

# STATEMENT OF ENVIRONMENTAL EFFECTS PROPOSED DEVELOPMENT APPLICATION

FOR NEW DWELLING  
AT 28 STUART STREET COLLAROY

FEBRUARY 2024

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## 1.0 INTRODUCTION

Vigor Master Pty Ltd has been engaged by the property owner to prepare a Statement of Environmental Effects in relation to proposed dwelling house and secondary dwelling at No.28 Stuart Street (Lot 1 in DP1199598) Collaroy.

The proposed development involved the demolition of the existing house and construction of a new dwelling house with a granny flat and a triple garage.

This report addresses the nature of the proposed development and the characteristics of the site and surrounding area. It also provides an assessment of the proposed development under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report should be read in conjunction with the other reports and plans prepared to support the DA.

### 1.1 Background

The site is classified as being within R2 Low Density Residential area under Warringah Local Environmental Plan 2011 with the proposal being permissible with consent.

The site contains an existing dwelling with an outbuilding. The lot and DP were created in 2014 from the one to two lots subdivision.

### 1.2 Supporting Documentation

Accompanying this application is the following documentation:

- Site Analysis
- Survey Plan
- Architectural Plan
- Shadow Diagrams
- Geotechnical Report
- BASIX & NATHERS Certificates
- Landscape Plan
- Engineering Plan
- Waste Management Plan

## 2.0 THE SITE AND SURROUNDS

### 2.1 The Subject Site

The site has a legal description of lot 1 in DP1199598 and is located at No.28 Stuart Street. The site is rectangular in shape and has a frontage of 16.9 metres wide to Stuart Street with an area of 738.3m<sup>2</sup>. The site is the eastern lot of the 2 lots subdivision (DP1199598) undertaken in 2014.

The site currently contains a weatherboard single house and an outbuilding at the rear. It is surrounded by low to medium density residential development. Public reserve with native vegetation is located approximately 100 metres to the west and Collaroy beach is approximately 300 metres to the east.

The site incorporated a significant cross-fall, sloping from the southwest corner of the site towards the northeast corner with 15 metres different in levels. The site has been identified being located within Landslip Risk Area E. The land is subject to one easement and one restriction on the title.



Figure 1: Subject Site





Is the land identifies as being potentially affected by Acid Sulphate Soils?	No	No issue
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Where relevant, these issues have been addressed throughout the report

### 3.0 PROPOSED DEVELOPMENT

This application seeks consent for the demolition of the existing house and the construction of a new dwelling house with a granny flat and a triple garage.

