



statement of environmental effects



CONSTRUCTION OF TWO SEMI-DETACHED DWELLINGS AND SUBDIVISION OF ONE LOT INTO TWO

22 KARINGAL CRESCENT
FRENCHS FOREST NSW 2086

April 2025

Prepared by Rebecca Englund
B Arch Studies | M Plan | MPlA

Director | Northern Beaches Planning

Phone: 0472 65 74 74

Web: www.northernbeachesplanning.com.au

Email: rebecca@northernbeachesplanning.com.au



Disclaimer

This report has been prepared on the basis of information available at the date of publication. Whilst attempts have been made to ensure the accuracy of the information in this document, Northern Beaches Planning accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance on information in this publication or referenced in this publication. Reproduction of this report (or part thereof) is not permitted without prior permission from Northern Beaches Planning.

introduction

This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of MHDP Architects to accompany the lodgement of a development application for the construction of two semi-detached dwellings and the subdivision of one lot into two at 22 Karingal Crescent, Frenchs Forest (**site**).

This statement is informed and accompanied by the following documentation:

- Architectural Plans by MHDP Architects
- Detail and Boundary Survey by C&A Surveyors
- Draft Plan of Subdivision by MHDP Architects
- Stormwater Management Plans by Taylor Consulting
- Arboricultural Impact Assessment Report by Arborsaw
- Landscape Plans by Site Image
- BASIX Certificate by ESD Synergy
- Waste Management Plan
- Statement of Consistency by Northern Beaches Planning

site details

The site is legally identified as Lot 108A of Deposited Plan 36755, and is commonly referred to as 22 Karingal Crescent, Frenchs Forest. The site is irregular in shape, with a 16.185m wide frontage to Karingal Crescent to the south, a maximum depth of 31.10m and a total area of 571.4m².

A single storey dwelling house is currently located generally centrally on the site, with a detached single garage to the western side of the dwelling. Vehicular and pedestrian access is gained via the existing driveway to Karingal Crescent. The site adjoins a public walkway, which runs the length of the western side boundary.

The site experiences a slight fall from the front boundary down towards the rear, from a maximum RL of 154.52m AHD to a minimum RL of 152.74m AHD. The site contains 11 existing canopy trees, of which, two (2) are a protected species and nine (9) are exempt species. A significant Flooded Gum is located on Council land to the rear, north-western corner of the site.

Karingal Crescent is currently characterised by dwelling houses of varying architectural style, age and character. However, the northern/western side of Karingal Crescent (including the subject site) forms part of the Karingal Crescent Neighbourhood in the Frenchs Forest Town Centre, with a desired future character for high quality, low-rise medium density housing. A number of semi-detached dwellings have been approved in this locality but are yet to be constructed.

Aerial images of the site and its surrounds is provided in Figures 1 and 2 on the following page. Images of the site, the existing dwelling and the streetscape are also provided (Figure 3-6).



Figure 1 – Aerial image with site bordered in yellow
Source: Nearmap



Figure 2 – Aerial image (zoom) with site bordered in yellow
Source: Nearmap



Figure 3 – The site as seen from Karingal Crescent
Source: NBP



Figure 4 – The existing rear yard, as seen from the public pathway (western boundary)
Source: NBP



Figure 5 – The site as seen from the elevated Warringah Road public road reserve at the rear of the property
Source: NBP



Figure 6 – The subject site (left) and the dwelling at 20 Karingal Crescent (right) as seen from the public pathway
Source: NBP

proposed development

The application seeks consent for the construction of two semi-detached dwelling houses and the subdivision of the site into two lots, specifically:

- Demolition of existing site improvements,
- Tree removal,
- Torrens title subdivision of the site into two lots:
 - Proposed Lot 1 - No. 22 Karingal Crescent, with a lot size of 285.76m²
 - Proposed Lot 2 - No. 22A Karingal Crescent with a lot size of 285.64m²
- Construction of two semi-detached dwellings, one on each lot, each comprising:
 - Ground Floor: single garage and hard-stand parking space, multi-purpose room, bathroom, laundry, open plan kitchen/living/dining and rear verandah,
 - First Floor: master bedroom with ensuite, WIR and front balcony, three bedrooms, bathroom, WC, study and store.
- Landscaping, and
- Infrastructure.

legislation, plans and policies

The following relevant state and local policies are applicable to the proposed development:

