

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING DWELLING INCLUDING NEW  
DRIVEWAY AND OFF STREET PARKING**

**LOCATED AT**

**29 PALOMAR PARADE, FRESHWATER**

**FOR**

**SHANE AND CASSIA FLYNN**



**Prepared  
December 2021**

## **Table of Contents**

1.0	Introduction .....	3
2.0	Property Description.....	3
3.0	Site Description.....	4
4.0	The Surrounding Environment.....	7
5.0	Proposed Development .....	8
6.0	Zoning and Development Controls .....	9
6.1	State Environmental Planning Policy No. 55 – Remediation of Land .....	9
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 .....	9
6.3	State Environmental Planning Policy (Coastal Management) 2018 .....	9
6.4	Warringah Local Environmental Plan 2011 .....	12
6.5	Warringah Development Control Plan .....	14
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979 .....	25
7.1	The provisions of any environmental planning instrument .....	25
7.2	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 .....	25
7.3	Any development control plan .....	25
7.4	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 .....	25
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), .....	25
7.6	The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality. ....	25
7.7	The suitability of the site for the development .....	26
7.8	Any submissions made in accordance with this Act or the regulations .....	26
7.9	The public interest .....	26
8.0	Conclusion .....	26

## **1.0 Introduction**

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Shane and Cassia Flynn by Brianna Emily Design, Drawings No. DA00 – DA09, dated 12 August 2021, detailing the proposed construction of a new driveway and off-street parking at **29 Palomar Parade, Freshwater**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

A Pre-Lodgement meeting – PLM2020/0182, dated 25 August 2020 was held with Council to discuss the opportunity for the provision of an off street car space and in accordance with the matters raised, the attached design seeks to provide for a new off street car space, which is located wholly within the subject site, with car parking and access in accordance with Council's requirements.

## **2.0 Property Description**

The subject allotment is described as 29 Palomar Parade, Freshwater, being Lot 34 within Deposited Plan 12224 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is not located within a conservation area.

The site is identified as being within the Coastal Environment and Coastal Use Area under the provisions of the State Environmental Planning Policy (Coastal Management) 2018. This matter will be discussed further within this submission.

The land is noted as being Landslip Area A and B and affected by Flood Planning Levels.

A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group under Report Reference J3954 dated 26 November 2021.

Additionally, Council's advice at the PLM confirm that as the proposed open car stand is above the flood planning level affecting the site, no further flood assessment is considered to be necessary.