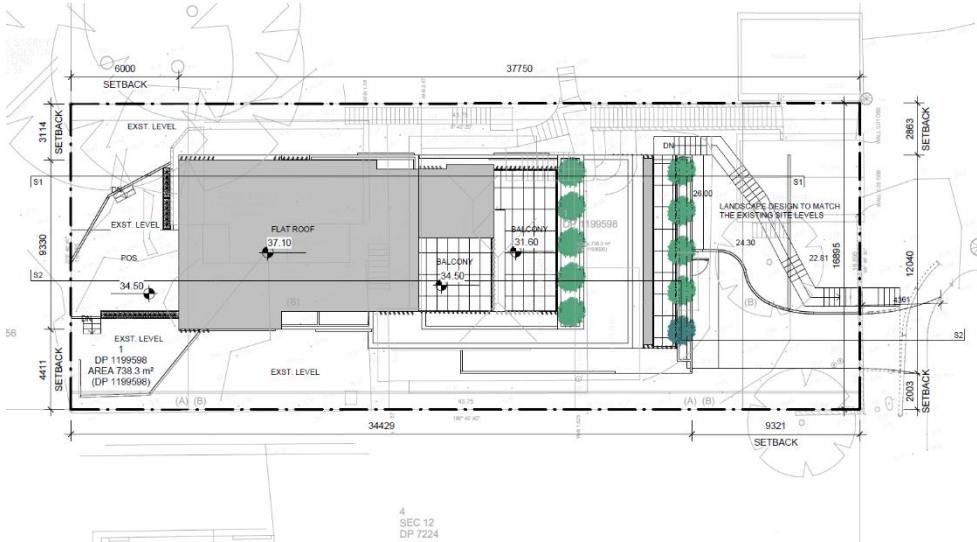


Figure 3: Site Plan

### 3.1 Previous applications and Pre-Lodgement Meeting

There are two previous development applications lodged for this site. The first DA was withdrawn, and the second DA was refused by the Council. After the refusal of the second DA, the applicant had two pre-lodgement meetings with the Council. The current design has been prepared to address the reasons for refusal of the previous application and the comments contained in the pre-lodgement meeting minutes.

### 3.2 Details of the Proposal

The proposal dwelling house has three storeys (with lift connecting all levels and the basement parking) with a granny flat on lower ground floor, a main dwelling on ground, first and second floors, and a basement triple garage.

The proposed building has 9.3m front setback, 6.0m rear setback and varies side setbacks to comply with side setback and side envelop requirements.

Pedestrian access and driveway are located within front setback area; 60m<sup>2</sup> private open space is located at the rear.

The following issues have been considered and will be assessed in detail.



- Land Slip Risk
- Easement
- Privacy, Solar Access and View Sharing
- Landscape
- Driveway Design
- Erosion and Sediment Control
- Waste Disposal
- Stormwater Disposal
- Utility Services
- External appearance and Sample Board

## 4.0 PLANNING CONTROLS

The proposed development has evolved from the requirements and guidelines of the current planning controls. The instruments that have guided the proposal include:

- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Housing) 2021
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

### 4.1 State Environmental Planning Policy 55 – Remediation of Land

A site inspection has been undertaken on the site and there is no potential contamination issue identified. It is concluded that the site would be suitable for construction of a dwelling house.

### 4.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been prepared and supported by an ABSA Assessor Certificate.

### 4.3 State Environmental Planning Policy (Infrastructure) 2007

The detailed designs in relation to the infrastructure will comply with the objectives and requirements contain in SEPP (Infrastructure) 2007.

### 4.4 State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) aims to enable the development of diverse housing types, including purpose-built rental housing.

The following Part of the Housing SEPP has been considered.

Chapter 3 Part 1 Secondary Dwellings		
Provision	Requirement	Consistence

<b>49 Definition</b>	The definition of secondary dwelling and the purposes of development.	Yes The proposal involves the erection of a secondary dwelling that is located within the principal dwelling.
<b>50 Application of Part</b>	On land in a residential zone and development of a dwelling house is permissible.	Yes The subject land is zoned R2 and development of a dwelling house is permissible under WLEP 2011.
<b>51 No Subdivision</b>	A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	Yes This application does not propose any subdivision of the existing allotment.
<b>52 Development may be carried out with consent</b>	(2)(a) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	Yes The proposal is for a principal dwelling and secondary dwelling on the land.
	(2)(b) A consent authority must not consent to development to which this Division applies unless: the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument.	Yes WLEP 2011 does not contain the requirement of maximum floor area.
	(2)(c) A consent authority must not consent to development to which this Division applies unless:	Yes The total area of the secondary dwelling is 59.2m <sup>2</sup> .

	(i) the total floor area of the secondary dwelling is no more than 60m <sup>2</sup> (ii) or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	
<b>53 Non-discretionary development standards – the Act, s4.15</b>	N/A	N/A
<b>Division 3 Complying development</b>	N/A	N/A

#### 4.5 Warringah Local Environmental Plan 2011

The LEP is the primary environmental planning instrument relating to the proposed development. The purpose of the LEP is as follows:

