The subject site is considered suitable for the proposed use as the area is surrounded by similar lots of a similar size. As such it is considered that the development is suitable for the site and the surrounding area.

2.2.7 The Public Interest – Section 4.15(e)

The proposed development is considered to be in the public interest.

3 Conclusion

This Statement of Environmental Effects comprehensively demonstrates that the proposed *subdivision of two lots into six lots including the construction of the access driveway* is an appropriate and suitable development when tested against the relevant heads of consideration detailed within the section 4.15(C) of the *Environmental Planning & Assessment Act, 1979*.

This report has identified all key issues associated with the proposal and demonstrated that the proposal can be developed appropriately with respect to these issues. The proposal is consistent with the zone objectives and other planning provisions and will make a positive contribution to the area.

The proposal is considered acceptable and should be approved because:

- The site is suitable for the proposal;
- The SoEE has identified all constraints associated with the land and demonstrated that the proposal can be undertaken whilst effectively minimising these constraints;
- The proposal will generate positive social and economic impacts;
- The proposal will generate only negligible environmental impacts; and
- The proposal is within the public interest.

The proposal has been assessed in accordance with S.4.15 of the EP&A Act 1979. This assessment has concluded under the current R2 Residential zone is a permissible land use.

Warringah Council's Development Control Plan has also been considered and proposal complies with the DCP in all respects of the controls.

This report has assessed environmental considerations of the proposal, including heritage, flooding, access, ecological considerations, waste management, stormwater runoff, Aboriginal archaeology and servicing, and has concluded that there are no likely adverse environmental impacts associated with the proposal and that infrastructure either is, or can be developed to support the proposal.