- Environmental Planning and Assessment Act (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- Biodiversity Conservation Act 2016
- Biodiversity Conservation Regulation 2017
 - Biodiversity Values Map
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Warringah Local Environmental Plan 2014 (**WLEP 2011**):
 - Lot Size Map: 600m²
 - Land Zoning Map: R2 Low Density Residential
 - Floor Space Ratio Map: 0.9:1
 - Additional Permitted Uses Map: Area 25
 - Height of Buildings Map: 11m
 - Landslip Risk Land Map: Area A
 - Key Sites Map: Site H
- Warringah Development Control Plan 2011 (**WDCP 2011**)

environmental planning and assessment act

The matters prescribed by section 4.15(1) of the EP&A Act are considered, as follows:

Clause	Provision	Comment
(a)	<p><i>the provisions of—</i></p> <ul style="list-style-type: none"> <i>i. any environmental planning instrument, and</i> <i>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</i> <i>iii. any development control plan, and</i> <i>iv. 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</i> <i>v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> <p><i>that apply to the land to which the development application relates,</i></p>	The relevant provisions of WLEP 2011, all relevant SEPPs, and WDCP 2011 have been considered and addressed in this statement.
(b)	<i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The likely impacts of the proposed development have been addressed with respect to relevant plans and policies in this statement. The proposed development will not result in any unacceptable impacts upon the natural or built environment, or any social or economic impacts in the locality.
(c)	<i>the suitability of the site for the development,</i>	The subject site is suitable for the proposed development.
(d)	<i>any submissions made in accordance with this Act or the regulations,</i>	The application will be notified to all potentially affected properties, with any submissions received to be considered by Council.
(e)	<i>the public interest.</i>	The proposed development is in the public interest, in so far as it is consistent with the objectives and outcomes of WLEP 2011 and WDCP 2011.

state environmental planning policy (resilience and hazards)

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The site has been used for residential purposes for an extended period of time, with no known prior land uses. The site is not identified on the public register of contaminated sites and is not located in the vicinity of any. Council can be reasonably satisfied that there is no contamination risk.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

state environmental planning policy (biodiversity and conservation)

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposal necessitates the removal of nine trees from the site, including one protected tree (Tree 14) and eight exempt species (Trees 4, 8, 9, 10, 11, 12, 15 (2 trees) and 16), as identified in the accompanying Arboricultural Impact Assessment Report by Arborsaw.

It is noted that an additional tree, Tree 4, is approved for removal under permit TA2025/0026 and consent for the removal of this tree is not sought in as part of this development application.

The proposed tree removal is reasonable in consideration of the intensity of development anticipated on the site and the relevant built form controls. Furthermore, the impact is appropriately offset by compensatory plantings and a high-quality landscaped treatment, as demonstrated in the accompanying Landscape Plans by Site Image.

Parts of the site are shown purple on the Biodiversity Values Map and are identified as “threatened species or communities with potential for serious and irreversible impacts”. The application does not propose the removal of any native vegetation within these parts of the site.

As such, the proposed development is considered to be consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

state environmental planning policy (sustainable buildings)

The proposed works constitute 'BASIX affected development', as defined by the EP&A Regulation. The application is accompanied by a BASIX Certificate demonstrating that the proposed development can meet relevant performance criteria.

state environmental planning policy (transport and infrastructure)

Division 17 of Part 2.3 of this policy relates to roads and traffic, with section 2.120 requiring the consent authority to be satisfied that appropriate measures will be taken to ensure that certain noise levels are not exceeded within proposed residential accommodation where adjacent to busy roads.

Warringah Road is located to the north of the subject site, and triggers consideration of this clause. However, the site is separated from Warringah Road by a boundary fence, existing vegetation and a noise barrier, each of which assist in reducing noise levels at the subject site.

Further, Council can be satisfied that specific construction methods and materials can be utilised to ensure that noise levels are minimised within the dwelling, which is readily resolved prior to the issuance of a construction certificate. Noting recent approvals along Karingal Crescent, it is reasonably assumed that the prescribed criteria is readily achieved and does not restrict the development of the site for residential purposes.