- a) to create a land use framework for controlling development in Warringah that allows detailed provisions to be made in any development control plan made by the Council,
- b) to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the sub-region,
- c) to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,
- d) in relation to residential development, to:
  - i. protect and enhance the residential use and amenity of existing residential environments, and
  - ii. promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and
  - iii. increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,
- e) in relation to non-residential development, to:
  - i. ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and
  - ii. maintain a diversity of employment, services, cultural and recreational facilities,
- f) in relation to environmental quality, to:
  - i. achieve development outcomes of quality urban design, and

- ii. encourage development that demonstrates efficient and sustainable use of energy and resources, and
- iii. achieve land use relationships that promote the efficient use of infrastructure, and
- iv. ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and
- v. protect, conserve and manage biodiversity and the natural environment, and
- vi. manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,
- g) in relation to environmental heritage, to recognise, protect and conserve items and areas of natural, indigenous and built heritage that contribute to the environmental and cultural heritage of Warringah,
- h) in relation to community well-being, to:
  - i. ensure good management of public assets and promote opportunities for social, cultural and community activities, and
  - ii. ensure that the social and economic effects of development are appropriate.

It is submitted that the proposed development is not inconsistent with these objectives.

The Subject site is within the R2 – Low Density Residential Zone which has the following objectives:

- 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.

The proposed development is consistent with the objectives of the zone as the proposed dwelling house and secondary dwelling will provide a low density residential environment maintaining a landscaped setting in harmony with the surrounding natural environment.

In terms of a specific assessment against the LEP, the following relevant clauses have been identified as being relevant to the proposed development and have therefore been considered.

Part 4: Principal Development Standards:			
Standard	Permitted	Proposed	Compliance



4.1 Minimum subdivision lot size:	N/A	N/A	N/A
4.2 Rural subdivision:	N/A	N/A	N/A
4.2A No Strata Plan or Community Title Subdivision in certain rural and environmental zones:	N/A	N/A	N/A
4.3 Height of building: Note: Building heights under WLEP 2011 are taken from existing ground level	8.5m	Less than 8.5m	Yes
Part 5: Miscellaneous Provisions			
Provision	Intent of Requirement		Compliance
5.1 Relevant acquisition authority	N/A		N/A
5.1A Development on land intended to be acquired for a public purpose	N/A		N/A
5.2 Classification and reclassification of public land	N/A		N/A
5.3 Development near zone boundaries	N/A		N/A
5.4 Controls relating to miscellaneous permissible uses	N/A		N/A
5.5 Development within the coastal zone	N/A		N/A
5.6 Architectural roof design	Not adopted		N/A
5.7 Development below mean high water mark	N/A		N/A
5.8 Conservation of fire alarms	N/A		N/A
5.9 Conservation of trees and vegetation	N/A		N/A
5.10 Heritage conservation	N/A		N/A
5.11 Bush fire hazard reduction	N/A		N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A		N/A
5.13 Eco-tourist facilities	N/A		N/A
Part 6: Relevant Additional Local Provisions			
Provision	Intent of Requirement		Compliance

<b>6.1 Acid Sulfate Soils</b>	N/A	N/A
<b>6.2 Earthwork</b>	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The proposed development will not have a detrimental impact on environmental functions and processes, neighbouring uses. A Geotechnical Report has been provided.
<b>6.3 Flood planning</b>	N/A	N/A
<b>6.4 Development on Sloping Land</b>	The site(s) are identified as Landslip Risk E. A geotechnical assessment is to accompany the DA.	A Geotechnical Report has been provided to ensure there will be no significant adverse impacts on development.
<b>6.5 Coastline hazards</b>	N/A	N/A
<b>6.6 Erection of dwelling houses in Zone E3</b>	N/A	N/A
<b>Environmental Management</b>		
<b>6.7 Residential flat building in Zone B4 Mixed Use</b>	N/A	N/A
<b>6.8 Subdivision of certain land</b>	N/A	N/A
<b>6.9 Location of Sex Service Premises</b>	N/A	N/A
<b>6.10 Development for the purposes of secondary dwellings in Zones R2 and R3</b>	75m <sup>2</sup>	Yes
<b>Relevant Schedules</b>		
<b>Schedule</b>	<b>Intent of Requirement</b>	<b>Compliance</b>
<b>Schedule 1: Additional permitted uses</b>	N/A	N/A
<b>Schedule 2: Exempt development</b>	N/A	N/A
<b>Schedule 3: Complying development</b>	N/A	N/A
<b>Schedule 4: Classification and reclassification of public land</b>	N/A	N/A
<b>Schedule 5: Environment heritage</b>	N/A	N/A
<b>Schedule 6: Pond-based and tank-based aquaculture</b>	N/A	N/A