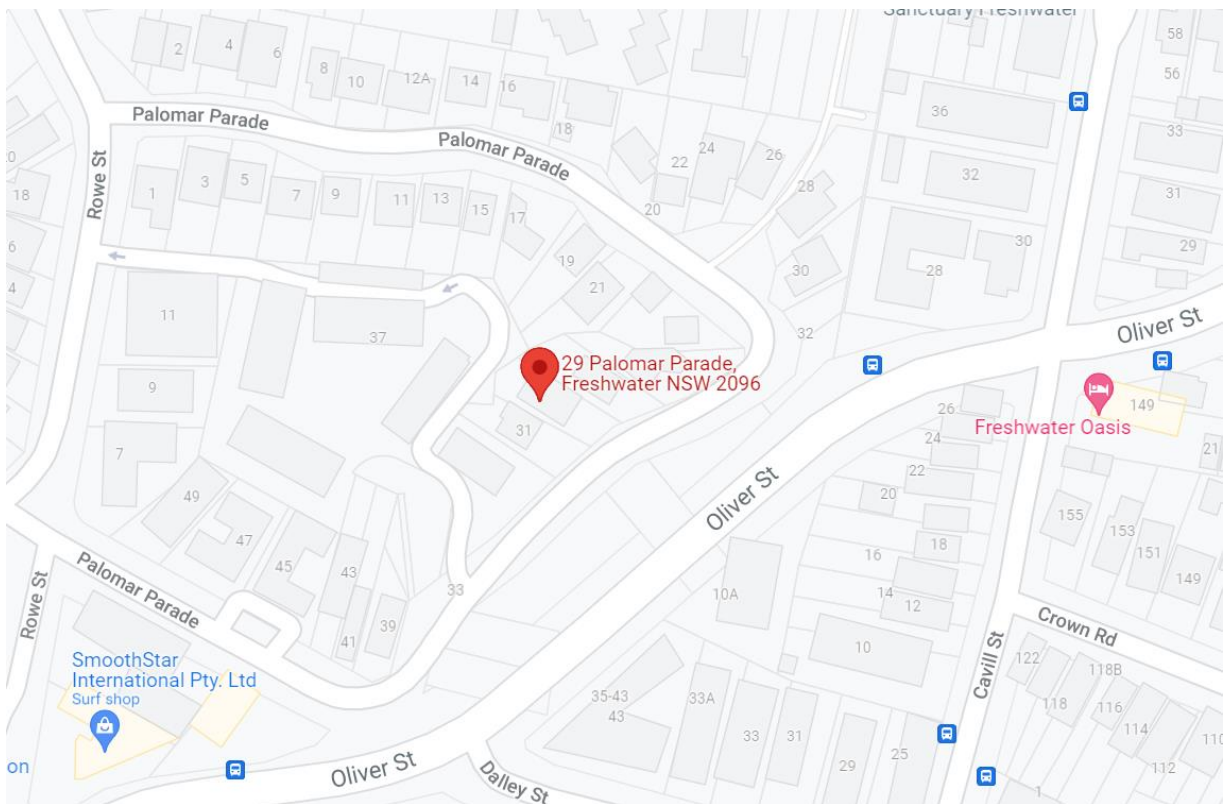
### 3.0 Site Description

The property is located on the north-western side of Palomar Parade. The site is irregular in shape, with an angled street frontage of 12.5m (total) to Palomar Parade, north-eastern and south-western side boundaries of 39.455m and 34.910m respectively, and an angled rear boundary 7.285m and 8.44m. The land has a total site area of 496.5m<sup>2</sup>.

The property has a fall to the rear, north-western boundary, with stormwater directed to a drainage easement at the rear of the site.

The site is currently developed with a two storey clad dwelling with a metal roof, with an open parking area forward of the dwelling, with driveway access from Palomar Parade. The existing parking facilities will be upgraded in accordance with this proposal.

The details of the site are as indicated on the survey plan prepared by True North Surveys, Job Ref. 7660, Drawing No. 7660DT, dated 29 November 2021, which accompanies the DA submission.



**Fig 1: Location of Subject Site**  
(Source: Google Maps)



**Fig 2: View of subject site, looking south-west from Palomar Parade**



**Fig 3: View of the existing open parking area forward of the dwelling, looking north-west from Palomar Parade**



**Fig 5: View of the adjoining open car space at the adjoining property to the south at No 31 Palomar Parade**



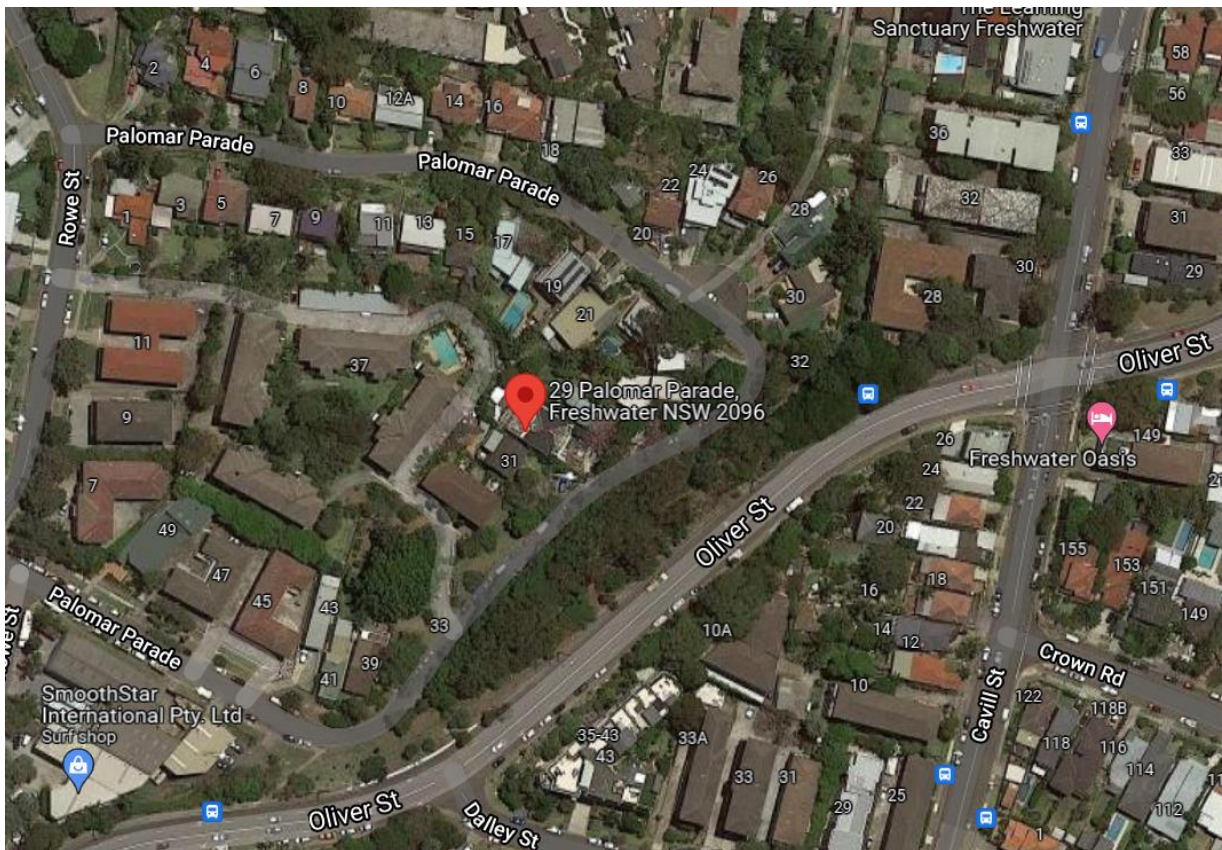
**Fig 6: View of adjoining carport at No 27 Palomar Parade, looking north-west from Palomar Parade**