The site is identified on the Land Application Map of WLEP 2011 and the provisions of this policy are applicable in relation to the site and the proposed development. The relevant provisions of WLEP 2011 are considered, as follows:

Clause	Standard	Proposal	Compliance
Clause 2.5 Additional permitted uses for particular land			Yes
Clause 2.6 Subdivision – consent requirements			Yes
Zone R2 Low Density Residential			Yes See discussion
4.1 Minimum subdivision lot size	600m ²	No. 22: 285.76m ² No. 22A: 285.64m ²	No See discussion
4.3 Height of buildings	11m	7.7m	Yes
4.4 Floor Space Ratio	0.9:1	No. 22: 0.73:1 No. 22A: 0.73:1	Yes
6.2 Earthworks			Yes
6.4 Development on sloping land	Area A		Yes See discussion
8.4 Development control plans			Yes
8.6 Minimum site areas – Sites G, H and I	450m ²	571.4m ²	Yes
8.7 Minimum street frontages – Sites G, H and I	15m	16.185m	Yes

Zone R2 Low Density Residential

The site is zoned R2 Low Density Residential under the provisions of WLEP 2011. Pursuant to the land use table in Part 2 of this instrument, semi-detached dwellings are prohibited.

However, the site is identified within Area 25 on the Additional Permitted Uses Map of WLEP 2011 and pursuant to clause 2.5 and Schedule 1 of WLEP 2011, development for the purpose of semi-detached dwellings is permitted with development consent despite anything to the contrary in the Land Use Table. As such, the proposed semi-detached dwellings are permissible with consent.

Clause 2.3 of WLEP 2011 requires the consent authority to have regard to the objectives of the zone. The objectives of the R2 zone are considered, as follows:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment: Whilst not anticipated in the Land Use Table, semi-detached dwellings are a form of housing that is permitted on the site. The two-storey form and scale of the proposed development is considered to appropriately respond to the low density residential environment of the area, such that the proposal cannot be said to be inconsistent with this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: Not applicable – the application relates to permitted residential development.

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

Comment: The resultant development appropriately responds to the landscaped character of the streetscape and provides a landscaped outcome that is commensurate with that of surrounding sites.

Clause 4.1 Minimum subdivision lot size

Clause 4.1 of WLEP 2011 prescribes that the size of any lot resulting from the subdivision of land is not to be less than the minimum lot size shown on the Lot Size Map of WLEP 2011. The minimum lot size shown on the Lot Size Map of WLEP 2011 in relation to the subject site is 600m². The application seeks consent to subdivide the site into two lots, resulting in two lots that are 285.76m² and 285.64m², inconsistent with the 600m² minimum lot size prescribed.

However, despite the provisions of clause 4.1 of WLEP 2011, development consent may be granted to the proposed subdivision under the Additional Permitted Uses provisions of clause 2.5 of WLEP 2011, which states -

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—

(a) with development consent, or

(b) if the Schedule so provides—without development consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

The site is identified within Area 25 on the Additional Permitted Uses Map of WLEP 2011. In accordance with clause 25 of Schedule 1 of WLEP 2011, the following development may be carried out at the site with development consent -

(3) The subdivision of land may result in a lot with a size of not less than 225 square metres if—

- (a) the development involving the subdivision is for the purposes of semi-detached dwellings or attached dwellings, and*
- (b) a single development application is submitted for the proposed subdivision and proposed land use.*

The proposed development seeks consent for both the subdivision of the land and the construction of semi-detached dwellings. The proposed lots have a resultant lot size of 285.76m² and 285.64m², being not less than 225m², and as such, the proposed subdivision is permissible with consent, despite non-compliance with the minimum lot size of clause 4.1 of WLEP 2011.

Clause 6.4 Development on Sloping Land

The site is identified within Area A on the Landslip Risk Map of WLEP 2011.

In accordance with the provisions of clause E10 (Landslip Risk) of WDCP 2011, a preliminary geotechnical assessment of the site is not required.

In accordance with the provisions of clause C4 (Stormwater) of WDCP 2011, the application is supported by Stormwater Management Plans by Taylor Consulting that demonstrate consistency with Council's Water Management for Development Policy.

As such, Council can be satisfied that the risk associated with landslides in relation to both property and life has been considered, that the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and that the development will not impact on or affect the existing subsurface flow conditions.

development control plan

WDCP 2011 is applicable to the site and the proposed development. The relevant provisions of WDCP 2011 are considered, as follows:

Clause	Control	Proposal	Compliance
C1 Subdivision	Proposed new allotments: a) Minimum width: 13 metres b) Minimum depth: 27 metres c) Minimum building area: 150m ²	As prescribed by clause G9(1.1) of WDCP 2011, the minimum requirements of this control do not apply to land in the Frenchs Forest Town Centre, including the subject site.	N/A
	Motor vehicle access to each residential allotment is required from a constructed and dedicated public road.		Yes
	All roads, rights of carriageway, drainage design and construction is to be in accordance with Council's policy requirements including; AUSPEC 1 - Council's Specification for Engineering Works, Development Engineering Minor Works Specification, On Site Stormwater Detention (OSD) Technical Specification and Council's Water Sensitive Urban Design Policy.		Yes
	Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system.	The sites fall away from the street and stormwater cannot be gravity fed to Karingal Crecent. Nonetheless, the proposed stormwater management solution is consistent with Council's Water Management for Development Policy, as stated in the certification from Taylor Consulting Engineers.	No