<b>Schedule 6: Amendment of other environmental planning instruments</b>	N/A	N/A
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There are no other provisions relevant to the proposal.

#### 4.6 Warringah Development Control Plan 2011

Development Control Plan contains finer grain planning controls in respect of specific development types. The following Part of the Warringah DCP 2011 is the most relevant in the case of the proposed development and has been considered.

Part B: Built Form Controls			
Control	Requirement	Proposed	Compliance
<b>B1: Wall height</b>	7.2m, but not required if the site has a slope greater than 20%	The site slope has a slope of 27% to 35% measured at the base of the external walls.	N/A
<b>B2: Number of storeys</b>	N/A	N/A	N/A
<b>B3: Side boundary envelope</b>	4m & 45°	4m & 45°	Yes
<b>B4: Site coverage</b>	N/A	N/A	N/A
<b>B5: Side boundary setbacks</b>	0.9m	West – 2.8m East – 2.0m	Yes
<b>B7: Front boundary setbacks</b>	6.5m	9.3m	Yes
<b>B9: Rear boundary setbacks</b>	6m	6m	Yes
<b>B11: Foreshore building setback</b>	N/A	N/A	N/A
<b>B12: National parks setback</b>	N/A	N/A	N/A
<b>B13: Coastal cliffs setback</b>	N/A	N/A	N/A
<b>B14: Main roads setback</b>	N/A	N/A	N/A
<b>B15: Minimum floor to ceiling height</b>	N/A	N/A	N/A
Part C: Siting Factors			
Control	Intent of Requirement	Compliance	
<b>C1: Subdivision</b>	N/A	N/A	
<b>C2: Traffic, Access and Safety</b>	To minimise: a) traffic hazards; b) vehicles queuing on public roads c) the number of vehicle crossings in a street;	Yes The existing bitumen area connected to the current driveway will be retained to maintain the neighbour's vehicular	

	<p>d) traffic, pedestrian and cyclist conflict;</p> <p>e) interference with public transport facilities; and</p> <p>f) the loss of “on street” kerbside parking.</p>	<p>access. A new driveway located to the east of the existing driveway will be constructed to provide vehicular access to the proposed development.</p>
<b>C3: Parking Facilities</b>	<p>To provide adequate off street carparking.</p> <p>To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.</p> <p>To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.</p>	<p>Yes</p> <p>Three parking spaces are proposed in the basement. Two for the main house and one additional for the granny flat.</p>
<b>C3A: Bicycle Parking and End of Trip Facilities</b>	N/A	N/A
<b>C4: Stormwater</b>	<p>To ensure the appropriate management of stormwater.</p> <p>To minimise the quantity of stormwater run-off.</p> <p>To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments.</p> <p>To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD).</p>	<p>Yes</p> <p>A Stormwater Management Plan has been provided. Stormwater will be discharged to the current discharging point at the road gutter.</p>
<b>C5: Erosion and Sedimentation</b>	<p>Any construction work associated with the preparation of the subdivision will require erosion and sedimentation plan.</p>	<p>Yes</p> <p>An Erosion and Sediment Control Plan has been submitted with the application supporting the proposal.</p>
<b>C6: Building over or adjacent to Constructed Council Drainage Easement</b>	N/A	N/A