#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single detached dwellings and associated ancillary structures such as garages, storage sheds and swimming pools.

The sites immediately to the north and south comprise similar single dwellings. Given the sloping terrain of the site and the layout of the street pattern which is contribute to the irregular shape of the land, parking structures at or near the front boundary are not uncommon.

The site and its surrounds are depicted in the following aerial photograph:



**Fig 7: Aerial view of locality**  
(Source: Google Maps)

## 5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for the construction of a new driveway and off street open carparking area. A new driveway, with provision for a bin storage area will be provided, with access via the existing stairs to the dwelling to be provided.

The proposed parking space will be located wholly within the private property, with the driveway access in accordance with Council levels and grade requirements.



**Fig 8: Architectural Render of the proposed car parking and driveway access**

The proposed works will see an elevated concrete slab supported on piers to provide for the parking structure at a height which is readily accessible from the street. In association with the new concrete works will be additional retaining walls and landscaping to enhance the soft appearance of the site.

The proposed new works not see any change to the existing dwelling.

The proposal results in the following development indices:

Site Area:	496.5m <sup>2</sup>
Required Landscaped Area:	198.6m <sup>2</sup> or 40%
Existing Landscaped Area:	200.76m <sup>2</sup> or 40.04%
Proposed Landscaped Area:	199.17m <sup>2</sup> or 40.11% (see WDCP Part D1 discussion)

## **6.0 Zoning and Development Controls**

### **6.1 State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

The proposal provides for an open car parking area which is not Basix affected development and therefore a Basix Certificate is not required with this application.

### **6.3 State Environmental Planning Policy (Coastal Management) 2018**

The subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater*

- public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2014.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016

The matters for consideration under SEPP (Coastal Management) 2018 are:

### **Division 3 Coastal environment area**

#### **13 Development on land within the coastal environment area**

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) coastal environmental values and natural coastal processes,*
  - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) Aboriginal cultural heritage, practices and places,*
  - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
  - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

#### **Comment:**

The proposal provides for construction of an open car parking area with driveway access from Palomar Parade. The proposed works will be carried out in accordance with the recommendations

of the consulting Geotechnical and Structural Engineers, which will ensure that appropriate structural integrity for the site will be maintained.

The collected stormwater will be directed to the existing system which directs roof water to the drainage easement at the rear of the site. The proposed stormwater management system will comply with Council's Water Management Policy.

Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

**14 Development in coastal zone generally—development not to increase risk of coastal hazards**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

**Comment**

The proposal provides for the construction of an open car parking area with driveway access from Palomar Parade. The proposed new works are wholly contained within the confines of the site and therefore are sufficiently separate from the coastal area. The works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Coastal Management) 2018.

#### 6.4 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

The proposed works to the dwelling and construction of a new secondary dwelling is permissible in this zone under the WLEP 2011.



**Fig 9: Extract of Warringah Local Environmental Plan 2011**

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *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.*

It is considered that the proposed car stand as ancillary works to the existing dwelling within the site will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.