Clause	Control	Proposal	Compliance
C2 Traffic, Access and Safety	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-PL 315.		Yes
C4 Stormwater	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	The application is supported by Stormwater Management Plans by Taylor Consulting demonstrating consistency with Council's Water Management for Development Policy.	Yes
C7 Excavation and Landfill	Excavated and landfill areas shall be constructed to ensure the geological stability of the work.	Excavation has been minimised and is generally limited to footings.	Yes
C8 Demolition and Construction	All development must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	The application is supported by a Waste Management Plan.	Yes
C9 Waste Management	All development must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	The application is supported by a Waste Management Plan.	Yes
D2 Private Open Space	Residential development is to include private open space for each dwelling. 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.	Private open space is provided at the rear of each dwelling and comprises hard and soft landscaped treatments to maximise the usability and functionality of the space.	Yes

Clause	Control	Proposal	Compliance
D3 Noise	Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.	The application proposes air-conditioning to each dwelling. The air-conditioning units will not generate noise levels that result in adverse impacts upon the amenity of neighbouring properties or that exceed the maximum prescribed.	Yes
D6 Access to Sunlight	At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	The rear area of open space of each dwelling will receive in excess of 3 hours of sunlight in midwinter. The proposed development does not result in unreasonable overshadowing of areas of private open space of adjoining properties, with more than 3 hours of direct sunlight to be retained during midwinter.	Yes
D7 Views	Development shall provide for the reasonable sharing of views.	There are no known view corridors available across the site. As such, the proposed development is unlikely to result in any unreasonable impacts to views.	Yes
D8 Privacy	Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	The proposed development maintains privacy to adjoining properties, with privacy screens proposed, where required.	Yes
D9 Building Bulk	Orientate development to address the street. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	The proposed development is well articulated, with varied setbacks and materiality to ensure that the bulk and scale of the development is appropriately minimised.	Yes

Clause	Control	Proposal	Compliance
D10 Building Colours and Materials	The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.	The proposed development is to be finished in colours and materials that complement the locality.	Yes
D12 Glare and Reflection	Sunlight reflectivity should be minimised.	The proposed development will not result in excessive or unreasonable glare.	Yes
D14 Site Facilities	Site facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places.	Appropriate site facilities are proposed.	Yes
D20 Safety and Security	Buildings are to overlook streets as well as public and communal places to allow casual surveillance.	The proposed development has appropriate regard for the CPTED principles.	Yes
D22 Conservation of Energy and Water	All development must comply with Council's Water Management Policy.	The application is accompanied by certification from Talyor Consulting Engineers.	Yes
E1 Preservation of Trees or Bushland Vegetation		<p>The application seeks consent for the removal of one protected tree.</p> <p>The application is supported by an Arboricultural Impact Assessment Report by Arborsaw, which identifies the trees proposed for removal and includes recommendations for the safe retention of other trees within the vicinity of the works proposed.</p> <p>The application is also accompanied by a Landscape Plan by Site Image to demonstrate the enhancement of landscaping across the site, including the provision of four compensatory canopy trees.</p>	Yes

Clause	Control	Proposal	Compliance
E10 Landslip Risk	Area A	Proposed excavation is generally limited to that associated with footings.	Yes
G9 Frenchs Forest Town Centre			
G9: 5.3 Precinct 06 Karingal Crescent Neighbourhood	Front setback: 5m Existing mature trees are to be retained, where possible.	Front setback: 4m (min.)	No See discussion
	Side setback: 1m	1m (min.) to both sides	Yes
	Rear setback: 8m to Warringah Road	7.7m (min.) to external wall 5m (min.) to verandah	No See discussion
	Upper floor setbacks: Third storey to be setback 3m from the street wall.	The proposed development is limited to two storeys in height.	N/A
	All dwellings must have direct street frontage. Proposed lots must be of a size, and have dimensions to enable, the siting and construction of a dwelling that: <ul style="list-style-type: none"> • Addresses the street; • Minimises the impact on neighbours' amenity including access to sunlight, daylight, privacy and views; • Provides usable outdoor open space; and • Provides convenient pedestrian, bicycle, motor vehicle access and parking. 	Each of the dwellings has a direct street frontage to Karingal Crescent. The proposed lots are sized to enable the construction of dwelling houses with high levels of amenity, without compromising the amenity of neighbouring properties. The dwellings each comprise functional and practical areas of private open space, providing for both passive and active outdoor recreation. The layout and siting of the dwellings also provides convenient off-street parking for future residents.	Yes
	Landscaped area: 30% of site area. Development must retain and protect any significant trees on the site and adjoining sites. Any tree removal will require offset planting at a ratio of 2 to 1.	No. 22: 31% No. 22A: 30% An appropriate balance has been achieved between retention of existing trees and the incorporation of new trees and landscaping,	Yes