<b>C7: Excavation and landfill</b>	Excavation and landfill works must not result in any adverse impact on adjoining land. Excavated and landfill areas shall be constructed to ensure the geological stability of the work. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.	Yes The proposed building design involves excavation in response to the topography. It enables the building to follow the contour and provides the lift service to each level. A Geotechnical Report has been prepared to ensure the geological stability of the work.
<b>C8: Demolition and construction</b>	To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment. To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials. To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan To discourage illegal dumping.	Yes Waste Management Plan and Construction Site Management Plan have been prepared to support the proposal.
<b>C9: Waste Management</b>	All waste from the site must be appropriately disposed of. Council's waste management form is to be completed and included with the DA.	A Waste Management Plan has been submitted with the application supporting the proposal.
<b>Part D: Design</b>		
<b>Control</b>	<b>Intent of Requirement</b>	<b>Compliance</b>
<b>D1: Landscaped open space and bushland setting</b>	40%	Yes 50.2% A Landscape Plan has been submitted.



<b>D2: Private open space</b>	60m <sup>2</sup> with minimum dimensions of 5 metres	Yes 60m <sup>2</sup> - 6m x 10m
<b>D3: Noise</b>	To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.	Yes During construction, Noise from combined operation of all mechanical plant and equipment will 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.
<b>D4: Electromagnetic radiation</b>	N/A	N/A
<b>D5: Orientation and energy efficiency</b>	N/A	N/A
<b>D6: Access to sunlight</b>	Development should avoid unreasonable overshadowing any public open space. 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.	Yes Shadow Diagrams have been submitted with the application supporting the proposal.
<b>D7: Views</b>	Development shall provide for the reasonable sharing of views.	Yes The design of the building enables the sharing of the ocean view to the east.
<b>D8: Privacy</b>	Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	Yes Screening devices have been used to avoid overlooking. The design of adjoining dwelling has been taken into consideration to avoid direct or close views into the windows.

	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.	
<b>D9: Building bulk</b>	<p>Side and rear setbacks are to be progressively increased as wall height increases.</p> <p>Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.</p> <p>On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular: Excavation of the landform is to be minimised.</p> <p>Building height and scale needs to relate to topography and site conditions.</p> <p>Orientate development to address the street.</p> <p>Use colour, materials and surface treatment to reduce building bulk.</p> <p>Landscape plantings are to be provided to reduce the visual bulk of new building and works.</p> <p>Articulate walls to reduce building mass.</p>	<p>Yes</p> <p>The front and side setbacks are to be progressively increased as wall height increases to provide an articulated and modulated building form.</p> <p>The design as proposed adequately responds to the topography of the site and minimise the excavation.</p> <p>Consideration has been given when designing the external finishes and materials to reduce the building bulk.</p> <p>Landscape plantings are provided to reduce the visual bulk of new building and works.</p>
<b>D10: Building colours and materials</b>	To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.	<p>Yes</p> <p>Consideration has been given when designing the external finishes and materials to reduce the building bulk.</p>

<b>D11: Roofs</b>	To encourage innovative design solutions to improve the urban environment. Roofs are to be designed to complement the local skyline. Roofs are to be designed to conceal plant and equipment	Yes
<b>D12: Glare and reflection</b>	To ensure that development will not result in overspill or glare from artificial illumination or sun reflection. To maintain and improve the amenity of public and private land. To encourage innovative design solutions to improve the urban environment.	Yes
<b>D13: Front fences and front walls</b>	N/A	N/A
<b>D14: Site facilities</b>	To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours. To encourage innovative design solutions to improve the urban environment. To make servicing the site as efficient and easy as possible. To allow for discreet and easily serviceable placement of site facilities in new development.	Yes The location of garbage bins has been shown on plan.
<b>D15: Side and rear fences</b>	To encourage innovative design solutions to improve the urban environment.	Yes No new fencing is proposed.
<b>D16: Swimming pools and spa pools</b>	N/A	N/A
<b>D17: Tennis courts</b>	N/A	N/A
<b>D18: Accessibility</b>	N/A	N/A
<b>D19: Site consolidation in the R3 and IN1 zone</b>	N/A	N/A
<b>D20: Safety and security</b>	To ensure that development maintains and	Yes