- The proposal does not have any significant impact on the existing landscaped area or long distance views.

**Clause 4.3** provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)*** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The building height limit for development in this portion of Freshwater is 8.5m. The works to the dwelling will result in a maximum height of 3.721m. The proposal therefore complies with the maximum height control.

**Clause 5.9** relates to the preservation of trees or vegetation. The proposal will not see any loss of any substantial vegetation.

**Clause 6.1** relates to acid sulfate soils. The site is identified within the Class 5 Acid Sulfate Soils area. As no significant excavation is required, no further investigation is deemed necessary in this instance.

**Clause 6.2** relates to earthworks.

The proposal is accompanied by a Preliminary Geotechnical Assessment prepared by White Geotechnical Group, Reference No. J3954, dated 26 November 2021, which concludes that the proposal meets Council's requirements subject to compliance with the recommendations contained within the report.

Additionally, the works will be carried out in accordance with the recommendations of a qualified structural engineer.

**Clause 6.3** relates to flood planning.

As discussed in the PLM, the proposed works are located above the flood planning level affecting the site and given the nature of the open parking area, no further flood investigation was deemed necessary in this instance.

**Clause 6.4** relates to development on sloping land. The site is noted on Council's Landslip Risk Map as being within Area A & B.

Accordingly, a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J3954, dated 26 November 2021. Subject to the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

## 6.5 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 7.2m	Maximum proposed wall height 3.721m	Yes
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope and Side Setback	Building envelope 45 degrees from 5m. Setback 0.9m	<p>The proposal will comply with the building envelope control.</p> <p>The objectives of this control read as follows:</p> <ul style="list-style-type: none"> <li>• To ensure that development does not become visually dominant by virtue of its height and bulk.</li> <li>• To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</li> <li>• To ensure that development responds to the topography of the site.</li> </ul> <p>The resultant development is modest in height and scale, and suitably responds to the site's sloping topography.</p> <p>The proposal will not result in any unreasonable impacts on neighbouring properties in terms of</p>	Yes – on merit

		solar access, privacy or views. Accordingly, the proposal meets the objectives of this control.	
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	The proposed open car stand will extend to the northern boundary adjoining 27 Palomar Parade however given the open nature of the work and the fact that an existing car parking spaces located general in this locality, a minor variation to the setback requirement sought in this instance. The works are to the southern side of the adjacent neighbour and will not result in unreasonable impacts in terms of overshadowing overlooking or loss of privacy.	Yes
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A
B7 – Front Boundary Setbacks	Minimum 6.5m	Minimum proposed nil front setback to Palomar Parade. Given the complexities of the site's topography and the limited opportunity to provide for parking structures behind the front setback, a nil setback to the car parking space considered to be reasonable in this instance.	Yes

		The structure is compatible with other similar parking structures to both adjacent neighbours, which stand at or near the front boundary.	
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9- Rear Boundary Setbacks	Min 6m rear setback	No change to existing rear setback	Yes
B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A
B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A
<b>Part C – Siting Factors</b>			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Proposed new driveway and driveway crossing.	N/A
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Proposed new driveway crossing, driveway and car space, with new street crossing to be provided.	N/A
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments	Any collected stormwater will be directed to the existing system which conveys stormwater to the	Yes

	and Minor Works Specification	drainage easement at the rear of the site.	
C5 – Erosion and Sedimentation	Soil and Water Management required	The proposal is accompanied by a sediment and erosion control plan.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A		N/A
C7 – Excavation and Landfill	Site stability to be maintained	Minimal excavation is required to accommodate the proposed works. All works will be carried out in accordance with the recommendations of a qualified structural engineer.	yes
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage available within car space and front yard	Yes
<b>Part D – Design</b>			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>The proposal will maintain a landscaped area of 199.17m<sup>2</sup> or 40.01%. The required landscaped area under the control is 198.6m<sup>2</sup> or 40%.</p> <p>The development within the site will continue to achieve the Objectives of the controls, which are noted as:</p> <p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• To enable planting to maintain and enhance</li> </ul>	Yes

		<p><i>the streetscape.</i></p> <ul style="list-style-type: none"> <li>• <i>To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.</i></li> <li>• <i>To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.</i></li> <li>• <i>To enhance privacy between buildings.</i></li> <li>• <i>To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.</i></li> <li>• <i>To provide space for service functions, including clothes drying.</i></li> <li>• <i>To facilitate water management, including on-site detention and infiltration of stormwater.</i></li> </ul> <p>The proposal will provide for sufficient area for the private open space and recreational requirements of the owners, whilst maintaining good areas of deep soil planting within the front and rear yard areas.</p>	
--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