Clause	Control	Proposal	Compliance
	<p>Canopy trees with a minimum maturity height of 5m must be planted within the front setback.</p> <p>Canopy trees with a minimum maturity height of 8.5m must be planted within the rear setback.</p>	<p>with no significant trees to be removed.</p> <p>The accompanying Landscape Plans demonstrate new canopy trees in the front and rear yard of each lot, in addition to the retention of existing trees.</p>	
	<p>Private open space is located at the rear of the site and must not include the front setback.</p> <p>Principal private open space is located adjacent to a living room, dining room or kitchen.</p>	<p>Private open space is provided at the rear of each dwelling, with a verandah located immediately adjacent to the living area.</p>	Yes
	<p>External materials and finishes should appear to be natural, with subdued natural and dark coastal colours. Brighter colour accents are permitted.</p>	<p>The proposed development is to be finished in a variety of neutral colours and materials consistent with the coastal vernacular.</p>	Yes
	<p>Roof design is to complement the overall architectural intent of the building and not significantly impact on the streetscape.</p> <p>Roof forms shall be articulated and incorporate multi-planar elements to ensure a varied roofscape.</p>	<p>The proposed roof form forms a key component of the architectural expression of the development.</p>	Yes
	<p>Front fences and front walls are to be no greater than 1.2m in height.</p> <p>Hedges to a height of 1.2m may be provided as soft boundary edges.</p>	<p>Front fencing is limited to a maximum height of 1.2m.</p>	Yes
	<p>2 spaces (max.)</p> <p>Garages presenting to a street frontage shall not exceed 3.5m in width.</p> <p>Garages must be setback a minimum of 1.5m behind the building line.</p>	<p>2 spaces per dwelling in a tandem arrangement.</p> <p>Single garage door to each dwelling, limited to 2.7m in width.</p> <p>Garage door is setback 1.5m from the dominant façade.</p>	Yes

Clause	Control	Proposal	Compliance
G9: 8 Sustainability	Development is to reduce the need for active heating and cooling by incorporating passive design measures to ensure that development is resilient to climate change. This includes design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.	The application is supported by BASIX Certificates confirming that the proposed dwellings meet or exceed industry standards.	Yes
G9: 9 Water management	The stormwater drainage systems for all developments are to be designed, installed and maintained, as far as is practicable, so as to improve water quality and assist in maintaining stream flow, in accordance with Council's Water Management for Development Policy and Water Sensitive Urban Design & MUSIC Modelling Guidelines and Alluvium Frenchs Forest Planning Precinct Water Sensitive Urban Design Study Strategy (dated December 2019).	The application is supported by Stormwater Management Plans demonstrating consistency with Council's Water Management for Development Policy.	Yes
G9: 10 Waste management	All development must comply with the Northern Beaches Council Waste Management Guidelines.	The application is supported by a Waste Management Plan.	Yes

Subclause 5.3.3.2 of clause G9 (Frenchs Forest Town Centre) - Front setback

A 5m minimum setback is prescribed in relation to land within the Karingal Crescent Neighbourhood, including the subject site. The proposal is non-compliant with the minimum setback prescribed, with minor portions of the front façade that encroach within the front setback area, with a minimum setback of 4m.

The front setback non-compliance is attributable to the irregular shape of the front boundary, which is not a straight line and does not follow the curvature of the roadway. As such, despite the minor non-compliance, the resultant dwellings will appear to have the same setback from the roadway as other nearby dwellings, including those approved at No. 24, 26, 28, 38 and 46 Karingal Crescent.

Furthermore, the resultant development is not antipathetic with the relevant objectives of the front setback control, being those that seek to maintain the visual continuity and pattern of residential buildings in the streetscape and provide opportunities for deep soil landscaping.