	enhances the security and safety of the community.	
<b>D21: Provision and location of utility services</b>	To encourage innovative design solutions to improve the urban environment. To ensure that adequate utility services are provided to land being developed.	Yes All services including water, electricity, gas and telecommunication are available for connection. Appropriate management of stormwater drainage has been provided.
<b>D22: Conservation of energy and water</b>	To encourage innovative design solutions to improve the urban environment. To ensure energy and water use is minimised.	Yes
<b>D23: Signs</b>	N/A	N/A
<b>Part E: The Natural Environment</b>		
<b>Control</b>	<b>Intent of Requirement</b>	<b>Compliance</b>
<b>E1: Private property tree management</b>	Any trees require removal for the construction of access driveways and the like are to be shown on a landscaped plan submitted with the DA. In addition, an Arborist Report is required to be submitted detailing all trees for removal and retention.	Yes One tree within the front setback will be removed and replaced. Arborist Report has been prepared to assess the tree condition.
<b>E2: Prescribed vegetation</b>	N/A	N/A
<b>E3: Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conversation Habitat</b>	N/A	N/A
<b>E4: Wildlife corridors</b>	N/A	N/A
<b>E5: Native vegetation</b>	N/A	N/A
<b>E6: Retaining unique environmental features</b>	N/A	N/A
<b>E7: Development on land adjoining public open space</b>	N/A	N/A
<b>E8: Waterways and riparian lands</b>	N/A	N/A
<b>E9: Coastline hazard</b>	N/A	N/A
<b>E10: Landslip risk</b>	The site(s) are identified as Landslip Risk E and therefore a geotechnical assessment is to	Yes A Geotechnical Assessment has been provided to support the

	accompany the DA to ensure that the general foot prints of the dwellings are appropriate.	proposal and set out the measures for controlling the landslip risk during construction.
<b>E11: Flood prone land</b>	N/A	N/A
<b>Part F: Zones and Sensitive Areas</b>		
<b>Control</b>	<b>Intent of Requirement</b>	<b>Compliance</b>
<b>F1: Local and neighbourhood retail centres</b>	N/A	N/A
<b>F2: Brookvale brickworks</b>	N/A	N/A
<b>F3: SP1 special activities</b>	N/A	N/A
<b>F4: Infrastructure zone</b>	N/A	N/A
<b>Part G: Special Area Controls</b>		
<b>Control</b>	<b>Intent of Requirement</b>	<b>Compliance</b>
<b>G1: Dee Why mixed use area</b>	N/A	N/A
<b>G2: R3 medium density residential bound by Sturdee Parade, Pacific Parade and land zoned B4 mixed use</b>	N/A	N/A
<b>G3: Belrose corridor</b>	N/A	N/A
<b>G4: Warringah mall</b>	N/A	N/A
<b>G5: Freshwater village</b>	N/A	N/A

There are no other aspects of the DCP that are specifically relevant to the proposal or that require detailed consideration.



## 5.0 ENVIROMENTAL PLANNING ASSESSMENT

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 4.15 of the EPA Act has been undertaken.

### 5.1 Section 4.15(1)(a)(i) - Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

### 5.2 Section 4.15(1)(a)(ii) - Draft Environmental Planning Instruments

There are no known drafts Environment Planning Instruments applicable to the subject site.

### 5.3 Section 4.15(1)(a)(iii) - Development Control Plan

Compliance against the relevant DCP's has been considered earlier in this report.

### 5.4 Section 4.15(1)(a)(iia) - Planning Agreement or Draft Planning Agreement Entered Into Under Section 93F

There are no known planning agreements that apply to the site or development.

### 5.5 Section 4.15(1)(a)(iv) - Regulations

There are no sections of the regulations that are relevant to the proposed development at this stage.