D2 – Private Open Space	Dwelling houses with three or more bedrooms Min 60m <sup>2</sup> with min dimension 5m	The private open space is directly accessible from the dwelling.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	No new mechanical equipment.	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	The site enjoys a good northerly aspect and access to northern sun to the front and rear yards.	Yes
D6 – Access to sunlight	This control requires that sunlight to at least 50% of private open space to adjoining properties is not to be reduced to less than 2 hours between 9am and 3pm on the winter solstice.	The existing form of the principal dwelling is unchanged and the new works will not substantially alter the existing solar access to the existing or neighbouring properties.  The proposed development will not unreasonably reduce the neighbouring properties' access to at least three hours sunlight between 9.00am – 3.00pm in mid winter.	Yes
D7 – Views	View sharing to be maintained	The controls require that development should enable the	Yes

		<p>reasonable sharing of views. The works see alterations and additions to the existing dwelling.</p> <p>The subject site and neighbouring properties enjoy district views.</p> <p>The modest height of the proposed new works will ensure that the primary outlook for the surrounding properties is not unreasonably diminished.</p>	
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	The proposed car parking facility primarily overlooks the yard areas of the subject site and will not unreasonably reduce the privacy enjoyed by the neighbours.	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	The existing surrounding development comprises a mix of one and two storey dwellings. The proposed open car space is similar in its form and style to the adjacent parking structures within the front setback to the adjoining properties.	Yes
D10 – Building Colours and materials		The proposed new works will be finished in colours which complement the existing development on site and the locality.	Yes

D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposed open car space does not include any roof structures and the existing dwelling roof is unchanged.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The existing external finishes and colours will be retained and the proposed new finishes will complement the existing dwelling. No significant glare impacts will result from proposed new works.	Yes
D13 – Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street	Existing fencing will be retained.	N/A
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities	Provision will be made for garbage storage facilities within the subject site, together with area retained for a mailbox.	N/A
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	Existing fencing remains unchanged	Yes
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.		N/A
D17 – Tennis Courts	N/A		N/A

D18 – Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A
D20 – Safety and Security	Buildings to enhance the security of the community.  Buildings are to provide for casual surveillance of the street.	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the dwelling to the street over and through the front landscaped area.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate is not required in this instance	Yes
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.	No signage proposed	N/A

Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	No significant protected trees are affected by the works.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area A & B.	Geotechnical Investigation prepared by White Geotechnical Group, Reference No. J3954, dated 26 November 2021, which concludes that the proposal meets Council's requirements subject to compliance with the recommendations contained within the report.	Yes
E11 – Flood Prone Land	Identified on map	The proposal is this for an open parking structure which is located above the flood planning level affecting the land and as discussed in the PL notes, no further flood assessment is	Yes

		considered necessary in this instance.	
--	--	-------------------------------------------	--

**7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979**

**7.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. It is considered that the provisions of these environmental planning instruments have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

**7.2 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**

It is not considered that there are any draft environmental planning instruments applying to the site.

**7.3 Any development control plan**

The development has been designed to comply with the requirements of the Warringah LEP 2011 & the controls of the Warringah Development Control Plan.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and will provide a cohesive and sympathetic addition to the site and which will make a positive contribution to the area.

**7.4 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**

No matters of relevance are raised in regard to the proposed development.

**7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),**

No matters of relevance are raised in regard to the proposed development.

**7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.**

It is considered that the proposal, which seeks consent for the construction of an open parking area with driveway access in accordance with Council levels and grades requirements, with the parking to be wholly located within the site and in a manner which not adversely affect the amenity of the adjoining properties. The proposal is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the SEPP, Council's LEP and DCP.

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

The site is considered suitable for the proposed development.

The proposal will provide for the construction of an open car parking area with driveway access from Palomar Parade.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

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

This is matter for Council in the consideration of this proposal.

## **7.9 The public interest**

The proposal will not impact upon the environment; the character of the locality and the considered location of habitable room windows, decks and verandahs will mitigate any unreasonable visual impacts on the amenity of adjoining properties and is therefore considered to be within the public interest.

## **8.0 Conclusion**

The proposal provides for the construction of an open car parking area with driveway access, bin storage area and associated landscaping which will not have a detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

## **VAUGHAN MILLIGAN**

Development Consultant

Grad. Dip. Urban and Regional Planning (UNE)