Subclause 5.3.3.5 of clause G9 (Frenchs Forest Town Centre) - Rear setback

An 8m minimum rear setback is prescribed in relation to land within the Karingal Crescent Neighbourhood, including the subject site.

The north-eastern rear corner of the building marginally encroaches within the 8m minimum setback prescribed, with a 7.7m minimum setback proposed. However, this non-compliance is attributable to the irregular shape of the lot and rear boundary and is offset by a greater rear setback at the north-western rear corner of the building.

The proposed rear verandahs are also sited within the 8m minimum rear setback, with minimum setbacks ranging from 5.1m to 5.8m. However, despite non-compliance with the minimum setback prescribed, the proposed rear verandahs are reasonably supported on merit for the following reasons:

- The incorporation of verandahs within the rear setback is a permitted exemption in other residential zoned land throughout the locality, in circumstances where the verandahs cover less than 50% of the setback area.
- The verandahs are lightweight structures that do not attribute to excessive bulk and scale or detract from the dominant form of the development.
- The verandahs can reasonably be described as hard landscaped areas that positively contribute to the amenity of the rear areas of private open space.
- A suitable landscaped setback to Warringah Road is nonetheless achieved, with the retention of existing canopy trees complemented by new canopy trees and landscaping.
- The provision of verandahs enhances the amenity of the rear yards and provide functional and usable areas for outdoor recreation and entertainment, consistent with the provisions of clause D2 of WDCP 2011.
- The requirement for the entirety of the rear 8m of the properties to be solely dedicated to vegetation unreasonably limits the usability and functionality of the site, which although compliant, is comparably limited in size.
- The lots otherwise comply with the 30% landscaped area requirement of WDCP 2011.
- The proposed outcome has been endorsed on other recently approved developments along Karingal Crescent, including No's 24, 26, 28, 38 and 46.

Furthermore, the proposed development is consistent with the objectives of the building setbacks control, as follows:

- *To maintain the existing visual continuity and pattern of residential buildings' street setbacks, rear gardens and landscape elements in order to achieve the Desired Future Character and Character Statement for the precinct.*

Comment: The proposed verandahs form part of the landscaped treatment of the rear setback of the site. The lightweight structures are limited in size and scale and do not detract from the dominant form of the development, ensuring that a continuity of built form will be achieved along Karingal Crescent.

The incorporation of a verandahs within the rear setback promotes the use of the area for outdoor dining and recreation, and enhances the liveability of the proposed dwellings, consistent with the desired future character statement for the Frenchs Forest Town Centre. Furthermore, the verandahs do not prevent the provision of a landscaped setback to Warringah Road, with existing canopy trees to be complemented by proposed additional canopy trees and landscaping, providing a green outlook for future residents, consistent with the Character Statement for the Karingal Crescent Neighbourhood.

- *To ensure spatial separation between buildings in order to provide a reasonable level of privacy, amenity and solar access.*

Comment: The proposed encroachment within the rear setback does not impinge upon spatial separation between dwellings. The proposed verandahs are setback from the existing side boundaries, with side setbacks that far exceed the 1m minimum setbacks proposed.

- *To ensure opportunities for deep soil landscape areas are provided.*

Comment: Sufficient deep soil landscaped areas are provided, with in excess of 30% of the site comprising deep soil areas and a high-quality landscaped solution proposed.

- *To ensure that buildings are appropriately setback at upper levels to achieve a transition in building bulk and scale at street frontages and at interfaces to adjoining low density residential areas.*

Comment: Not applicable - The proposal is limited to two storeys in height and is of a scale that is compatible with that of the two storey dwelling houses on the opposite side of the street.

conclusion

The proposal is a well resolved and considered design solution, which has appropriate regard for the amenity of adjoining properties and the natural features of the site. The proposal is unlikely to result in any unreasonable impacts upon adjoining properties or the surrounding natural environment and appropriately reflects the desired character of the locality.

The proposal breaches the minimum subdivision lot size control development standard of clause 4.1 of WLEP 2011. However, this is anticipated with respect to the subject site and the wider Karingal Crescent Neighbourhood, as identified in the Additional Permitted Uses provisions of clause 2.5 and Schedule 1 of WLEP 2011.

The proposal also involves non-compliance with the front and rear boundary setback control of WDCP 2011. We ask that Council apply flexibility in this regard, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, as the objectives of the control are nonetheless achieved.

Overall, the proposed development will positively contribute to the Karingal Crescent Neighbourhood, and the application warrants Council's support in this regard.



Rebecca Englund

B Arch Studies | M Plan | MPIA

Director | Northern Beaches Planning