### 5.6 Section 4.15(1)(b) - Impacts of The Development

The following impacts have been considered in the preparation of this development proposal.

#### **5.6.1 Land Slip Risk**

The subject site has been identified as Area E on the Land Slip Risk Map.

A geotechnical Investigation has been carried out to assess the proposed excavation. The geotechnical report sets out measures to control the potential landslip risk during construction.

#### ***5.6.2 Easement***

There is a one metre wide stormwater easement along the southern boundary. The proposed development does not include any work within the easement area.

The registered restriction on title contains a requirement of future building height limit envelop. The proposed ridge top is at RL 38.04 which is lower than the height limit restriction on title.

#### ***5.6.3 Privacy, Solar Access and View Sharing***

Screening devices have been used to avoid overlooking. The design of adjoining dwelling has been taken into consideration to avoid direct or close views into the windows.

Shadow Diagrams has been prepared to ensure the development complies with requirements regarding solar access.

Reasonable sharing of views has been provided.

#### ***5.6.4 Landscape***

The application proposes to remove one tree in the front yard. An Arborist Report has been prepared to assess the tree condition. The proposed tree removal is recommended by the arborist. A Landscape Plan has been prepared to complement the landscape character and screen the development. The landscape design addresses the Council's comments in the pre-lodgement meeting minutes.

#### ***5.6.5 Driveway Design***

The existing bitumen area connect to the current driveway will be retained to maintain the neighbour's vehicular access. A new driveway located to the east of the existing driveway will be constructed to provide vehicular access to the proposed development.

The design of the new driveway complies with the Council's requirements. The first 1.5m of the driveway is designed to follow the existing contour to allow safe and unrestricted pedestrian movement along Stuart Street. The existing retaining

wall located within the road reserve will be removed and the verge will be restored to a grassed batter slope.

The driveway design (after the first 1.5m) follows the Council's Standard Vehicle Crossing – Maximum High. Retaining walls along both sides of the driveway is designed to avoid the first 1.5m part and to be splayed to provide sightline distances.

#### ***5.6.6 Erosion and Sediment Control***

A Sediment and Erosion Control Plan has been completed and accompanies the application. The plan also contains the information regarding construction site management.

#### ***5.6.7 Stormwater Disposal***

A Stormwater Management Plan has been provided. Stormwater will be discharged to the existing gutter discharging point.

#### ***5.6.8 Waste disposal***

A Waste Management Plan has been prepared to make sure all waste from the site will be appropriately disposed of.

#### ***5.6.9 Utility Services***

All services including water, electricity, gas and telecommunication are available for connection.

#### ***5.6.10 External appearance and Sample Board***

Consideration has been given when designing the external finishes and materials to reduce the building bulk.

The external finishes and materials are similar to the newly approved dwelling house in the vicinity to make sure the consistency of streetscape and local character.

### **5.7 Section 4.15(1)(c) - Site Suitability**

The proposal is consistent with the planning intent that applies in the R2 – low density residential zone.

For the reasons outlined in this report the site is considered suitable for this development proposal.

#### 5.8 Section 4.15(1)(d) – Submissions

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

#### 5.9 Section 4.15(1)(e) - The Public Interest

Given the type of development, its compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

#### 5.10 Section 4.15(3A) - Development Control Plans

The proposal is satisfactory when considered against the provisions of the DCP. The provisions in the DCP do not significantly impact on those within the LEP. Council will undertake its assessment accordingly if necessary.

## 6.0 CONCLUTION AND RECOMMENDATION

The proposed development has been assessed against the requirements of the Warringah LEP and DCP and is considered to represent a form of development that is acceptable.

The proposal development would not result in any unacceptable impact on the site and surrounding area. The site is considered suitable for a use of this nature and is consistent with what have been previously approved on the subject site.

An assessment against section 4.15 of the EPA Act has not resulted in any significant issues arising.

Accordingly it is recommended that the proposed development of a dwelling house on the site be approved.